



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

**Date:** Monday, 14 February 2022  
**Time:** 5pm  
**Location:** Kyogle Council Chambers, Stratheden Street, Kyogle

# **AGENDA**

## **Ordinary Council Meeting**

**14 February 2022**

**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 14 February 2022, 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 | Confidential Business Paper                                      |
| Item 16 | Close of Meeting   |

GRAHAM KENNETT  
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.

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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 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 - 8 NOVEMBER 2021**

**Author:** Executive Assistant

**Authoriser:** General Manager

**Attachments:** 1. **Minutes 8 November 2021 Ordinary Meeting (under separate cover)**



**RECOMMENDATION**

That Council confirms the minutes of the Council meeting of the 8 November 2021.

**PURPOSE / SUMMARY**

This report presents the minutes of the 8 November 2021 Ordinary Meeting to Council for confirmation.

**MINUTES OF KYOGLE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON MONDAY, 8 NOVEMBER 2021 AT 5PM**

**PRESENT:** Cr Danielle Mulholland (Mayor), Cr John Burley (Deputy Mayor), Cr Janet Wilson, Cr Maggie May, Cr Hayden Doolan, Cr Earle Grundy, Cr Lindsay Passfield, Cr Robert Dwyer

**IN ATTENDANCE:** The General Manager, Director Assets and Infrastructure Services, Director Planning and Environmental Services, Executive Manager Corporate Services, Executive Assistant to the General Manager.

## **1 OPEN MEETING**

The Mayor declared the meeting open at 5pm and advised those present 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**

An apology was received from Cr Kylie Thomas.

### **2.1 LEAVE OF ABSENCE**

#### **RESOLVED CO/1121/1**

Moved by Cr Lindsay Passfield, seconded by Cr Hayden Doolan

That Council:

1. Accept the apology from Cr Kylie Thomas;
2. Grant Cr Thomas a leave of absence for the meeting.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

## **3 OPENING PRAYER**

The Mayor read the opening prayer.

## **4 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor acknowledged that the meeting was being held on the traditional lands of the Bundjalung people and acknowledged Elder past, present and emerging.

## **5 DECLARATION OF INTERESTS**

Cr John Burley declared an interest in relation to the following item:

Item 16.1 Review of General Manager's Remuneration Package

Reason for declaration – personal relationship with the General Manager.

The General Manager declared an interest in relation to the following item:

*Item 16.1 Review of General Manager's Remuneration Package  
Reason for declaration – General Manager is subject of the report*

*The Director Planning and Environmental Services declared an interest in relation to the following item:*

*Item 16.1 Review of General Manager's Remuneration Package  
Reason for declaration – Acts in the General Manager's position*

*The Director Assets and Infrastructure Services declared an interest in relation to the following item:*

*Item 16.1 Review of General Manager's Remuneration Package  
Reason for declaration – Acts in the General Manager's position*

*The Executive Manager Corporate Services declared an interest in relation to the following item:*

*Item 16.1 Review of General Manager's Remuneration Package  
Reason for declaration – Acts in the General Manager's position*

## **6 PUBLIC FORUM**

*Nil*

## **7 CONFIRMATION OF MINUTES**

### **7.1 COUNCIL REPORT - 11 OCTOBER 2021**

#### **RESOLVED CO/1121/2**

*Moved by Cr Janet Wilson, seconded by Cr John Burley*

*That Council confirms the minutes of the Council meeting of the 11 October 2021.*

**CARRIED**

*FOR VOTE - Unanimous vote*

*ABSENT. DID NOT VOTE - Cr Kylie Thomas*

### **7.2 COUNCIL REPORT - 26 OCTOBER 2021**

#### **RESOLVED CO/1121/3**

*Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson*

*That Council confirms minutes of the Extraordinary meeting of the 26 October 2021.*

**CARRIED**

*FOR VOTE - Unanimous vote*

*ABSENT. DID NOT VOTE - Cr Kylie Thomas*

## **8 MAYORAL MINUTE**

*Nil*

**9 NOTICES OF MOTION**

Nil

**10 QUESTIONS WITH NOTICE FROM COUNCILLORS****10.1 QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/1121/4**

Moved by Cr Earle Grundy, seconded by Cr Robert Dwyer

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

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**11 REPORTS FROM DELEGATES**

Nil

**12 INFORMATION REPORTS****12.1 MONTHLY FINANCE REPORT - OCTOBER 2021****RESOLVED CO/1121/5**

Moved by Cr Maggie May, seconded by Cr Janet Wilson

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

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**12.2 WORKS PROGRAM PROGRESS REPORT - OCTOBER 2021****RESOLVED CO/1121/6**

Moved by Cr Lindsay Passfield, seconded by Cr Robert Dwyer

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

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**12.3 INTERNAL AUDIT COMMITTEE**

**RESOLVED CO/1121/7**

*Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan*

*That Council receives and notes the minutes of the 26 October 2021 meeting of the Internal Audit Committee.*

**CARRIED**

*FOR VOTE - Unanimous vote*

*ABSENT. DID NOT VOTE - Cr Kylie Thomas*

**13 STAFF REPORTS****13.1 SEPTEMBER 2021 QUARTERLY BUDGET REVIEW****RESOLVED CO/1121/8**

Moved by Cr John Burley, seconded by Cr Janet Wilson

That Council:

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

<b>STATEMENT OF SIGNIFICANT VARIANCES</b>		
<b>SEPTEMBER QUARTER BUDGET REVIEW</b>		
<b>DETAILS</b>	<b>QUARTERLY ADJUSTMENT</b>	
	<b>INCOME</b>	<b>EXPENSES</b>
<i>Finance - Revenue Sharing Grant</i>	105,328	
<i>Environmental Health - Grants</i>	22,565	
<i>Environmental Health - Fawcetts Creek Restoration</i>		22,565
<i>Regional Roads - Capital Grants</i>	(7,196)	
<i>Regional Roads - Capital Expenditure MR 361</i>		863,448
<i>Regional Roads - Capital Expenditure MR 544</i>		(140,000)
<i>Regional Roads - Capital Expenditure Bridges</i>		140,000
<i>Urban Local Roads - Flood Funding</i>	14,438	
<i>Urban Local Roads - Flood Damage</i>		4,438
<i>Rural Roads - Roads to Recovery Grant</i>	405,111	
<i>Rural Roads - Revenue Sharing Grant</i>	(16,476)	
<i>Rural Roads - Capital Grants ( FLR )</i>	1,327,798	
<i>Rural Roads - Capital Grants ( Flood Funding )</i>	1,659,590	
<i>Rural Roads - Capital Expenditure ( FLR )</i>		1,327,798
<i>Rural Roads - Capital Expenditure ( Flood Damage )</i>		1,659,590
<i>Bridges - Roads to Recovery Grant</i>	(405,111)	
<i>Emergency Services - Bushfire Recovery Programme</i>		(15,000)
<i>Parks &amp; Gardens - Capital Grants</i>	990,001	
<i>Parks &amp; Gardens - Capital Expenditure</i>		990,001
<i>Engineering Administration - Recoveries</i>		(400,000)
<i>State Highways - Work Order Income</i>	2,923,266	
<i>State Highways - Work Order Costs</i>		2,684,626

Quarries - Sales	403,303	
Quarries - Working Expenses		275,151
<b>Totals</b>	<b>7,422,617</b>	<b>7,422,617</b>
	<b>Net Adjustment</b>	<b>-</b>

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**13.2 2020-2021 ANNUAL REPORT****RESOLVED CO/1121/9**

Moved by Cr Hayden Doolan, seconded by Cr Robert Dwyer

That Council:

1. Receives and notes the report, 2020-2021 Annual Report.
2. In accordance with s.428 of the Local Government Act, 1993, posts the finalised Annual Report on Council's website and provide a copy to the Minister.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**13.3 END OF TERM REPORT****RESOLVED CO/1121/10**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council receives and notes the End of Term Report.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas



**13.4 INVESTIGATIONS INTO THE PURCHASE AND INSTALLATION OF ELECTRIC VEHICLE AND SCOOTER CHARGERS****RESOLVED CO/1121/11**

Moved by Cr Maggie May, seconded by Cr Earle Grundy

That Council receives and notes the report Investigations into the Purchase and Installation of Electric Vehicle and Scooter Chargers.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**13.5 AGENCY INFORMATION GUIDE****RESOLVED CO/1121/12**

Moved by Cr Hayden Doolan, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report, Agency Information Guide;
2. Adopts the attached Agency Information Guide 2021/22.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**13.6 PRESENTATION OF 2020/2021 FINANCIAL STATEMENTS****RESOLVED CO/1121/13**

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report, Presentation of the 2020/21 Financial Statements.
2. Presents to the public the Audited Financial Reports and Independent Audit Reports for the year ended 30 June 2021 in accordance with the Local Government Act 1993.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**13.7 REGIONAL ROADS HANDBACK****RESOLVED CO/1121/14**

Moved by Cr Hayden Doolan, seconded by Cr Earle Grundy

That Council:

1. *Receives and notes the report, Regional Roads Handback.*
2. *Applies for, and authorises, the transfer to the State Road network of the full length of all Regional Roads within the Kyogle Local Government Area that are currently under Council control, specifically being*
  - (a) *Main Road 141 – Kyogle Road*
  - (b) *Main Road 150 – Clarence Way*
  - (c) *Main Road 361 – Clarence Way*
  - (d) *Main Road 544 – Bentley Road*
  - (e) *Main Road 622 – Mount Lindesay Highway*
3. *Supports the transfer to the State Road network of any sections of these Regional Roads in the adjoining Local Government Areas of Clarence Valley, Tweed Shire, Lismore City, Richmond Valley and Tenterfield Shire, with the concurrence of those councils.*

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

*Director of Assets and Infrastructure Services and Cr Robert Dwyer declared an interest in Item 13.8 Financial Assistance Applications and left the meeting at 5.17pm. Both are members of community organisations which had submitted Financial Assistance Grant applications.*

**13.8 FINANCIAL ASSISTANCE APPLICATIONS****RESOLVED CO/1121/15**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council

1. *Receives and notes the report on Financial Assistance Applications*
2. *Approves the Community Assistance Grants listed in Attachment 1*
3. *Authorises the redistribution of funds from the Bushfire Recovery Funding as listed in Attachment 2*
4. *Dissolves the Emergency Disaster Relief Fund and distributes the remaining funds as listed in Attachment 3.*

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas and Cr Robert Dwyer

*Cr Dwyer and Director Assets and Infrastructure Services returned to the meeting at 5.19pm.*

**14 URGENT BUSINESS WITHOUT NOTICE**

Nil

**15 QUESTIONS FOR NEXT ORDINARY MEETING**

*Cr Maggie May: Questions have been raised in the community about the future of the Learn To Swim Pool in relation to the redevelopment of the Kyogle pool complex. As I understand it, the Learn To Swim pool will be replaced by a heated hydrotherapy pool. Is it the case that the hydrotherapy pool will have a dual use and will also be available for learn to swim?*

*General Manager: Yes, it is designed to have a dual use and will be available for hydrotherapy and learn to swim classes.*

*Cr Earle Grundy: A number of years ago, Council sent property owners a sticker that contained the GPS coordinates of their house/property. It was sent out with rates notices and is an incredible resource for people whose property addresses are not recognised on the likes of Google maps. It's particularly helpful if you have to contact emergency services such as the ambulance. Can Council look at sending them out again with rates notices?*

*General Manager: We sent them out to everyone at the time, and we still hold that information. Anyone who wants that information can just contact Council and we can give it to them. As for sending out stickers, Council will have to look into that.*

*Cr Lindsay Passfield: The High Country Medical Practice at Urbenville is at risk of closing in April next year. There is an MPS with an aged care facility and hospital beds at Urbenville that is currently not being serviced by a GP. Can Council, in association with Tenterfield Shire Council, lobby everyone we can to get additional medical people into that area.*

*Mayor: I have raised this issue with Wayne Jones, the Director of Health Services for our region, Member for Lismore Janelle Saffin, and Member of the Legislative Council Ben Franklin and in other meetings. Essentially the information we are getting back from the State Government is: "There are no problems, don't know what you are talking about, so why are you coming to us with this." They are saying it is our problem. I have put a community member in contact with the Director of Regional Health and she will be able to follow it up that way. But Council will continue to advocate on that issue.*

*Cr Lindsay Passfield: Will the ablutions block at the Woodenbong Campground be finished before Christmas?*

*Director Assets and Infrastructure Services: That is our intention.*

*Cr Robert Dwyer: There is a bad pothole developing on the corner at Anzac Drive and the skatepark. Can that be looked at?*

*Cr Robert Dwyer: The white cement blister at bottom of the main street has been town overtaken by grass. Can that be tidied up before Christmas?*

**16 CONFIDENTIAL BUSINESS PAPER**

*Pursuant to Section 10A(4), the Mayor invited the public to make representations to the council meeting before any part of the meeting was closed, as to whether that part of the meeting should be closed.*

*There were no representations from the gallery. The Mayor advised that under section 10A of the Local Government Act 1993, the media and public are to be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10(2) as outlined.*

**RESOLVED CO/1121/16**

Moved by Cr Maggie May, seconded by Cr Janet Wilson

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:

**16.1 Review of General Manager's Remuneration Package**

This matter is considered to be confidential under Section 10A(2) - a 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 personnel matters concerning particular individuals (other than councillors).

**16.2 Fixing Country Bridges Group Two - Expressions of Interest Outcomes**

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.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

Council closed its meeting at 5.26pm.

The Open Council meeting resumed at 5.36pm.

The Mayor read the following resolutions of Closed Council to the meeting:

**16.1 Review of General Manager's Remuneration Package**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report, Review of General Manager's Remuneration Package;
2. Approves an increase of 5.67% for the position of General Manager to bring the total remuneration package into line with the average for the Rural category of councils.

**CARRIED**

FOR VOTE - Crs Danielle Mulholland, Janet Wilson, Hayden Doolan, Earle Grundy, Lindsay Passfield

AGAINST - Robert Dwyer, Maggie May,

ABSENT DID NOT VOTE - Crs John Burley and Kylie Thomas

**16.2 Fixing Country Bridges Group Two - Expressions of Interest Outcomes**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council:

1. Receives and notes the Fixing Country Bridges Group Two – Expressions of Interest Outcomes report;
2. Invites selective tenders for design and construction of Kyogle Group Two Fixing Country Bridges packages from;
  - Civil Mining & Construction Pty Ltd

- *Daracon Contractors Pty Ltd*
- *Quickway Constructions Pty Ltd*
- *Ark Construction Group Pty Ltd*
- *Hazell Bros (Qld) Pty Ltd*
- *Ozwide Bridge Rail & Civil Pty Ltd*
- *Fortec Australia Pty Ltd*
- *Saunders Civilbuild*
- *GC Civil Contracting Pty Ltd*
- *Davbridge Properties Pty Ltd T/A Davbridge Constructions*
- *Coastal Works*
- *Murray Valley Piling Pty Ltd*
- *Burnett Civil Pty Ltd*
- *Country 2 Coast Concreting*
- *Wagners CFT Manufacturing Pty Ltd*

**CARRIED**

*FOR VOTE - Unanimous vote*

*ABSENT. DID NOT VOTE - Cr Kylie Thomas*

**17 CLOSE OF MEETING**

***The Meeting closed at 5.41pm.***


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

.....  
**CHAIRPERSON**

**7.2 COUNCIL REPORT - 5 JANUARY 2022**

**Author:** Executive Assistant

**Authoriser:** General Manager

**Attachments:** 1. **Minutes 5 January 2022 Extraordinary Meeting (under separate cover)** [↓](#) 

**RECOMMENDATION**

That Council confirms the minutes of the Extraordinary Council meeting of 5 January 2022.

**PURPOSE / SUMMARY**

This report presents the minutes of the 5 January 2022 Extraordinary Meeting to Council for confirmation.

**MINUTES OF KYOGLE COUNCIL  
EXTRAORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON WEDNESDAY, 5 JANUARY 2022 AT 5PM**

**PRESENT:** Cr Danielle Mulholland, Cr John Burley, Cr Janet Wilson, Cr Maggie May, Cr Hayden Doolan, Cr Kylie Thomas, Cr Robert Cullen, Cr James Murray, Cr Tom Cooper

**IN ATTENDANCE:** The General Manager, Director Planning and Environmental Services, Director Assets and Infrastructure Services, Executive Manager Corporate Services, Executive Assistant to the General Manager.

The General Manager declared the meeting open at 5.01pm 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

**1 APOLOGIES**

Nil

**2 OPENING PRAYER**

The General Manager read the opening prayer.

**3 TRADITIONAL LANDS ACKNOWLEDGEMENT**

The General Manager acknowledged that the meeting was being held on the traditional lands of the Bundjalung people and acknowledged Elders past, present and future.

**4 DECLARATION OF INTERESTS**

The General Manager declared an interest in Item 5.3 – Election of Deputy Mayor

- o Reason for declaration - Related to one of the nominees for Deputy Mayor.

**5 STAFF REPORTS**

**5.1 OATHS AND AFFIRMATIONS**

**RESOLVED CO/0122/1**

Moved by Cr Janet Wilson, seconded by Cr Danielle Mulholland

That Council receives and notes the report Oaths and Affirmations, and that the Councillors present each take an oath or make an affirmation of office in the prescribed form.

**CARRIED**

FOR VOTE - Unanimous vote

Cr Maggie May took the affirmation of office before the General Manager in accordance with Section 233A of the Local Government Act.

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

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

*Cr Kylie Thomas took the oath of office before the General Manager in accordance with Section 233A of the Local Government Act.*

*Cr Hayden Doolan took the affirmation of office before the General Manager in accordance with Section 233A of the Local Government Act.*

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

*Cr James Murray took the oath of office before the General Manager in accordance with Section 233A of the Local Government Act.*

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

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

*The Returning Officer (being the General Manager) 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.*

*The General Manager advised that he had received two nominations for the position of Mayor, and announced them in the following order:*

- Cr Danielle Mulholland*
- Cr Kylie Thomas*

*Cr Mulholland and Cr Thomas accepted the nominations.*

## **5.2 ELECTION OF MAYOR**

### **RESOLVED CO/0122/2**

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

*Councillor Kylie Thomas drew first position.*

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

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

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

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

*The Returning Officer declared Cr Kylie Thomas elected Mayor for the next two years.*

*Having previously declared an interest in Item 5.3, the General Manager appointed the Executive Manager Corporate Services as the Returning Officer for the election of Deputy Mayor, and left the room at 5.13pm.*

*The Executive Manager Corporate Services advised that two nominations had been received for the position of Deputy Mayor, and announced them in the following order:*

- Cr John Burley*
- Cr Tom Cooper*

*Cr Burley and Cr Cooper accepted the nominations.*

### **5.3 ELECTION OF DEPUTY MAYOR**

#### **RESOLVED CO/0122/3**

*Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan*

*That Council:*

- 1. Elect a Deputy Mayor from among its numbers;*
- 2. Sets the term of the Deputy Mayor as two years;*
- 3. Proceeds with the election of Deputy Mayor by open voting where there is more than one nominee.*

**CARRIED**

*FOR VOTE - Unanimous vote*

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

*Cr John Burley drew first position.*

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

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

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

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

*The Returning Officer declared Cr Tom Cooper elected Deputy Mayor for the next two years.*

*The General Manager returned to the meeting at 5.16pm.*

*The Mayor assumed the Chair.*

**5.4 COUNCIL COMMITTEES****MOTION**

Moved by Cr Maggie May, seconded by Cr John Burley

That Council:

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

<i>Committee</i>	<i>Councillor Member(s)</i>
<i>General Manager's Review Committee</i>	<i>1. Mayor, two Councillors 2. (The General Manager has the option of nominating another Councillor).</i>
<i>Traffic Committee.</i>	<i>One Councillor.</i>
<i>Internal Audit Committee.</i>	<i>One Councillor</i>
<i>Climate Change Working Group.</i>	<i>Three Councillors. One Councillor to be nominated as Chair.</i>

**AMENDMENT**

Moved by Cr Danielle Mulholland, seconded by Cr Maggie May

That Council:

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

<i>Committee</i>	<i>Councillor Member(s)</i>
<i>General Manager's Review Committee</i>	<i>Mayor, two Councillors (The General Manager has the option of nominating another Councillor).</i>
<i>Traffic Committee.</i>	<i>One Councillor</i>
<i>Internal Audit Committee.</i>	<i>One Councillor</i>
<i>Climate Change Working Group.</i>	<i>Three Councillors. One Councillor to be nominated as Chair.</i>

3. *Appoint an alternate delegate to all Council Committees.*

**CARRIED**

*FOR VOTE - Unanimous vote*

*The amendment became the motion.*

**RESOLVED CO/0122/4**

Moved by Cr Danielle Mulholland, seconded by Cr Maggie May

*That Council:*

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

<i>Committee</i>	<i>Councillor Member(s)</i>
<i>General Manager's Review Committee</i>	<i>Mayor, two Councillors (The General Manager has the option of nominating another Councillor).</i>
<i>Traffic Committee.</i>	<i>One Councillor</i>
<i>Internal Audit Committee.</i>	<i>One Councillor</i>
<i>Climate Change Working Group.</i>	<i>Three Councillors. One Councillor to be nominated as Chair.</i>

3. *Appoint an alternate delegate to all Council Committees.*

**CARRIED**

*FOR VOTE - Unanimous vote*

**RESOLVED CO/0122/5**

*Moved by Cr Maggie May, seconded by Cr Robert Cullen*

*That Cr Maggie May and Cr Tom Cooper be appointed delegates to the General Manager's Review Committee with Cr Danielle Mulholland as the alternate delegate.*

**CARRIED**

*FOR VOTE - Crs Maggie May, Kylie Thomas, Robert Cullen, James Murray and Tom Cooper*

*AGAINST VOTE - Crs Danielle Mulholland, John Burley, Janet Wilson and Hayden Doolan*

**RESOLVED CO/0122/6**

*Moved by Cr Tom Cooper, seconded by Cr Maggie May*

*That Cr Robert Cullen be appointed the delegate to the Traffic Committee and Cr James Murray as the alternate.*

**CARRIED**

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

*AGAINST VOTE - Cr Janet Wilson (abstained)*

**RESOLVED CO/0122/7**

*Moved by Cr Maggie May, seconded by Cr Robert Cullen*

*That Council appoint Cr Tom Cooper as the delegate to the Internal Audit Committee and Cr Maggie May as the alternate.*

**CARRIED**

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

AGAINST VOTE - Cr Janet Wilson (abstained)

**RESOLVED CO/0122/8**

Moved by Cr Maggie May, seconded by Cr Tom Cooper

That Council appoint Cr Maggie May, Cr John Burley, and Cr Tom Cooper as delegates to the Climate Change Work Group, with Cr Maggie May as Chair and Cr Rob Cullen as alternate.

**CARRIED**

FOR VOTE - Unanimous vote

**5.5 COUNCIL DELEGATES**

**RESOLVED CO/0122/9**

Moved by Cr Maggie May, seconded by Cr Danielle Mulholland

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
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
National Timber Councils' Association	One Councillor
Police Accountability Community Team (PACT)	Mayor Alternate delegate Deputy Mayor
Reconciliation Committee	One Councillor
Joint Regional Planning Panel	Two Councillors *See note
Arts Northern Rivers Board member	One Councillor

**CARRIED**

FOR VOTE - Unanimous vote

**RESOLVED CO/0122/10**

Moved by Cr Danielle Mulholland, seconded by Cr James Murray

That Council appoint Cr Janet Wilson and Cr John Burley as delegates to the Kyogle Chamber of Commerce.

**CARRIED**

FOR VOTE - Unanimous vote

**MOTION**

Moved by Cr Maggie May, seconded by Cr Janet Wilson

That Cr Maggie May be appointed the Council delegate to the National Timber Councils' Association.

**FORESHADOWED MOTION**

Moved by Cr Janet Wilson

That Council appoint Cr James Murray as the Council delegate to the National Timber Councils' Association.

**MOTION**

Moved by Cr Maggie May, seconded by Cr Janet Wilson

That Cr Maggie May be appointed the Council delegate to the National Timber Councils' Association.

**LOST**

FOR VOTE - Crs Maggie May, Hayden Doolan and Kylie Thomas

AGAINST VOTE - Crs Danielle Mulholland, John Burley, Janet Wilson, Robert Cullen, James Murray and Tom Cooper

**RESOLVED CO/0122/11**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Cr James Murray be appointed the Council delegate to the National Timber Councils' Association.

**CARRIED**

FOR VOTE - Unanimous vote

**RESOLVED CO/0122/12**

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Cr John Burley be appointed the Council delegate to the Reconciliation Committee.

**CARRIED**

FOR VOTE - Unanimous vote

**RESOLVED CO/0122/13**

Moved by Cr Maggie May, seconded by Cr Danielle Mulholland

That Cr Tom Cooper and Cr James Murray be appointed Council delegates to the Joint Regional Planning Panel.

**CARRIED**

FOR VOTE - Unanimous vote

**RESOLVED CO/0122/14**

Moved by Cr Janet Wilson, seconded by Cr Danielle Mulholland

That Cr Janet Wilson be appointed Council's delegate to the Arts Northern Rivers Board.

**CARRIED**

FOR VOTE - Unanimous vote

## 5.6 MEETING DATES

### **RESOLVED CO/0122/15**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council receives and notes the report on Meeting Dates and provides notice of the following Ordinary Meeting dates for 2022:

Monday, 14 February 2022, 5pm

Monday, 14 March 2022, 5pm

Monday, 11 April 2022, 5pm

Monday, 9 May 2022, 5pm

Tuesday, 14 June 2022, 5pm (Mon 13 June is the Queen's Birthday holiday)

Monday, 11 July 2022, 5pm

Monday, 8 August 2022, 5pm

Monday, 12 September 2022, 5pm

Monday, 10 October 2022, 5pm

Monday, 14 November 2022, 5pm

Monday, 12 December 2022, 5pm

**CARRIED**

FOR VOTE - Unanimous vote

## 5.7 FILLING CASUAL VACANCIES

### **MOTION**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council, in accordance with section 291A of the Local Government Act 2009, resolves to fill casual vacancies occurring within 18 months after the date of the last ordinary election of the Councillors, by a countback of votes cast at the last election for that office.

Cr Danielle Mulholland left the meeting at 6.06pm.

Cr Janet Wilson left the meeting at 6.06pm.

Cr Hayden Doolan called for the motion to be put to the vote.

The Mayor called for a five minute recess and adjourned the meeting at 6.07pm.

The meeting resumed at 6.12pm.

### **MOTION**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council, in accordance with section 291A of the Local Government Act 2009, resolves to fill casual vacancies occurring within 18 months after the date of the last ordinary election of the

*Councillors, by a countback of votes cast at the last election for that office.*

**LOST**

*FOR VOTE - Cr Hayden Doolan*

*AGAINST VOTE – Crs Maggie May, John Burley, Kylie Thomas, Tom Cooper, James Murray, and Robert Cullen.*

*ABSENT. DID NOT VOTE - Crs Danielle Mulholland and Janet Wilson.*

*Cr Danielle Mulholland and Cr Janet Wilson returned to the meeting at 6.14pm.*

#### **5.8 IPART RATE PEG DETERMINATION 2022-23**

##### **RESOLVED CO/0122/16**

*Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan*

*That Council:*

- 1. Receives and notes the report on the IPART Rate Peg determination for 2022-23;*
- 2. Authorises the application for a Special Rate Variation to provide for the 2.5% increase in General Rates Revenue assumed in the revised Long term Financial Plan included in the Kyogle Council Operational Plan 2021/2022 and Delivery Program 2021/2025.*

**CARRIED**

*FOR VOTE - Unanimous vote*

#### **6 URGENT BUSINESS WITHOUT NOTICE**

*Nil*

***The Meeting closed at 6.33pm.***

***The minutes of this meeting were confirmed at the Ordinary Meeting of the Kyogle Council held on 14 February 2022.***

.....  
**CHAIRPERSON**



**8 MAYORAL MINUTE**

Nil

**9 NOTICES OF MOTION****9.1 NOTICE OF MOTION - CR JANET WILSON: POPULARLY ELECTED MAYOR****Attachments: Nil****MOTION**

That Council be provided with a report outlining the options, requirements, indicative costs and timeframe to allow the community to decide on a popularly elected Mayor at future elections.

**RATIONALE**

Council has previously received information about this matter at the September 2020 workshop and the question has been asked in previous community surveys.

Community sentiment is changing and it is timely to revisit this topic to allow the community to provide council with an updated community perspective.

**9.2 NOTICE OF MOTION - CR KYLIE THOMAS: CLARENCE WAY RECTIFICATION WORKS**

**Attachments:** Nil

**MOTION**

That staff provide a detailed report on rectification works on the Clarence Way between Woodenbong and Urbenville as soon as possible after the investigations are completed.

**RATIONALE**

The following information was provided to the community in relation to the abovementioned project on February 1, 2022;

***Community Update – Clarence Way roadworks between Urbenville and Woodenbong***

*Council has been undertaking a major upgrade of the Clarence Way for the full length between the local government boundary near Urbenville through to Woodenbong since mid-2021.*

*The project was made possible by \$3 million of funding from the NSW Government and \$2 million of funding from the Australian Government, with Council contributing up to \$2 million of its own funding to allow the full length to be completed.*

*Construction works on site have currently been paused due to an issue identified with the final layer of pavement material. Council is working closely with its suppliers and contractors to verify the exact nature of the issue and the treatment required.*

*There have been delays to this process due to a number of factors including those normally associated with the end of year period, positive cases of Covid affecting key contractors required to complete the necessary testing and sampling, and of course the extended period of wet weather.*

*Council wishes to reassure the community that it remains focused on rectifying these issues as soon as possible so that the project can be completed as originally planned.*

*We also take this opportunity to thank the community for their patience and apologise for the extended delays in completing the project, and any inconvenience caused during this period.*

The Notice of Motion Seeks to ensure that a detailed report is provided to Council in a timely manner once the investigation works into the issues with the final layer of pavement material are completed.

**10 QUESTIONS WITH NOTICE FROM COUNCILLORS****10.1 QUESTION WITH NOTICE CR TOM COOPER: CUSTOMER SERVICE KPIS**

**Author:** Executive Assistant

**Authoriser:** General Manager

**Attachments:** Nil

The following question on notice was received from Councillor Tom Cooper.

**Question**

When a customer rings, emails or writes to Council to inquire, complain or request action, I assume through Shire Office;

1. How long until Council formally acknowledges their inquiry?
2. If inspection is required, how long is the KPI for this to happen?
3. Is the customer advised about the inspection time, so customer may be present for same, and are they advised re subsequent outcome? Is there another KPI for this?
4. Is there a KPI about action time on commencement of this action?

**Response**

Due to the wide range of services provided by Council, there is no single answer to the questions put forward by Cr Cooper. In the most general terms, Council has a Customer Services Policy that was last reviewed back in 2013. This policy provides information on Council's Service Commitment, Service Standards, Types of Customer Service, and guidance on Dealing with Difficult Customers, Addressing Challenging Behaviour, and Confidentiality and Privacy. The policy also touches on operational matters such as Links to Staff Performance and Customer Service Procedures. Included in this policy are a number of items that provide for the kinds of Key Performance Indicators (KPIs) referenced in the question with notice. These include;

- Answering phone calls within four rings
- Acknowledging written correspondence within five working days (including e-mails)
- Investigating or attending to customer requests within five days
- Respond to telephone messages within one business day
- Provide a response to written correspondence within ten working days if a response is required

Council also has a suite of Asset Management Plans adopted which include a series of service level commitments relating to technical, community, future demand, and changes in technology. There are separate plans covering Roads, Bridges, Water, Sewer, Buildings and Stormwater.

For requests of a more urgent nature, Council is expected to respond accordingly. Whilst there is no set time to respond to urgent or emergency situations, it is generally expected that staff are able to respond within 30 minutes in these types of situations, including such matters as water main breaks, sewerage overflows, bridge failures or landslips or the like affecting sections of the road network. Council's Customer Services staff are trained in how to deal with these types of situations to ensure that staff are able to respond accordingly.

There are also a number of areas where there are statutory response times, such as GIPA requests, issuing of Planning Certificates, Development Application assessment, and regulatory matters such as dog attack investigations and the like.

In relation to the subsequent communications between the customer and Council staff, including arranging for attendance at on-site meetings or inspections, there are no set KPIs that have been developed. However, it is required that the officer attending to the request contact the customer, but only where the customer has specifically requested this. There may be other circumstances where the officer would contact the customer to seek additional information or clarification in addition to this. Council also maintains records of the key dates and times along the way for all Customer Action Requests.

For the road network in particular, the Road Network Management Plan sets out detailed processes and procedures around the inspection and control of defects across the road network based on a process of risk rating using criteria that includes;

- The location and extent of the defect in the road reserve
- The Road Classification and hierarchy
- The defect hazard type and severity.

After the defects have been evaluated against these three criteria, the numerical values for each category are transposed into a set method of calculation and the result gives the Road Risk Rating for the hazard identified. This Road Risk Rating allows Council to prioritise the corrective action it intends to take, or allows the control measures to be scheduled. The following extract is provided from the Road Network Management Plan in relation to implementing controls based on risk rating;

1. **8.1 Control Measures**

2. *The management of risk exposure requires control measures to be implemented. Road Network risk exposure is a very specific issue. No two exposures are the same. The type and style of the control technique adopted will depend on the resources, facilities and expertise available to Council. However, there are some basic control measures that can be generally implemented;*

- *Use of warning signs and lights to alert road user of the potential hazard that exists up ahead,*
- *Erection of temporary barriers or barricades and lights around the area until it can be repaired,*
- *Effecting repair of the damaged area, or*
- *Planning and allocating resources for the long term replacement or upgrade of the area.*

*Accepting that each exposure is unique and will require a specific control measure, there is a factor that must be consistent throughout the process. That factor is the time to respond. In the case of local Road Network the targets are set out below. These targets may not always be achievable, depending on the availability of resources and equipment. For the [Main Roads Contract] all response times are as set out in the contract documents. These response and notification times must be used during the Defect assessment stage. Table 6 sets out generic reaction criteria for the local Road Network.*

**Table 6 Generic Road Risk Action Response for Local and Regional Roads**

<b>Risk Rating</b>	<b>Priority</b>	<b>Control Mechanism</b>	<b>Response Time</b>
4 or less	Low	Monitor	# Not applicable
5 to 9	Low	Programmed into maintenance works. => Effect repair. =>	# As resources permit. # Within 6 months.
10 to 14	Medium	Programmed into maintenance works. => Effect repair. =>	# As resources permit. # Within 3 months.
15 to 18	High	Inspect by competent person and make safe=> Effect Repair. =>	# Within 24 hours. # Within 2 working weeks.

> 18	<i>Urgent</i>	<i>Inspect by competent person and make safe=&gt; Effect Repair.</i>	<i># Within 4 hours.</i> <i># Within 2 working days.</i>
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**# Response times shown above are generic only and are dependent upon resources available and work load at the time of notification.**

The current Customer Services Policy has already been flagged by staff for review due both to its age, but also the changes in the systems used by Council since the previous review in 2013. Other areas that would be covered by this review include;

- The current policy does not provide a clear definition to distinguish a request for service from a complaint
- The policy needs to recognise the Integrated Planning and Reporting Framework and the other Council-adopted documents that include service levels
- The policy includes some operational procedures that should be separated from the Council-adopted policy document
- The policy needs to recognise the complexity and external factors that can affect response times for professional advice or for finalisation of more complex matters

It is intended to include a review of the Customer Services Policy on the agenda at a future Councillor Workshop, with a view to presenting a revised draft policy for formal consideration and community consultation later in the 2022 calendar year.




#### **RECOMMENDATION**

That Council receives and notes the response to the question regarding Customer Service KPIs raised by Councillor Cooper.

**11 REPORTS FROM DELEGATES****11.1 DELEGATES REPORT : CR MAGGIE MAY – CLIMATE CHANGE WORKING GROUP**

**Author:** Executive Assistant

**Authoriser:** General Manager

- Attachments:**
1. Minutes Climate Change Working Group Meeting 21 June 2021 (under separate cover) 
  2. Minutes Climate Change Working Group 13 September 2021 (under separate cover) 
  3. Notes on Kyogle CC Assessment and Adaption Report (under separate cover) 

**SUMMARY / PURPOSE**

This report provides for the information of Council the minutes of the 21 June 2021 and 13 September 2021 meetings of the Climate Change Working Group.

**RECOMMENDATION**

That Council receives and notes the report, *Delegates Report : Cr Maggie May – Climate Change Working Group*.

**REPORT**

Highlights of the June meeting included a presentation by Suzanne Acret (DPI) on the Richmond River Catchment Governance and Waterway Health project, a review of Council's Climate Change Assessment and Adaptation Initiatives report of 2019 and the North Coast Enabling Regional Adaptation 2019 report by Dr Arthur Webb with an assessment of Council's achievements to date and ongoing challenges. A summary of his review is attached for reference.

A review of Council's future climate adaptation plans was also presented by Matt Sorensen. Action item from this presentation is that the Climate Change Working Group continue to explore and review Kyogle's climate change adaptation documents to determine best practice recommendations for Council on further adaptation measures.

CCWG further considered where it can have other useful input and determined that it would seek to have input into the Community Strategic Plan considerations in 2022.

At the September meeting, Dr Genevieve Larson provided a report on the Rising Strong Rural adaptation seminar she attended in Kyogle. Rising Strong is a collaboration of various Landcare organisations, this seminar focused on the consideration of vegetation adaptation for a changing climate, fire management and refugia and landscape rehydration works, along with landholder opportunities in climate change initiatives.

An update on the Community Resilience Project was presented by Scott Antcliff, group discussion on this project regarding developing community resilience to strengthen capacity for adaption to changing climate and related issues including increased fire risk, extreme weather events and the prediction of changed rainfall patterns in the region. CCWG has a role in providing education and awareness for residents on preparing for such events.

The CCWG decided to form groups to focus on key areas of concern including Waste, Energy, Agriculture, Adverse events, Water Supply and Sewer, Ecological Health and Communication and Advocacy. Members of the group will indicate which areas they are interested in pursuing at the next meeting in November.

## 12 INFORMATION REPORTS

### 12.1 MONTHLY FINANCE REPORT - JANUARY 2022

**Author:** Manager Financial Services

**Authoriser:** General Manager

**Attachments:** 1. Finance Report - January 2022  

#### 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 – January 2022*.

#### 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**

**31 January 2022**

**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 31 JANUARY 2022**

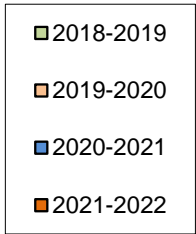
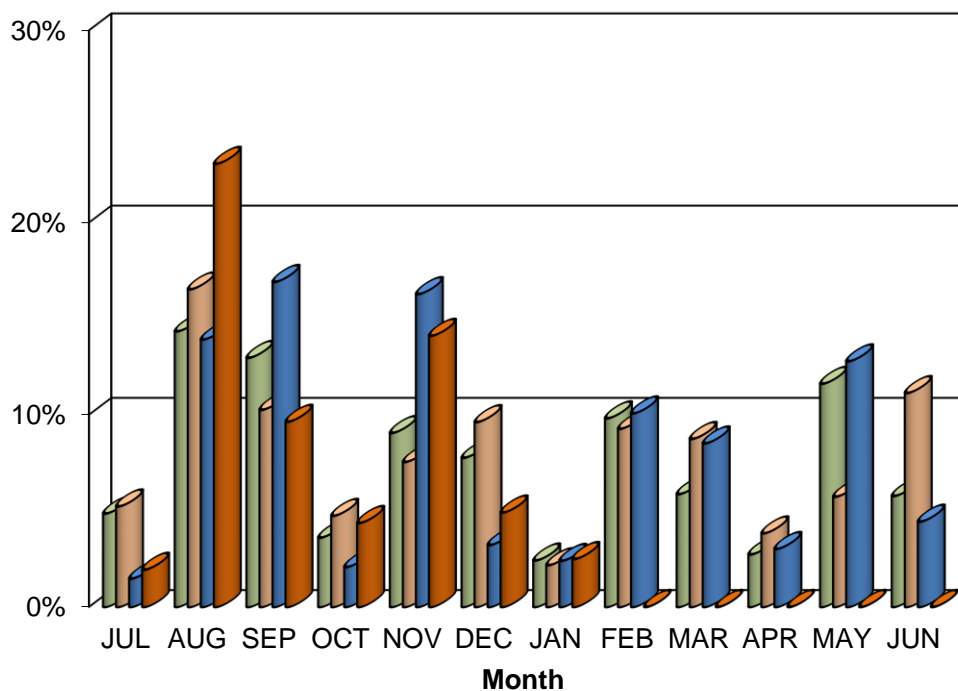
	ARREARS 1-Jul-2021	NET CHARGES 2020-2021	PAYMENTS	OUTSTANDING BALANCE 31/1/2022	ARREARS 31/1/2022	% TOTAL COLLECTED incl. ARREARS	% ARREARS COLLECTED 2021-2022
RATES, SERVICES AND INTEREST	791,480.69	11,545,150.42	7,463,797.21	4,872,833.90	343,338.41	60.50%	56.62%

PRESENTED TO COUNCIL FEBRUARY 2022

**Note:**

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

**Rate Collections Analysis**  
% Collected Each Month



**Write offs under delegated authority - Rates and Charges 2021-2022**

July	August	September	October	November	December	January	February	March	April	May	June	Total Write Offs
\$ -	\$ 40.03	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40.03

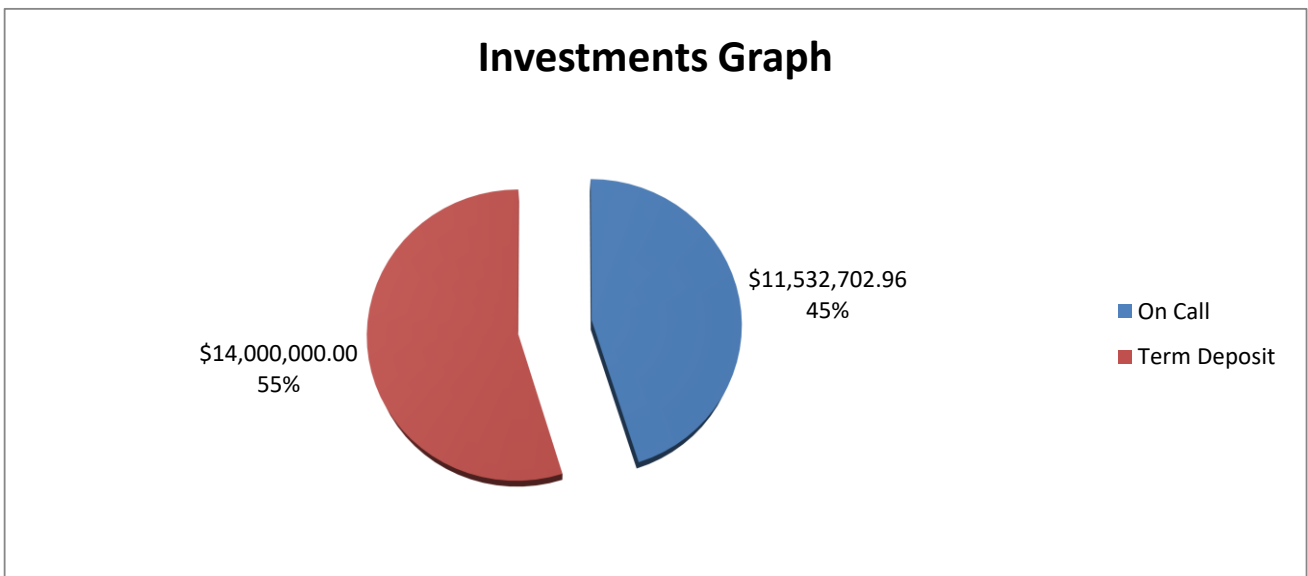
<b>Kyogle Council</b>	
<b>STATEMENT OF FUND BALANCES as at</b>	
<b>31-Jan-22</b>	
Fund	Closing Balance
<b>General Fund</b>	
Unrestricted	14,500,454.64
Internally Restricted	4,172,177.00
State Highways	(973,534.50)
Quarries	817,733.09
Plant	2,265,973.64
Externally Restricted	4,118,526.56
<b>Total General Fund</b>	<b>24,901,330.43</b>
<b>Restricted</b>	
Water Supplies	(43,291.68)
Sewerage Systems	591,287.70
Domestic Waste	43,209.46
Trust Fund	40,167.05
<b>Total Restricted</b>	<b>631,372.53</b>
<b>Total Consolidated Funds at Bank</b>	<b>25,532,702.96</b>

KYOGLE COUNCIL FINANCIAL ANALYSIS REPORT AS AT 31/01/2022								
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		11,532,702.96	45.17%
<b>Total Cash at Call</b>							<b>11,532,702.96</b>	<b>45.17%</b>
NAB	Term Deposit	04-Nov-21	03-Feb-22	Fixed	Maturity	0.27%	2,000,000.00	7.83%
CBA	Cash Deposit	25-Nov-21	10-Feb-22	Fixed	Maturity	0.28%	2,000,000.00	7.83%
Suncorp	Term Deposit	18-Nov-21	17-Feb-22	Fixed	Maturity	0.30%	1,000,000.00	3.92%
NAB	Term Deposit	09-Dec-21	24-Feb-22	Fixed	Maturity	0.30%	1,000,000.00	3.92%
Suncorp	Term Deposit	02-Dec-21	03-Mar-22	Fixed	Maturity	0.30%	2,000,000.00	7.83%
CBA	Cash Deposit	16-Dec-21	10-Mar-22	Fixed	Maturity	0.27%	2,000,000.00	7.83%
CBA	Cash Deposit	23-Dec-21	17-Mar-22	Fixed	Maturity	0.32%	1,000,000.00	3.92%
NAB	Term Deposit	17-Jan-22	24-Mar-22	Fixed	Maturity	0.30%	1,000,000.00	3.92%
NAB	Term Deposit	27-Jan-22	31-Mar-22	Fixed	Maturity	0.22%	1,000,000.00	3.92%
Suncorp	Term Deposit	20-Jan-22	21-Apr-22	Fixed	Maturity	0.30%	1,000,000.00	3.92%
<b>Total Cash at Call</b>							<b>14,000,000.00</b>	<b>54.83%</b>
<b>Total Investment Portfolio</b>							<b>\$25,532,702.96</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

### Jan-22

Councillor Name	Kilometres Claimed		Current Rate per Kilometre	Amount Reimbursed	
	Jan-22	YTD		Jan-22	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	0	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
T.Cooper	0	0	\$0.00	\$0.00	\$0.00
R.Cullen	0	0	\$0.00	\$0.00	\$0.00
J.Murray	0	0	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>0</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 - JANUARY 2022**

**Author:** Manager Financial Services

**Authoriser:** General Manager

**Attachments:**

1. **Bridge Program Status Report January 2022**  
2. **Works Program Progress Report January 2022 (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 – January 2022*.

**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.



## KYOGLE COUNCIL BRIDGE PROGRAM MONTHLY STATUS REPORT 2021 / 2022

**REPORTING MONTH:** January 2022

**REPORT DATE:** 02/02/2022

### PROGRESS SNAPSHOT

TOTAL NUMBER OF TIMBER BRIDGES REPLACED = 19 of 93 (20.4%)

FCB DEED PERIOD ELAPSED – 34 of 104 weeks (32.7%)

### 1 PURPOSE

The purpose of this report is to provide additional commentary on the current progress of the Kyogle Council Bridge Replacement Program. For information on the status of each bridge refer to the Monthly Works Program Progress Report.

### 2 MONTHLY HIGHLIGHTS

The wet season and holiday period have slowed the progress of works over the past few months. Before the end of year close down a total of 19 structures were replaced since the start of the Deed period.

Highlights for November – December 2021 include:

- Five (5) FCB Group 1 Bridges Complete in the month of December 2021
- One (1) FCB Group 1 Bridge to Pipe Replacement Complete
- Release of the Group 2 Bridges Design and Construct Tender

### 3 RISKS TO DELIVERY PROGRAM

- Wet weather is slowing the productivity of works. Further rainfall is predicted over the coming months.
- Lack of interest from the market in the Group 2 packages (there is a large amount of work in NSW for contractors) or poor value in the tender box.

### 4 PAGE BRIDGE REPLACEMENT PACKAGE

There are 8 bridges in the 2021 / 2022 Page Bridge Replacement Package. Four (4) of the eight have been completed. Updates on the remaining four are below:

BRIDGE ID	BRIDGE NAME	COMMENTS	EXPECTED COMPLETION
147/160	Wyndham Road Campbells Bridge	All substructure works are complete. Shipping delays with the laminated bearings (due to arrive in December 2021 – yet to be delivered). The works at site have been put on hold until the bearings arrive – expected mid-February. The temporary bridge on the side track was damaged during the December rainfall events. The road is currently closed at the Bridge site with access to the north via Apple Gum Road	Early Mar 2022
131/9541	Tunglebung Creek Maslens No.2 Bridge	Wet weather at the end of the year pushed piling works to early January. Abutment works currently in progress.	Mid Feb 2022
113/2577	Ryans Creek Road	Fisheries have agreed to a Box Culvert replacement solution. Now seeking formal Fisheries Permit before procuring materials.	Late May 2022
68/8166	Horseshoe Creek Bridge	Currently in design phase – detailed survey of existing elements complete.	Late May 2022

## Bridge Program Monthly Status Report – January 2022

**5 FIXING COUNTRY BRIDGES (FCB)****5.1 GROUP 1 – KYOGLE COUNCIL MANAGED PROJECTS****5.1.1 SINGLE SPAN BRIDGES**

There are 38 single span bridge replacements in the Group 1 FCB program. Nine of 38 have been replaced and opened to traffic.

The following Bridges have been completed during November – December:

- 11/59 Babyl Creek Road
- 11/3626 Babyl Creek Road
- 57/1073 Ghinni Ghi Road
- 1/1674 Bolan Road
- 147/3429 Wyndham Creek

The below listed sites are currently in construction:

BRIDGE ID	BRIDGE NAME	COMMENTS	EXPECTED COMPLETION
39/1828	Dunns Road	Piling Works Complete at end of January.	End Feb 2022
58/7982	Green Pigeon Road Williams Bridge	Bridge deck installed early February.	Mid Feb 2022
266/74	Wynlea Road	Site Preparation Works starting early February.	Earl Apr 2022
11/6549	Babyl Creek Heaslips	Micropiling works complete mid-January.	End Feb 2022

The next bridges planned for construction are:

- 93/704 Mahoney Lane Bridge
- 60/1847 Gorge Creek Bridge
- 56/194 Gooleys Bridge
- 118/407 Saunders Road

**5.1.2 BRIDGE TO PIPES**

Five (5) of the 8 FCB bridge to pipes projects have been completed. Iron Pot Creek Road Bridge 73/11458 was completed in December 2021. The bridge to pipe crew is programmed to start the Hel-cor Pipe Replacement on Hootons Road. Once this is complete they will move to Ferndale Road 52/3428.

**5.2 GROUP 2 – BRIDGES**

A Design and Construct Tender for 21 of the 38 Group 2 bridges was released to all 15 shortlisted contractors from the Expression of Interest. The Tender was to close on 18 February 2022, after requests from contractors the tender period has been extended by 2 weeks to 4 March 2022.

Council will develop the bridge designs for the remaining 17 bridges in the Group 2 program with the plan to either construct with internal Council crews after the completion of the Group 1 bridges, or, release construct only tenders for the works. The SMEC has been engaged to perform the design work for 8 of these structures – expected completion in April 2022. The remaining bridges will be constructed using the Standard Steel Girder / Concrete Deck design.

**6 OTHER BRIDGE REPLACEMENTS**

Cedar Point Bridge 47/9639: All substructure works are complete. The majority of the components for the centre steel truss are onsite for assembly. Deck and bearing component are still being manufactured. The works have been significantly impacted by rainfall over the November – January Period. This has pushed the expected completion date to May 2022.



**13 STAFF REPORTS****13.1 DISCLOSURES OF POLITICAL DONATIONS AND ELECTORAL EXPENDITURE****Author:** Manager Corporate Services**Authoriser:** General Manager**Attachments:** 1. **Disclosing Political Donations Fact Sheet**  **SUMMARY / PURPOSE**

Councillors and Mayors elected at the local government elections on 4 December 2021 must submit political donation and electoral expenditure disclosures to the NSW Electoral Commission periodically for their term in office. The first disclosures must be submitted by 25 February 2022.

**RECOMMENDATION**

That Council receives and notes the report, *Disclosures of Political Donations and Electoral Expenditure*.

**REPORT**

The NSW Electoral Commission has requested that Council include on the agenda for Council's first meeting, the following information about the disclosure obligations of elected members of councils.

Elected members must submit political donation and electoral expenditure disclosures to the NSW Electoral Commission for the remainder of their term.

There are three types of disclosures to submit each year as an elected member: two half-yearly disclosures of political donations made and received and an annual disclosure of electoral expenditure incurred.

In relation to the 2021/22 financial year, an elected member must also submit disclosures in their capacity as a candidate. These being two half-yearly disclosures of political donations made and received and an annual disclosure of electoral expenditure incurred.

The relevant periods each disclosure covers and the lodgement periods for disclosures for 2021/2022 are:

<b>Disclosure type</b>	<b>Disclosure period</b>	<b>Disclosure lodgement period</b>	<b>Disclosure due</b>
1 <sup>st</sup> half-yearly political donations disclosure	1 July 2021 to 31 December 2021	1 January 2022 to 25 February 2022	<b>25 February 2022</b>
2 <sup>nd</sup> half-yearly political donations disclosure	1 January 2022 to 30 June 2022	1 July 2022 to 28 July 2022	<b>28 July 2022</b>
Annual electoral expenditure disclosure	1 July 2021 to 30 June 2022	1 July 2022 to 22 September 2022	<b>22 September 2022</b>

If an elected member was the lead candidate of a group of candidates at the local government elections they must submit the above disclosures not only as a candidate and elected member, but also on behalf of the group.

If no political donations are made or received or no electoral expenditure is incurred, 'Nil' disclosure forms must still be submitted.

Disclosures can be made through Funding and Disclosure Online, the NSW Electoral Commission's secure, accessible and convenient online portal for electoral participants. Those who do not yet have access can request access today.

Detailed information about disclosures is available on the NSW Electoral Commission website.

#### **Elected member contact details**

Elected members who have not provided the NSW Electoral Commission with up-to-date contact details are requested to do so as soon as possible by emailing [fdc@elections.nsw.gov.au](mailto:fdc@elections.nsw.gov.au) .

A current email address and mobile number for each elected member is required so that the NSW Electoral Commission can send notifications about when and how to disclose political donations and electoral expenditure. Elected members who do not comply with disclosure requirements could be penalised, including a fine or prosecution.

#### **More information**

More information about electoral funding obligations of elected members can be found on the NSW Electoral Commission website. The Electoral Funding Act 2018 can be accessed on the NSW Legislation website.

Elected members should contact the NSW Electoral Commission at [fdc@elections.nsw.gov.au](mailto:fdc@elections.nsw.gov.au) if they have any questions.



## Fact sheet

# Disclosing political donations

(Half-yearly period 1 July to 31 December 2021)

The following information applies to political parties, elected members, candidates, groups, third-party campaigners, associated entities, party agents and official agents. Information in this fact sheet is based on the provisions of the *Electoral Funding Act 2018*. Refer to the legislation for the full requirements and/or be guided by independent legal advice.

### What is a half-yearly political donations disclosure?

Political parties and other electoral participants in New South Wales must disclose political donations every six months. A half-yearly political donation disclosure form includes political donations made and received.

### When must a half-yearly political donations disclosure be lodged?

The due date for submitting a disclosure of political donations made and received in the half-yearly period 1 July 2021 to 31 December 2021 is **Friday, 25 February 2022**.

### Who must lodge a half-yearly political donations disclosure?

All political parties and electoral participants are required to lodge a half-yearly political donations disclosure form:

- All candidates, as well as the lead candidates of groups, must disclose all political donations made and received in the half-yearly period, or lodge a "nil" disclosure form if no political donations were made or received.
- All elected members, political parties and associated entities must disclose all political donations made and received in the half-yearly period, or lodge a "nil" disclosure form if no political donations were made or received.
- Third-party campaigners must disclose all reportable political donations received during the half-yearly period that were or are intended to be used to incur electoral expenditure in the capped expenditure period for an election, or lodge a "nil" disclosure form if no reportable political donations were received.

### What are political donations?

Political donations are defined on the NSW Electoral Commission's [website](#).

Political donations include:

- monetary and non-monetary gifts
- free or discounted goods or services
- an amount paid by a person to attend or participate in a fundraising venture or function
- an annual or other subscription paid to a party by a party member or affiliate
- a disposition of property from the federal branch (or a State or Territory branch) of a party to the NSW branch of the party or a disposition of property from one NSW party to another NSW party

- uncharged or insufficient interest charged on a loan
- a contribution made by a candidate to the group of which they are a member.

### What must be disclosed?

Political donations must be disclosed as follows:

- small political donations made and received (does not apply to third-party campaigners)
- reportable political donations made\* and received
- details of fundraising ventures and functions including the net or gross proceeds
- reportable loans received
- the total amount of annual or other subscriptions paid to a party, each subscription rate and the number of party members that paid at each rate (applies to parties only)
- political donations made to a Legislative Assembly election candidate before the candidate was selected or endorsed by a party (applies to parties only)
- payments other than political donations paid into the campaign account (applies to campaign accounts of candidates, groups and elected members only).

\* If a third-party campaigner has made reportable political donations in the half-yearly period the political donations can be disclosed in a half-yearly disclosure form, otherwise they must be disclosed in an annual major political donor disclosure form following 30 June 2022.

### Who is responsible for making the disclosure?

Half-yearly political donation disclosure forms must be completed, signed and submitted by the person responsible for the disclosure as set out in the table below, unless otherwise notified in writing by the NSW Electoral Commission:

Disclosure form type	Person responsible
<b>Political Party</b>	the party agent
<b>Councillor or mayor</b>	the councillor or mayor
<b>Local government election candidate</b>	the candidate (includes a candidate who is a member of a group)
<b>Local government election group of candidates</b>	the lead candidate of the local government group
<b>Third-party campaigner or associated entity</b>	the official agent of the third-party campaigner or associated entity
<b>Member of Parliament (MP)</b>	the party agent, if the MP is a member of a party that is registered for State elections or the MP, in all other cases
<b>State election candidate</b>	the party agent, if the candidate is a member of a party that is registered for State elections or the candidate, in all other cases
<b>State election group of candidates</b>	the party agent of the group's lead candidate, if group members are members of one or more parties registered for State elections or the lead candidate, in all other cases

### How to submit a political donation disclosure form

Disclosure forms can be submitted online using [Funding and Disclosure Online](#):

1. [Log in](#) to Funding and Disclosure Online using your username and password, or [Request access](#) (if you don't already have access)
2. Your dashboard shows the disclosure(s) you need to submit for the half-yearly period
3. Follow these [instructions](#) to create and submit the disclosure, or these [instructions](#) to submit a 'Nil' disclosure.

When submitting a disclosure using Funding and Disclosure Online, supporting documents (e.g. copies of receipts issued to donors) can be uploaded before the disclosure is submitted electronically.

For those unable to use Funding and Disclosure Online, disclosure forms are available for download on the NSW Electoral Commission's [website](#). A disclosure form or "nil" disclosure form (if no donations were made or received) must be validly lodged with the NSW Electoral Commission by **Friday, 25 February 2022**.

A disclosure form is validly lodged if it is lodged by the due date and:

- the correct form has been used (there are separate forms for political parties and each type of electoral participant),
- it contains all pages (even if some or all pages contain no disclosures), and
- it is completed, signed and dated by the person who is responsible for making the disclosure. Note that digital signatures are no longer accepted on disclosure forms downloaded from the website. If you would like to sign with a digital signature, please use Funding and Disclosure Online to submit your disclosure.
- The disclosure form must be lodged with copies of the receipts issued to donors who made a reportable political donation.

If you are submitting a disclosure form downloaded from the website, the form and supporting documents can be lodged in paper or electronic form by email or fax but not through your own file hosting service (e.g. Dropbox). If submitting files that are too large to send by email (over 20MB), contact us at [fdc@elections.nsw.gov.au](mailto:fdc@elections.nsw.gov.au) to request a unique link for large file upload. These requests need to be made before 18 February 2022 and will only be attended to in business hours.

### Were you a member of a group of candidates in the half-yearly period?

#### Disclosure forms to submit if you were a member of a group

- The person responsible for the group, usually the lead candidate, must submit **two** disclosures: the group disclosure form **and** their own individual candidate disclosure form.
- Each group member **must** submit their own individual candidate disclosure form.

**Candidate disclosure forms:** must include any political donations made to or for the benefit of the candidate and any political donations made by the candidate including political donations made by a candidate to the group of which they are a member, membership fees, levies, or other payments made to the political party of which the candidate is a member.

**Group disclosure forms:** must include any political donations made to or for the benefit of the group and any political donations made by the group. Political donations received by the group include donations made by the group's members to the group.

If a group member donates to their group, the candidate who donated to their group must disclose making the donation to the group. The lead candidate of the group must disclose, in the group's disclosure form, receiving the donation from the candidate.

### Were you a councillor or mayor in the half-yearly period?

Any person who was a councillor or mayor between 1 July 2021 and 31 December 2021 must submit an elected member disclosure form. This includes:

- those who were declared "elected" at the 2021 local government elections,
- elected members who contested the 2021 local government election but were not re-elected, and
- elected members who did not recontest the 2021 local government elections.

#### Disclosure forms to submit if you were a councillor or mayor

- If you were elected at the 2021 local government elections, you **must** submit:
  - an elected member disclosure form,
  - a candidate disclosure form, and
  - a group disclosure form (if you were the lead candidate of a group)
- If you were an elected member prior to the 2021 local government elections and you were a candidate but were not re-elected, you **must** submit:
  - an elected member disclosure form,
  - a candidate disclosure form, and
  - a group disclosure form (if you were the lead candidate of a group)
- If you were an elected member prior to the 2021 local government elections and you were not a candidate, you **must** submit:
  - an elected member disclosure form

An elected member disclosure form is to include political donations made to or for the benefit of the person as an elected member and political donations made by the elected member during the half yearly period. Political donations made by an elected member include membership fees, levies and other payments made by the elected member to the political party of which they are a member.

Political donations disclosed by a person in their elected member disclosure form do not also need to be disclosed in the person's candidate disclosure form, and vice versa.

### Were you a candidate for a councillor election and a mayoral election?

If you were a candidate for both a councillor election and a mayoral election in the same local government area the person responsible for the candidate can submit a single candidate disclosure form.

### Can a disclosure form be amended?

Yes, a disclosure form previously submitted to the NSW Electoral Commission can be amended by the person responsible for the original disclosure or their successor. "Amended disclosure" forms can be submitted using [Funding and Disclosure Online](#), or are available on request.

### What happens after a disclosure is made?

Disclosure forms are kept by the NSW Electoral Commission for at least six years and are published on the NSW Electoral Commission's [website](#).

Disclosure forms may be subject to a compliance audit by the NSW Electoral Commission. You are required to retain complete and accurate records in relation to a disclosure for at least three years.



### What happens if a disclosure form is not lodged, is lodged late or is incorrect or incomplete?

Breaching the legislative requirements for disclosures may constitute a criminal offence. The NSW Electoral Commission may issue warnings, penalties or prosecute offences including:

- failure to validly lodge a disclosure form by the due date
- lodging an incomplete disclosure without a reasonable excuse
- providing or withholding information knowing it will result in a false or misleading declaration by the person responsible for the disclosure
- making a false statement in a declaration on a disclosure form.

A disclosure form is taken to be invalidly lodged if:

- the incorrect form is used or pages are missing from the form
- the form has not been signed by the person who is responsible for signing the form
- the declaration section of the form has not been properly completed including the date the declaration was signed.

### More information

The *Electoral Funding Act 2018* is available in full at [legislation.nsw.gov.au](http://legislation.nsw.gov.au).

For further information, contact us on 1300 022 011 or at [fdc@elections.nsw.gov.au](mailto:fdc@elections.nsw.gov.au).

**13.2 DECEMBER QUARTERLY BUDGET REVIEW****Author:** Manager Financial Services**Authoriser:** General Manager**Attachments:** 1. December Quarterly 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 December 2021 Quarter Budget Review Statement;
2. Approves the variation of estimates contained in the table below:

**STATEMENT OF SIGNIFICANT VARIANCES  
DECEMBER QUARTER BUDGET REVIEW**

DETAILS	QUARTERLY ADJUSTMENT	
	INCOME	EXPENSES
Crown Reserves - Grants & Contributions	441,825	
Crown Reserves - Operating Costs		441,825
Environmental Health - Grants	20,000	
Environmental Health - Fawcetts Creek Flying Fox Rehab		20,000
Strategic, Community & Cultural - Community Services Income	22,273	
Strategic, Community & Cultural - Pandemic Support Grant	90,000	
Strategic, Community & Cultural - Summer Nights Grant	15,000	
Strategic, Community & Cultural - Community Services		22,273
Strategic, Community & Cultural - Pandemic Support Project		90,000
Strategic, Community & Cultural - Summer Nights Project		15,000
Regional Roads - Operating Costs MR 361		100,000
Regional Roads - Flood Damage Grant	22,768	
Regional Roads - Capital Expenditure MR 141		(435,000)
Regional Roads - Capital Expenditure MR 361		524,976
Regional Roads - Capital Expenditure MR 544		(62,000)
Regional Roads - Capital Expenditure MR 622		(27,976)
Rural Roads - Sealed Roads Maintenance		280,000
Rural Roads - Flood Damage Grant	452,645	
Parks & Gardens - Capital Grants	300,000	
Parks & Gardens - Capital Expenditure		300,000
Community Buildings - Capital Grants	(20,481)	
Community Buildings - Capital Expenditure		(103,360)
<b>Totals</b>	1,344,030	1,165,738
	<b>Net Adjustment</b>	<b>178,292</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.

**13.3 LGNSW SPECIAL CONFERENCE**

**Author:** Manager Corporate Services

**Authoriser:** General Manager

**Attachments:** Nil

**SUMMARY / PURPOSE**

To nominate a voting delegate to the Local Government NSW Special Conference.

**RECOMMENDATION**

That Council

1. Receives and notes the report, *LGNSW Special Conference*.
2. Nominates Councillor .....(insert name) as the voting delegate to the LGNSW Special Conference 2022

**REPORT**

Council has an allocation of one voting delegate to LGNSW Conferences and at the 13 September 2021 Ordinary Meeting, Council nominated the Mayor as its voting delegate for the 2021 Conference.

However, due to the COVID-19 pandemic restricting participation in the 2021 LGNSW Annual Conference, the conference was split into two parts, with an AGM occurring in 2021 and a Special Conference scheduled for 28 February – 2 March 2022, to be held at the Hyatt Regency in Sydney, to debate council motions.

The Mayor attended the 2021 Annual General Meeting as Council's voting delegate.

As there is now a Special Conference scheduled for the end of February, LGNSW has advised that each council is required to nominate a voting delegate specifically for this Special Conference and advise LGNSW of the name of the voting delegate by 5pm 17 February 2022.

On the 18th of January 2022 Councillors were notified by email of the Special Conference, and requested to contact the Executive Assistant to the General Manager if they wished to attend. Cr Mulholland advised that, following her election to the Board of Local Government NSW in late 2021, she will be attending the Special Conference. No other Councillors had responded with an interest in attending the Special Conference at the time of this report.

The following motions were adopted by Council at its 13 September 2021 meeting and have been submitted to LGNSW for Conference consideration;

That LGNSW;

- (i) Call on the Federal Minister for Regional Health, Regional Communities and Local Government the Hon Mark Coulton MP, to remove Part 1 Sec 6 2b of the Local Government Financial Assistance Act 1995 to avoid the mandatory minimum per capita grant amount, as per the resolution passed at the Australian Local Government Associations National General Assembly in 2019.
- (ii) Review its policy position on the Federal Government's Financial Assistance Grants to reflect the resolution passed at the ALGA 2019 National General Assembly, and remove the pre-requisite of additional FAGs funding to be provided before any changes in the formula are made, and call on the ALGA to do the same.

- (iii) Call on the NSW Local Government Grants Commission to do everything within its power to ensure that no Council receives less than their 2020 FAGs allocation in the future, and that there be transitional arrangements put in place to ensure that the FAGs are distributed in accordance with the principles of horizontal fiscal equalisation as outlined in the Local Government Financial Assistance Act should the Australian Government make the proposed changes to remove the minimum per capita grant amount.

LGNSW have confirmed receipt of the above motion but are yet to confirm that it will be included for debate.

**13.4 CLIMATE CHANGE WORKING GROUP MEMBERSHIP**

**Author:** Senior Environmental Services Officer  
**Authoriser:** General Manager  
**Attachments:** Nil

**SUMMARY / PURPOSE**

To fill vacancies for community members on Council's Climate Change Working Group.

**RECOMMENDATION**

That Council:

1. Receives and notes the report, *Climate Change Working Group Membership*;
2. Endorses the following appointments to the Climate Change Working Group:
  - (a) John Redmayne
  - (b) Robyn Lucienne

**BACKGROUND INFORMATION**

In July 2021, Council called for Expressions of Interest (EOIs) from community members interested in joining the Climate Change Working Group (CCWG) to fill the vacancies created by the resignations of Roger Small and Karen Webb. EOIs closed on 24 September 2021.

Under the Terms of Reference, EOIs were assessed against the following selection criteria:

- Community delegates should preferably be nominated by a community group, consortium of community groups or a peak body preferably with wide membership or representation and must reside in the Kyogle LGA
- Commerce and industry delegates should preferably be nominated by a peak body or a consortium of organisations preferably with a wide membership or representation and must reside in the Kyogle LGA
- Scientific representatives must have a speciality in disciplines related to climate change and/or renewable energy, with preference given to those who reside in the Kyogle LGA

Six people lodged EOIs to join the CCWG. They were: Elushia Parker, Terry De Lacy, Kieran Somerville, Robyn Lucienne, John Redmayne, Christopher Hoare.

In October 2021 Council appointed the following three community representative nominees to the CCWG - Terry De Lacy, Christopher Hoare and Kieran Somerville. The Council also endorsed that the Terms of Reference of the Climate Change Working Group be amended to seven community representatives to accommodate these appointments.

In November 2021, Genevieve Larsen resigned from the CCWG and in January 2022 Kym Watling tendered her resignation from the Working Group. Their resignations have left two community vacancies on the CCWG.

**PREVIOUS COUNCIL CONSIDERATION**

At its meeting of 11 October 2021, Council resolved:

*That Council:*

- 1 *Receives and notes the report;*
- 2 *Endorses the following appointments to the Climate Change Working Group:*

- 1 Terry De Lacy
- 2 Christopher Hoare
- 3 Kieran Somerville
- 3 Amends the Terms of Reference of the Climate Change Working Group as required to accommodate these appointments;
- 4 Writes to all unsuccessful applicants thanking them for their Expressions of Interest.

## REPORT

Of the three applicants who originally provided an EOI in July 2021, John Redmayne and Robyn Lucienne have confirmed that they are still interested in joining the CCWG as a community representative. Elushia Parker has withdrawn her EOI. These applicants met the selection criteria from the CCWG Terms of Reference when originally assessed in October 2021 and their applications have been kept on file. An update of the results of the original assessment in October 2021 are shown in the table below.

Name of Applicant	Representative Group	Notes on Selection Criteria	Meets Criteria
John Redmayne	Industry (Agriculture)	Kyogle LGA resident Bachelor of Veterinary Science Working history – Veterinary Officer with AQIS Abattoir Meat Inspection Farming experience – dairy and beef; rotational grazing, holistic farm management, carbon capture and sequestration of carbon on farms. Currently studying silviculture. Member of Roseberry Creek Landcare Group	Yes
Robyn Lucienne	Community	Kyogle LGA resident Bachelor of Arts, Behavioural Science Bachelor of Laws WIRES Volunteer Rescue Change since original application – no longer a member of Kyogle Landcare Group	Yes

Staff have recommended that these two individuals fill the current two community representative membership vacancies on the CCWG.

Alternatively, Council could resolve to once again call for expressions of interest to fill the two current vacancies on the CCWG.

## BUDGET AND FINANCIAL IMPLICATIONS

Nil

**14 URGENT BUSINESS WITHOUT NOTICE**

**15 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:

**15.1 Question with Notice Cr Kylie Thomas - Clarence Way Roadworks**

This matter is considered to be confidential under Section 10A(2) - di, dii and diii 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, information that would, if disclosed, confer a commercial advantage on a competitor of the council and information that would, if disclosed, reveal a trade secret.

**16 CLOSE OF MEETING**