



# **MINUTES**

**Ordinary Council Meeting**

**11 September 2023**

**MINUTES OF KYOGLE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON MONDAY, 11 SEPTEMBER 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, Cr Hayden Doolan, 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**

Nil

## **3 OPENING PRAYER**

The Mayor read the opening prayer.

## **4 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor acknowledged 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 Kylie Thomas declared an interest in Confidential Item Number 15.3 - Tender For Flood Recovery Resource Panel.

- Reason for declaration - Previous association with one of the tenderers.

## **6 PUBLIC FORUM**

Council received two requests for Public Forum in relation to Item 13.1 Election of Mayor.

The requests were received from Lynette Parker, of Woodenbong, and Narelle Gotting of Old Bonalbo. Both requests were approved and both spoke in support of Cr Daniele Mulholland as Mayor.

**7 CONFIRMATION OF MINUTES****7.1 COUNCIL REPORT - 14 AUGUST 2023****RESOLVED CO/0923/1**

Moved by Cr Janet Wilson, seconded by Cr Danielle Mulholland

That Council confirms the minutes of the 14 August 2023 Ordinary Council meeting.

**CARRIED**

FOR VOTE - Unanimous vote

**8 MAYORAL MINUTE**

Nil

**9 NOTICES OF MOTION****9.1 NOTICE OF MOTION - CR JAMES MURRAY - COUNCILLORS ATTENDANCE AT MEETINGS****MOTION**

Moved by Cr James Murray, seconded by Cr Tom Cooper

That Councillors attending meetings by video conferencing or telephone abide by the standard rules of Council meetings and that Councillors should attend a majority eg 75% of workshop meetings and monthly meetings.

**AMENDMENT**

Moved by Cr Maggie May, seconded by Cr James Murray

That Council receive and note the recommendation by Cr Murray in regard to in-person attendance at Council meetings and workshops and that Council hold a workshop to discuss attendance provisions of the Code of Meeting Practice.

**CARRIED**

FOR VOTE - Unanimous vote

The amendment became the motion.

**RESOLVED CO/0923/2**

Moved by Cr Maggie May, seconded by Cr James Murray

That Council receive and note the recommendation by Cr Murray in regard to in-person attendance at Council meetings and workshops and that Council hold a workshop to discuss attendance provisions of the Code of Meeting Practice.

**CARRIED**

FOR VOTE - Unanimous vote

**9.2 NOTICE OF MOTION - CR DANIELLE MULHOLLAND; CAT CONTROL****MOTION**

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council write to the Minister and Shadow Ministers for Local Government and Environment; the Member for Lismore; and the NSW Greens drawing their attention to this issue and calling for the NSW Government to:

1. Amend the *NSW Companion Animals Act 1998* to enable local governments to enforce anti-roaming laws for pet cats at a local level.
2. Allocate a minimum of \$9 million to fund compliance, education, desexing, identification and registration programs for cats that includes:
  - Support for local governments to develop companion animal management plans.
  - Development of a state-wide web resource for pet owners.
  - Streamlined pet identification and registration processes.
  - Making desexing mandatory state-wide

**AMENDMENT**

Moved by Cr Robert Cullen, seconded by Cr Danielle Mulholland

That Council write to the Minister and Shadow Ministers for Local Government and Environment; the Member for Lismore; and the NSW Greens drawing their attention to this issue and calling for the NSW Government to:

1. Amend the *NSW Companion Animals Act 1998* to enable local governments to enforce anti-roaming laws for pet cats at a local level.
2. Allocate a minimum of \$9 million to fund compliance, education, desexing, identification and registration programs for cats that includes:
  - Support for local governments to develop companion animal management plans.
  - Development of a state-wide web resource for pet owners.
  - Streamlined pet identification and registration processes.
  - Making desexing mandatory state-wide
3. Explore fining residents for their unleashed cats as we do for dogs;
4. Allow rangers to impound roaming cats.

**CARRIED**

FOR VOTE - Unanimous vote

The amendment became the motion.

**RESOLVED CO/0923/3**

Moved by Cr Robert Cullen, seconded by Cr Danielle Mulholland

That Council write to the Minister and Shadow Ministers for Local Government and Environment; the Member for Lismore; and the NSW Greens drawing their attention to this issue and calling for the NSW Government to:

1. Amend the *NSW Companion Animals Act 1998* to enable local governments to enforce anti-roaming laws for pet cats at a local level.
2. Allocate a minimum of \$9 million to fund compliance, education, desexing, identification and registration programs for cats that includes:
  - Support for local governments to develop companion animal management plans.
  - Development of a state-wide web resource for pet owners.
  - Streamlined pet identification and registration processes.
  - Making desexing mandatory state-wide
3. Explore fining residents for their unleashed cats as we do for dogs;
4. Allow rangers to impound roaming cats.

**CARRIED**

FOR VOTE - Unanimous vote

**9.3 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: RED BENCH FOR MALLANGANEE****RESOLVED CO/0923/4**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council:

1. Install a red bench in Mallanganee to continue raising awareness around domestic violence;
2. Report all red benches currently in the Kyogle local government area to the Red Rose Foundation and each red bench's location be uploaded on to their website with photographs.

**CARRIED**

FOR VOTE - Unanimous vote

**9.4 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: TELECOMMUNICATIONS IN RURAL AND REMOTE COMMUNITIES****RESOLVED CO/0923/5**

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

That Council write to the Minister for Communications, the Hon Michelle Rowland MP, and the Federal Member for Page, the Hon Kevin Hogan MP to:

1. Initiate an investigation into the delivery of contemporary telecommunications in rural and remote communities;
2. Commission a report on the deficiencies in the telecommunications network;
3. Commit to acting on the report's recommendations to address critical telecommunications issues that put rural and remote communities at risk.

**CARRIED**

FOR VOTE - Unanimous vote

**9.5 NOTICE OF MOTION - CR MAGGIE MAY: REVIEW OF COUNCIL'S INVESTMENT POLICY****RESOLVED CO/0923/6**

Moved by Cr Maggie May, seconded by Cr Janet Wilson

1. That Kyogle Council review its investment policy and ensure that Council has its funds invested with institutions that have committed to ethical lending and investment.
2. Specifically that these institutions have committed not to invest in fossil fuel industries and industries such as tobacco or where the industry is known to breach the Modern Slavery provisions.

**CARRIED**

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

AGAINST VOTE - Crs Kylie Thomas and James Murray

**10 QUESTIONS WITH NOTICE FROM COUNCILLORS****10.1 QUESTIONS WITH NOTICE****RESOLVED CO/0923/7**

Moved by Cr Danielle Mulholland, seconded by Cr Tom Cooper

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

**CARRIED**

FOR VOTE - Unanimous vote

**11 REPORTS FROM DELEGATES****11.1 KYOGLE AND DISTRICT CHAMBER OF COMMERCE DELEGATES REPORT****RESOLVED CO/0923/8**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council receives and notes the report, *Kyogle and District Chamber of Commerce Delegate's Report*.

**CARRIED**

FOR VOTE - Unanimous vote

**12 INFORMATION REPORTS****12.1 MONTHLY FINANCE REPORT - AUGUST 2023****RESOLVED CO/0923/9**

Moved by Cr Janet Wilson, seconded by Cr James Murray

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

**CARRIED**

FOR VOTE - Unanimous vote

**12.2 WORKS PROGRAM PROGRESS REPORT - AUGUST 2023****RESOLVED CO/0923/10**

Moved by Cr Maggie May, seconded by Cr Robert Cullen

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

**CARRIED**

FOR VOTE - Unanimous vote

**12.3 STRATEGIC PROJECTS UPDATE REPORT - SEPTEMBER 2023****RESOLVED CO/0923/11**

Moved by Cr Maggie May, seconded by Cr Janet Wilson

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

**CARRIED**

FOR VOTE - Unanimous vote

### 13 STAFF REPORTS

The General Manager advised that he was appointing the Executive Manager Corporate Services as the Returning Officer for the election of Mayor.

The Returning Officer 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.
- Mayors elected in September 2023 will hold their office until council elections are held on 14 September 2024.
- The election procedure will be in accordance with Schedule 7 of the Local Government (General) Regulation 2021.

The Returning Officer advised that he had received two nominations for the position of Mayor, and announced them in the order in which they were submitted:

- Cr Danielle Mulholland nominated by Cr Hayden Doolan
- Cr Kylie Thomas nominated by Councillors James Murray and Rob Cullen

Cr Mulholland and Cr Thomas accepted the nominations.

The Returning Officer then asked the meeting if there were any further nominations for the position of Mayor.

No further nominations were received.

The Returning Officer advised the meeting that Council is required to determine whether the election is to be by preferential ballot, by ordinary ballot or open voting. This requires a resolution of Council.

#### 13.1 ELECTION OF MAYOR

##### **RESOLVED CO/0923/12**

Moved by Cr Maggie May, seconded by Cr James Murray

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. Councillor Danielle Mulholland drew second position.

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

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

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



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

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

### **13.2 ELECTION OF DEPUTY MAYOR**

#### **RESOLVED CO/0923/13**

Moved by Cr Janet Wilson, seconded by Cr Danielle Mulholland

That Council:

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

**CARRIED**

FOR VOTE - Unanimous vote

The General Manager advised that he was appointing the Executive Manager Corporate Services as the Returning Officer for the election of Deputy Mayor.

The Returning Officer advised that two nominations had been received for the position of Deputy Mayor, and announced them in the order they were submitted:

- Cr John Burley was nominated Cr Janet Wilson
- Cr Tom Cooper was nominated by councillors Kylie Thomas and James Murray.

Cr Burley and Cr Cooper accepted the nominations.

The Returning Officer then asked the meeting if there were any further nominations for the position of Deputy Mayor.

There were no further nominations.

With the nominations declared, the General Manger declared an interest in Item 13.2 and left the meeting at 3.22pm.

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

Cr Tom Cooper drew first position. Cr John Burley drew second position.

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

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

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

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

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

The General Manager returned to the meeting at 3.26pm.

The Mayor assumed the Chair.

### 13.3 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

#### RESOLVED CO/0923/14

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council:

1. Receives and notes the report, *Local Government NSW Annual Conference*.
2. Nominates the Mayor as Council's voting delegate to the Conference;
3. Submits the following motions to be included in LGNSW Annual Conference 2023 business paper;
  - a) *That LGNSW advocate for the State Government to properly fund the EPA and Local Land Services to carry out compliance and enforcement of legislation and Codes of Practice for the proper management of Private Native Forests.*
  - b) *That LGNSW call on the State Government to:*
    - *Initiate an investigation into the delivery of contemporary telecommunications in rural and remote communities;*
    - *Commission a report on the deficiencies in the telecommunications network;*
    - *Commit to acting on the report's recommendations to address critical telecommunications issues that put rural and remote communities at risk.*
  - c) *That LGNSW call on the State Government to:*
    - *Develop a strategy around the attraction and retention of professionals in rural and remote areas;*
    - *Develop appropriate training and education opportunities for people in rural and remote areas.*
  - d) *That LGNSW advocate on Councils' behalf to abolish the emergency services contributions applied to all insurable property.*
  - e) *That LGNSW support TfNSW resourcing to enable an efficient and timely process for approval of Disaster Funding for Natural Disaster restoration works.*
  - f) *That LGNSW request the NSW Reconstruction Authority to use their powers to temporarily remove restrictions on truck movements and extraction rates for all quarries within their currently approved extent of extraction, for a limited time of say up to 24 months after a Natural Disaster when the materials are being used for restoration of essential public assets.*

**CARRIED**

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

AGAINST VOTE - Cr James Murray

**14 URGENT BUSINESS WITHOUT NOTICE**

Nil

**15 CONFIDENTIAL BUSINESS PAPER****RESOLVED CO/0923/15**

Moved by Cr Danielle Mulholland, seconded by Cr Robert Cullen

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 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.

**15.2 Tender for Supply of Hydraulic Excavator**

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.

**15.3 Tender for Flood Recovery Resource Panel (Tender 2023/24-017)**

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.

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.

**CARRIED**

FOR VOTE - Unanimous vote

The Mayor closed the meeting to the public under Section 10A of the Local Government Act at 3.35pm.

The meeting resumed at 4.18pm.

Cr Danielle Mulholland left the meeting at 4.19pm. Cr Danielle Mulholland returned to the meeting at 4.20pm.

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

**15.1 Clarence Way Woodenbong to Urbenville Legal Matter Update**

Moved by Cr Maggie May, seconded by Cr Danielle Mulholland

That Council Receives and notes the report, *Clarence Way Woodenbong to Urbenville Legal Matter Update* and the verbal presentation from Council's legal representatives.

**CARRIED**

FOR VOTE - Unanimous vote

### **15.2 Tender for Supply of Hydraulic Excavator**

Moved by Cr Danielle Mulholland, seconded by Cr Tom Cooper

That Council:

1. Receives and notes the report Tender 2023/24-012 Supply of Hydraulic Excavator;
2. Accepts the tender from RDO Equipment received under Tender 2023/24-012 to purchase one hydraulic excavator from RDO Equipment for the sum of \$369,600 including GST;
3. Authorises the General Manager to dispose of Council's current machine through public auction.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Maggie May

### **15.3 Tender for Flood Recovery Resource Panel (Tender 2023/24-017)**

Moved by Cr Danielle Mulholland, seconded by Cr James Murray

That Council;

1. Receives and notes the report, Tender for Flood Recovery Resource Panel (Tender 2023/24-017)
2. Accepts the tenders submitted by the following contractors under the *Tender for Flood Recovery Resource Panel (Tender 2023/24-017)*;
  - A&D Civil Earthworks P/L,
  - All Pavement Solutions P/L,
  - BASEC Engineering,
  - Bellrise Investments P/L,
  - Bennett and Bennett P/L,
  - Brown Contractors (G&R Brown and Sons),
  - Byron Bay Surveying P/L,
  - CCA Winslow,
  - CD Civil P/L,
  - Civil Mining and Construction P/L,
  - Country 2 Coast Concreting P/L,
  - DJ and JA Brooker P/L,
  - Earthtec P/L,
  - Ellis Stabilising P/L,
  - Geovert Ground Engineering P/L,
  - Hazell Bros (QLD) P/L,
  - Hiway Stabilisers Australia P/L,
  - HXR P/L,
  - Latsyrc Project Management,
  - MBMPL P/L,
  - P&C Roach Contracting and Plant Hire P/L,

- Pan Civil Pty Ltd
- Quickway Constructions P/L,
- RCC Earthworks P/L,
- Richmond Sand Gravel and Landscaping
- Robbos Earthworx,
- Roseberry Creek Developments Pty Ltd
- Seymour Whyte Constructions P/L,
- Smith Plant Hire,
- Stabilised Pavements of Australia P/L,
- Synergy Resource Management,
- TWM Civil Works P/L,
- Warner Company,
- Williamson Earthmoving.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May, Kylie Thomas

**16 CLOSE OF MEETING**

**The Meeting closed at 4.20pm**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 9 October 2023.**

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**CHAIRPERSON**