



# **MINUTES**

**Ordinary Council Meeting**

**8 May 2023**

**MINUTES OF KYOGLE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON MONDAY, 8 MAY 2023 AT 2PM**

**PRESENT:** Cr Kylie Thomas (Mayor), Cr Tom Cooper (Deputy Mayor), Cr Danielle Mulholland (via video conferencing), Cr John Burley, Cr Janet Wilson, Cr Maggie May (via video conferencing), 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.

## **1 OPEN MEETING**

The Mayor opened the meeting at 2pm and advised those present that the meeting was being webcast – the meetings are recorded and the recording is then uploaded to Council's website. As such, all speakers at the meeting are advised to refrain from making any defamatory statements or comments. Council accepts no liability for any damage that may result from defamatory statements made by anyone speaking at the meeting. All liability rests with the individual making the comments.

## **2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

### **2.1 REMOTE ATTENDANCE**

#### **RESOLVED CO/0523/1**

Moved by Cr John Burley, seconded by Cr Robert Cullen

That Council permit Cr Danielle Mulholland (caring responsibilities) and Cr Maggie May (unwell) to attend today's Council meeting via video conferencing.

**CARRIED**

FOR VOTE - Unanimous vote

## **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 Hayden Doolan declared a non-pecuniary interest in items:

- o 9.3 Notice of Motion – Cr Danielle Mulholland: Emergency Services Contribution Policy Position

- o 9.4 Notice of Motion – Cr Kylie Thomas: Emergency Services Contribution Subsidy

Reason for declaration – Member of the SES

**6 PUBLIC FORUM**

Mr Graeme Gibson, of Kyogle, spoke against Item 13.1 Pesticide Use Notification Plan.

**7 CONFIRMATION OF MINUTES****7.1 COUNCIL REPORT - 11 APRIL 2023****RESOLVED CO/0523/2**

Moved by Cr James Murray, seconded by Cr Robert Cullen

That Council confirms the minutes of the Council meeting of 11 April 2023.

**CARRIED**

FOR VOTE - Unanimous vote

**8 MAYORAL MINUTE****8 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM****RESOLVED CO/0523/3**

Moved by Cr Kylie Thomas, seconded by Cr Danielle Mulholland

The Council write to the President of the Australian Local Government Association (ALGA) and the President of LGNSW expressing our disappointment in hearing the announcement made that ALGA is advocating for City Councils to be included in Phase 4 Part B Additional \$250M funding allocation of the Local Roads and Community Infrastructure Program.

**CARRIED**

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

AGAINST VOTE - Cr Janet Wilson

**8.2 CHANGE TO ORDER OF BUSINESS****RESOLVED CO/0523/4**

Moved by Cr Janet Wilson, seconded by Cr James Murray

That Council bring forward Item 9.4 for discussion before the other Notices of Motion.

**CARRIED**

FOR VOTE - Unanimous vote

**9 NOTICES OF MOTION****9.4 NOTICE OF MOTION - CR KYLIE THOMAS; EMERGENCY SERVICES CONTRIBUTION SUBSIDY****RESOLVED CO/0523/5**

Moved by Cr Kylie Thomas, seconded by Cr Danielle Mulholland

The Council:

1. Write directly to the NSW Minister of Department of Emergency Services seeking a full explanation justifying the removing of the Emergency Services Contribution (ESC) subsidy;
2. Write to the NSW Minister of Climate Change, Energy, Environment and Heritage, and the NSW Minister for Local Government seeking a review to change how the ESC is linked to the rates by setting it outside the Rate Income received.
3. Write to the Federal Minister for Emergency Management Mr Murray Watt informing him of the impact this change will have in our local government area (LGA).
4. Put forward a policy position regarding the Emergency Services Contributions that maintains the subsidy until the State Government allows these contributions to be considered outside the rate pegged permissible income.

**CARRIED**

FOR VOTE - Unanimous vote

**9.1 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: CORE AND CLUSTER****RESOLVED CO/0523/6**

Moved by Cr Danielle Mulholland, seconded by Cr Tom Cooper

That Council:

1. Support the Core and Cluster Program;
2. Work with the State Government to identify appropriate land for the project with a view to utilising Council or Crown land;
3. Engage with appropriate stakeholders to review the Land Rights Act in terms of Crown Land including Local Land Councils (LLCs) with a view to leasing/utilising said land and partnering with Council to expedite the process;
4. Write to the Education Minister, Minister for Health and Member for Lismore Janelle Saffin to determine whether unused schools or health buildings can be used for the Core and Cluster project; and
5. Provide a letter of support to the Core and Cluster Partnership.

**CARRIED**

FOR VOTE - Unanimous vote

**9.2 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: WOODENBONG MEN'S SHED****MOTION**

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council support the Woodenbong Community Men's Shed project by:

1. Assisting in identifying suitable sites in Woodenbong, whether owned by Council or the Crown;
2. Determining whether the sites identified by the Woodenbong Community Men's Shed are suitable;
3. Identifying funding opportunities for the Woodenbong Community Men's Shed project.

**AMENDMENT**

Moved by Cr Maggie May, seconded by Cr Robert Cullen

That Council support the Woodenbong Community Men's Shed and the Kyogle Men's Shed projects by:

1. Assisting in identifying suitable sites in Woodenbong and Kyogle, whether owned by Council or the Crown;
2. Determining whether the sites identified by the Woodenbong Community Men's Shed and the Kyogle Men's Shed are suitable;
3. Identifying funding opportunities for the Woodenbong Community Men's Shed and the Kyogle Men's Shed projects.

**CARRIED**

FOR VOTE - Crs Kylie Thomas, Tom Cooper, John Burley, Maggie May, Hayden Doolan, Robert Cullen and James Murray

AGAINST VOTE - Crs Danielle Mulholland and Janet Wilson

The amendment became the motion.

**RESOLVED CO/0523/7**

Moved by Cr Maggie May, seconded by Cr Robert Cullen

That Council support the Woodenbong Community Men's Shed and the Kyogle Men's Shed projects by:

1. Assisting in identifying suitable sites in Woodenbong and Kyogle, whether owned by Council or the Crown;
2. Determining whether the sites identified by the Woodenbong Community Men's Shed and the Kyogle Men's Shed are suitable;
3. Identifying funding opportunities for the Woodenbong Community Men's Shed and the Kyogle Men's Shed projects.

**CARRIED**

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

AGAINST VOTE – Cr Janet Wilson

**9.3 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: EMERGENCY SERVICES CONTRIBUTION POLICY POSITION****MOTION**

That Council put forward a policy position regarding the Emergency Services Contributions which includes not removing the subsidy until the State Government allows these contributions to be considered outside the rate pegged permissible income.

With the adoption of Item 9.4, Cr Mulholland withdrew her Notice of Motion: Emergency Services Contribution.

**9.5 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: CONFERENCE AND SEMINAR EXPENSES****MOTION**

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

That Council increase the annual limit for conference and seminar expenses listed in the Payment of Expenses and Provision of Facilities for Councillors to \$5,000 for Councillors who are elected to the board of Local Government NSW (LGNSW), which is the peak body representing NSW Councils.

**FORESHADOWED MOTION**

Moved by Cr Janet Wilson

Cr Janet Wilson foreshadowed a motion that Council receive a report on how Council can support the attendance of Councillors at conferences and seminars.

**RESOLVED CO/0523/8**

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

That Council increase the annual limit for conference and seminar expenses listed in the Payment of Expenses and Provision of Facilities for Councillors to \$5,000 for Councillors who are elected to the board of Local Government NSW (LGNSW), which is the peak body representing NSW Councils.

**CARRIED**

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

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

With the adoption of the motion, the foreshadowed motion lapsed.

**10 QUESTIONS WITH NOTICE FROM COUNCILLORS****10.1 REMOVAL OF THE EMERGENCY SERVICES CONTRIBUTION SUBSIDY****RESOLVED CO/0523/9**

Moved by Cr Kylie Thomas, seconded by Cr James Murray

That Council receives and notes the response to the question regarding the removal of the Emergency Services Contribution subsidy raised by Councillor Kylie Thomas.

**CARRIED**

FOR VOTE - Unanimous vote

**11 REPORTS FROM DELEGATES**

Nil

**12 INFORMATION REPORTS****12.1 MONTHLY FINANCE REPORT - APRIL 2023****RESOLVED CO/0523/10**

Moved by Cr Tom Cooper, seconded by Cr John Burley

That Council receives and notes the information contained in the report, *Monthly Finance Report – April 2023*.

**CARRIED**

FOR VOTE - Unanimous vote

**12.2 WORKS PROGRAM PROGRESS REPORT - APRIL 2023**

The following question from Cr Tom Cooper was taken on notice by the Director or Assets and Infrastructure Services:

*When is the actual work on that road (Deep Creek Road) going to take place?*

The following question from Cr James Murray was taken on notice by the Director or Assets and Infrastructure Services:

*In the last Council newspaper it stated that work was going to commence on Deep Creek Road. Is that going to happen in the very near future?*

**RESOLVED CO/0523/11**

Moved by Cr Tom Cooper, seconded by Cr James Murray

That Council receives and notes the information contained in the report, *Works Program Progress Report – April 2023*.

**CARRIED**

FOR VOTE - Unanimous vote

**13 STAFF REPORTS****13.1 PESTICIDE USE NOTIFICATION PLAN****MOTION**

Moved by Cr Janet Wilson, seconded by Cr Danielle Mulholland

That Council:

1. Receives and notes the report, *Pesticide Use Notification Plan*;
2. Adopts the attached *Pesticide Use Notification Plan*.

**AMENDMENT**

Moved by Cr Kylie Thomas, seconded by Cr Tom Cooper

That Council:

1. Receives and notes the report, *Pesticide Use Notification Plan*;
2. Adopts the amended *Pesticide Use Notification Plan* to include notification that within the next 30 days pesticides will be used in the following areas 4.1, 4.2, 4.8, 4.9, 4.14 as identified in the draft Pesticide Use Notification Plan.

**FORESHADOWED MOTION**

Moved by Cr Maggie May, seconded by Cr Danielle Mulholland

That Council:

1. Receives and notes the report, *Pesticide Use Notification Plan*;
2. Adopts the amended *Pesticide Use Notification Plan* to include notification that within the next 14 days pesticides will be used in all areas identified in the Plan.

**AMENDMENT**

Moved by Cr Kylie Thomas, seconded by Cr Tom Cooper

That Council:

1. Receives and notes the report, *Pesticide Use Notification Plan*;
2. Adopts the amended *Pesticide Use Notification Plan* to include notification that within the next 30 days pesticides will be used in the following areas 4.1, 4.2, 4.8, 4.9, 4.14 as identified



in the draft Pesticide Use Notification Plan.

**CARRIED**

FOR VOTE - Crs Kylie Thomas, John Burley, Janet Wilson, Hayden Doolan and James Murray

AGAINST VOTE - Crs Tom Cooper, Maggie May, Robert Cullen and Danielle Mulholland

The amendment became the motion

**RESOLVED CO/0523/12**

Moved by Cr Kylie Thomas, seconded by Cr Tom Cooper

That Council:

1. Receives and notes the report, *Pesticide Use Notification Plan*;
2. Adopts the amended *Pesticide Use Notification Plan* to include notification that within the next 30 days pesticides will be used in the following areas 4.1, 4.2, 4.8, 4.9, 4.14 as identified in the draft Pesticide Use Notification Plan.

**CARRIED**

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

AGAINST VOTE - Crs, Danielle Mulholland, Maggie May

With the adoption of the motion, the foreshadowed motion lapsed.

**13.2 MARCH 2023 QUARTERLY BUDGET REVIEW**

**RESOLVED CO/0523/13**

Moved by Cr Hayden Doolan, seconded by Cr John Burley

That Council:

1. Receives and notes the March 2023 Quarterly Budget Review Statement;
2. Approves the variation of estimates contained in the table below:

<b>STATEMENT OF SIGNIFICANT VARIANCES</b>		
<b>MARCH QUARTER BUDGET REVIEW</b>		
<b>DETAILS</b>	<b>QUARTERLY ADJUSTMENT</b>	
	<b>INCOME</b>	<b>EXPENSES</b>
Finance - Interest Income	166,000	
Crown Reserves- Grants & Contributions	7,000	
Crown reserves - Operating Costs		7,000
Town Planning - Grants	(5,000)	
Strategic, Community & Cultural - Community Services Income	71,667	
Strategic, Community & Cultural - Community Services Expenses		71,988
Regional Roads - Operating Grants	128,794	
Regional Roads - Flood damage		218,066

Urban Roads - Operating Grants	981,297	
Urban Roads - Capital Grants	60,000	
Urban Roads - Capital Expenditure		1,041,297
Rural Roads - Operating Grants	869,338	
Rural Roads - Capital Grants	1,618,499	
Rural Roads - Capital Expenditure		3,161,646
Bridges - Operating Grants	227,414	
Bridges - Operating Costs		36,000
Bridges - Capital Grants	(8,142,067)	
Bridges - Capital Expenditure		(8,142,067)
Stormwater - Operating Grants	(145,308)	
Stormwater - Operating Costs		(181,573)
Engineering Administration - Recoveries		(316,000)
Quarries - Income	120,000	
Quarries - Operating Costs		50,000
	<b>Totals</b>	
	(4,042,366)	(4,053,643)
	<b>Net Adjustment</b>	<b>11,277</b>

**CARRIED**

FOR VOTE - Unanimous vote

**13.3 CUSTOMER SERVICE POLICY****RESOLVED CO/0523/14**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the report, Customer Service Policy;
2. Adopts the attached Customer Service Policy.

**CARRIED**

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

AGAINST VOTE - Cr Maggie May

**13.4 COUNCILLOR AND STAFF INTERACTION POLICY****RESOLVED CO/0523/15**

Moved by Cr Janet Wilson, seconded by Cr Tom Cooper

That Council:

1. Receives and notes the report, *Councillor and Staff Interaction Policy*;
2. Adopts the attached *Councillor and Staff Interaction Policy*.

**CARRIED**

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

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

**13.5 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY 2023****RESOLVED CO/0523/16**

Moved by Cr Kylie Thomas, seconded by Cr Maggie May

That Council:

1. Receives and notes the report, Australian Local Government Association National General Assembly 2023;
2. Appoints Councillor Maggie May as its voting delegate to the ALGA National General Assembly.

**CARRIED**

FOR VOTE - Unanimous vote

**14 URGENT BUSINESS WITHOUT NOTICE**

Nil

**15 CONFIDENTIAL BUSINESS PAPER**

Nil

**16 CLOSE OF MEETING**

The Meeting closed at 4.17pm.

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

.....  
**CHAIRPERSON**