



# **MINUTES**

**Ordinary Council Meeting**

**11 November 2024**

**MINUTES OF KYOGLE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON MONDAY, 11 NOVEMBER 2024 AT 2PM**

**PRESENT:** Cr Danielle Mulholland (Mayor), Cr John Burley (Deputy Mayor), Cr Janet Wilson, Cr Tom Cooper, Cr Robert Cullen, Cr Olivia Taylor, Cr Brett McNamara, Cr Kieran Somerville, Cr Robin Harley

**IN ATTENDANCE:** The Acting General Manager, Director Assets and Infrastructure Services, Manager Development and Regulatory Services, Manager Financial Services, Adam Bradfield of HBL Mann Judd (Auditor), and the Executive Assistant to the General Manager.

## **1 OPEN MEETING**

The Mayor declared the meeting open at 2pm and advised those present that 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 everyone at the meeting that Council accepted no responsibility for any damages 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 acknowledged Elders past, present and emerging.

## **5 DECLARATION OF INTERESTS**

Cr Brett McNamara declared a non-pecuniary interest in Item 15.1 Tender 2024/25-010 Construction of Mallanganee Lookout.

- Reason for declaration – previous professional dealings with one of the tenderers.

## **6 PUBLIC FORUM**

Nil

The Mayor asked the meeting to observe a minutes' silence to commemorate Remembrance Day.

**6.1 CHANGE OF ORDER OF BUSINESS****RESOLVED CO/1124/1**

Moved by Cr Janet Wilson, seconded by Cr Robin Harley

That the order of business be changed to bring forward Items 13.1 and 13.2 before Item 7.

**CARRIED**

FOR VOTE - Unanimous vote

**13.1 PRESENTATION FROM AUDITORS 2023/2024 FINANCIAL STATEMENTS****RESOLVED CO/1124/2**

Moved by Cr John Burley, seconded by Cr Brett McNamara

That Council receives and notes the presentation from Council's auditors HLB Mann Judd on behalf of the Audit Office of NSW in relation to the 2023/2024 Financial Statements.

**CARRIED**

FOR VOTE - Unanimous vote

Adam Bradfield of HBL Mann Judd left the meeting at 2.18pm

**13.2 PRESENTATION OF 2023/2024 FINANCIAL STATEMENTS****RESOLVED CO/1124/3**

Moved by Cr Janet Wilson, seconded by Cr Brett McNamara

That Council:

1. Receives and notes the report, *Presentation of the 2023/24 Financial Statements*.
2. Presents to the public the Audited Financial Reports and Independent Audit Reports for the year ended 30 June 2024 in accordance with the Local Government Act 1993.

**CARRIED**

FOR VOTE - Unanimous vote

**13.2a CHANGE OF ORDER OF BUSINESS****RESOLVED CO/1124/4**

Moved by Cr Robert Cullen, seconded by Cr John Burley

That the order of business be changed to bring forward Items 13.3 to before Item 7.

**CARRIED**

FOR VOTE - Unanimous vote

**13.3 SEPTEMBER 2024 QUARTERLY BUDGET REVIEW****RESOLVED CO/1124/5**

Moved by Cr Tom Cooper, seconded by Cr Robert Cullen

That Council:

1. Receives and notes the report, *September 2024 Quarterly Budget Review*.
2. Incorporate the funds identified as revotes in the September 2024 Quarterly Budget Review into the 2024/2025 budget.

**CARRIED**

FOR VOTE - Unanimous vote

The Manager of Financial Services left the meeting at 2.28pm.

**7 CONFIRMATION OF MINUTES****7.1 COUNCIL REPORT - 14 OCTOBER 2024****RESOLVED CO/1124/6**

Moved by Cr Janet Wilson, seconded by Cr Olivia Taylor

That Council confirms the minutes of the Council meeting of 14 October 2024.

**CARRIED**

FOR VOTE - Unanimous vote

**7.2 COUNCIL REPORT - 28 OCTOBER 2024****RESOLVED CO/1124/7**

Moved by Cr John Burley, seconded by Cr Robin Harley

That Council confirms the minutes of the Extraordinary Council meeting of 28 October 2024.

**CARRIED**

FOR VOTE - Unanimous vote

**8 MAYORAL MINUTE**

Nil

**9 NOTICES OF MOTION****9.1 NOTICE OF MOTION - CR OLIVIA TAYLOR: COMMUNITY ENGAGEMENT - PLAYGROUNDS****RESOLVED CO/1124/8**

Moved by Cr Olivia Taylor, seconded by Cr Robert Cullen

That Council convene a special community engagement session with parents, children, and young people to discuss playgrounds when the Community Strategic Plan is being reviewed.

**CARRIED**

FOR VOTE - Unanimous vote

**10 QUESTIONS WITH NOTICE FROM COUNCILLORS****10.1 QUESTIONS WITH NOTICE****RESOLVED CO/1124/9**

Moved by Cr Janet Wilson, seconded by Cr Olivia Taylor

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

**CARRIED**

FOR VOTE - Unanimous vote

**11 REPORTS FROM DELEGATES**

Nil

**12 INFORMATION REPORTS****12.1 MONTHLY FINANCE REPORT - OCTOBER 2024****RESOLVED CO/1124/10**

Moved by Cr Tom Cooper, seconded by Cr Janet Wilson

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

**CARRIED**

FOR VOTE - Unanimous vote

**12.2 WORKS PROGRAM PROGRESS REPORT - OCTOBER 2024****RESOLVED CO/1124/11**

Moved by Cr Tom Cooper, seconded by Cr Janet Wilson

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

**CARRIED**

FOR VOTE - Unanimous vote

**12.3 QUARTLERY HUMAN RESOURCES REPORT****RESOLVED CO/1124/12**

Moved by Cr Janet Wilson, seconded by Cr Robin Harley

That Council receive and note the Quarterly Human Resources Report.

**CARRIED**

FOR VOTE - Unanimous vote

**12.4 AUDIT, RISK, AND IMPROVEMENT COMMITTEE****RESOLVED CO/1124/13**

Moved by Cr Kieran Somerville, seconded by Cr Janet Wilson

That Council receives and notes the minutes of the Audit, Risk and Improvement Committee.

**CARRIED**

FOR VOTE - Unanimous vote

**13 STAFF REPORTS****13.4 SIX MONTHLY REVIEW OF DELIVERY PROGRAM AND OPERATIONAL PLAN 2023/2024****RESOLVED CO/1124/14**

Moved by Cr Robin Harley, seconded by Cr Brett McNamara

That Council:

1. Receives and notes the report, *Six-Monthly Review of the Delivery Program and Operational Plan 2023/2024*.
2. Receives and notes the attached Six-Monthly Review of the Delivery Program and Operational Plan.

**CARRIED**

FOR VOTE - Unanimous vote

**13.5 2023-2024 ANNUAL REPORT****RESOLVED CO/1124/15**

Moved by Cr Janet Wilson, seconded by Cr Kieran Somerville

That Council:

1. Receives and notes the report, *2023-2024 Annual Report*;
2. In accordance with s.428 of the Local Government Act, 1993, posts the finalised Annual Report on Council's website and provide a copy to the Minister.

**CARRIED**

FOR VOTE - Unanimous vote

**13.6 LOCAL GOVERNMENT RECOVERY GRANT FOR HIGHLY IMPACTED COUNCILS****RESOLVED CO/1124/16**

Moved by Cr Robin Harley, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Local Government Recovery Grant for Highly Impacted Councils*.
2. Authorises the Acting General Manager to submit a revised Program of Works under the Local Recovery Grant for Highly Impacted Councils Program to the Office of Local Government on the following basis:
  - (a) \$350,000 for the Upper Richmond River Catchment Riparian Study and Action Plan
  - (b) \$350,000 for on-ground works to repair flood-impacted riparian zones
  - (c) \$100,000 for repair of the Fawcett Creek Walking Trail
  - (d) \$200,000 for additional Critical Open Space Upgrades
  - (e) \$50,000 to prepare Flood-resilient Landscaping Plans for flood affected parks.

**CARRIED**

FOR VOTE - Unanimous vote

**13.7 CODE OF CONDUCT STATISTICS****RESOLVED CO/1124/17**

Moved by Cr Janet Wilson, seconded by Cr Robert Cullen

That Council receives and notes the report, *Code of Conduct Statistics*.

**CARRIED**

FOR VOTE - Unanimous vote

**13.8 AGENCY INFORMATION GUIDE****RESOLVED CO/1124/18**

Moved by Cr Janet Wilson, seconded by Cr Brett McNamara

That Council:

1. Receives and notes the report, *Agency Information Guide*;
2. Adopts the attached Agency Information Guide 2024/25.

**CARRIED**

FOR VOTE - Unanimous vote

Cr Robin Harley left the room at 3.44pm.

Cr Robin Harley returned to the room at 3.46pm.

**13.9 THREE-BIN WASTE COLLECTION SERVICE****RESOLVED CO/1124/19**

Moved by Cr Kieran Somerville, seconded by Cr Olivia Taylor

That Council receive and note the report, *Three-Bin Waste Collection Service*.

**CARRIED**

FOR VOTE - Unanimous vote

Director Assets and Infrastructure Services left the room at 3.55pm.

**13.10 PECUNIARY INTEREST RETURNS****RESOLVED CO/1124/20**

Moved by Cr Janet Wilson, seconded by Cr Brett McNamara

That Council:

1. Receives and notes the report, *Pecuniary Interest Returns*;
2. Notes the tabling of the Register of Returns.

**CARRIED**

FOR VOTE - Unanimous vote

Director of Assets and Infrastructure Services returned to the room at 3.57pm.

**14 URGENT BUSINESS WITHOUT NOTICE**

Nil



**15 CONFIDENTIAL BUSINESS PAPER****RESOLVED CO/1124/21**

Moved by Cr Janet Wilson, seconded by Cr John Burley

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 Tender 2024/25-010 Construction of Mallanganee Lookout**

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.

**15.2 Purchase of additional small parcel of land for Mallanganee Sewerage Treatment Plant**

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. 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. No one made any representations.

The meeting was closed to the media and the public at 3.58pm.

The meeting resumed at 4.59pm.

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

**15.1 Tender 2024/25-010 Construction of Mallanganee Lookout**

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

That Council defer the matter relating to the construction of the Mallanganee Lookout and the tender process associated with the project until a future workshop.

**CARRIED**

FOR VOTE - Unanimous vote

**15.2 Purchase of additional small parcel of land for Mallanganee Sewerage Treatment Plant**

Moved by Cr Janet Wilson, seconded by Cr Tom Cooper

That Council:

1. Receives and notes the report on the Purchase of Land for Mallanganee Sewage Treatment Plant;

- 2. Authorises the General Manager to enter into contracts for the purchase of land for the Mallanganee Sewage Treatment Plant up to the value of the purchase price recommended in the report.

**CARRIED**

FOR VOTE - Unanimous vote

**16 CLOSE OF MEETING**

**The Meeting closed at 5pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 9 December 2024.**

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**CHAIRPERSON**