



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

**Date:** Monday, 10 May 2021  
**Time:** 5pm  
**Location:** Kyogle Council Chambers, Stratheden Street, Kyogle

# **AGENDA**

## **Ordinary Council Meeting**

**10 May 2021**

**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 10 May 2021, 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**

- Item 1           Open Meeting
- Item 2           Apologies and applications for a leave of absence by councillors
- Item 3           Opening Prayer
- Item 4           Acknowledgement of Country
- Item 5           Declaration of Interests
- Item 6           Public Forum
- Item 7           Confirmation of Minutes
- Item 8           Mayoral Minute(s)
- Item 9           Notices of Motion
- Item 10          Questions with Notice from Councillors
- Item 11          Reports from Delegates
- Item 12          Information Reports
- Item 13          Staff Reports
- Item 14          Urgent Business Without Notice
- Item 15          Questions from Councillors for the Next Ordinary Meeting
- Item 16          Confidential Business Paper
- Item 17          Close of Meeting

GRAHAM KENNETT  
GENERAL MANAGER

OPENING STATEMENT

All Kyogle Council meetings are webcast - the meetings area 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.

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**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

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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

**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 must be received by midday one working day before the date on which the meeting is to be held, 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](mailto: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 OPEN MEETING**
- 2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**
- 3 OPENING PRAYER**
- 4 ACKNOWLEDGEMENT OF COUNTRY**
- 5 DECLARATION OF INTERESTS**
- 6 PUBLIC FORUM**

**7 CONFIRMATION OF MINUTES**

**7.1 COUNCIL REPORT - 12 APRIL 2021**

**Author:** Executive Assistant

**Authoriser:** General Manager

**Attachments:** 1. Minutes 12 April 2021 Ordinary Meeting (under separate cover) [↓](#) 

**RECOMMENDATION**

That Council confirms the minutes of the Council meeting of 12 April 2021.

**PURPOSE / SUMMARY**

This report presents the minutes of the 12 April 2021 Ordinary Meeting to Council for confirmation.

**8 MAYORAL MINUTE**

Nil

**9 NOTICES OF MOTION**

Nil

**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 Maggie May, Earle Grundy, and Lindsay Passfield at the 12 April 2021 Ordinary Council meeting.

**RECOMMENDATION**

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

**Question Cr Maggie May**

Can Council be provided with a plan to replace Montgomerys Bridge on Iron Pot Creek Road?

**Response**

*Council has completed geotechnical investigations for Montgomery's Bridge and has commissioned and received a structural inspection report with remedial options undertaken by Cardno consulting engineers.*

*The report recommends a preferred renewal approach for the bridge that would see the predominantly timber approach spans replaced with steel and concrete spans, and the main central truss retained, with modifications to its bearings, traffic barrier and coating system. See drawings on next page.*

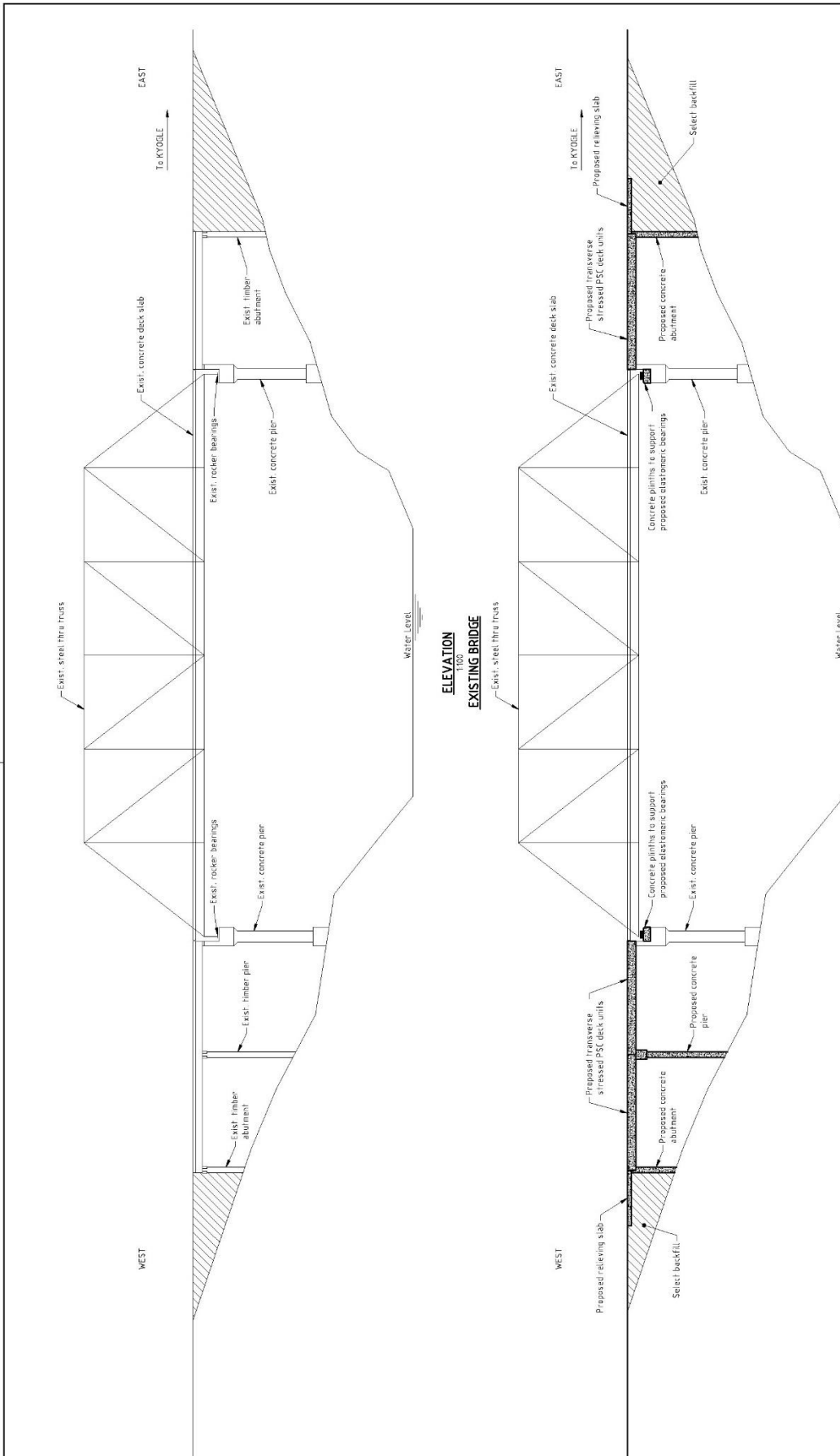
*Council is progressing with this renewal design as its preferred option, with further Consultant Services required for:*

- Structural assessment in terms of AS 5100*
- Analysis and design of replacement bearings*
- Replacement vehicle barrier system*
- Specifications covering coating of steel members, including striping of existing paint protective coatings and application of new coating system.*

*The preliminary estimate for this renewal is around \$1.3 million.*

*As this bridge was hybrid structure with the main span being a steel truss, it was not eligible for funding through the Fixing Country Bridges Program in Round 1. Council staff have put forward suggested changes to the criteria for Round 2 to include the timber elements of structures such as this bridge. Council is waiting to see what the eligibility criteria is for Round 2 of the Fixing Country Bridges program and, if eligible, will submit this bridge for funding under that program. However, there is no guarantee that Transport for NSW will make any changes to the criteria. Council will also put forward applications under any other programs for which this bridge renewal is eligible.*

*Council's works program is fully committed for the next three years with the delivery of bridge replacements already funded through external programs such as the NSW Governments Fixing Country Bridges, the Australian Governments' Bridge Renewal Program and Page Bridge Package. Whilst a timeline of three to four years for commencement of works on the site is feasible, this is totally dependent on a successful funding application to either the State or Federal Government.*



**PRELIMINARY**  
 Date: 25 September 2020  
 1000 0 1000 3000 5000mm  
 SCALE BEFORE REDUCTION 1:100

**ELEVATION 1000**  
**OPTION 1 - DECK REPLACEMENT**  
 Existing truss and concrete deck to be repositioned to suit new pavement level

DATE: 25/09/2020	CONTRACT NO: A10687-SK 1
DRAWING NO: A10687-SK 1	PROJECT: KYOGLE COUNCIL MONTDODDERY'S BRIDGE OVER IRON POT CREEK - KYOGLE
SCALE: BEFORE REDUCTION 1:100	STRUCTURAL INSPECTION REPORT EXISTING & OPTION ELEVATIONS
DESIGNER: HMS CIVILS PTY LTD	CLIENT: KYOGLE COUNCIL
DATE: 25/09/2020	PROJECT: KYOGLE COUNCIL MONTDODDERY'S BRIDGE OVER IRON POT CREEK - KYOGLE
DRAWING NO: A10687-SK 1	STRUCTURAL INSPECTION REPORT EXISTING & OPTION ELEVATIONS
SCALE: BEFORE REDUCTION 1:100	CLIENT: KYOGLE COUNCIL
DESIGNER: HMS CIVILS PTY LTD	PROJECT: KYOGLE COUNCIL MONTDODDERY'S BRIDGE OVER IRON POT CREEK - KYOGLE
DATE: 25/09/2020	STRUCTURAL INSPECTION REPORT EXISTING & OPTION ELEVATIONS
DRAWING NO: A10687-SK 1	CLIENT: KYOGLE COUNCIL
SCALE: BEFORE REDUCTION 1:100	PROJECT: KYOGLE COUNCIL MONTDODDERY'S BRIDGE OVER IRON POT CREEK - KYOGLE
DESIGNER: HMS CIVILS PTY LTD	STRUCTURAL INSPECTION REPORT EXISTING & OPTION ELEVATIONS

**Question Cr Earle Grundy**

I have been approached about a couple of houses in Bonalbo that are just outside the rubbish collection area in Sandilands Street – what can we do about that?

**Response**

*The Director Planning and Environmental Services provided the following response to the meeting: Council officers have held discussions with the residents involved and have come up with a solution to the problem that we believe will work. We will be writing to those residents to advise them of that solution and will monitor the situation.*

**Question Cr Earle Grundy**

The person who maintains the repeater station on Haystack Mountain says the access is virtually impassable. Can Council ensure that access is passable as soon as possible?

**Response**

*The Acting Director Assets and Infrastructure Services provided the following response to the meeting: He should be able to get back up Haystack Mountain now. Council went in there as soon as we could with an excavator to make the access safe. When possible, Council will get the maintenance grader in there to do a proper job, but we have made it safe and accessible for now.*

**Question Cr Lindsay Passfield**

Is it possible to use the funding Council has set aside for the scheduled replacement of a culvert on Hootons Road on the culvert that has failed on Hootons Road?

**Response**

*The Acting Director Assets and Infrastructure Services provided the following response to the meeting: I would not recommend it. The culvert scheduled for replacement could fail in the same way as the other culvert has. And it's a much larger culvert, so the scale of the problem is a lot bigger.*

*Council has applied for Natural Disaster Funding to restore the damaged culvert and this application is currently pending.*

**11      REPORTS FROM DELEGATES**

Nil

## 12 INFORMATION REPORTS

### 12.1 MONTHLY FINANCE REPORT - APRIL 2021

**Author:** Manager Financial Services

**Authoriser:** General Manager

**Attachments:** 1. Monthly Finance Report - April 2021  

#### SUMMARY / PURPOSE

This report presents financial reports to Council for information.

#### RECOMMENDATION

That Council receives and notes the information contained in the report, *Monthly Finance Report – April 2021*.

#### BACKGROUND INFORMATION

##### Legislative Requirements

Clause 212 of the Local Government Act (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. 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.



# Kyogle Council



**Financial Reports**

**30 April 2021**

**Rates Statement**

**Rates/Charges – Write Off's**

**Statement of Bank Balances**

**Summary of Investments**

**Councillor Travel**

**NOTE: All Financial Data presented is unaudited at the date of presentation to Council**

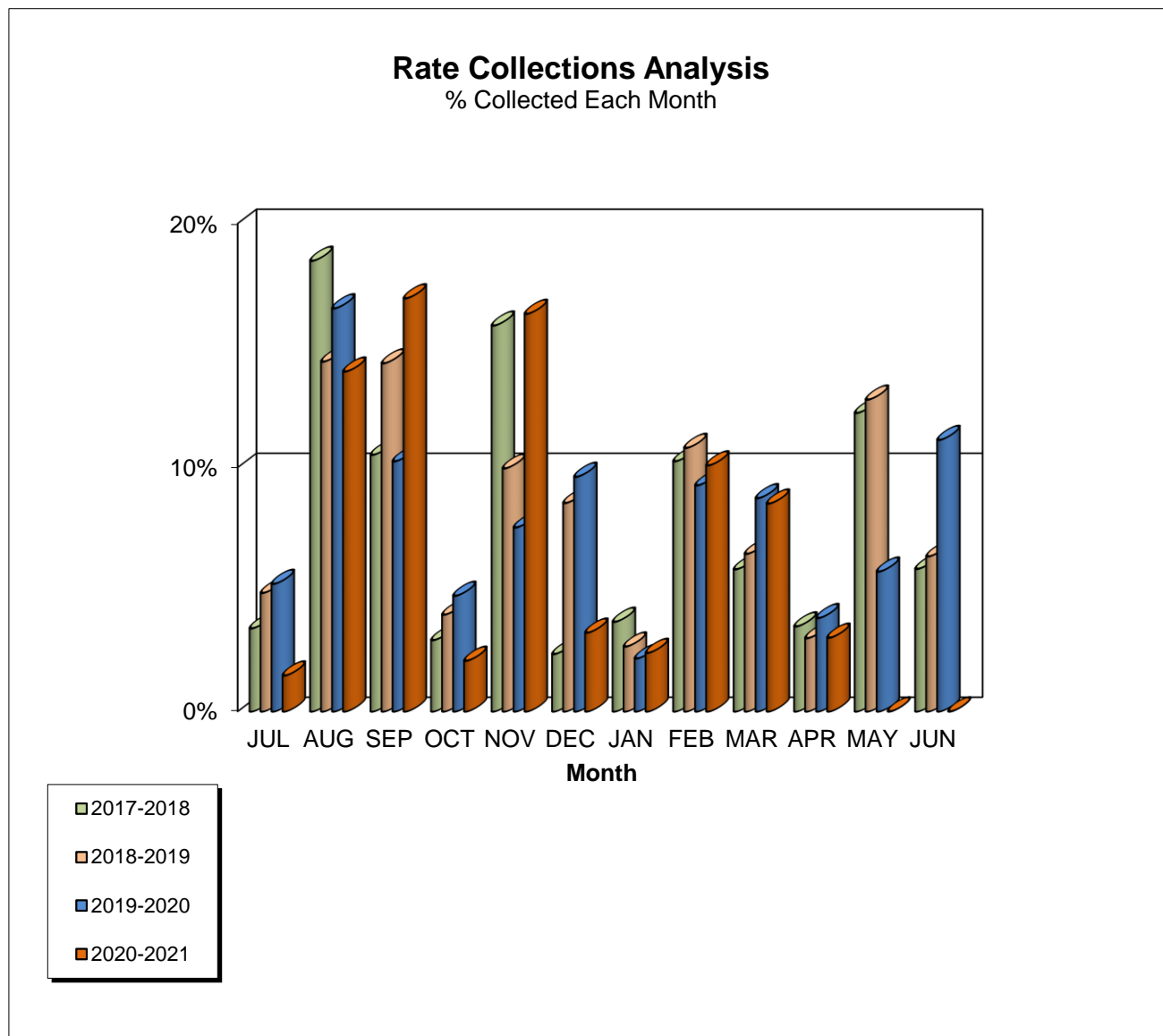
**KYOGLE COUNCIL RATES STATEMENT AS AT 30 APRIL 2021**

	ARREARS 1-Jul-2020	NET CHARGES 2020-2021	PAYMENTS	OUTSTANDING BALANCE 30/4/2021	ARREARS 30/4/2021	% TOTAL COLLECTED incl. ARREARS	% ARREARS COLLECTED 2020-2021
RATES, SERVICES AND INTEREST	652,078.66	12,139,204.11	9,970,859.15	2,820,423.62	293,105.56	77.95%	55.05%

PRESENTED TO COUNCIL MAY 2021

**Note:**

Some ratepayers have made arrangements, whilst others are at different stages of legal action.



**Write offs under delegated authority - Rates and Charges 2020-2021**

July	August	September	October	November	December	January	February	March	April	May	June	Total Write Offs
\$ -	\$ -	\$ 3,133.97	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.34	\$ -	\$ -	\$ -	\$ 3,134.31

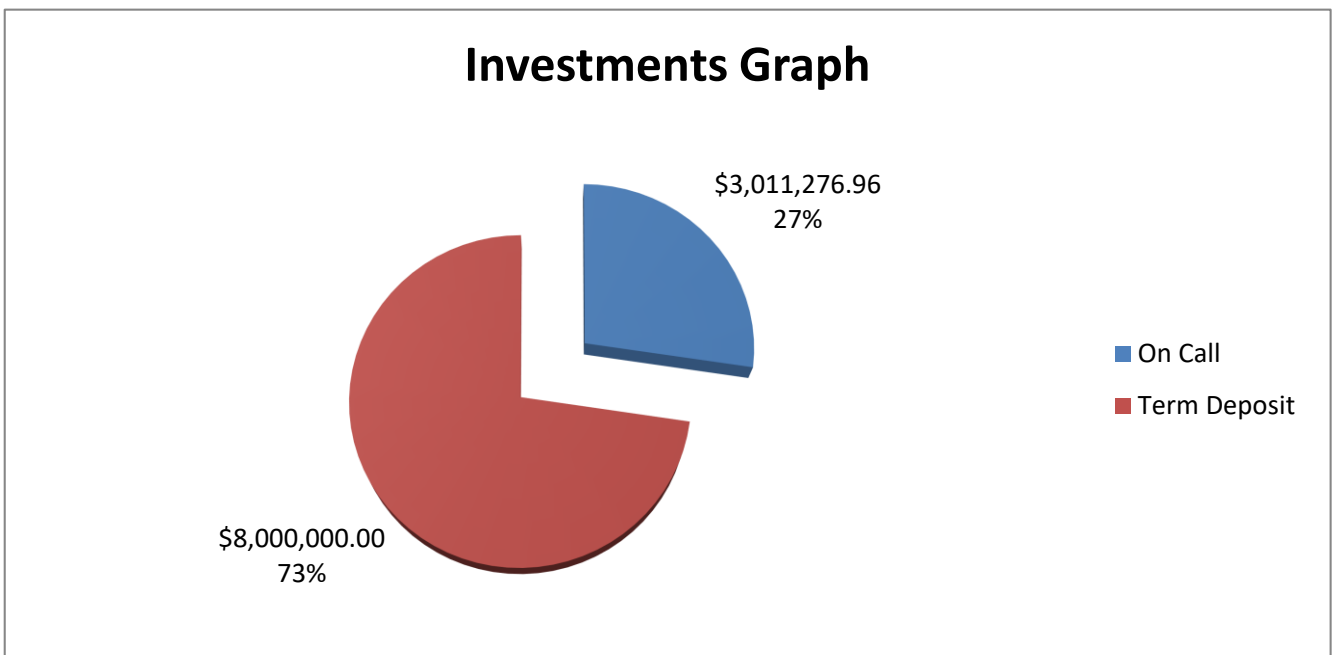
<u>Kyogle Council</u>	
<b>STATEMENT OF FUND BALANCES as at 30-Apr-21</b>	
Fund	Closing Balance
<b>General Fund</b>	
Unrestricted	3,956,152.67
Internally Restricted	3,579,407.00
State Highways	(811,057.19)
Quarries	963,078.08
Plant	1,529,422.49
Externally Restricted	1,230,227.88
<b>Total General Fund</b>	<b>10,447,230.93</b>
<b>Restricted</b>	
Water Supplies	199,336.05
Sewerage Systems	296,443.88
Domestic Waste	32,243.05
Trust Fund	36,023.05
<b>Total Restricted</b>	<b>564,046.03</b>
<b>Total Consolidated Funds at Bank</b>	<b>11,011,276.96</b>

KYOGLE COUNCIL FINANCIAL ANALYSIS REPORT AS AT 30/04/2021								
Institution	Investment Type	Investment Date	Maturity Date	Interest Type	Interest Frequency	Interest rate	Investment Amount	% of Portfolio
CBA	On Call	At Call	At Call	Variable	Monthly		3,011,276.96	27.35%
<b>Total Cash at Call</b>							<b>3,011,276.96</b>	<b>27.35%</b>
Suncorp	Cash Deposit	21-Jan-21	29-Apr-21	Fixed	Maturity	0.35%	1,000,000.00	9.08%
NAB	Term Deposit	11-Feb-21	06-May-21	Fixed	Maturity	0.30%	1,000,000.00	9.08%
Suncorp	Cash Deposit	18-Feb-21	13-May-21	Fixed	Maturity	0.30%	1,000,000.00	9.08%
NAB	Term Deposit	11-Mar-21	20-May-21	Fixed	Maturity	0.18%	1,000,000.00	9.08%
NAB	Term Deposit	18-Mar-21	27-May-21	Fixed	Maturity	0.15%	1,000,000.00	9.08%
NAB	Term Deposit	04-Mar-21	03-Jun-21	Fixed	Maturity	0.30%	1,000,000.00	9.08%
CBA	Cash Deposit	08-Apr-21	10-Jun-21	Fixed	Maturity	0.24%	1,000,000.00	9.08%
Suncorp	Term Deposit	25-Mar-21	17-Jun-21	Fixed	Maturity	0.19%	1,000,000.00	9.08%
<b>Total Cash at Call</b>							<b>8,000,000.00</b>	<b>72.65%</b>
<b>Total Investment Portfolio</b>							<b><u>\$11,011,276.96</u></b>	

I hereby certify that the above investments have been made in accordance with section 625 of the Local Government Act, 1993, the Local Government ( General ) Regulation 2005 and Councils Investment Policy.

Glenn Rose

Responsible Accounting Officer



## COUNCILLORS TRAVEL EXPENSES

### Apr-21

Councillor Name	Kilometres Claimed		Current Rate per Kilometre	Amount Reimbursed	
	Apr-21	YTD		Apr-21	YTD
K. Thomas	0	0	\$0.78	\$0.00	\$0.00
H. Doolan	0	0	\$0.78	\$0.00	\$0.00
J. Wilson	0	0	\$0.78	\$0.00	\$0.00
J. Burley	0	0	\$0.78	\$0.00	\$0.00
R. Dwyer	0	0	\$0.78	\$0.00	\$0.00
D. Mulholland	0	1,814	\$0.78	\$0.00	\$1,414.92
L. Passfield	555	2,589	\$0.78/\$0.68	\$421.70	\$1,903.52
M. May	0	0	\$0.78	\$0.00	\$0.00
E. Grundy	0	2,200	\$0.78	\$0.00	\$1,716.00
<b>Total</b>	<b>555</b>	<b>6,603</b>		<b>\$421.70</b>	<b>\$5,034.44</b>

### Notes

- (1) The above figures represent amounts actually paid.
- (2) The amounts paid in the current month will relate to claims for travel in prior months
- (3) Some councillors may have claims outstanding for more than one month.

**12.2 WORKS PROGRAM PROGRESS REPORT - APRIL 2021**

**Author:** Manager Financial Services

**Authoriser:** General Manager

**Attachments:** 1. **Works Program Progress Report April 2021 (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.

**RECOMMENDATION**

That Council receives and notes the information contained in the report, *Works Program Progress Report – April 2021*.

**BACKGROUND INFORMATION**

This report is intended to present to Council information on the 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 report 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 report 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 report shows the status of the Ordered Works under the Roads and Maritime Road Maintenance Council Contract (RMS RMCC) which is included in the State Highway's 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 report 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 budget review process.

**13 STAFF REPORTS****13.1 MARCH 2021 QUARTERLY BUDGET REVIEW****Author:** Manager Financial Services**Authoriser:** General Manager**Attachments:** 1. March 2021 Quarter Budget Review (under separate cover) **SUMMARY / PURPOSE**

This report arises out of the statutory requirement to conduct a review of Council's budget following the close of each quarter.

**RECOMMENDATION**

That Council:

1. Receives and notes the March 2021 Quarterly Budget Review Statement;
2. Approves the variation of estimates contained in the table below:

<b>STATEMENT OF SIGNIFICANT VARIANCES</b>		
<b>MARCH QUARTER BUDGET REVIEW</b>		
<b>DETAILS</b>	<b>QUARTERLY ADJUSTMENT</b>	
	<b>INCOME</b>	<b>EXPENSES</b>
Administration - Capital Expenditure		25,000
Finance - Sundry Income	13,000	
Crown Reserves - Contributions	10,000	
Crown Reserves - Operating Costs		10,000
Environmental Health - Grants	10,000	
Environmental Health - Flying Fox Management Plan		10,000
Strategic, Community & Cultural - Art Gallery Revenue	15,000	
Strategic, Community & Cultural - Community Services Revenue	5,862	
Strategic, Community & Cultural - Summer break Grant	10,000	
Strategic, Community & Cultural - Baker Boy Grant	30,000	
Strategic, Community & Cultural - Art Gallery Other		15,000
Strategic, Community & Cultural - Community Services Expenses		6,724
Strategic, Community & Cultural - Summer Break		10,000
Strategic, Community & Cultural - Baker Boy Grant		30,000
Rural Roads - Maintenance		150,000
Rural Roads - Capital Grants	(17,583)	
Rural Roads - Capital Expenditure		(25,276)
Bridges - Capital Expenditure		174,878
Emergency Services - Capital Grants	2,184	
Emergency Services - Capital Expenditure		4,079
Parks & Gardens - Grants	95,636	
Parks & Gardens - Parks on Crown Reserves		95,636
Parks & Gardens - Community Contributions	(7,600)	

Engineering Administration - Employment		50,000
Engineering Administration - Recoveries		(220,000)
State Highways - Work Order Income	1,269,305	
State Highways - Maintenance Contract Income	(97,326)	
State Highways - Work Order Costs		1,130,456
State Highways - Maintenance Contract Costs		(97,326)
Quarries - Sales	110,000	
Quarries - Working Expenses		70,000
<b>Totals</b>	1,448,478	1,439,171
	<b>Net Adjustment</b>	<b>9,307</b>

## BACKGROUND INFORMATION

### Legislative Requirements

Clause 203 of the Local Government (General) Regulation 2005 requires that:

- (1) Not later than two months after the end of each quarter, the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the management plan that the council has adopted for the relevant year, a revised estimate of the income and expenditure for that year.
- (2) A budget review statement must include or be accompanied by:
  - (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and
  - (b) if that position is unsatisfactory, recommendations for remedial action.
- (3) A budget review statement must also include any information required by the Code to be included in such a statement.

Section 407 of the Local Government Act 1993 which previously required the General Manager to report to Council on the extent which performance targets set by the Management Plan have been achieved during that quarter has been repealed.

## REPORT

A quarterly budget review should act as a barometer of council's financial health during the year.

It needs to adequately disclose council's overall financial position, provide sufficient information to enable informed decision making while ensuring transparency in decision making.

It is also a means by which councillors can ensure that council remains on track to meet its objectives, targets and outcomes as set out in its management plan/operational plan.

The Division has developed a set of minimum requirements and sample templates to assist councils in meeting their obligations as set out in legislation. The templates will facilitate progress reporting against the original and revised annual budgets at the end of a quarter.

The budget review documentation provided to Council consists of the Quarterly Budget Review Statement (QBRS) as prescribed by the Office of Local Government and a Statement by the responsible accounting officer on council's financial position at the end of the year based on the information in the QBRS which includes;

- Budget Review Income and Expenses Statement
- Budget Review Capital Budget
- Budget Review Cash and Investments position



- Budget Review Key Performance Indicators

A summary of bank account balances is also attached to the Budget review report.

Conclusion:

The revised financial position of Council is considered to be satisfactory.

- 14 URGENT BUSINESS WITHOUT NOTICE**
- 15 QUESTIONS FOR NEXT ORDINARY MEETING**
- 16 CONFIDENTIAL BUSINESS PAPER**  
Nil
- 17 CLOSE OF MEETING**