



I hereby give notice that an Extraordinary Meeting of Council will be held on:

Date: Monday, 28 October 2024
Time: 2pm
Location: Kyogle Council Chambers, Stratheden Street, Kyogle

AGENDA

Extraordinary Council Meeting

28 October 2024

**Marcus Schintler
Acting General Manager**

Dear Councillor,

In accordance with the provisions of the Local Government (General) Regulation 2005, you are hereby notified of the following Extraordinary Council Meeting to be held at the Kyogle Council Chambers, on Monday 28 October 2024, at 2pm.

DECLARATION OF PECUNIARY INTEREST

Councillors and Senior Staff are reminded to consider whether a Pecuniary Interest exists in any matter on the Agenda for this Meeting or raised during the course of the Meeting. The term "Pecuniary Interest" should be extended to include possible "conflicts of interest" and immediately declared prior to discussion of the Agenda item. Where a direct or indirect pecuniary interest exists, the member must refrain from commenting on or voting on the subject matter and must leave the Chamber.

ETHICAL OBLIGATIONS

As per 3.23 of the Code of Meeting Practice, Councillors are reminded that on election to Council they took an Oath/Affirmation of Office in which they pledged to undertake the duties of the office of councillor in the best interests of the people of the Kyogle Local Government Area and the Kyogle Council and that they would faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

BUSINESS

- | | |
|--------|---|
| Item 1 | Open Meeting/Apologies and applications for a leave of absence by councillors |
| Item 2 | Opening Prayer |
| Item 3 | Acknowledgement of Country |
| Item 4 | Declaration of Interests |
| Item 5 | Public Forum |
| Item 6 | Staff Reports |
| Item 7 | Urgent Business Without Notice |
| Item 8 | Confidential Business Paper |
| Item 9 | Close of Meeting |

MARCUS SCHINTLER
GENERAL MANAGER

OPENING STATEMENT

All Kyogle Council meetings are webcast - the meetings are recorded and the recording is later uploaded to Council's website. All speakers at the meeting are advised to refrain from making any defamatory statements/comments. Council accepts no liability for any damage that may result from defamatory comments made by speaking at the meeting. All liability rests with the individual making the comments.

COUNCIL PRAYER

We seek guidance as we come together to make decisions in the best interest of our communities which support the development of a peaceful and just environment to encourage our people to thrive and live purposeful lives to reflect a modern, inclusive and diverse community.

Adopted by Council on 14 December, 2020.
Resolution CO/1220/3

Note: Council Policy is for the Mayor or Chairperson to lead the Council Meeting in the Prayer at the start of the first meeting of the day.

Council acknowledges that this meeting is being held on the Traditional Lands of the Bundjalung people and we acknowledge elders, past and present and future.

Adopted by Council on 11 December 2006.
Resolution 111206/21

DISCLAIMER

The advice or information contained within the Minutes enclosed with this Business Paper is given by the Council without liability or responsibility for its accuracy. Reliance cannot be placed on this advice or information until the Minutes have been duly accepted as an accurate record and confirmed by Resolution of Council.

MARCUS SCHINTLER
GENERAL MANAGER

Public Forum (Council Policy)

The council may hold a public forum as part of the ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting.

To speak at a public forum, a person must first make an application to the council in writing. Applications to speak at public forum must be received two hours before the meeting, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item. Applications can be left with Customer Service staff at Council's Administration Centre, sent to PO Box 11, Kyogle, NSW, 2474, or emailed to council@kyogle.nsw.gov.au.

A person may apply to speak on no more than two items of business on the agenda of the council meeting.

Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.

No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.

Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than two working days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.

The general manager or their delegate is to determine the order of speakers at the public forum.

Each speaker will be allowed five minutes to address the council. This time is to be strictly enforced by the chairperson. A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Answers by the speaker, to each question are to be limited to two minutes.

Speakers are under no obligation to answer questions put to them by councillors and cannot ask questions of the council, councillors or council staff.

Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

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- 1 APOLOGIES**
- 2 OPENING PRAYER**
- 3 TRADITIONAL LANDS ACKNOWLEDGEMENT**
- 4 DECLARATION OF INTERESTS**
- 5 PUBLIC FORUM**

6 STAFF REPORTS**6.1 PRESENTATION FROM AUDITORS 2023/2024 FINANCIAL STATEMENTS**

Author: Acting General Manager

Authoriser: Acting General Manager

Attachments: Nil

SUMMARY / PURPOSE

This report introduces a presentation from Council's auditors, Thomas Noble & Russell on behalf of the Audit Office of NSW in relation to the 2023/2024 Financial Statements.

RECOMMENDATION

That Council receives and notes the presentation from Council's auditors Thomas, Noble & Russell on behalf of the Audit Office of NSW in relation to the 2023/2024 Financial Reports.

REPORT

Ms Jodi Bosworth from Thomas Noble & Russell will provide a presentation in relation to the audit of the 2023/2024 Financial Statements and will then be available to answer questions from Councillors.

6.2 2023/2024 FINANCIAL STATEMENTS**Author:** Manager Financial Services**Authoriser:** Acting General Manager**Attachments:** 1. Draft Financial Statement 2023-2024 (under separate cover) **SUMMARY / PURPOSE**

The purpose of this report is to present to Council the Financial Statements for the year ended 30 June 2024 for adoption.

RECOMMENDATION

That Council:

1. Receives and notes the report on the 2023/2024 Financial Statements
2. Adopts the 2023/2024 General Purpose Financial Report and the Statement as to the opinion of the report contained therein;
3. Authorises the Mayor, Deputy Mayor, Acting General Manager and Manager Financial Services (Responsible Accounting Officer) to sign the Statement to the General Purpose Financial Report;
4. Adopts the 2023/2024 Special Purpose Financial Report and the Statement as to the opinion of the report contained therein;
5. Authorises the Mayor, Deputy Mayor, Acting General Manager and Manager Financial Services (Responsible Accounting Officer) to sign the Statement to the Special Purpose Financial Report.

BACKGROUND INFORMATIONLegislative Requirements

Section 413(1) of the Local Government Act 1993 requires a council to prepare financial reports for the year and refer them for audit within two months of the close of that accounting period. Under *Section 413(2)*, the reports must include:

- A general purpose financial report;
- Any other matter prescribed in the regulations; and
- A statement in the approved form by the council as to its opinion on the general purpose financial report.

The Local Government (General) Regulation and the Local Government Code of Accounting Practice and Financial Reporting set out the format that these reports are to follow. They also require Council to include:

- A special purpose financial report;
- A statement in the approved form by the council as to its opinion on the special purpose financial report; and
- Special Schedules to meet the requirements of government and statistical bodies.

REPORTGeneral Purpose Financial Reports

The General Purpose Financial Reports have been compiled on a consolidated basis in accordance with the Local Government Code of Accounting Practice and Financial Reporting and in accordance with current Australian Accounting Standards.

The General Purpose Financial Reports are supported by a number of notes to the accounts, and a statement of significant accounting policies.

Council is also required to make a statement on its General Purpose Financial Report under Section 413(2)(c) of the Local Government Act 1993. The Statement must be made by resolution of Council and be signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer. The Statement must be attached to the Financial Statements and be forwarded to the Council's Auditor for their attention. The Statement must indicate:

1. Whether the reports present fairly the Council's operating result and financial position for the year; and
2. Whether or not the reports accord with Council's accounting and other records

Significant Accounting Policies

Included as Note 1 to the general purpose reports are the proposed Significant Accounting Policies. These "policies" are broad statements which outline the approaches and practices adopted by Council during the accounting period. These policies must be adopted by Council along with the Financial Reports.

Special Purpose Financial Reports

The Special Purpose Financial Reports must be completed for all business activities of Council. Council's business activities must be nominated as either category 1 (gross operating turnover over \$2 million) or category 2 (gross operating turnover less than \$2 million).

Council is also required to make a statement on its Special Purpose Financial Report. The Statement must be made by resolution of Council and be signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer. The Statement must be attached to the special purpose financial reports and be forwarded to the Council's Auditor for their attention. The report must indicate

1. Whether the reports present fairly the operating result and financial position of each of Council's declared Business Activities for the year; and
2. Whether or not the reports accord with Council's accounting and other records

Conclusion

The financial reports have been compiled in accordance with the Local Government Act, 1993 and the associated regulations, the Local Government Asset Accounting Manual, The Local Government Code of Accounting Practice and Financial Reporting and the Australian Accounting Standards.

6.3 COUNCIL DELEGATES**Author:** Acting General Manager**Authoriser:** Acting General Manager**Attachments:** Nil**SUMMARY / PURPOSE**

To appoint Council delegates and membership to external organisations and committees.

RECOMMENDATION

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
National Timber Councils' Association	One Councillor
Reconciliation Committee	One Councillor
Joint Regional Planning Panel	Two Councillors* <i>see note</i>
General Manager Selection/Review	Mayor, Deputy Mayor, Two Councillors
Audit Risk and Improvement Committee	One non-voting Councillor member (cannot be the Mayor)
Climate Change Working Group	Three Councillors
Arts Northern Rivers	One Councillor
Traffic Committee	Once Councillor and an alternate delegate.
Northern Rivers Bushfire Committee	Once Council and an alternate delegate.

BACKGROUND INFORMATION

Council at its 14 October 2024 Ordinary Meeting, resolved:

RESOLVED CO/1024/1*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)
<i>NSW Rural Fire Service "Service Level Agreement"</i>	<i>Mayor Alternate delegate Deputy Mayor</i>

<i>Northern Rivers Joint Organisation (NRJO)</i>	<i>Mayor</i> <i>Alternate Voting Delegate Deputy Mayor</i>
<i>NSW Country Mayors' Association</i>	<i>Mayor</i> <i>Alternate delegate Deputy Mayor</i>
<i>Police Accountability Community Team (PACT)</i>	<i>Mayor</i> <i>Alternate delegate Deputy Mayor</i>

CARRIED*FOR VOTE - Unanimous vote*

A workshop was held on Thursday 17 October 2024 to discuss Councillor appointments, and the status of committees.

7 URGENT BUSINESS WITHOUT NOTICE

8 CONFIDENTIAL BUSINESS PAPER

RECOMMENDATION

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:

8.1 Possible Land Acquisition Roxy Lane

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.

9 CLOSE OF MEETING