



MINUTES

Extraordinary Council Meeting

5 January 2022

**MINUTES OF KYOGLE COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON WEDNESDAY, 5 JANUARY 2022 AT 5PM**

PRESENT: Cr Danielle Mulholland, Cr John Burley, Cr Janet Wilson, Cr Maggie May, Cr Hayden Doolan, Cr Kylie Thomas, Cr Robert Cullen, Cr James Murray, Cr Tom Cooper

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

The General Manager declared the meeting open at 5.01pm and advised those present that the meeting was being webcast. All speakers were advised to refrain from making any defamatory statements or comments. Council accepts no liability for any damages that may result from defamatory comments made at the meeting. All liability rests with the individuals making the comments

1 APOLOGIES

Nil

2 OPENING PRAYER

The General Manager read the opening prayer.

3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The General Manager acknowledged that the meeting was being held on the traditional lands of the Bundjalung people and acknowledged Elders past, present and future.

4 DECLARATION OF INTERESTS

The General Manager declared an interest in Item 5.3 – Election of Deputy Mayor

- Reason for declaration - Related to one of the nominees for Deputy Mayor.

5 STAFF REPORTS

5.1 OATHS AND AFFIRMATIONS

RESOLVED CO/0122/1

Moved by Cr Janet Wilson, seconded by Cr Danielle Mulholland

That Council receives and notes the report Oaths and Affirmations, and that the Councillors present each take an oath or make an affirmation of office in the prescribed form.

CARRIED

FOR VOTE - Unanimous vote

Cr Maggie May took the affirmation of office before the General Manager in accordance with Section 233A of the Local Government Act.

Cr Janet Wilson took the affirmation of office before the General Manager in accordance with Section 233A of the Local Government Act.

Cr John Burley took the affirmation of office before the General Manager in accordance with Section 233A of the Local Government Act.

Cr Kylie Thomas took the oath of office before the General Manager in accordance with Section 233A of the Local Government Act.

Cr Hayden Doolan took the affirmation of office before the General Manager in accordance with Section 233A of the Local Government Act.

Cr Tom Cooper took the affirmation of office before the General Manager in accordance with Section 233A of the Local Government Act.

Cr James Murray took the oath of office before the General Manager in accordance with Section 233A of the Local Government Act.

Cr Robert Cullen took the affirmation of office before the General Manager in accordance with Section 233A of the Local Government Act.

Cr Danielle Mulholland took the affirmation of office before the General Manager in accordance with Section 233A of the Local Government Act.

The Returning Officer (being the General Manager) advised:

- As required by the Local Government Act 1993, Section 227, the election of Mayor is to be by the Councillors from among their numbers.
- Section 230 (1) of the Act states that, "A mayor elected by councillors holds the office of mayor for two years."
- The election procedure will be in accordance with Schedule 7 of the Local Government (General) Regulation 2021.
- The Local Government General Regulation appoints the General Manager (or a person appointed by the General Manager) as the Returning Officer.
- Council is required to determine whether the election is to be by preferential ballot, by ordinary ballot or open voting. This will require a resolution of Council.

The General Manager advised that he had received two nominations for the position of Mayor, and announced them in the following order:

- Cr Danielle Mulholland
- Cr Kylie Thomas

Cr Mulholland and Cr Thomas accepted the nominations.

5.2 ELECTION OF MAYOR

RESOLVED CO/0122/2

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council proceed with the election of Mayor by open voting.

CARRIED

FOR VOTE - Unanimous vote

The Returning Officer then conducted a draw to determine which candidate's name would be put up first in the open ballot.

Councillor Kylie Thomas drew first position.

The Returning Officer then called for a show of hands from councillors voting for Cr Kylie Thomas for Mayor of Kyogle Council.

Cr Thomas received five votes from Cr Kylie Thomas, Cr Maggie May, Cr Tom Cooper, Cr James Murray, and Cr Robert Cullen.

The Returning Officer called for a show of hands from councillors voting for Cr Danielle Mulholland for Mayor.

Cr Mulholland received four votes from Cr Danielle Mulholland, Cr Janet Wilson, John Burley and Cr Hayden Doolan.

The Returning Officer declared Cr Kylie Thomas elected Mayor for the next two years.

Having previously declared an interest in Item 5.3, the General Manager appointed the Executive Manager Corporate Services as the Returning Officer for the election of Deputy Mayor, and left the room at 5.13pm.

The Executive Manager Corporate Services advised that two nominations had been received for the position of Deputy Mayor, and announced them in the following order:

- Cr John Burley
- Cr Tom Cooper

Cr Burley and Cr Cooper accepted the nominations.

5.3 ELECTION OF DEPUTY MAYOR

RESOLVED CO/0122/3

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council:

1. Elect a Deputy Mayor from among its numbers;
2. Sets the term of the Deputy Mayor as two years;
3. Proceeds with the election of Deputy Mayor by open voting where there is more than one nominee.

CARRIED

FOR VOTE - Unanimous vote

The Returning Officer then conducted a draw to determine which candidate's name would be put up first in the open ballot.

Cr John Burley drew first position.

The Returning Officer then called for a show of hands from councillors voting for Cr John Burley for Deputy Mayor of Kyogle Council.

Cr Burley received four votes from Cr John Burley, Cr Danielle Mulholland, Cr Janet Wilson, and Cr Hayden Doolan.

The Returning Officer called for a show of hands from councillors voting for Cr Tom Cooper for Deputy Mayor.

Cr Cooper received five votes from Cr Tom Cooper, Cr Kylie Thomas, Cr Maggie May, Cr James Murray, and Cr Robert Cullen.

The Returning Officer declared Cr Tom Cooper elected Deputy Mayor for the next two years.

The General Manager returned to the meeting at 5.16pm.

The Mayor assumed the Chair.

5.4 COUNCIL COMMITTEES

MOTION

Moved by Cr Maggie May, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Council Committees*;
2. Adopts the following Committee List and Council Membership structure:

Committee	Councillor Member(s)
General Manager's Review Committee	1. Mayor, two Councillors 2. (The General Manager has the option of nominating another Councillor).
Traffic Committee.	One Councillor.
Internal Audit Committee.	One Councillor
Climate Change Working Group.	Three Councillors. One Councillor to be nominated as Chair.

AMENDMENT

Moved by Cr Danielle Mulholland, seconded by Cr Maggie May

That Council:

1. Receives and notes the report, *Council Committees*;
2. Adopts the following Committee List and Council Membership structure:

Committee	Councillor Member(s)
General Manager's Review Committee	Mayor, two Councillors (The General Manager has the option of nominating another Councillor).
Traffic Committee.	One Councillor
Internal Audit Committee.	One Councillor
Climate Change Working Group.	Three Councillors. One Councillor to be nominated as Chair.

3. Appoint an alternate delegate to all Council Committees.

CARRIED

FOR VOTE - Unanimous vote

The amendment became the motion.

RESOLVED CO/0122/4

Moved by Cr Danielle Mulholland, seconded by Cr Maggie May

That Council:

1. Receives and notes the report, *Council Committees*;
2. Adopts the following Committee List and Council Membership structure:

Committee	Councillor Member(s)
General Manager's Review Committee	Mayor, two Councillors (The General Manager has the option of nominating another Councillor).
Traffic Committee.	One Councillor
Internal Audit Committee.	One Councillor
Climate Change Working Group.	Three Councillors. One Councillor to be nominated as Chair.

3. Appoint an alternate delegate to all Council Committees.

CARRIED

FOR VOTE - Unanimous vote

RESOLVED CO/0122/5

Moved by Cr Maggie May, seconded by Cr Robert Cullen

That Cr Maggie May and Cr Tom Cooper be appointed delegates to the General Manager's Review Committee with Cr Danielle Mulholland as the alternate delegate.

CARRIED

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

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

RESOLVED CO/0122/6

Moved by Cr Tom Cooper, seconded by Cr Maggie May

That Cr Robert Cullen be appointed the delegate to the Traffic Committee and Cr James Murray as the alternate.

CARRIED

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

AGAINST VOTE - Cr Janet Wilson (abstained)

RESOLVED CO/0122/7

Moved by Cr Maggie May, seconded by Cr Robert Cullen

That Council appoint Cr Tom Cooper as the delegate to the Internal Audit Committee and Cr Maggie May as the alternate.

CARRIED

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

AGAINST VOTE - Cr Janet Wilson (abstained)

RESOLVED CO/0122/8

Moved by Cr Maggie May, seconded by Cr Tom Cooper

That Council appoint Cr Maggie May, Cr John Burley, and Cr Tom Cooper as delegates to the Climate Change Work Group, with Cr Maggie May as Chair and Cr Rob Cullen as alternate.

CARRIED

FOR VOTE - Unanimous vote

5.5 COUNCIL DELEGATES

RESOLVED CO/0122/9

Moved by Cr Maggie May, seconded by Cr Danielle Mulholland

That Council:

1. Receives and notes the report, *Council Delegates*.
2. Adopts the following Delegates List and Membership structure:

Organisation	Delegate(s)
Kyogle and District Chamber of Commerce	Two Councillors
NSW Rural Fire Service "Service Level Agreement"	Mayor Alternate delegate Deputy Mayor
Northern Rivers Joint Organisation (NRJO)	Mayor Alternate Voting Delegate Deputy Mayor
NSW Country Mayors' Association	Mayor Alternate delegate Deputy Mayor
National Timber Councils' Association	One Councillor
Police Accountability Community Team (PACT)	Mayor Alternate delegate Deputy Mayor
Reconciliation Committee	One Councillor
Joint Regional Planning Panel	Two Councillors *See note
Arts Northern Rivers Board member	One Councillor

CARRIED

FOR VOTE - Unanimous vote

RESOLVED CO/0122/10

Moved by Cr Danielle Mulholland, seconded by Cr James Murray

That Council appoint Cr Janet Wilson and Cr John Burley as delegates to the Kyogle Chamber of Commerce.

CARRIED

FOR VOTE - Unanimous vote

MOTION

Moved by Cr Maggie May, seconded by Cr Janet Wilson

That Cr Maggie May be appointed the Council delegate to the National Timber Councils' Association.

FORESHADOWED MOTION

Moved by Cr Janet Wilson

That Council appoint Cr James Murray as the Council delegate to the National Timber Councils' Association.

MOTION

Moved by Cr Maggie May, seconded by Cr Janet Wilson

That Cr Maggie May be appointed the Council delegate to the National Timber Councils' Association.

LOST

FOR VOTE - Crs Maggie May, Hayden Doolan and Kylie Thomas

AGAINST VOTE - Crs Danielle Mulholland, John Burley, Janet Wilson, Robert Cullen, James Murray and Tom Cooper

RESOLVED CO/0122/11

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Cr James Murray be appointed the Council delegate to the National Timber Councils' Association.

CARRIED

FOR VOTE - Unanimous vote

RESOLVED CO/0122/12

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Cr John Burley be appointed the Council delegate to the Reconciliation Committee.

CARRIED

FOR VOTE - Unanimous vote

RESOLVED CO/0122/13

Moved by Cr Maggie May, seconded by Cr Danielle Mulholland

That Cr Tom Cooper and Cr James Murray be appointed Council delegates to the Joint Regional Planning Panel.

CARRIED

FOR VOTE - Unanimous vote

RESOLVED CO/0122/14

Moved by Cr Janet Wilson, seconded by Cr Danielle Mulholland

That Cr Janet Wilson be appointed Council's delegate to the Arts Northern Rivers Board.

CARRIED

FOR VOTE - Unanimous vote

5.6 MEETING DATES**RESOLVED CO/0122/15**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council receives and notes the report on Meeting Dates and provides notice of the following Ordinary Meeting dates for 2022:

Monday, 14 February 2022, 5pm

Monday, 14 March 2022, 5pm

Monday, 11 April 2022, 5pm

Monday, 9 May 2022, 5pm

Tuesday, 14 June 2022, 5pm (Mon 13 June is the Queen's Birthday holiday)

Monday, 11 July 2022, 5pm

Monday, 8 August 2022, 5pm

Monday, 12 September 2022, 5pm

Monday, 10 October 2022, 5pm

Monday, 14 November 2022, 5pm

Monday, 12 December 2022, 5pm

CARRIED

FOR VOTE - Unanimous vote

5.7 FILLING CASUAL VACANCIES**MOTION**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council, in accordance with section 291A of the Local Government Act 2009, resolves to fill casual vacancies occurring within 18 months after the date of the last ordinary election of the Councillors, by a countback of votes cast at the last election for that office.

Cr Danielle Mulholland left the meeting at 6.06pm.

Cr Janet Wilson left the meeting at 6.06pm.

Cr Hayden Doolan called for the motion to be put to the vote.

The Mayor called for a five minute recess and adjourned the meeting at 6.07pm.

The meeting resumed at 6.12pm.

MOTION

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council, in accordance with section 291A of the Local Government Act 2009, resolves to fill casual vacancies occurring within 18 months after the date of the last ordinary election of the

Councillors, by a countback of votes cast at the last election for that office.

LOST

FOR VOTE - Cr Hayden Doolan

AGAINST VOTE – Crs Maggie May, John Burley, Kylie Thomas, Tom Cooper, James Murray, and Robert Cullen.

ABSENT. DID NOT VOTE - Crs Danielle Mulholland and Janet Wilson.

Cr Danielle Mulholland and Cr Janet Wilson returned to the meeting at 6.14pm.

5.8 IPART RATE PEG DETERMINATION 2022-23

RESOLVED CO/0122/16

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the report on the IPART Rate Peg determination for 2022-23;
2. Authorises the application for a Special Rate Variation to provide for the 2.5% increase in General Rates Revenue assumed in the revised Long term Financial Plan included in the Kyogle Council Operational Plan 2021/2022 and Delivery Program 2021/2025.

CARRIED

FOR VOTE - Unanimous vote

6 URGENT BUSINESS WITHOUT NOTICE

Nil

The Meeting closed at 6.33pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Kyogle Council held on 14 February 2022.

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CHAIRPERSON