



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

Date: Monday, 11 September 2017
Time: 5pm
Location: Kyogle Council Chambers, Stratheden Street, Kyogle

AGENDA

Ordinary Council Meeting

11 September 2017

**Graham Kennett
General Manager**

Dear Councillor,

In accordance with the provisions of the Local Government (General) Regulation 2005, you are hereby notified of the following Ordinary Council Meeting to be held at the Kyogle Council Chambers, on Monday 11 September 2017, at 5pm.

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.

BUSINESS

- | | |
|---------|---|
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| Item 2 | Opening Prayer |
| Item 3 | Traditional Lands Acknowledgement |
| Item 4 | Declaration of Interests |
| Item 5 | Question Time |
| Item 6 | Public Access |
| Item 7 | Confirmation of Minutes |
| Item 8 | Mayoral Minute |
| Item 9 | Notices of Motion |
| Item 10 | Questions with Notice from Councillors |
| Item 11 | Reports from Delegates |
| Item 12 | Information Reports |
| Item 13 | Assets and Infrastructure Services Reports |
| Item 14 | Environmental and Planning Services Reports |
| Item 15 | General Manager's Reports |
| Item 16 | Urgent Business Without Notice |
| Item 17 | Questions for Next Ordinary Meeting |
| Item 18 | Confidential Business Paper |

GRAHAM KENNETT
GENERAL MANAGER

COUNCIL PRAYER

"Almighty God, Ruler of all the Nations, we ask for your blessing upon this Meeting of Council.

Give us your wisdom to work in harmony and direct and prosper all that we do to the advancement of your glory and the true welfare of the People of the Council Area.

AMEN

Adopted by Council on October 21, 1991.
Resolution 91 /G 1159

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, both past and present.

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.

GRAHAM KENNETT
GENERAL MANAGER

5.7 Question Time (Council Policy)

A public Question Time session is scheduled following the Declaration of Interests as part of the Ordinary Meeting. This session allows residents to ask questions of Councillors or Management on any issue without prior notice.

Each speaker has a maximum allowable time of 5 minutes.

If a response to a question is not able to be provided during question time, the speaker should be requested to put their question in writing and a written response will be provided in due course and tabled at the next available Council meeting.

The Chair has the right to refuse any question, to refuse to take any further questions from an individual or to cut short the session.

Speakers are not to debate answers.

Speakers are not to make any insulting or defamatory statements, and to take care when discussing other people's personal information (without their consent).

The maximum duration of this session is 30 minutes.

5.8 Public Access (Council Policy)

That Public Access be scheduled for all Ordinary Meetings of Council.

A maximum of 30 minutes is allowed for the Public Access segment.

Individual residents concerned about a particular issue may make application for public access and are required to register with the General Manager by phone or in writing by the close of business on the working day preceding the meeting day; and include the subject matter of the matter proposed for discussion.

The General Manager, in consultation with the Mayor will consider each application for public access on its merit.

Residents will not be granted more than one public access request each calendar year (except where the subsequent request(s) directly relate to an item on the agenda for the meeting at which public access is requested).

No more than two speakers for a subject will be permitted at any meeting.

If granted Public Access by the General Manager, the individual resident will be allowed five (5) minutes to address Council with an extension of five (5) minutes for Councillors to direct questions to the speaker.

Applicants who submit an application outside the above times will generally be refused, however, where unusual circumstances exist, the Mayor may at his/her discretion, advise the Council that a public access application has been received and Council has the option to grant public access.

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- 7.1 CONFIRMATION OF THE MINUTES OF 14 AUGUST 2017 ORDINARY COUNCIL MEETING

Author: Personal Assistant General Manager

Authoriser: General Manager

Attachments: 1. MINUTES OF ORDINARY MEETING HELD 14 AUGUST 2017 (under separate cover)

SUMMARY / PURPOSE

To adopt the minutes of the Ordinary Meeting held on 14 August 2017. A copy of the minutes is included in the attachments to the business paper.

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Meeting held on 14 August 2017.

8 MAYORAL MINUTE

Nil

9 NOTICES OF MOTION**9.1 NOTICE OF MOTION - CR MAGGIE MAY: SUPPORT FOR CHANGE TO DATE OF AUSTRALIA DAY**

Attachments: 1. Notice of Motion - Cr Maggie May

RATIONALE

See attached notice of motion as submitted by Cr Maggie May.

MOTION

That Council write to the Prime Minister Hon Malcolm Turnbull to support the ALGA resolution that the Australian Government take steps to change the date of Australia Day from 26th January. A copy of this letter to be sent to the ALGA Executive and NSW Premier.

10 QUESTIONS WITH NOTICE FROM COUNCILLORS**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING**

Author: General Manager

Authoriser: General Manager

Attachments: Nil

The following questions on notice were received from Councillors at the 14 August 2017 Ordinary Meeting of Council.

Question - Cr Maggie May

1. I believe that the Northern Rivers National Parks and Wildlife Service has been undergoing a restructure which involved some staff reductions, in particular staff reductions in the Kyogle office. My concern is that these staff reductions will have ramifications for fire control, weed control, and maintenance and access to the smaller National Parks. What does the Council know about this restructure of the National Parks and Wildlife Service and the ramifications for firefighting, weed control, and maintenance and access to our National Parks?

Response

There has been limited information made public in relation to proposed rationalisation within the NPWS across NSW. At this point no information has been made public about possible changes in the northern region, so it is not possible to assess if there will be any potential impacts on the Kyogle area.

Question - Cr John Burley

2. Adam Marshall, Minister for Regional Development, has been speaking a lot about money for conference centres in different areas to boost communities and help businesses. Can Council indicate to the Minister that we are interested in attracting some of that funding?

Response

Council is not aware of any specific funding opportunities in this area, but there is an ongoing focus on attracting external funding and if any opportunities arise they will be reviewed and reported to council. In the past the limited availability of accommodation in the area has made it difficult to attract conferences to Kyogle itself, but partnerships with Casino or Lismore areas may be possible for future opportunities.

Question - Cr Kylie Thomas

3. Can Council have a Gradys Creek/Lions Road Bridge renewal program update in the next Council-wide newsletter please?

Response

An update has been included in this month's newsletter.

Question - Cr Lindsay Passfield

4. Can we have some guidance on the nature of questions that can be asked during Questions for the Next Ordinary Meeting? Some of the questions experienced in the life of this Council have caused management to produce a report which have required a fair amount of the staff's time. That's a new thing. In previous councils, if you wanted a report you put in a

notice of motion. I would like guidance from the General Manager and the Mayor as to what style of question, what level of management and staff resource is acceptable to be devoted to a question raised in this section as opposed to a notice of motion.

Response

Section 5.13 of Council's Code of Meeting Practice states the following;

Questions for the next Ordinary Meeting (Council Policy)

The Division of Local Government considers that it is acceptable for a council to adopt a practice of allowing councillors, just prior to the end of the meeting, to raise questions on the understanding that the answers will be provided at the following meeting. (DLG circular 10-10).

Such questions are to be recorded in the minutes of the meeting. This constitutes a means of giving notice of the question for the following meeting, provided there is sufficient time between the two meetings to meet the notice requirements of clause 241 of the Regulation. When such questions are listed, there is nothing preventing an answer being given straight away, if it makes sense to do so.

Councillors are limited to a maximum of two questions per meeting.

This segment of the meeting is limited to questions only and Councillors are not to use it as a means for avoiding the necessity to vote on matters e.g. the calling of a staff report on a particular matter.

Question - Cr Robert Dwyer

At the last meeting when Cr Wilson put in a notice of motion regarding plastic bags, I made comment of the newspapers being thrown on out and creating a waste problem. Can Council speak to the paper distributors insisting that the papers be inserted into mailboxes, and if no mail box exists, no paper be left at the residence? The local paper, the Talking Turkey, inserts the paper in mail boxes and I think we should insist that the other paper distributors do the same. There are heaps of these papers lying around, they are wrapped in plastic sheeting and will take time to break down.

Response

If Council wishes to write to the distributors of the local papers this should be subject to formal consideration through a future Notice of Motion.

RECOMMENDATION

That Council receives and notes the report, *Questions From The Last Council Meeting*.

11 REPORTS FROM DELEGATES**11.1 DELEGATES REPORT - CR LINDSAY PASSFIELD: LEGUME TO WOODENBONG ROAD KEY STAKEHOLDERS GROUP**

Author: Councillor

Authoriser: General Manager

Attachments: 1. Legume to Woodenbong Road Upgrade Three-Year Program of Works (under separate cover)

SUMMARY / PURPOSE

The following delegate's report has been provided by Councillor Lindsay Passfield and provides an update on the progress of the Legume to Woodenbong Road upgrade.

REPORT

The Legume to Woodenbong Road Key Stakeholders Group met at Legume on 28 August 2017 to discuss progress on the Legume to Woodenbong Road upgrade. Deputy Prime Minister Barnaby Joyce and Member for Lismore Thomas George confirmed the promised \$24 million funding package.

The Tenterfield Shire Council's Chief Operating Officer outlined the three-year program of works, (see attached report) and further advised that the bridge proposed to shorten the crossing at Big Hill Gully would not be built but the existing road would be reconstructed on the same alignment. The meeting was also advised that the bridge over Koreelah Creek would not be replaced but the existing structure would be strengthened and widened, and the western approach alignment improved.

At this stage, about 30kms of this road has been upgraded, and all four timber bridges replaced. About 15kms of road is yet to be rebuilt.

Considerable progress has been made on this project over the past 30 years, and the current funding commitment will result in vastly improved road access between the Northern Rivers and Darling Downs.

RECOMMENDATION

That Council receives and notes the report, *Delegates Report - Cr Lindsay Passfield; Legume to Woodenbong Road Key Stakeholders Group*.

12 INFORMATION REPORTS**12.1 MONTHLY FINANCE REPORT - AUGUST 2017**

Author: Manager Financial Services

Authoriser: General Manager

Attachments: 1. Monthly Finance Report - August 2017 (under separate cover)

SUMMARY / PURPOSE

This report presents financial reports to Council for information.

BACKGROUND INFORMATIONLegislative Requirements

Clause 212 of the Local Government (General) Regulation 2005 states that:

- (1) The responsible accounting officer of a council:
 - (a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:
 - (i) if only one ordinary meeting of the council is held in a month, at that meeting, or
 - (ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and
 - (b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.
- (2) The report must be made up to the last day of the month immediately preceding the meeting.

REPORT

The following information is presented for information only.

(A) Finance Reports

Summary reports outlining Council's financial position as at 28 February 2017. The reports presented include:

- Rates Statement and Graph
- Statement of Bank Balances
- Summary of Investments

It should be noted that these reports do not include accounting adjustments to be brought to account on an annual basis. The reports also remain unaudited as at the date of presentation to Council.

(B) Councillors Travel Expenses Report

Included as an attachment to this report is a schedule showing payments to Councillors for travel claims made during the month. As stated in the notes, some Councillors may have outstanding claims that cover more than one period.

RECOMMENDATION

That Council receives and notes the information contained in the Monthly Financial Report.

12.2 WORKS PROGRAM PROGRESS REPORT - AUGUST 2017

Author: Manager Financial Services

Authoriser: General Manager

Attachments: 1. Works Program Progress Report August 2017 (under separate cover)

SUMMARY / PURPOSE

This report provides an update on the progress of Council's Capital Works Program, Plant Replacement Program, Quarry Operations, and RMS Ordered Works for the information of Council.

BACKGROUND INFORMATION

This report is intended to present to Council information on progress of the implementation of the annual works programs across all departments of Council, as well as the performance of the quarry and State Highways operations.

REPORT

The report is provided as a separate attachment covering four main areas;

1. Capital Works Report

This section of the reports shows all capital works projects and provides a brief status report and expenditure year to date for each project, including any external funding which applies.

2. Plant Acquisition and Sales

This section of the reports shows the plant replacement program and the year to date income and expenditure associated with the program.

3. State Highways Ordered Works

This section of the reports shows the status of the Ordered Works under the Roads and Maritime Road Maintenance Council Contract (RMS RMCC) which is included in the State Highways budget area. The report shows each approved Works Order and the approved income and expenditure year to date.

4. Quarries Report

This section of the reports shows the income and expenditure for each of the four operational quarries for the year to date, including stock on hand and a brief description of current activities relating to quarries.

BUDGET AND FINANCIAL IMPLICATIONS

This report is provided for information only and any budgetary issues that may be identified as a result of these reports will be dealt with during the regular quarterly budget review process

RECOMMENDATION

That Council receives and notes the information contained in the Works Program Progress Report August 2017.

13 ASSETS AND INFRASTRUCTURE REPORTS

Nil

14 PLANNING AND ENVIRONMENT REPORTS

Nil

15 GENERAL MANAGER'S REPORTS**15.1 LOCAL GOVERNMENT REMUNERATION TRIBUNAL****Author:** Manager Corporate Services**Authoriser:** General Manager**Attachments:** Nil**SUMMARY / PURPOSE**

This report requires a determination on the level of Councillor remuneration for the 2017/2018 financial year.

REPORT

The Local Government Remuneration Tribunal (the tribunal) sets the range of fees for all councillors and mayors in NSW each year for each category of council.

The Tribunal has determined that an increase of 2.5% in fees for councillors and mayors as appropriate with effect from 1 July 2017.

Sections 248 and 249 of the Local Government Act require councils to fix and pay an annual fee based on the tribunal's determination. If Council does not fix a fee, then the minimum must be paid.

Kyogle Council is defined as a Category 4 (Rural) Council

The appropriate fees for Kyogle Council for 2017/2018 are as follows:

	Minimum	Maximum
Councillor Annual Fee	\$8,750	\$11,570
Mayoral Fee	\$9,310	\$25,250

The fees paid for the 2016/2017 were:

Councillor Annual Fee: \$11,290

Mayoral Fee: \$24,630

Council has previously adopted the maximum remuneration rates.

BUDGET AND FINANCIAL IMPLICATIONS

There is an annual budget allocation for Councillor Fees that is sufficient to cover the \$101,610 for the maximum Councillor Annual Fee and the \$24,630 maximum Mayoral Fee. Any reduction in the maximum fee would result in a budget saving that could be utilised elsewhere. Adopting the minimum fees would result in a \$41,320 saving to the budget each year.

RECOMMENDATION

That Council:

1. Receives and notes the report, *Local Government Remuneration Tribunal*;
2. Adopts the following Councillor and Mayoral fees for 2017/2018:

Councillor Annual Fee:	\$11,570
Mayoral Fee:	\$25,250

15.2 COUNCIL MEETING CYCLE

Author: Manager Corporate Services
Authoriser: General Manager
Attachments: Nil

SUMMARY / PURPOSE

The purpose of this report is to identify Council meeting dates and times for the upcoming 12 month period.

BACKGROUND INFORMATION

Under the Local Government Act 1993, Council is required to hold at least 10 monthly Ordinary meetings per year.

REPORT

Currently, Ordinary Meetings are being held on the second Monday of each month commencing at 5pm with the exception of January where no Ordinary Meeting is held due to the Christmas/New Year holiday period and June when the Ordinary Meeting is held on the Tuesday after the second Monday due to the Queen's Birthday long weekend.

Accordingly, Council normally has 11 Ordinary Meetings each year.

RECOMMENDATION

That Council adopt the following Ordinary Council meeting dates and times:

- Monday, 9 October 2017, 5pm
- Monday, 13 November 2017, 5pm
- Monday, 11 December 2017, 5pm
- Monday, 12 February 2018, 5pm
- Monday, 12 March 2018, 5pm
- Monday, 9 April 2018, 5pm
- Monday, 14 May 2018, 5pm
- Tuesday, 12 June 2018, 5pm (Monday 11 June is the Queen's Birthday holiday)
- Monday, 9 July 2018, 5pm
- Monday, 13 August 2018, 5pm
- Monday, 10 September 2018, 5pm

15.3 COUNCIL COMMITTEES**Author:** Manager Corporate Services**Authoriser:** General Manager**Attachments:** Nil**SUMMARY / PURPOSE**

To identify Council Committees and their membership for the next 12 months.

REPORT

Council needs to establish the membership of the Council Committees for the 2017/2018 year.

Committees identified as 355 in the below table fall under Section 355 (b) of the Local Government Act, 1993.

355 of the Act states:

How does a council exercise its functions?

A function of a council may, subject to this Chapter, be exercised:

(b) by a committee of the council

Note: All Councillors are able to attend committees as observers. Participation rights reside with the nominated Councillor.

RECOMMENDATION

That Council:

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

Committee	Councillor Member(s)
General Manager's Review Committee	5. Mayor, two Councillors 6. (The General Manager has the option of nominating another Councillor).
Traffic Committee.	One Councillor.
Internal Audit Committee.	One Councillor.
Australia Day Committee – Kyogle.	One Councillor.
Australia Day Committee – Woodenbong.	One Councillor.
Australia Day Committee – West of the Range.	One Councillor.
Kyogle Youth Advisory Committee.	One Councillor.
Kyogle Fairymount Festival Committee.	One Councillor.

3. Appoints the following Councillors to the following committees:
- (a) General Manager Review Committee - Mayor, Councillor , Councillor.....(insert name).
 - (b) Traffic Committee - Councillor.....(insert name).
 - (c) Internal Audit Committee - Councillor.....(insert name).
 - (d) Australia Day Committee Kyogle - Councillor.....(insert name).
 - (e) Australia Day Committee Woodenbong - Councillor.....(insert name).
 - (f) Australia Day Committee West of the Range - Councillor.....(insert name).
 - (g) Kyogle Youth Advisory Committee - Councillor.....(insert name).
 - (h) Kyogle Fairymount Festival Committee - Councillor.....(insert name).

15.4 COUNCIL DELEGATES**Author: Manager Corporate Services****Authoriser: General Manager****Attachments: Nil****SUMMARY / PURPOSE**

The purpose of this report is to identify Council delegates and their membership for the next 12 months.

PREVIOUS COUNCIL CONSIDERATION

Last year, Council adopted the following delegate's list and membership structure:

<i>Organisation</i>	<i>Delegate(s)</i>
<i>Kyogle and District Chamber of Commerce</i>	<i>One Councillor</i>
<i>NSW Rural Fire Service "Service Level Agreement"</i>	<i>Mayor</i>
<i>NOROC (Northern Rivers Regional Organisation of Councils)</i>	<i>Mayor</i>
<i>Woodenbong to Legume Alliance</i>	<i>Councillor</i>
<i>Kyogle Bushfire Management Committee</i>	<i>One Councillor</i>
<i>Shires Association of New South Wales "A" Division</i>	<i>Mayor</i>
<i>National Timber Councils' Association</i>	<i>Councillor</i>
<i>Police Accountability Community Team (PACT)</i>	<i>Mayor</i>
<i>Area Health Board Community Engagement Committee</i>	<i>One Councillor</i>
<i>Kyogle Tidy Towns</i>	<i>One Councillor</i>
<i>Reconciliation Committee</i>	<i>One Councillor</i>
<i>Joint Regional Planning Panel</i>	<i>Two delegates, Mayor and Deputy Mayor or Councillor.</i>
<i>Summerland Way Corridor Development Promotion</i>	<i>One Councillor</i>

1.

- (a) *Kyogle and District Chamber of Commerce member is Councillor Danielle Mulholland.*
- (b) *NSW Rural Fire Service member is Mayor.*
- (c) *Northern Rivers Regional Organisation of Councils member is Mayor*
- (d) *Woodenbong to Legume Alliance members are Councillors Lindsay Passfield.*
- (e) *Kyogle Bushfire Management Committee member is Councillor Doolan.*

- (f) *Shires Association of NSW "A" Division is Mayor.*
- (g) *National Timber Councils' Association members are Councillors Passfield.*
- (h) *Police Accountability Community Team member is Mayor.*
- (i) *Area Health Board Community Engagement Committee member is Councillor Janet Wilson.*
- (j) *Kyogle Tidy Towns member is Councillor Kylie Thomas.*
- (k) *Reconciliation Committee member is Councillor John Burley.*
- (l) *Joint Regional Planning Panel members are Mayor, Deputy Mayor.*
- (m) *Summerland Way Corridor Development Cr Earle Grundy*

RECOMMENDATION

That Council:

1. Receive and note the report, Council Delegates.
2. Adopts the following Delegates List and Membership structure:

Organisation	Delegate(s)
Kyogle Chamber of Commerce	One Councillor
NSW Rural Fire Service "Service Level Agreement"	Mayor
NOROC (Northern Rivers Regional Organisation of Councils)	Mayor
Kyogle Bushfire Management Committee	One Councillor
Shires Association of New South Wales "A" Division	Mayor
National Timber Councils' Association	Councillor
Police Accountability Community Team (PACT)	Mayor
Area Health Board Community Engagement Committee	One Councillor
Kyogle Tidy Towns	One Councillor
Reconciliation Committee	One Councillor
Joint Regional Planning Panel	Two delegates, Mayor and Deputy Mayor or Councillor. *See note

**At least one delegate should have some expertise/experience in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.*

3. Kyogle Chamber of Commerce member is Councillor.....insert name
 - (a) NSW Rural Fire Service member is Mayor Cr Danielle Mulholland.

- (b) Northern Rivers Regional Organisation of Councils member is Mayor Cr Danielle Mulholland.
- (c) Woodenbong to Legume Alliance members are Councillors.....insert names.
- (d) Kyogle Bushfire Management Committee member is Councillor.....insert name.
- (e) Shires Association of NSW "A" Division is Mayor Cr Danielle Mulholland.
- (f) National Timber Councils' Association members are Councillors.....insert names.
- (g) Police Accountability Community Team member is Mayor Cr Danielle Mulholland.
- (h) Area Health Board Community Engagement Committee member is Councillor.....insert name.
- (i) Kyogle Tidy Towns member is Councillor.....insert name.
- (j) Reconciliation Committee member is Councillor.....insert name.
- (k) Joint Regional Planning Panel members are.....insert names.

15.5 REVIEW OF DELIVERY PROGRAM AND OPERATIONAL PLAN

Author: Manager Corporate Services

Authoriser: General Manager

Attachments: 1. Review of Delivery Program and Operational Plan (under separate cover)

SUMMARY / PURPOSE

This report presents the six monthly review of the Delivery Program and Operational Plan to Council for information.

BACKGROUND INFORMATION

Under the Integrated Planning and Reporting requirements, Section 404(5) of the Local Government Act 1993, states as follows:

Delivery Program

“The General Manager must ensure that regular progress reports are provided to council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every six months”.

REPORT

The review information is included as a separate attachment to this report and provides an overview of all the programs included in the Delivery Program and the Operational Plan.

Council continues to report monthly on the Capital Works program and other initiatives contained within the Delivery Program and Operational Plan, going above the six monthly minimum reporting requirement. As a result this report is being presented in September to have the six monthly reporting timeline align with other mandatory external reporting, presenting more relevant and up to date information to Council.

RECOMMENDATION

That Council receives and notes the 30 June, 2017, review of the Delivery Program and Operational Plan.

15.6 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2017

Author: Manager Corporate Services

Authoriser: General Manager

Attachments:

1. Official Notice LGNSW Annual Conference 2017 (under separate cover)
2. LGNSW Annual Conference 2017 Draft Program (under separate cover)

SUMMARY / PURPOSE

This report is to advise Council of the upcoming Local Government NSW (LGNSW) Annual Conference and seek suggested motions that may be eligible for inclusion in the conference business paper. Council must also nominate a voting delegate to the conference.

BACKGROUND INFORMATION

The Local Government NSW Annual Conference is being held from 4 to 6 December at the Hyatt Regency, Sydney. The conference is the annual policy-making event for NSW general-purpose councils, associate members and the NSW Aboriginal Land Council. Councillors and senior staff are able to attend the conference, with registrations accepted up until 27 November 2017.

REPORT

2. All LGNSW members (including newly merged councils which are LGNSW members) have the opportunity to put forward motions to be considered at the conference. The LGNSW Board has indicated it wants to ensure that motions debated at the conference advance the sector-wide policy agenda. To that end, the LGNSW Board has determined that proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions.

To assist Councils in preparing motions, the LGNSW Board has resolved that motions will be included in the Business Paper for the Conference only where they:

1. Are consistent with the objects of the Association;
2. Relate to Local Government in NSW and/or across Australia;
3. Concern or are likely to concern Local Government as a sector;
4. Seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;
5. Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. Are clearly worded and unambiguous in nature; and
7. Do not express preference for one or several members over one or several other members.

Motions are to be submitted online by close of business Monday 9 October 2017. However in line with LGNSW rules, late motions will be accepted up until midnight Monday 6 November 2017. All proposed motions from Council need to be adopted by Council.

Should Council decide it wishes to send delegates to the conference, it must also decide who its voting delegates will be for motions, and where applicable, for voting in the elections for LGNSW's Officer Bearers and Board.

Each financial member of LGNSW is entitled to a certain number of voting delegates (the formula for calculating members' voter entitlements is prescribed in the association's rules) with Kyogle expected to have at least one voting delegate. LGNSW will notify members by Friday 13 October 2017 the exact number each is entitled to. While members have until 1 November 2017 to nominate the names of their delegate(s) to vote on policy motions, LGNSW is encouraging Councils to *"give early consideration to nominating the names of voting delegates well before 13 October by internally preparing a draft/reserve voter list of Councillors"*.

The Australian Electoral Commission (AEC) will conduct the election for LGNSW Officer Bearers and Board. The deadline for nominating the names of voting delegates for the election will be determined after the AEC issues an election notice.

BUDGET AND FINANCIAL IMPLICATIONS

Under Council's Payment of Expenses and Provision of Facilities for Councillors Policy:

1. *6.2 Councillors may attend training courses, conferences, seminars, and similar functions by self-nomination, provided funds are available from within the existing budget and approval is granted in accordance with this policy.*
- 2.
3. *6.3 From September of each year, each Councillor (excluding the Mayor) is entitled to a maximum annual limit of \$3,000 (excluding GST) for attendance at seminars, conferences and training courses (pro rata for a Councillor elected mid-term).*
- 4.
5. *6.4 From September of each year the Mayor is entitled to a maximum annual limit of \$5,000 (excluding GST) for attendance at seminars, conferences and training courses (pro rata for a Mayor elected mid-term).*
- 6.
7. *6.5 Council may, by way of resolution, vary the annual limits identified above in cases of necessity.*

RECOMMENDATION

That Council:

1. Receive motions from Councillors by close of business on Friday 29 September 2017 to allow inclusion in Council's October Council meeting agenda and that the motions fall under the following principles:
 - Are consistent with the objects of the Association;
 - Relate to Local Government in NSW and/or across Australia;
 - Concern or are likely to concern Local Government as a sector;
 - Seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;
 - Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
 - Are clearly worded and unambiguous in nature; and
 - Do not express preference for one or several members over one or several other members.
2. Adopt the motions proposed to be included in the 2017 Local Government NSW Annual Conference Business Papers at the October Council Meeting.

3. Nominate Councillors (insert names here) to attend and represent Kyogle Council at the 2017 Local Government NSW Annual Conference to be held from 4 to 6 December at the Hyatt Regency, Sydney.
4. Nominate Councillor (insert name here) as Council's voting delegate on policy motions and Councillor (insert name here) as Council's reserve voting delegate on policy motions.
5. Nominate Councillor (insert name here) as Council's voting delegate for the election of LGNSW office bearers and Board members and Councillor (insert name here) as Council's reserve voting delegate for the election of LGNSW office bearers and Board members

15.7 AGENCY INFORMATION GUIDE 2017

Author: Manager Corporate Services

Authoriser: General Manager

Attachments: 1. **AGENCY INFORMATION GUIDE 2017/18 (under separate cover)**

SUMMARY / PURPOSE

To adopt an Agency Information Guide in accordance with Part 3 Division 2, Section 20 of the Government Information (Public Access) Act (GIPA) 2009.

BACKGROUND INFORMATION/REPORT**Legislative requirements**

1. The object of the GIPA Act is to open government information to the public by the proactive public release of government information by agencies, giving members of the public an enforceable right to access government information and only restricting government information when there is an overriding public interest against disclosure.
2. Under Part 3 Division 2 of the GIPA Act, all agencies (other than a Minister) must have an agency information guide (AIG).
3. AIGs must be made available free of charge on the agency's website.
4. Agencies must review their AIG and adopt a new AIG at intervals of not more than 12 months.
5. Agencies must notify the Information Commissioner before adopting or amending an AIG and, if requested to do so by the Information Commissioner, consult with the Information Commissioner on the proposed AIG or amendment.
6. Agencies must make "open access information" publicly available as provided by its AIG.
7. Should the Director-General of the Department of Local Government, in consultation with the Information Commissioner, adopt mandatory provisions for inclusion in the AIG of local authorities, the AIG of local authorities must include any such mandatory provision unless the Director-General otherwise approves in a particular case.

The attached Agency Information Guide is currently displayed on Councils web site and is presented for adoption for the following twelve month period.

RECOMMENDATION

That Council adopt the attached Agency Information Guide 2017/18.

15.8 RELATED PARTY DISCLOSURE POLICY

Author: Manager Corporate Services

Authoriser: General Manager

Attachments: 1. **DRAFT RELATED PARTY DISCLOSURE POLICY (under separate cover)**

SUMMARY / PURPOSE

To ensure the existence of related party relationships, related party transactions and information about the transactions, are transparent, recorded in Council's systems, and disclosed in Council's General Purpose Financial Statements in accordance with Accounting Standards.

BACKGROUND INFORMATION

In March 2015, the Australian Accounting Standards Board issued AASB 2015-6 amendments to Australian Accounting Standards – extending related party disclosures to not-for-profit public sector entities, extending the scope of AASB 124 related party disclosures to include application by not-for-profit public sector entities.

REPORT

Related parties are entities related to Council, key management personnel and close family members of key management personnel of Kyogle Council.

A related party transaction is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

Related Party relationships are a normal feature of business. Related parties may enter into transactions that unrelated parties would not. Therefore a related party relationship has potential to have an effect on the profit or loss and financial position of Council.

In addition, the profit or loss and financial position of an entity may be affected by a related party relationship even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the entity with other parties.

Council will exercise compliance with the disclosure requirements of AASB 124 by executing the following steps;

- a) identifying related party relationships and transactions;
- b) identifying outstanding balances, including commitments, between an entity and its related parties;
- c) identifying the circumstances in which disclosure of the items in (a) and (b) is required; and
- d) determining the disclosures to be made about those items.

RECOMMENDATION

That Council adopts the attached Draft Related Parties Disclosure Policy.

15.9 REVOCATION OF ROUS COUNTY COUNCIL DELEGATIONS UNDER THE NOXIOUS WEEDS ACT

Author: Manager Corporate Services

Authoriser: General Manager

Attachments: Nil

SUMMARY / PURPOSE

This report seeks to revoke delegations to Rous County Council Staff to perform weed biosecurity functions on behalf of Kyogle Council.

BACKGROUND INFORMATION/REPORT

Prior to being dissolved, Far North Coast County Council was the local control authority for Kyogle and Tweed Shire local government areas. The dissolution of Far North Coast County Council resulted in transfer of that council's functions and operations but excluded the functions and operations undertaken in the Kyogle and Tweed LGAs. Those functions and operations transferred to each respective council whereby both Kyogle Council and Tweed Shire Council became the local control authority for their own local government areas.

Through a service level agreement, it was determined that Rous County Council (RCC) would continue to function and operate as a local control authority on behalf of Kyogle Council. To effect this, Kyogle Council delegated RCC, the General Manager and weed biosecurity staff various functions under the Noxious Weeds Act 1993. This was approved by Council resolution on 11 July 2016.

On 1 July 2017, the Biosecurity Act 2015 came into effect repealing the Noxious Weeds Act 1993. As a result of this change, RCC has reviewed the requirements of the new Act and propose that all delegations to RCC under the Noxious Weeds Act 1993 be revoked. This is as a result of section 374 of the Biosecurity Act 2015 which states:

(1) A local control authority may enter into an arrangement with one or more local control authorities that authorises an authorised officer appointed by any of those local control authorities to exercise its functions in relation to land for which any of those local control authorities is a local control authority.

(2) An authorised officer appointed by a local control authority may, in accordance with any such arrangement, exercise functions under this Act in relation to land for which another local control authority is the local control authority.

With functions capable of being managed entirely through 'an arrangement' between RCC and Council, existing delegations are now redundant.

Council had previously delegated to the General Manager the authority to negotiate a service level agreement between Kyogle Council and Rous County Council, but time limited that authority until one year after the term of this Council or until such time as it is revoked or re-delegated. As delegation is no longer required and the General Manager has the authority to negotiate operational level agreements within his/her delegated expenditure level, it is recommended here that the timeframe is also revoked.

BUDGET AND FINANCIAL IMPLICATIONS

On 8 May 2017, Council agreed to accept payment of \$85,801.38 from RCC to finalise settlement of assets in accordance with RCC's Proclamation. The Proclamation states:

6. Transfer of assets, rights and liabilities

(1) It is intended that the making of any determinations as to the transfer of assets, rights and liabilities of the former County Council by virtue of their dissolution and the amendments of the constitution of Rous County Council made in the proclamation are to be in accordance with this clause:

a. The assets, rights and liabilities of the former Far North Coast County Council are transferred to Rous County Council or Kyogle Council or Tweed Shire Council (refer to 1518-1519 page Government Gazette No 52 of 22 June 2016).

This activity was completed on 28 June 2017. There are no further outstanding budget activities.

RECOMMENDATION

That Council:

1. Receive and note this report.
2. Revoke the following delegations,
 - (a) All delegations to Rous County Council for Weed Biosecurity, including any named officers or positions within Rous County Council.
 - (b) Delegated timeframe for the General Manager of one year after the term of this Council, to negotiate a service level agreement between Kyogle Council and Rous County Council.

15.10 READOPTION OF ORGANISATION STRUCTURE

Author: Manager Corporate Services

Authoriser: General Manager

Attachments: Nil

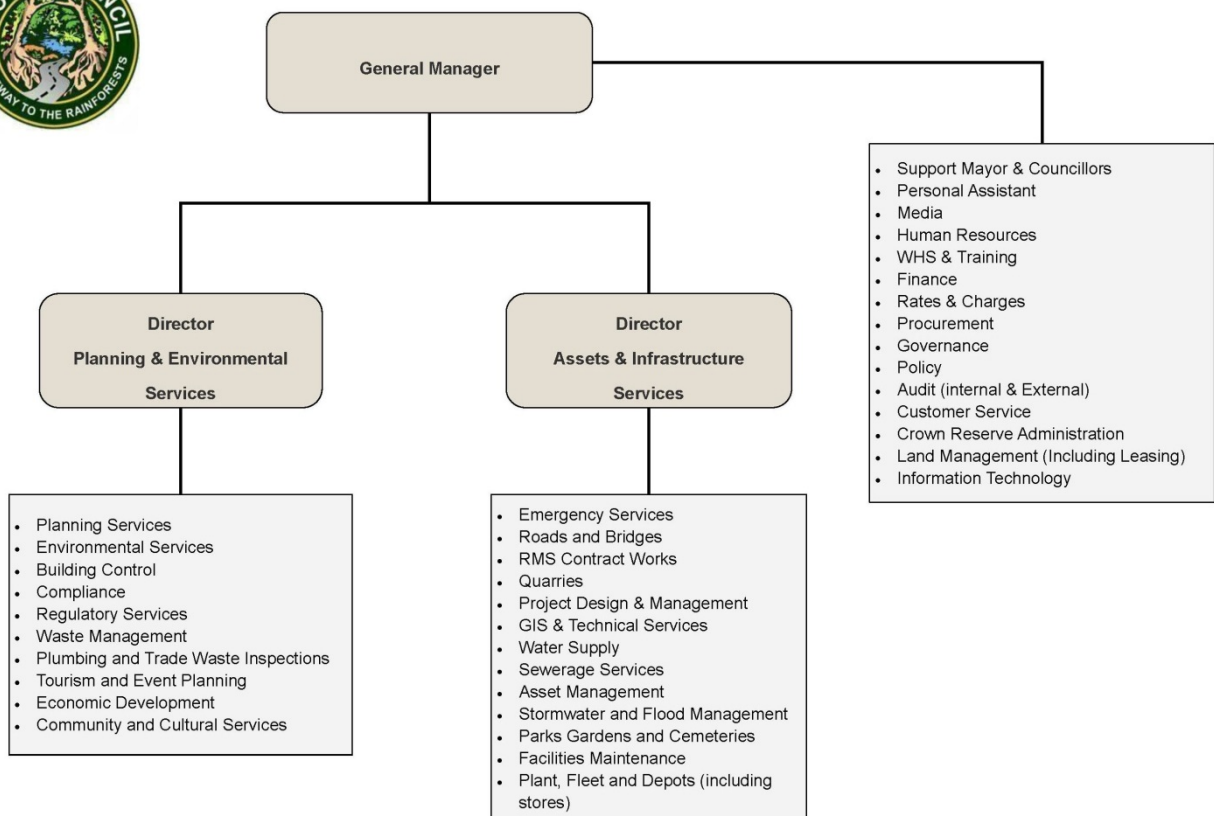
SUMMARY / PURPOSE

Section 333 of the Local Government Act 1993 states that;

The Council must review, and may re-determine, the organisation structure within 12 months of any ordinary election of the Council.

PREVIOUS COUNCIL CONSIDERATION

Council adopted the current organisational structure, see below, on 14 March 2016.



REPORT

The General Manager and senior staff have reviewed the organisational structure finding the current structure relevant and appropriate to servicing the Integrated Planning and Reporting framework and Council’s additional priorities.

RECOMMENDATION

That Council readopt the current organisational structure.

15.11 POLICIES FOR READOPTION

Author: Manager Corporate Services

Authoriser: General Manager

Attachments: Nil

SUMMARY / PURPOSE

To readopt/adopt policies in accordance with the Local Government Act 1993.

BACKGROUND INFORMATION

In the first twelve months of a new Council's term certain policies must be reviewed and adopted. Due to the Council merger process undertaken by the NSW State Government, Council elections have been split over two years. This has resulted in updates to key policies being undertaken by the Office of Local Government (OLG) being delayed until after the Council elections being held in 2017. Initial advice from the OLG was to delay the review and adoption of policies, such as the Code of Conduct, until their review was complete. More recent advice from the OLG is to readopt the current policies as an interim measure.

Part 3 section 165 (4) of the Local Government Act 1993 (the Act) states the following on the adoption of local policies concerning approvals and orders;

(4) A local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

REPORT

Policies required to be reviewed and adopted/readopted by Council are the following,

- Code of Conduct
- Enforcement
- Cemeteries and Burials
- Dance Parties
- Temporary Accommodation
- Animal Ownership

In addition the following policies have been identified for readoption;

- Code of Meeting Practice
- Conflict of Interest
- Internal Reporting – Protected Disclosures Act, 1994

As these policies are available from Council or via Council's website, and in order to reduce paper usage, they have not been reprinted here or included as attachments.

RECOMMENDATION

That Council readopt the following policies:

1. Code of Conduct
2. Enforcement
3. Cemeteries and Burials
4. Dance Parties
5. Temporary Accommodation

6. Animal Ownership
7. Code of Meeting Practice
8. Conflict of Interest
9. Internal Reporting – Protected Disclosures Act, 1994

15.12 FINANCIAL MANAGEMENT POLICY

Author: Manager Financial Services

Authoriser: General Manager

Attachments: 1. Financial Management Policy (under separate cover)

SUMMARY / PURPOSE

Update of policy to reflect revised Office of Local Government ratios

PREVIOUS COUNCIL CONSIDERATION

Policy previously adopted August 2014

REPORT

The policy has been revised to include the following ratios

- Operating Performance Ratio
- Own Source Revenue Ratio
- Building & Infrastructure Asset Renewal Ratio
- Infrastructure Backlog Ratio
- Asset Maintenance Ratio
- Debt Service Ratio
- Real Operating Expenditure per Capita Ratio

BUDGET AND FINANCIAL IMPLICATIONS

NIL

RECOMMENDATION

That Council adopt the revised policy titled "Financial Management Policy"

15.13 DELEGATES REPORT - COUNCILLOR THOMAS: FAIRMOUNT FESTIVAL

Author: Manager Corporate Services

Authoriser: General Manager

Attachments: Nil

SUMMARY / PURPOSE

To provide a report on the Fairymount Festival Annual General Meeting.

BACKGROUND INFORMATION

In accordance with section 5.1.3 of Council's Code of Meeting Practice;

delegates from meetings may speak to the Minutes of those meetings when presented to Council as required or submit a written delegates report as part of the Business Paper.

REPORT

Councillor Thomas will table a report at the meeting.

Any document tabled at a Council meeting forms part of the business paper. As such the document will be available to members of the public, for inspection, free of charge in accordance with Section 12 of the Local Government Act.

RECOMMENDATION

That Council receives and notes the Delegates Report – Councillor Thomas: Fairymount Festival.

- 16 URGENT BUSINESS WITHOUT NOTICE**
- 17 QUESTIONS FOR NEXT ORDINARY MEETING**
- 18 CONFIDENTIAL BUSINESS PAPER**

Nil