



MINUTES

Ordinary Council Meeting

14 August 2023

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 14 AUGUST 2023 AT 2PM**

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

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

1 OPEN MEETING

The Mayor declared the meeting open at 2pm and advised those present the meeting was being webcast – the meetings are recorded and the recording is then uploaded to Council’s website. As such, anyone speaking at the meeting was 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/0823/1

Moved by Cr Danielle Mulholland, seconded by Cr Robert Cullen

That Council permit Cr Hayden Doolan (traveling for work) 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 acknowledge the meeting was being held on the traditional lands of the Bundjalung people and acknowledged Elders past, present and emerging.

5 DECLARATION OF INTERESTS

Director Assets and Infrastructure Services declared an interest in:

- Item No 15.1 Code of Conduct Breach by Councillor Murray - Consideration of Final Investigation Report and Recommendation of Formal Censure

Cr Kylie Thomas declared a non-pecuniary interest in:

- Item 13.2 Planning Proposal - Rezoning of Land in Kyogle for Residential Development
Reason for declaration –

Reason for declaration - Former association with the developer.

Cr Tom Cooper declared an interest in:

- Item 15.2 Code of Conduct Breach By Councillor Cooper - Consideration of Final Investigation Report and Recommendation of Formal Censure

Cr James Murray declared an interest in:

- Item 15.1 Code of Conduct Breach by Councillor Murray - Consideration of Final Investigation Report and Recommendation of Formal Censure

6 PUBLIC FORUM

Nil

7 CONFIRMATION OF MINUTES

7.1 COUNCIL REPORT - 10 JULY 2023

RESOLVED CO/0823/2

Moved by Cr Janet Wilson, seconded by Cr Danielle Mulholland

That Council confirms the minutes of the Council meeting of 10 July 2023.

CARRIED

FOR VOTE - Unanimous vote

8 MAYORAL MINUTE

Nil

9 NOTICES OF MOTION**9.1 NOTICE OF MOTION - CR JAMES MURRAY: UPGRADE OF CLARENCE WAY THROUGH YABBRA STATE FOREST****RESOLVED CO/0823/3**

Moved by Cr James Murray, seconded by Cr Robert Cullen

That Council write to the relevant ministers and departmental staff seeking special exemption or advice that would allow the widening and straightening of dangerous sections of the Clarence Way through Yabbra State Forest.

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

9.2 NOTICE OF MOTION - CR JAMES MURRAY: FUNDING TO UPGRADE BYPASS UNDER RAILWAY VIADUCT ON GRADYS CREEK ROAD**RESOLVED CO/0823/4**

Moved by Cr James Murray, seconded by Cr Tom Cooper

That Council seek funding to upgrade the bypass under the railway viaduct near Murray's Bridge on Grady's Creek Road.

CARRIED

FOR VOTE - Unanimous vote

9.3 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: HEALTH SERVICES WEST OF THE RANGE**RESOLVED CO/0823/5**

Moved by Cr Danielle Mulholland, seconded by Cr Tom Cooper

That Council write to the Minister for Health, the Honourable Ryan Park, Janelle Saffin MP, Member for Lismore and the Premier, the Honourable Chris Minns to:

1. Review health services delivered to West of the Range communities within our Local Government Area (LGA);
2. Provide adequate funding and staffing for the Bonalbo Multi-Purpose Service (MPS) so that it fulfils the full potential of its intended purpose;
3. To bring our paramedics employment status and remuneration on parity with other states (eg Queensland) to recognise the professional standard they demonstrate on a daily basis.
4. Invite the Minister for Health to visit the Kyogle and Bonalbo MPSs

CARRIED

FOR VOTE - Unanimous vote

10 QUESTIONS WITH NOTICE FROM COUNCILLORS**10.1 QUESTIONS WITH NOTICE****RESOLVED CO/0823/6**

Moved by Cr Danielle Mulholland, seconded by Cr Robert Cullen

That Council receives and notes the responses to the questions with notice.

CARRIED

FOR VOTE - Unanimous vote

11 REPORTS FROM DELEGATES

Nil

12 INFORMATION REPORTS**12.1 MONTHLY FINANCE REPORT - JULY 2023****RESOLVED CO/0823/7**

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

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

CARRIED

FOR VOTE - Unanimous vote

13 STAFF REPORTS**13.1 JUNE 2023 QUARTERLY BUDGET REVIEW****RESOLVED CO/0823/8**

Moved by Cr Janet Wilson, seconded by Cr Danielle Mulholland

That Council:

1. Receives and notes the report, *June 2023 Quarterly Budget Review*.
2. Incorporate the funds identified as revotes in the June 2023 Quarterly Budget Review into the 2023/2024 budget.

CARRIED

FOR VOTE - Unanimous vote

Executive Manager Corporate Services left the meeting at 3.10pm.

Having previously declared a non-pecuniary interest in Item 13.2, Cr Kylie Thomas left the meeting at 3.11pm and the Deputy Mayor Cr Tom Cooper assumed the role of Chair of the meeting.

Executive Manager Corporate Services returned to the meeting at 3.12pm.

13.2 PLANNING PROPOSAL - REZONING OF LAND IN KYOGLE FOR RESIDENTIAL DEVELOPMENT

RESOLVED CO/0823/9

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report *Planning Proposal – Rezoning of Land in Kyogle for Residential Development*;
2. Approves the amendment of the Kyogle Local Environmental Plan 2012 to:
 - a. rezone part of Lot 1 DP307050 located at 45 Anzac Drive, Geneva, from RU1 Primary Production to R1 General Residential, consistent with the planning proposal prepared for this purpose
 - b. establish a 500m² minimum lot size for the subject land
 - c. establish a 9m building height for the subject land.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE. Cr Thomas

Cr Tom Cooper called for a division under Section 735A of the Local Government Act 1993, which requires a division to be called whenever a planning decision is put at a Council or committee meeting.

For	Against
Cr Maggie May	
Cr Janet Wilson	
Cr John Burley	
Cr Danielle Mulholland	
Cr Hayden Doolan	
Cr Tom Cooper	
Cr James Murray	
Cr Robert Cullen	

ABSENT. DID NOT VOTE – Cr Kylie Thomas.

Cr Kylie Thomas returned at 3.26pm and resumed the role of Chair of the meeting.

14 URGENT BUSINESS WITHOUT NOTICE

Nil

15 CONFIDENTIAL BUSINESS PAPER**RESOLVED CO/0823/10**

Moved by Cr Danielle Mulholland, 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:

15.1 Code of Conduct Breach by Councillor Murray - Consideration of Final Investigation Report and Recommendation of Formal Censure

This matter is considered to be confidential under Section 10A(2) - i 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 alleged contraventions of any code of conduct requirements applicable under section 440.

15.2 Code of Conduct Breach By Councillor Cooper - Consideration of Final Investigation Report and Recommendation of Formal Censure

This matter is considered to be confidential under Section 10A(2) - i 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 alleged contraventions of any code of conduct requirements applicable under section 440.

15.3 Clarence Way Woodenbong to Urbenville Legal Matter Update

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

15.4 Industrial Land Expression of Interest

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 - Unanimous vote

Section 10A(4) of the Local Government Act, 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed. The Mayor asked the gallery if anyone would like to make representations to Council as to why the meeting should not be closed.

No one made any representations. The Mayor closed the meeting to the public under Section 10A of the Local Government Act.

The meeting was closed at 3.27pm. The meeting resumed at 4.56pm.

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

Item 15.1 Code of Conduct Breach by Councillor Murray - Consideration of Final Investigation Report and Recommendation of Formal Censure

Moved by Cr Maggie May, seconded by Cr Danielle Mulholland

That Council:

1. Receives and notes the investigation report into Code of Conduct breaches by Councillor James Murray and the investigators findings that there was a “flagrant” breach of the Council’s Councillor and Staff Interaction Policy and Clauses 3.1 a), and 7.2 of the Code of Conduct and the breaches of Clauses 3.3, 7.2 and 7.6 f) of the Code of Conduct were “deliberate, not inadvertent”.
2. Pursuant to clause 7.37 b) of the Procedures for the Administration of the Code of Conduct, formally censures Councillor James Murray in accordance with 440G of the Local Government Act for breaching Clauses 3.1 a), 3.3, 7.2 and 7.6 f) of the Code of Conduct

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE. Cr Murray

Item 15.2 Code of Conduct Breach By Councillor Cooper - Consideration of Final Investigation Report and Recommendation of Formal Censure

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council:

1. Receives and notes the investigation report into Code of Conduct breaches by Councillor Tom Cooper and the investigators findings that there has been a “serious” breach of the Councillor and Staff Interaction Policy and therefore of Clause 7.6 of the Code of Conduct.
2. Pursuant to clause 7.37 b) of the Procedures for the Administration of the Code of Conduct, formally censures Councillor Tom Cooper in accordance with 440G of the Local Government Act for breaching Clauses 7.2 c) and 7.6 of the Code of Conduct.

CARRIED

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

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

ABSENT DID NOT VOTE - Cr Tom Cooper

Item 15.3 Clarence Way Woodenbong to Urbenville Legal Matter Update

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

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

CARRIED

FOR VOTE - Unanimous vote

Item 15.4 Industrial Land Expression of Interest

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report on the Industrial Land Expression of Interest;
2. Requests staff review the options available for a staged development of the zoned employment lands and provide a further report to Council on the requirements for a business case to support investment.

CARRIED

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

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

16 CLOSE OF MEETING

The Meeting closed at 4.58pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 11 September 2023.

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CHAIRPERSON