



MINUTES

Ordinary Council Meeting

11 December 2023

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 11 DECEMBER 2023 AT 2PM**

PRESENT: Cr Kylie Webster (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 Planning and Community Development, Acting Director Assets and Infrastructure Services, Executive Manager Corporate Services, Executive Assistant to the General Manager, Mr Adam Bradfield of Thomas, Noble and Russell (Auditors).

1 OPEN MEETING

The Mayor declared the meeting open 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, anyone speaking at the meeting was advised to refrain from making defamatory statements or comments. The Mayor advised the meeting that Council accepted 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

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 acknowledge Elders past, present and emerging.

5 DECLARATION OF INTERESTS

Cr Hayden Doolan declared an interest in Item Number 9.1 Notice of Motion - Cr Kylie Webster: Collins Creek Public School bus service.

- Reason for declaration - Employee of a bus company.

6 PUBLIC FORUM

Nil

7 CONFIRMATION OF MINUTES

7.1 COUNCIL REPORT - 13 NOVEMBER 2023

RESOLVED CO/1223/1

Moved by Cr John Burley, seconded by Cr Tom Cooper

That Council confirms the minutes of the Council meeting of the 13 November 2023.

CARRIED

FOR VOTE - Unanimous vote

7.1A CHANGE TO THE ORDER OF BUSINESS

RESOLVED CO/1223/2

Moved by Cr Danielle Mulholland, seconded by Cr James Murray

That Council change the order of business and bring Item 13.1 forward to consider now.

CARRIED

FOR VOTE - Unanimous vote

13.1 PRESENTATION FROM AUDITORS 2022/2023 FINANCIAL STATEMENTS

RESOLVED CO/1223/3

Moved by Cr Danielle Mulholland, seconded by Cr Robert Cullen

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 2022/2023 Financial Statements.

CARRIED

FOR VOTE - Unanimous vote

13.1A CHANGE TO THE ORDER OF BUSINESS

RESOLVED CO/1223/4

Moved by Cr Maggie May, seconded by Cr Hayden Doolan

That Council change the order of business and bring Item 13.2 forward to consider now.

CARRIED

FOR VOTE - Unanimous vote

13.2 2022/2023 FINANCIAL STATEMENTS**RESOLVED CO/1223/5**

Moved by Cr Maggie May, seconded by Cr James Murray

That Council:

1. Receives and notes the report, *2022/2023 Financial Statements*;
2. Adopts the 2022/2023 General Purpose Financial Report;
3. Authorises the Mayor, Deputy Mayor, General Manager and Manager Financial Services (Responsible Accounting Officer) to sign the Statement by Councillors and Management made pursuant to Section 413 (2c) of the *Local Government Act 1993* to the General Purpose Financial Statements;
4. Adopts the 2022/2023 Special Purpose Financial Report;
5. Authorises the Mayor, Deputy Mayor, General Manager and Manager Financial Services (Responsible Accounting Officer) to sign the Statement by Councillors and Management made pursuant to the *Local Government Code of Accounting Practice and Financial Reporting* to the Special Purpose Financial Statements.
6. Hold an Extraordinary Meeting at 2pm on Tuesday December 19, 2023 to consider the presentation to the public of the Audited Financial Reports and Independent Audit Reports for the year ended 30 June 2023.

CARRIED

FOR VOTE - Unanimous vote

8 MAYORAL MINUTE

Nil

Having previously declared an interest in Item 9.1, Cr Hayden Doolan left the meeting at 2.22pm.

9 NOTICES OF MOTION**9.1 NOTICE OF MOTION - CR KYLIE WEBSTER: COLLINS CREEK PUBLIC SCHOOL BUS SERVICE****RESOLVED CO/1223/6**

Moved by Cr Kylie Webster, seconded by Cr Robert Cullen

That Council write to the Minister for Education and Early Learning Prue Car, the Minister for Regional Transport and Roads Jenny Aitchison, and Member for Lismore Janelle Saffin to support Collins Creek Public School Parents and Citizens Association's (P&C) bid for a bus service from Kyogle to the school or funding for the P&C to purchase its own bus.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Doolan

Cr Doolan returned to the meeting at 2.23pm

9.2 NOTICE OF MOTION - CR ROB CULLEN: KYOGLE SHOW CONGRATULATIONS**MOTION**

Moved by Cr Robert Cullen, seconded by Cr James Murray

That Council send letters to the Kyogle Show Society congratulating them and all the volunteers for organising and running a very successful show this year, the Kyogle and District Chamber of Commerce and volunteers for organising a successful Christmas street event and the organiser and volunteers of the Bonalbo Eat Street event.

AMENDMENT

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council send a letter each year to Bonalbo, Woodenbong and Kyogle Show Societies and other event coordination committees congratulating them on their efforts.

LOST

FOR VOTE - Crs Danielle Mulholland and Hayden Doolan

AGAINST VOTE - Crs Kylie Webster, Tom Cooper, John Burley, Janet Wilson, Maggie May, Robert Cullen and James Murray

RESOLVED CO/1223/7**MOTION**

Moved by Cr Robert Cullen, seconded by Cr James Murray

That Council send letters to the Kyogle Show Society congratulating them and all the volunteers for organising and running a very successful show this year, the Kyogle and District Chamber of Commerce and volunteers for organising a successful Christmas street event and the organiser and volunteers of the Bonalbo Eat Street event.

CARRIED

FOR VOTE - Unanimous vote

10 QUESTIONS WITH NOTICE FROM COUNCILLORS**10.1 QUESTIONS WITH NOTICE****RESOLVED CO/1223/8**

Moved by Cr Robert Cullen, seconded by Cr James Murray

That Council receives and notes the response to the question with notice.

CARRIED

FOR VOTE - Unanimous vote

Executive Manager Corporate Services left the meeting at 2.36pm.

Executive Manager Corporate Services returned to the meeting at 2.43pm.

11 REPORTS FROM DELEGATES

11.1 DELEGATE'S REPORT: CR MAGGIE MAY - CLIMATE CHANGE WORKING GROUP

RESOLVED CO/1223/9

Moved by Cr Maggie May, seconded by Cr Janet Wilson

That Council receive and note Cr May's Delegate's Report on the Climate Change Working Group.

CARRIED

FOR VOTE - Unanimous vote

11.2 DELEGATE'S REPORT: CR ROB CULLEN - LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

RESOLVED CO/1223/10

Moved by Cr Robert Cullen, seconded by Cr Kylie Webster

That Council receives and notes the Delegate's Report on the LGNSW Annual Conference.

CARRIED

FOR VOTE - Unanimous vote

11.3 DELEGATE'S REPORT: CR KYLIE WEBSTER - COUNTRY MAYORS' ASSOCIATION

RESOLVED CO/1223/11

Moved by Cr Kylie Webster, seconded by Cr John Burley

That Council receives and notes Cr Webster's Delegate's Report on the Country Mayors' Association annual general meeting/general meeting held on 24 November 2023.

CARRIED

FOR VOTE - Unanimous vote

Cr Robert Cullen left the meeting at 2.55pm.

12 INFORMATION REPORTS**12.1 MONTHLY FINANCE REPORT - NOVEMBER 2023****RESOLVED CO/1223/12**

Moved by Cr Janet Wilson, seconded by Cr Danielle Mulholland

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

CARRIED

FOR VOTE - Crs Kylie Webster, Tom Cooper, Danielle Mulholland, John Burley, Janet Wilson, Maggie May, Hayden Doolan and James Murray

ABSENT DID NOT VOTE - Cr Robert Cullen

Cr Cullen returned to the meeting at 2.57pm.

12.2 WORKS PROGRAM PROGRESS REPORT - NOVEMBER 2023**RESOLVED CO/1223/13**

Moved by Cr Danielle Mulholland, seconded by Cr Tom Cooper

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

CARRIED

FOR VOTE - Unanimous vote

12.3 STRATEGIC PROJECTS UPDATE REPORT - DECEMBER 2023**RESOLVED CO/1223/14**

Moved by Cr Maggie May, seconded by Cr Danielle Mulholland

That Council receives and notes the information contained in the report, *Strategic Projects Update Report – December 2023*.

CARRIED

FOR VOTE - Unanimous vote

13 STAFF REPORTS**13.3 CLIMATE CHANGE ADAPTATION STRATEGY AND ACTION PLAN****RESOLVED CO/1223/15**

Moved by Cr Maggie May, seconded by Cr Danielle Mulholland

That Council:

1. Receives and notes the report *Climate Change Adaptation Strategy and Action Plan*.
2. Confirm it intends to commission a Climate Change Adaptation Strategy for the Kyogle Local Government Area.
3. Request the General Manager to identify a budget for the strategy development in either the forthcoming quarterly budget review to be presented at the February 2024 Ordinary Meeting, or as part of the budget process for the 2024/25 financial year.

CARRIED

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

AGAINST VOTE - Cr James Murray

13.4 MICROGRID FEASIBILITY ASSESSMENT - UPDATE**RESOLVED CO/1223/16**

Moved by Cr Danielle Mulholland, seconded by Cr Maggie May

That Council:

1. Receives and notes the report *Microgrid Feasibility Assessment – Update*;
2. Endorses the *Microgrid Prefeasibility Assessment – Final Report* prepared by 100% Renewables, May 2023 and the recommendations contained therein;
3. Notes that, as per the recommendations made by 100% Renewables, Council officers will now focus on working with Essential Energy to:
 - (i) ensure that future planning for electricity infrastructure provision is integrated with Council's future growth and development plans; and
 - (ii) identify localised projects and/or upgrades to address current network and supply reliability issues.

CARRIED

FOR VOTE - Unanimous vote

13.5 MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING**RESOLVED CO/1223/17**

Moved by Cr Robert Cullen, seconded by Cr Danielle Mulholland

That the minutes of the Local Traffic Committee meeting held 30 November 2023 be received and noted.

CARRIED

FOR VOTE - Unanimous vote

14 URGENT BUSINESS WITHOUT NOTICE**14.1 URGENT BUSINESS - GENERAL MANAGER'S CONTRACT****RESOLVED CO/1223/18**

Moved by Cr Kylie Webster, seconded by Cr Maggie May

1. That Council considers the following business under clause 9.3a and 9.3b
2. That Council moves into Closed Session under provisions that the matter being considered in closed session concerns personnel matters relating to particular individuals in accordance with Section 10A of the Local government Act 1993 (NSW)
3. To consider the employment contract of General Manager Graham Kennett.

CARRIED

FOR VOTE - Crs Kylie Webster, Tom Cooper, Maggie May, Robert Cullen and James Murray

AGAINST VOTE - Crs Danielle Mulholland, John Burley, Janet Wilson and Hayden Doolan

The Mayor deemed the matter to be of great urgency.

14.2 MOVE INTO CONFIDENTIAL**RESOLVED CO/1223/19**

Moved by Cr Maggie May, seconded by Cr Robert Cullen

That Council move into Confidential.

CARRIED

FOR VOTE - Crs Kylie Webster, Tom Cooper, Maggie May, Robert Cullen and James Murray

AGAINST VOTE - Crs Danielle Mulholland, John Burley, Janet Wilson and Hayden Doolan

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.

Mr Simon Dejoux put to the meeting that he did not think it was appropriate to go into confidential.

The Mayor thanked Mr Dejoux.

Mr Robin Harley asked to know what was of such concern and urgency.

The Mayor said the matter had been deemed urgent by the chair and that there was a process to follow.

The Mayor closed the meeting to the public under Section 10A of the Local Government Act at 3.40pm.

The meeting resumed at 3.50pm and the Mayor read the following resolutions of the Confidential Meeting to open Council.

Item 15.1 Contract of the General Manager

Moved by Councillor Kylie Webster, seconded by Cr Maggie May

That Council:

1. Terminate the employment contract of the General Manager Graham Kennett under clause 10.3.5 effective immediately by final termination payment being thirty-eight (38) weeks' pay in lieu of notice under clause 11.4 and the balance of accrued leave entitlements and other payments to which the employee is entitled to under the contract.
2. Appoint Mr Brett Kelly as interim General Manager for the period of up to 18 months.

FOR VOTE – Crs Kylie Webster, Maggie May, Tom Cooper, Rob Cullen and James Murray

AGAINST VOTE – Crs Janet Wilson, Danielle Mulholland (did not vote – taken as a vote against), and Hayden Doolan (did not vote – taken as a vote against).

ABSENT. DID NOT VOTE – Cr John Burley

15 CLOSE OF MEETING

The Meeting closed at 3.52pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 12 February 2024.

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CHAIRPERSON