



# **MINUTES**

**Ordinary Council Meeting**

**14 October 2024**

**MINUTES OF KYOGLE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON MONDAY, 14 OCTOBER 2024 AT 2PM**

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

**IN ATTENDANCE:** Acting General Manager, Executive Manager Corporate Services, Director Assets and Infrastructure Services, Acting Director Planning and Community Development, Executive Assistant to the General Manager.

## **1 OPEN MEETING**

The Acting General Manager declared the meeting open at 2.03pm 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

## **2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

Nil

## **3 OPENING PRAYER**

The Acting General Manager read the opening prayer.

## **4 ACKNOWLEDGEMENT OF COUNTRY**

The Acting General Manager 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**

Nil

## **7 STAFF REPORTS**

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

Cr Kieran Somerville took the affirmation of office before the Acting General Manager in accordance with Section 233A of the Local Government Act.

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

Cr Robin Harley took the affirmation of office before the Acting General Manager in accordance with Section 233A of the Local Government Act.

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

Cr Brett McNamara took the oath of office before the Acting General Manager in accordance with Section 233A of the Local Government Act.

Cr Olivia Taylor took the oath of office before the Acting General Manager in accordance with Section 233A of the Local Government Act.

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

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

## **7.2 ELECTION OF MAYOR**

The Returning Officer (being the Executive Manager of Corporate Services) 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.

### **RESOLVED CO/1024/1**

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 advised that he had received one written nomination for the position of Mayor. The nomination was from Cr Danielle Mulholland.

The Returning Officer then called for further nominations from the floor. No further nominations were received.

As there was only one nomination for the position of Mayor, the Returning Officer declared Cr Danielle Mulholland elected Mayor for the next two years.

Cr Mulholland took the chair.

**7.3 ELECTION OF DEPUTY MAYOR**

**RESOLVED CO/1024/2**

Moved by Cr Janet Wilson, seconded by Cr Olivia Taylor

That Council:

1. Elect a Deputy Mayor;
2. Sets the term of the Deputy Mayor as two years;
3. Proceeds with the election of Deputy Mayor by open voting.

**CARRIED**

FOR VOTE - Unanimous vote

The Returning Officer advised that he had received one written nomination for the position of Deputy Mayor. The nomination was from Cr John Burley.

The Returning Officer then called for further nominations from the floor. No further nominations were received.

As there was only one nomination for the position of Deputy Mayor, the Returning Officer declared Cr John Burley elected Deputy Mayor for the next two years.

**7.4 COUNCIL DELEGATES**

**RESOLVED CO/1024/3**

Moved by Cr Danielle Mulholland, seconded by Cr Robert Cullen

That Council:

1. Workshop the appointment of Councillors to committees;
2. Revise Committees of Council in the workshop to ensure they continue to service the best interests of our communities.
3. Appoint the Mayor and Deputy Mayor to those prescribed committees.

Organisation	Delegate(s)
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
Police Accountability Community Team (PACT)	Mayor Alternate delegate Deputy Mayor

**CARRIED**

FOR VOTE - Unanimous vote

**7.5 FILLING CASUAL VACANCIES****RESOLVED CO/1024/4**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That in accordance with section 291A of the Local Government Act 2009, Council resolves to fill casual vacancies by countback.

**CARRIED**

FOR VOTE - Unanimous vote

**8.1 CONFIRMATION OF MINUTES****RESOLVED CO/1024/5**

Moved by Cr John Burley, seconded by Cr Tom Cooper

That Council confirms the minutes of the 12 August 2024 Ordinary Meeting.

**CARRIED**

FOR VOTE - Unanimous vote

**8 MAYORAL MINUTE**

Nil

**9 NOTICES OF MOTION**

Nil

**10 QUESTIONS WITH NOTICE FROM COUNCILLORS**

Cr John Burley asked if the Health and Wellbeing Hub could be workshopped as soon as possible.

Cr Tom Cooper asked if Council staff could be made available to collect rubbish from around the Bonalbo township following Saturday's violent hail storm, which flooded some parts of the Bonalbo village and uprooted trees.

Cr Janet Wilson asked if Council could look at its procedures for opening public spaces during heatwaves in light of the Bureau of Meteorology's warning that Australia will face extreme heat this summer.

**11 REPORTS FROM DELEGATES**

Nil

**12 INFORMATION REPORTS**

Nil

**13 URGENT BUSINESS WITHOUT NOTICE**

The Mayor told the meeting that Acting General Manager Chris White had advised her of his intention to step down from the Acting General Manager's role and return to his substantive role as Director Planning and Community Development.

Cr Mulholland said the Acting General Manager originally took on the role on the condition that he would fill the position for the short term. Cr Mulholland, on behalf of Council, thanked the Acting General Manager for his service and acknowledged the role he had played in leading the Council for the past 10 months.

**13.1 ACTING GENERAL MANAGER****RECOMMENDATION****MOTION**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council:

1. Appoint Executive Manager Corporate Services Marcus Schintler as the interim General Manager until a new permanent General Manager can be appointed, effective 25 October 2024;
2. That any member of the Council Executive may act in the role when Mr Schintler is absent, as determined by Mr Schintler.

Executive Manager Corporate Services declared an interest in Item 13.1 and left the meeting at 2.32pm.

**13.1 ACTING GENERAL MANAGER****RESOLVED CO/1024/6**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council:

1. Appoint Marcus Schintler as the interim General Manager until a new permanent General Manager can be appointed, effective 25 October 2024;
2. That any member of the Council Executive may act in the role when Mr Schintler is absent, as determined by Mr Schintler.

**CARRIED**

FOR VOTE - Unanimous vote

The Executive Manager Corporate Services returned to the meeting at 2.34pm.

**14 CONFIDENTIAL BUSINESS PAPER**

Nil

**6 CLOSE OF MEETING**

The Meeting closed at 2.34pm.

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

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**CHAIRPERSON**