



MINUTES

Ordinary Council Meeting

12 February 2024

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 12 FEBRUARY 2024 AT 2PM**

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

IN ATTENDANCE: The General Manager, Director Assets and Infrastructure Services, Acting 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 all those present the meeting was being webcast - meetings are recorded and the recording is then uploaded to Council's website. The Mayor cautioned anyone speaking at the meeting to refrain from making defamatory statements or comments. The Mayor advised the meeting that Council accepted no liability for any damage that might 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 ATTENDANCE BY VIDEO CONFERENCING

RESOLVED CO/0224/1

Moved by Cr John Burley, seconded by Cr Robert Cullen

That Council permit Councillors Hayden Doolan (work commitments) and Danielle Mulholland (not well) to attend the 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

Nil

6 PUBLIC FORUM

Kathryn Rodgers spoke in favour of Item 9.4 Notice of Motion – Review of Waste Services

7 CONFIRMATION OF MINUTES**7.1 COUNCIL REPORT - 11 DECEMBER 2023****RESOLVED CO/0224/2**

Moved by Cr Maggie May, seconded by Cr James Murray

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

CARRIED

FOR VOTE - Unanimous vote

7.2 COUNCIL REPORT - 19 DECEMBER 2023**RESOLVED CO/0224/3**

Moved by Cr Maggie May, seconded by Cr Tom Cooper

That Council confirms the minutes of Council's Extraordinary Meeting of 19 December 2023.

CARRIED

FOR VOTE - Unanimous vote

8 MAYORAL MINUTE**RESOLVED CO/0224/4**

Moved by Cr Maggie May, seconded by Cr Tom Cooper

That Council:

1. Change the order of business so that Item 10.1 Questions With Notice is considered after the Item 8.1 Mayoral Minute – Appointment of Acting General Manager
2. Move into Confidential under Section 10A subclause 2(a) (personnel matters concerning particular individuals, other than councillors) of the Local Government Act to consider the Item 8.1 Mayoral Minute – Appointment of General Manager and Item 10.1 Questions With Notice.

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

RESOLVED CO/0224/5

Moved by Cr Maggie May, seconded by Cr Tom Cooper

That Council go into Confidential to discuss items 8.1 and 10.1 under 10.2 (a) of the Local

Government Act (personnel matters concerning particular individuals, other than councillors).

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. Prior to voting on moving the meeting into confidential, the Mayor asked the gallery if anyone would like to make representations to Council as to why the meeting should not be closed.

Mr Ross Brown and Mr Big Rob made representations opposing the move into confidential.

The Mayor closed the meeting to the public under Section 10A of the Local Government Act at 2.33pm.

The meeting resumed at 3.40pm.

The Mayor read the resolutions of the Confidential Meeting to the meeting.

Item 8.1 Mayoral Minute

Moved by Cr Kylie Webster, seconded by Cr Maggie May

That Council:

1. Appoint Mr Chris White, current Director of Planning and Community Development to the position of Acting General Manager beginning 23 February 2024 for the duration of the recruiting process and until the permanent position of General Manager is filled, not to exceed 12 months.
2. Begin the Recruitment Process for the new General Manager immediately.
3. Reinstate the General Manager Selection/Review sub-committee to initiate the External Recruitment process and provide a candidate or candidates to Council for consideration.
4. Members of General Manager's Subcommittee to be as follows; Mayor Cr Kylie Webster, Deputy Mayor Cr Tom Cooper and Cr Rob Cullen.

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

Item 10.1 Questions With Notice

Moved by Cr Tom Cooper, seconded by Cr Robert Cullen

That Council receive and notes this response to the questions.

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

9 NOTICES OF MOTION**9.1 NOTICE OF MOTION - CR JANET WILSON - PETITION****MOTION**

Moved by Cr Janet Wilson, seconded by Cr James Murray

That Council acknowledges the receipt of the petition from the residents of the Kyogle Local Government Area (LGA).

AMENDMENT

Moved by Cr Maggie May, seconded by Cr Tom Cooper

That Council receive and note the petition.

LOST

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

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

RESOLVED CO/0224/9

Moved by Cr Janet Wilson, seconded by Cr James Murray

That Council acknowledges the receipt of the petition from the residents of the Kyogle Local Government Area (LGA).

CARRIED

FOR VOTE - Unanimous vote

9.2 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: POLICE AND WORKING WITH CHILDREN CHECKS**RESOLVED CO/0224/10**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council undertake police and working with children checks on all Councillors as a matter of policy.

CARRIED

FOR VOTE - Unanimous vote

9.3 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: SPONSORSHIP STOCK HORSE CHALLENGE CHARITY AUCTION**MOTION**

Moved by Cr Danielle Mulholland, seconded by Cr James Murray

That Council sponsor the 2024 Stockmen's Challenge auction, which raises funding for Tommy Johnston and Abigail Sweeper, and that the General Manager identify funding for the sponsorship.

AMENDMENT

Moved by Cr Kylie Webster, seconded by Cr James Murray

That Council defer consideration of Item 9.3 until the advice from the General Manager is given at the March Ordinary Council meeting

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 amendment became the motion.

RESOLVED CO/0224/11

Moved by Cr Kylie Webster, seconded by Cr James Murray

That Council defer consideration of Item 9.3 until the advice from the General Manager is given at the March Ordinary Council meeting.

CARRIED

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

AGAINST VOTE - Crs Janet Wilson and Hayden Doolan

9.4 NOTICE OF MOTION - CR JANET WILSON: REVEIW OF WASTE SERVICES**RESOLVED CO/0224/12**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council receive a report on the effectiveness of the recently introduced three bin system with a view to seeking residents input on the capacity of the bins to meet their needs, the frequency of the pick-up of the red bin in particular, and how they might see improvements can be made to the service and how costs on improvements might affect the budget and user fees.

CARRIED

FOR VOTE - Unanimous vote

Cr Danielle Mulholland left the meeting at 4.09pm.

Cr Danielle Mulholland returned to the meeting at 4.11pm.

Cr Janet Wilson withdrew Item 9.5 Notice of Motion – Cr Janet Wilson: Appointment of a New General Manager and Item 9.6 Notice of Motion – Cr Janet Wilson: Process to Appoint a New General Manager.

10 REPORTS FROM DELEGATES

11.1 DELEGATE'S REPORT: CR DANIELLE MULHOLLAND - LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

RESOLVED CO/0224/8

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council receives and notes Cr Mulholland's Delegate's Report on the Local Government NSW Annual Conference.

CARRIED

FOR VOTE - Unanimous vote

11.2 DELEGATE'S REPORT - CR ROB CULLEN: AUDIT RISK AND IMPROVEMENT COMMITTEE

RESOLVED CO/0224/9

Moved by Cr Robert Cullen, seconded by Cr James Murray

That Council receives and notes Cr Cullen's Delegate's Report on the Audit Risk and Improvement Committee.

CARRIED

FOR VOTE - Unanimous vote

11 INFORMATION REPORTS

12.1 MONTHLY FINANCE REPORT - JANUARY 2024

RESOLVED CO/0224/10

Moved by Cr John Burley, seconded by Cr James Murray

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

CARRIED

FOR VOTE - Unanimous vote

Cr Danielle Mulholland left the meeting at 4.30pm.

Cr Danielle Mulholland returned to the meeting at 4.32pm.

12.2 WORKS PROGRAM PROGRESS REPORT - JANUARY 2024**RESOLVED CO/0224/11**

Moved by Cr James Murray, seconded by Cr Tom Cooper

That Council receives and notes the information contained in the report, *Works Program Progress Report – January 2024*.

CARRIED

FOR VOTE - Unanimous vote

12 STAFF REPORTS**13.1 DECEMBER QUARTERLY BUDGET REVIEW****RESOLVED CO/0224/12**

Moved by Cr John Burley, seconded by Cr Tom Cooper

That Council:

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

STATEMENT OF SIGNIFICANT VARIANCES		
DECEMBER QUARTER BUDGET REVIEW		
DETAILS	QUARTERLY ADJUSTMENT	
	INCOME	EXPENSES
Governance - Employment Costs		308,798
Administration - Income	710	
Administration - Office Expenses		131,386
Administration - Office Equipment		(131,386)
Personnel - Grants & Subsidies	10,000	
Personnel - Outdoor Staff Costs		150,000
Personnel - Insurance & Risk Management		(60,000)
Finance - Rates Income	9,282	
Finance - Interest Income	326,000	
Finance - Operating Costs		66,000
Regulatory Control - Income	4,000	
Regulatory Control - Operating Costs		18,000
Regulatory Control - Microchipping Program		(37,054)

Regulatory Control - Construction		37,054
Other Waste - Waste Charges	69,621	
Other Waste - Collection Costs		69,621
Strategic, Community & Cultural - Community Services Income	15,000	
Strategic, Community & Cultural - Working it out in Kyogle Income	(59,031)	
Strategic, Community & Cultural - Community Donations		1,398
Strategic, Community & Cultural - Gallery Employment		7,000
Strategic, Community & Cultural - Gallery Other		9,000
Strategic, Community & Cultural - Community Services Costs		15,000
Strategic, Community & Cultural - Working it out in Kyogle Costs		(59,031)
Pre Schools - Income	1,980	
Public Libraries - Income	2,004	
Public Libraries - Contribution to Regional Library		13,466
Regional Roads - Operating Grants	3,078,722	
Regional Roads - Operating Costs		77,664
Regional Roads - Capital Expenditure		5,746,315
Regional Roads - Flood damage Works		(2,029,162)
Urban Roads - Street Lighting Subsidy	4,001	
Urban Roads - Operating Costs		20,000
Rural Roads - Operating Grants	(271,835)	
Rural Roads - Heavy Haulage Levies	34,648	
Rural Roads - Sealed Roads Maintenance		150,000
Rural Roads - Other Expenses		6,877
Rural Roads - Capital Expenditure		(150,000)
Rural Roads - Flood damage works		(725,070)
Bridges - Operating Grants	(49,007)	
Emergency Services - Income	9,636	
Emergency Services - SES Contributions		6,778
Community Buildings - Hall & Shop Rents	20,432	
Community Buildings - KMI Operating Costs		20,432

Public Cemeteries - Income	11,635	
Engineering Administration - Sundry Income	1,000	
Engineering Administration - Employment Costs		100,000
Engineering Administration - Recoveries		(430,000)
State Highways - Revenue	159,644	
State Highways - Operating Costs		161,864
Quarries - Income	124,000	
Quarries - Operating Costs		70,000
Plant - Plant Sales	45,371	
Plant - Other Income	(8,650)	
Plant - Depot Costs		200
Plant - Stores Operations		(40,000)
Plant - Plant Purchases		115,371
Plant - EV Charging Stations		3,905
Water - Capital Grants	(6,459,901)	
Water - Construction		(6,459,901)
Sewer - Capital Grants	(3,709,099)	
Sewer - Construction		(3,730,807)
Domestic Waste - Waste Charges	18,000	
Domestic Waste - Collection Costs		18,000
Totals	(6,611,837)	(6,528,282)
	Net Adjustment	(83,555)

CARRIED

FOR VOTE - Unanimous vote

CARRIED

13 URGENT BUSINESS WITHOUT NOTICE

Nil

14 CONFIDENTIAL BUSINESS PAPER

15 CLOSE OF MEETING

The Meeting closed at 4.35pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 11 March 2024.

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CHAIRPERSON