



MINUTES

Ordinary Council Meeting

12 December 2022

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 12 DECEMBER 2022 AT 2PM**

PRESENT: Cr Kylie Thomas (Mayor), Cr Tom Cooper (Deputy Mayor), Cr Danielle Mulholland (attended meeting via video conferencing), Cr John Burley, Cr Hayden Doolan, Cr Robert Cullen, Cr James Murray.

IN ATTENDANCE: The General Manager, Director Planning and Community Development, Director Assets and Infrastructure Services, Executive Manager Corporate Services, Executive Assistant to the General Manager, Mr Adam Bradfield of Thomas Noble and Russell (Council Auditors).

1 OPEN MEETING

The Mayor declared the meeting open at 2.02pm and advised those present that 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 statements made at the meeting. All liability rests with the individuals making the comments.

2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Cr Janet Wilson and Cr Maggie May submitted apologies for the meeting and each sought a leave of absence.

2.1 LEAVE OF ABSENCE

RESOLVED CO/1222/1

Moved by Cr John Burley, seconded by Cr Robert Cullen

That Council accept the apologies from Cr Janet Wilson and Cr Maggie May grant them each a leave of absence for this meeting.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May and Janet Wilson

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 Kylie Thomas declared an interest in the following item:

- Item 15.3 Expression of Interest Flood Remediation Works - Panel of Providers (2022/23-010)

Reason for declaration: Previous association with one of the tenderers.

Cr Rob Cullen declared an interest in the following item:

- Item 13.4 Community Assistance and Resilience Grants 2022/23

Reason for declaration: Chair of the Kyogle Tidy Towns Committee which applied for a grant.

Cr John Burley declared an interest in the following item:

- Item 15.1 General Manager's Annual Performance Review 2022

Reason for declaration: Personal relationship with the General Manager.

General Manager declared an interest in the following item(s):

- Item General Manager's Annual Performance Review 2022

Reason for declaration: Report about the General Manager.

6 PUBLIC FORUM

Nil

7 CONFIRMATION OF MINUTES

7.1 COUNCIL REPORT - 14 NOVEMBER 2022

RESOLVED CO/1222/2

Moved by Cr John Burley, seconded by Cr James Murray

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May and Janet Wilson

8 MAYORAL MINUTE

Nil

9 NOTICES OF MOTION

Nil

10 QUESTIONS WITH NOTICE FROM COUNCILLORS

Nil

11 REPORTS FROM DELEGATES**11.1 DELEGATES REPORT: CR KYLIE THOMAS - NORTHERN RIVERS JOINT ORGANISATION AND COUNTRY MAYORS' ASSOCIATION****RESOLVED CO/1222/3**

Moved by Cr Kylie Thomas, seconded by Cr Robert Cullen

That Council receives and notes the report, *Delegates Report: Cr Kylie Thomas – Northern Rivers Joint Organisation and Country Mayors' Association*.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May and Janet Wilson

12 INFORMATION REPORTS**12.1 MONTHLY FINANCE REPORT - NOVEMBER 2022****RESOLVED CO/1222/4**

Moved by Cr John Burley, seconded by Cr Hayden Doolan

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May and Janet Wilson

12.2 WORKS PROGRAM PROGRESS REPORT - NOVEMBER 2022**RESOLVED CO/1222/5**

Moved by Cr Tom Cooper, seconded by Cr Hayden Doolan

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May and Janet Wilson

12.3 STRATEGIC PROJECTS UPDATE REPORT - NOVEMBER 2022**RESOLVED CO/1222/6**

Moved by Cr Hayden Doolan, seconded by Cr James Murray

That Council receives and notes the information contained in the report, *Strategic Projects Update Report – November 2022*.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May and Janet Wilson

13 STAFF REPORTS**13.1 PRESENTATION FROM AUDITORS 2021/2022 FINANCIAL STATEMENTS****RESOLVED CO/1222/7**

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

That Council receives and notes the presentation from Council's auditors Thomas, Noble & Russell on behalf of the Audit Office of NSW in relation to the 2021/2022 Financial Reports.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May and Janet Wilson

Mr Adam Bradfield of Thomas Noble and Russell left the meeting at 2.56pm.

13.2 2021/2022 FINANCIAL STATEMENTS**RESOLVED CO/1222/8**

Moved by Cr John Burley, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the report, *2021/2022 Financial Statements*;
2. Adopts the Draft 2021/2022 General Purpose Financial Report and the Statement as to the opinion of the report contained therein;
3. Authorises the Mayor, Deputy Mayor, General Manager and Manager Financial Services (Responsible Accounting Officer) to sign the Statement to the General Purpose Financial Report;
4. Adopts the Draft 2021/2022 Special Purpose Financial Report and the Statement as to the opinion of the report contained therein;
5. Authorises the Mayor, Deputy Mayor, General Manager and Manager Financial Services (Responsible Accounting Officer) to sign the Statement to the Special Purpose Financial Report.
6. Hold an Extraordinary Meeting at 2pm on Wednesday 21 December, 2022 to consider the presentation to the public the Audited Financial Reports and Independent Audit Reports for the year ended 30 June 2022.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May and Janet Wilson

13.3 REVIEW OF COUNCIL'S PESTICIDE USE NOTIFICATION PLAN**RESOLVED CO/1222/9**

Moved by Cr Robert Cullen, seconded by Cr James Murray

That Council:

1. Receives and notes the report *Review of Council's Pesticide Use Notification Plan*.
2. Approves for the draft revised Pesticide Use Notification Plan to be placed on public exhibition from 13 December 2022 – 28 February 2023 to enable community members to provide feedback if they wish.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May and Janet Wilson

Having previously declared an interest in Item 13.4, Cr Rob Cullen left the meeting at 3.06pm. The Director of Assets and Infrastructure Services declared an interest in Item 13.4 (a member of the Kyogle Lions Club which applied for a community grant) and left the meeting at 3.06pm.

13.4 COMMUNITY RESILIENCE AND ASSISTANCE GRANTS 2022/2023**RESOLVED CO/1222/10**

Moved by Cr Hayden Doolan, seconded by Cr James Murray

That Council:

1. Note the report and attachments, *Community Resilience and Assistance Grants 2022/2023*;
2. Approve the allocation of \$500,000 from the Local Government Recovery Grants program budget to fund the projects identified as recommendations from staff in the attachment *Kyogle Council Community Resilience Grants Applications November 2022*;
3. Approve the allocation of \$36,126 from the 2022/2023 Community Assistance Grants program budget to fund the projects identified as staff recommendations in the attachment *Kyogle Council Community Assistance Grants Applications November 2022*.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May, Janet Wilson and Rob Cullen

Cr Cullen and the Director of Assets and Infrastructure Services returned to the meeting at 3.16pm.

14 URGENT BUSINESS WITHOUT NOTICE

Nil

15 CONFIDENTIAL BUSINESS PAPER**RESOLVED CO/1222/11**

Moved by Cr James Murray, seconded by Cr Hayden Doolan

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 General Manager's Annual Performance Review 2022

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).

15.2 Waste Collection Tender

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 Expression of Interest Flood Remediation Works - Panel of Providers (2022/23-010)

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.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May and Janet Wilson

NB: Prior to voting on the motion to move into confidential, the Mayor asked the gallery 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 3.18pm.

Open Council resumed at 3.38pm.

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

Item 15.1 General Manager's Annual Performance Review 2022

Moved by Cr Hayden Doolan, seconded by Cr Danielle Mulholland

That Council;

1. Receive and note the report, *General Manager's annual Performance Review 2022*;
2. Endorse the overall assessment of the General Manager's Review Committee being a rating of 3.66 out of 5, which under the terminology of the General Manager's Standard Contract equates to "More than Satisfactory" performance over the 12-month review period to May 2022.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May, Janet Wilson and John Burley.

Item 15.2 Waste Collection Tender

Moved by Cr John Burley, seconded by Cr James Murray

That Council:

1. Receives and notes the report *Waste Collection Tender*;
2. Accepts the tender received from Solo Waste to provide waste collection services for Kyogle Council and approves for the General Manager to enter into a contract with Solo Waste for the provision of services in accordance with the request for tender.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May and Janet Wilson

Item 15.3 Expression of Interest Flood Remediation Works - Panel of Providers (2022/23-010)

Moved by Cr Hayden Doolan, seconded by Cr Danielle Mulholland

That Council;

1. Receives and notes the report, *Expression of Interest Flood remediation works – panel of providers (2022/23-010)*
2. Invites tenders for contract 2022/23-013 Tender for specialist ground stability from;
 1. Finn Valley Plant and Civil
 2. Green Civil Services
 3. Hazell Bros (QLD) P/L
 4. Naviq P/L
 5. PAN Civil
 6. PCA Ground Engineering
 7. Rutledge Drilling P/L
 8. Earthtec P/L
 9. Specialist Site Services
 10. Symal Infrastructure
 11. The Rix Group
 12. Warner Company
3. Invites tenders for contract 2022/23-014 Tender for Principal Civil Contractors from;
 1. Accurate Asphalt and Road Repairs
 2. Bellwether Contractors
 3. Bitu-Mill
 4. Civil Contractors Aust PL (Winslow)
 5. Civil CS
 6. Civil Mining and Construction CMC
 7. Civilwise P/L
 8. Durack Civil
 9. Ellis Stabilising

- 10. Farmers Field Service P/L
- 11. Ireland Civil Contracting
- 12. Kyogle Earthworx
- 13. MJ Smith Ground Preparation
- 14. RCC Earthworks
- 15. Richmond Sand Gravel and Landscaping
- 16. Roseberry Creek Developments
- 17. Rugendyke and Bashforth Contracting
- 18. SEE Civil P/L
- 19. Smith Plant Hire
- 20. Soil Conservation Services
- 21. Somerville Excavator Hire
- 22. The Stabilising P/L
- 23. QUICKWAY Constructions

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May and Janet Wilson

16 CLOSE OF MEETING

The Meeting closed at 3.42pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 13 February 2023.

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CHAIRPERSON