



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

**Date:** Monday, 9 May 2022  
**Time:** 5pm  
**Location:** Kyogle Council Chambers, Stratheden Street, Kyogle

# **AGENDA**

## **Ordinary Council Meeting**

**9 May 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 9 May 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.



## Order Of Business

<b>1</b>	<b>Open Meeting</b> .....	<b>9</b>
<b>2</b>	<b>Apologies and applications for a leave of absence by councillors</b> .....	<b>9</b>
<b>3</b>	<b>Opening Prayer</b> .....	<b>9</b>
<b>4</b>	<b>Acknowledgement of Country</b> .....	<b>9</b>
<b>5</b>	<b>Declaration of Interests</b> .....	<b>9</b>
<b>6</b>	<b>Public Forum</b> .....	<b>9</b>
<b>7</b>	<b>Confirmation of Minutes</b> .....	<b>10</b>
	7.1 Council Report - 11 April 2022 .....	10
	7.2 Council Report - 26 April 2022 .....	11
<b>8</b>	<b>Mayoral Minute</b> .....	<b>12</b>
	Nil	
<b>9</b>	<b>Notices of Motion</b> .....	<b>13</b>
	9.1 Notice of Motion - Cr Danielle Mulholland: General Manager's Review Committee.....	13
<b>10</b>	<b>Questions with Notice from Councillors</b> .....	<b>14</b>
	Nil	
<b>11</b>	<b>Reports from Delegates</b> .....	<b>14</b>
	Nil	
<b>12</b>	<b>Information Reports</b> .....	<b>15</b>
	12.1 Monthly Finance Report - April 2022 .....	15
	12.2 Works Program Progress Report - April 2022 .....	21
<b>13</b>	<b>Staff Reports</b> .....	<b>24</b>
	13.1 March 2022 Quarterly Budget Review .....	24
	13.2 Payment of Expenses and Provision of Facilities for Councillors Policy.....	27
	13.3 Code of Meeting Practice .....	38
	13.4 Local Government Recovery Grants .....	42
<b>14</b>	<b>Urgent Business Without Notice</b> .....	<b>55</b>
<b>15</b>	<b>Confidential Business Paper</b> .....	<b>56</b>
	15.1 Notice of Motion - Cr James Murray: Renegotiate Tenders for Lamonds No 1 / ID 59-11123 and Grieves Crossing / ID 59-1056 Bridges .....	56
<b>16</b>	<b>Close of Meeting</b> .....	<b>57</b>





- 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 - 11 APRIL 2022**

**Author:** Executive Assistant

**Authoriser:** General Manager

**Attachments:** 1. Minutes 11 April Ordinary Meeting (under separate cover)  

**RECOMMENDATION**

That Council confirms the minutes of the Council meeting of the 11 April 2022.

**PURPOSE / SUMMARY**

This report presents the minutes of the 11 April 2022 Ordinary Meeting to Council for confirmation.

**7.2 COUNCIL REPORT - 26 APRIL 2022**

**Author:** Executive Assistant

**Authoriser:** General Manager

**Attachments:** 1. **Minutes 26 April 2022 Extraordinary Meeting (under separate cover)**

**RECOMMENDATION**

That Council confirms the minutes of the Extraordinary Council meeting of the 26 April 2022.

**PURPOSE / SUMMARY**

This report presents the minutes of the 26 April 2022 Extraordinary Meeting to Council for confirmation.

**8 MAYORAL MINUTE**

Nil

**9 NOTICES OF MOTION****9.1 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: GENERAL MANAGER'S REVIEW COMMITTEE**

**Attachments:** Nil

**MOTION**

That Council:

1. Remove Councillor Maggie May from the General Manager's Review Committee;
2. Appoint Councillor Danielle Mulholland to the committee.

**RATIONALE**

As the Mayor and Deputy Mayor are reasonably inexperienced in undertaking a General Manager's performance review in a government setting, I'd like to suggest that as the former Mayor, between 2013-2021, I have worked with Graham as the General Manager in excess of eight years and may be well placed to provide feedback on his performance from a holistic view.

I have also undertaken the review a number of times over that period, am familiar with the process and could value add to the committee. I believe this may help mitigate some perceived concerns in the community about honesty, transparency and a lack of faith in the staff. I also have concerns that the process could be compromised by perceived bias following the extraordinary meeting this month.

**10 QUESTIONS WITH NOTICE FROM COUNCILLORS**

Nil

**11 REPORTS FROM DELEGATES**

Nil

## 12 INFORMATION REPORTS

### 12.1 MONTHLY FINANCE REPORT - APRIL 2022

**Author:** Manager Financial Services

**Authoriser:** General Manager

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

**30 April 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**



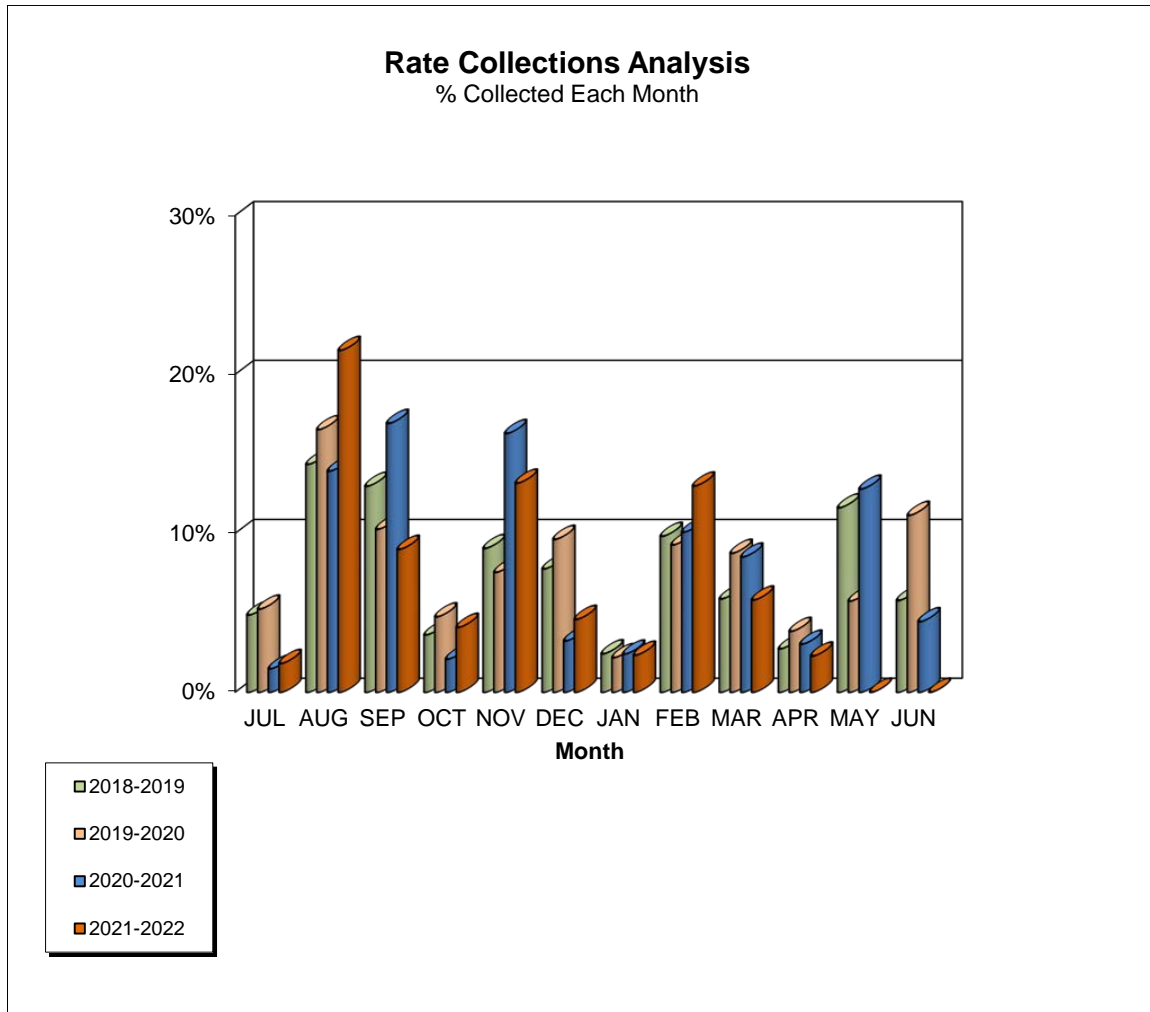
**KYOGLE COUNCIL RATES STATEMENT AS AT 30 APRIL 2022**

	ARREARS 1-Jul-2021	NET CHARGES 2021-2022	PAYMENTS	OUTSTANDING BALANCE 30/04/2022	ARREARS 30/04/2022	% TOTAL COLLECTED incl ARREARS	% ARREARS COLLECTED 2021-2022
RATES, SERVICES AND INTEREST	791,480.69	12,434,491.21	10,247,109.32	2,978,862.58	299,208.49	77.48%	62.20%

PRESENTED TO COUNCIL MAY 2022

**Note:**

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



**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	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.32	\$ 0.01	\$ -	\$ -	\$ -	\$ 40.36

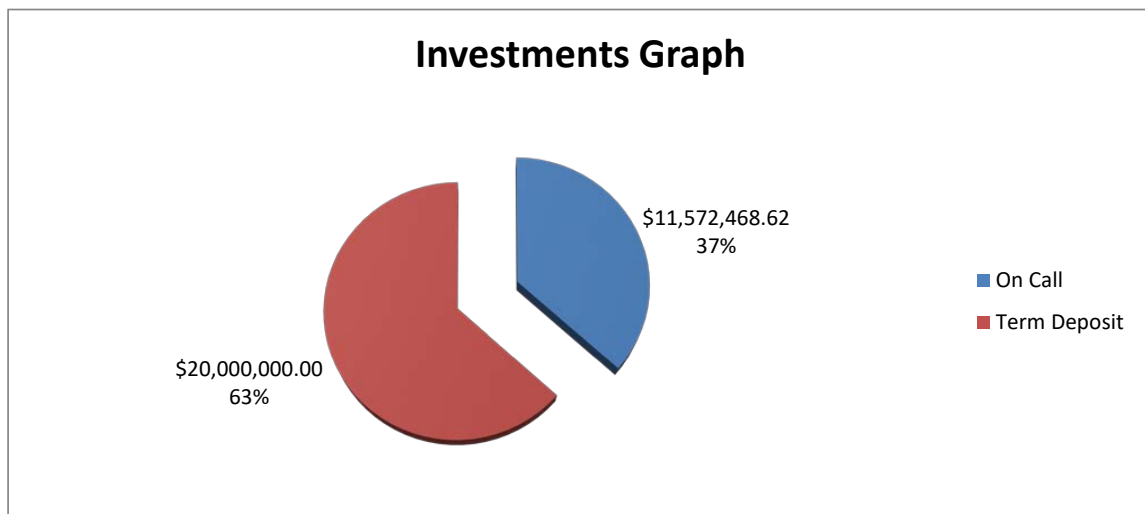
<b><u>Kyogle Council</u></b>	
<b>STATEMENT OF FUND BALANCES as at 30-Apr-22</b>	
Fund	Closing Balance
<b>General Fund</b>	
Unrestricted	21,038,029.40
Internally Restricted	4,172,177.00
State Highways	(2,331,322.46)
Quarries	884,172.89
Plant	2,799,866.38
Externally Restricted	4,118,526.56
<b>Total General Fund</b>	<b>30,681,449.77</b>
<b>Restricted</b>	
Water Supplies	96,014.67
Sewerage Systems	764,998.80
Domestic Waste	(7,908.67)
Trust Fund	37,914.05
<b>Total Restricted</b>	<b>891,018.85</b>
<b>Total Consolidated Funds at Bank</b>	<b>31,572,468.62</b>

KYOGLÉ COUNCIL FINANCIAL ANALYSIS REPORT AS AT 30/04/2022								
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		11,572,468.62	36.65%
<b>Total Cash at Call</b>							<b>11,572,468.62</b>	<b>36.65%</b>
CBA	Cash Deposit	10-Feb-22	28-Apr-22	Fixed	Maturity	0.29%	2,000,000.00	6.33%
NAB	Term Deposit	24-Feb-22	05-May-22	Fixed	Maturity	0.25%	1,000,000.00	3.17%
NAB	Term Deposit	28-Feb-22	12-May-22	Fixed	Maturity	0.30%	2,000,000.00	6.33%
Suncorp	Term Deposit	17-Feb-22	19-May-22	Fixed	Maturity	0.30%	1,000,000.00	3.17%
CBA	Cash Deposit	28-Feb-22	26-May-22	Fixed	Maturity	0.31%	2,000,000.00	6.33%
Suncorp	Term Deposit	28-Feb-22	02-Jun-22	Fixed	Maturity	0.30%	2,000,000.00	6.33%
Suncorp	Term Deposit	03-Mar-22	09-Jun-22	Fixed	Maturity	0.30%	2,000,000.00	6.33%
NAB	Term Deposit	24-Mar-22	22-Jun-22	Fixed	Maturity	0.50%	1,000,000.00	3.17%
CBA	Cash Deposit	10-Mar-22	23-Jun-22	Fixed	Maturity	0.38%	2,000,000.00	6.33%
NAB	Term Deposit	31-Mar-22	29-Jun-22	Fixed	Maturity	0.70%	1,000,000.00	3.17%
CBA	Cash Deposit	17-Mar-22	30-Jun-22	Fixed	Maturity	0.38%	1,000,000.00	3.17%
NAB	Term Deposit	07-Apr-22	01-Jul-22	Fixed	Maturity	0.69%	2,000,000.00	6.33%
Suncorp	Term Deposit	21-Apr-22	20-Jul-22	Fixed	Maturity	0.56%	1,000,000.00	3.17%
<b>Total Cash at Call</b>							<b>20,000,000.00</b>	<b>63.35%</b>
<b>Total Investment Portfolio</b>							<b>\$31,572,468.62</b>	

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

Glenn Rose

Responsible Accounting Officer



**COUNCILLORS TRAVEL EXPENSES**  
**Apr-22**

Councillor Name	Kilometres Claimed		Current Rate per Kilometre	Amount Reimbursed	
	Apr-22	YTD		Apr-22	YTD
K. Thomas	880	880	\$0.80	\$704.00	\$704.00
H. Doolan	0	0	\$0.80	\$0.00	\$0.00
J. Wilson	0	0	\$0.80	\$0.00	\$0.00
J. Burley	0	0	\$0.80	\$0.00	\$0.00
R. Dwyer	0	0	\$0.80	\$0.00	\$0.00
D. Mulholland	0	3,838	\$0.80	\$0.00	\$3,015.36
L. Passfield	0	1,124	\$0.70/\$0.80	\$0.00	\$829.68
M. May	0	0	\$0.80	\$0.00	\$0.00
E. Grundy	0	1,040	\$0.80	\$0.00	\$811.20
T. Cooper	2,278	2,278	\$0.80	\$1,822.40	\$1,822.40
R. Cullen	0	0	\$0.80	\$0.00	\$0.00
J. Murray	0	0	\$0.80	\$0.00	\$0.00
<b>Total</b>	<b>3,158</b>	<b>9,160</b>		<b>\$2,526.40</b>	<b>\$7,182.64</b>

**Notes**

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

**12.2 WORKS PROGRAM PROGRESS REPORT - APRIL 2022**

**Author:** Manager Financial Services

**Authoriser:** General Manager

**Attachments:**

1. **Kyogle Council Bridge Program Status Report - April 2022**  
2. **Works Program Progress Report April 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 – April 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:** April 2022

**REPORT DATE:** 28/04/2022

### PROGRESS SNAPSHOT

TOTAL NUMBER OF TIMBER BRIDGES REPLACED = 25 of 93 (26.9%)  
FCB DEED PERIOD ELAPSED – 45 of 104 weeks (43.2%) Original Deed Period  
45 of 200 weeks (22.5%) Revised Deed Period

### 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

Highlights for April 2022 include:

- Works returning to normal conditions after the wind down of emergency works - 5 active council bridge work sites and 1 contractor work site.
- One (1) Page Bridge completed and opened to traffic – Wyndham Road Bridge.
- Transport for NSW have issued a Deed Variation to extend the deed period to 30 April 2024 (original end date was 10 June 2023 – 10.5 months extension)

### 3 RISKS TO DELIVERY PROGRAM

- Wet weather is still impacting the works.
- Delivery of Group 2 Bridges – delivery strategy needs to be revised and approved by TfNSW.
- Availability of specialised Contractors for Piling Works: Availability is currently very limited with lead times up to 2 months for certain contractors.
- Rising costs of materials is impacting Council and suppliers.

### 4 PAGE BRIDGE REPLACEMENT PACKAGE

There are 8 bridges in the 2021 / 2022 Page Bridge Replacement Package. Six (6) of the eight have been completed. Updates on the remaining bridges are below:

BRIDGE ID	BRIDGE NAME	COMMENTS	EXPECTED COMPLETION
147/160	Wyndham Road Campbells Bridge	Works complete – bridge open to traffic	April 2022
113/2577	Ryans Creek Road	Piling works complete at the end of April. Abutment works in progress Programmed for opening to traffic in late May 2022.	May 2022
68/8166	Horseshoe Creek Bridge	With design consultant- 50% design received. Final design due in April.	August 2022

Bridge Program Monthly Status Report – April 2022
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**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. Thirteen of 38 have been replaced and opened to traffic.

The below listed sites are currently in construction:

BRIDGE ID	BRIDGE NAME	COMMENTS	EXPECTED COMPLETION
93/704	Mahoneys Lane	Piling Works complete. Abutment works in progress.	May 2022
60/1847	Gorge Creek	Site preparation works complete. Micropiling works in progress late April.	Late May 2022
118/407	Saunders Road	Site preparation works complete – waiting availability of Piling Contractors.	June 2022
77/185	Walsh Road	Side Track constructed – waiting availability of Piling Contractors	Late June 2022
56/198	Gooleys Road	Side Track constructed. Piling contractor (Bored Piles) programmed to start in early May.	Late May 2022

The next bridges planned for construction are:

- 191/1448 Old Tweed Road
- 4/78 Aspreys Road

**5.1.2 BRIDGE TO PIPES**

Five (5) of the 8 FCB bridge to pipe projects have been completed. The bridge to pipe crew are currently working on the Hootons Road Pipe Replacement. Expected to recommence bridge to pipe projects in May / June 2022.

**5.2 GROUP 2 – BRIDGES**

Ozwide Bridge Rail and Civil have been awarded the contract for Design and Construction of Package F in Group 2. Construction of the bridges is not expected to start until August / September 2022.

The response to the Group 2 design and construct tender was poor with only the above package awarded. We are now in discussions with Transport for NSW to determine the best plan to deliver all other Group 2 Bridges. The most likely strategy is for the remaining Group 2 bridges to be transferred back to Group 1. This will give Council the flexibility to either build with internal resources or contract out.

**6 OTHER BRIDGE REPLACEMENTS**

Cedar Point Bridge 47/9639: Works are in progress on site where possible. The contractor is having issues with:

- Saturation and flood damage to working platforms making them unsuitable for use by heavy equipment and cranes.
- Availability of specialist crane contractors.
- Long lead times on construction materials.

The expected completion date is forecast for late June 2022.

**13 STAFF REPORTS****13.1 MARCH 2022 QUARTERLY BUDGET REVIEW****Author:** Manager Financial Services**Authoriser:** General Manager**Attachments:** 1. March 2022 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 March 2022 Quarterly Budget Review Statement;
2. Approves the variation of estimates contained in the table below.

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

DETAILS	QUARTERLY ADJUSTMENT	
	INCOME	EXPENSES
Finance - Other Expenses		(9,587)
Finance - Loan Repayments		9,587
Crown Reserves - Grants & Contributions	582,500	
Crown Reserves - Operating Costs		586,350
Strategic, Community & Cultural - Cultural Tourism Grant	15,000	
Strategic, Community & Cultural - Cultural Tourism Project		15,000
Urban Local Roads - Capital Expenditure		(10,000)
Rural Roads - Sealed Roads Maintenance		150,000
Rural Roads - Capital Contributions	16,089	
Rural Roads - Capital Expenditure		16,089
Rural Roads - Flood Damage Grant	2,500,000	
Rural Roads - Flood Damage Works		2,500,000
Bridges - Maintenance		75,000
Emergency Services - Income	15,458	
Emergency Services - Operating Costs		9,782
Parks & Gardens - Grants	7,700	
Parks & Gardens - Operating Costs		7,700
Parks & Gardens - Capital Expenditure		40,000
Public Cemeteries - Income	20,000	
Public Cemeteries - Operating Costs		20,000
Public Cemeteries - Capital Income	350,000	
Public Cemeteries - Capital Expenditure		350,000



Stormwater Management - Capital Expenditure		(30,000)
State Highways - Income	9,270	
State Highways - Operating Costs		8,505
Quarries - Income	490,000	
Quarries - Operating Costs		265,000
Plant Operations - Sales	316,113	
Plant Operations - Purchases		316,293
Water Fund - Capital Income	(450,000)	
Water Fund - Capital Expenditure		(600,000)
Sewerage Fund - Capital Income	225,000	
Sewerage Fund - Capital Expenditure		225,000
<b>Totals</b>	4,097,130	3,944,719
	<b>Net Adjustment</b>	<b>152,411</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.

## 13.2 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS POLICY

**Author:** Manager Corporate Services

**Authoriser:** General Manager

**Attachments:** 1. **Payment of Expenses and Provision of Facilities for Councillors Policy**  

### SUMMARY / PURPOSE

To adopt a policy for the Payment of Expenses and Provision of Facilities for Councillors, in accordance with Section 252 of the Local Government Act 1993.

### RECOMMENDATION

That Council:

1. Receives and notes the report *Payment of Expenses and Provision of Facilities for Councillors*;
2. Adopts the attached policy, *Payment of Expenses and Provision of Facilities for Councillors*.

### BACKGROUND INFORMATION

Section 252 of the Local Government Act 1993 (the Act) provides the following;

#### **252 Payment of expenses and provision of facilities**

- (1) *Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*

Council policies on the provision of expenses and facilities to councillors should ensure that councillors are not left out-of-pocket for performing their civic duties.

Facilities and expenses covered by the policy include, but are not limited to, the following;

- Mobile phones costs for the Mayor and Deputy Mayor,
- Travel expenses for Council related activity,
- Councillor professional development,
- Conference and seminar expenses.

Amendments made to the *Local Government Act 1993* in August 2016 saw the inclusion in the prescribed role of councillors under section 232 a responsibility “to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor”.

In support of this, regulations have been made requiring councils to provide induction training and ongoing professional development for mayors and councillors.

The Office of Local Government (OLG) has issued guidelines under section 23A of the Act to assist councils to develop and deliver induction training and ongoing professional development activities for their mayor and councillors in compliance with the regulations.

Under the guidelines, councils' induction and professional development programs are to consist of three elements:

**Pre-election candidate sessions** – these are to ensure prospective candidates are aware of what will be expected of them if elected (these are not mandatory but are encouraged).

**Induction program** – this aims to equip mayors and councillors with the information they need to perform their role effectively over the first few months and has a particular focus on building positive, collaborative relationships between councillors and with staff.

**Professional development program** – this is to be developed in consultation with all councillors and delivered over the term of the council to build the skills, knowledge and personal attributes necessary to be an effective mayor or councillor.

The draft Payment of Expenses and Provision of Facilities for Councillors Policy included amendments to reflect the arrangements around the provision of Councillor professional development, based on the OLG guidelines and model policy.

A recent amendment to the Act enables councils to make superannuation contributions for Councillors from 1 July, 2022. Section 254B provides the following;

***Payment for superannuation contributions for councillors***

- (1) *A council may make a payment (a superannuation contribution payment) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.*

The draft Payment of Expenses and Provision of Facilities for Councillors Policy included amendments to reflect the payment of superannuation to Councillors from the first applicable date allowed within the Act.

**PREVIOUS COUNCIL CONSIDERATION**

At its Ordinary Meeting of March 14, 2022 Council resolved;

*That Council:*

- 1. Receives and notes the report, Draft Payment of Expenses and Provision of Facilities for Councillors Policy.*
- 2. Make superannuation payments to its Councillors starting from the financial year commencing 1 July 2022.*
- 3. Approves the attached draft Payment of Expenses and Provision of Facilities for Councillors Policy for public exhibition in accordance with Section 253 of the Local Government Act 1993.*

**REPORT**

The draft policy was presented to Council at the March Ordinary Meeting and Council placed on public display for the mandatory 28 day period. No submissions were received. The policy is recommended for adoption as per the draft placed on public display.

**BUDGET AND FINANCIAL IMPLICATIONS**

The budget for councillor expenses and ongoing professional development is already incorporated into the current year budget and ongoing Long Term Financial Plan forecasts. Payment of superannuation to councillors has been included in the draft budget currently on public display and require an annual budget increase of around \$13,830 ongoing from 2022/23.

# Kyogle Council

## Payment of Expenses and Provision of Facilities for Councillors



Revised: May 2022  
Adopted:  
Resolution

Kyogle Council Payment of Expenses and Provision  
of Facilities for Councillors  
Page 1 of 9

TABLE OF CONTENTS

PURPOSE.....3

OBJECTIVES.....3

LEGISLATIVE PROVISIONS.....3

OTHER GOVERNMENT POLICY PROVISIONS.....3

APPROVAL ARRANGEMENTS.....3

GENERAL PROVISIONS.....3

PAYMENT OF EXPENSES GENERALLY.....3

ELECTIONS AND FUNDRAISING ACTIVITIES OF POLITICAL PARTIES.....4

ADVANCE PAYMENTS.....4

SPOUSE AND PARTNER EXPENSES.....4

FIXING AND PAYMENT OF ANNUAL FEES FOR COUNCILLORS.....4

FIXING AND PAYMENT OF ANNUAL FEES FOR MAYOR.....5

AT WHAT INTERVALS ARE FEES TO BE PAID.....5

SUPERANNUATION.....5

SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS.....5

TRAINING, CONFERENCE AND SEMINAR EXPENSES.....5

ACCOMMODATION AND MEALS.....6

TRAVEL EXPENSES.....6

TELEPHONE EXPENSES.....7

LEGAL EXPENSES.....7

INSURANCE EXPENSES.....8

PRIVATE BENEFIT.....8

PROVISION OF EQUIPMENT AND FACILITIES FOR COUNCILLORS.....8

PROVISION OF EQUIPMENT AND FACILITIES FOR MAYOR.....9

Revised: May 2022 Adopted: Resolution	Kyogle Council Payment of Expenses and Provision of Facilities for Councillors Page 2 of 9
---	--

## 1. PURPOSE

Kyogle Council recognises that Councillors incur out of pocket expenses and require reasonable facilities to effectively undertake the duties and responsibilities of office. This policy also ensures accountability and transparency in the reimbursement of expenses.

### 1.1 Objectives

- To set guidelines for the payment of expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors in relation to discharging the functions of Civic Office.
- To ensure accountability and transparency in the payment/reimbursement of expenses and provision of facilities to Councillors
- To comply with relevant provisions of the Local Government Act 1993.

### 1.2 Legislative Provisions

1.3 The *Local Government Act 1993* requires a council to adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Councillors in relation to their roles as elected persons and members of the governing body of the Council.

### 1.4 Other Government policy provisions

- Office of Local Government Guidelines for payment of expenses and provision of facilities
- Model Code of Conduct
- Office of Local Government Circulars to councils
- ICAC publications

### 1.5 Approval Arrangements

1.6 Where possible, approval should be sought and gained prior to expenses being incurred.

1.7 Approval for discretionary trips, attendance at conferences and/or for other significant expenses and facilities should occur, where possible, at a full meeting of the council.

1.8 Where approval at a full council meeting is not possible or appropriate, approval should be given by the Mayor (or Deputy Mayor) and General Manager (or Public Officer) jointly.

1.9 If the two parties cannot reach agreement on any particular matter, it will be referred to council for determination.

## 2. General Provisions

### 2.1 Payment of Expenses Generally

2.2 All claims for expenses are to be submitted on the requisite claim form.

Date: May 2022	Kyogle Council Payment of Expenses and Provision of Facilities for Councillors Page 3 of 9
----------------	--

2.2 Wherever possible, receipts should be provided. In cases where receipts are not available (e.g. private vehicle usage) councillors are to certify that the expenditure was for the purpose intended.

2.3 To ensure claims are submitted promptly and accurately any claims submitted in excess of three months after the date of the actual expenditure will not be paid.

2.4 Payment for claims will be made to Councillors within two weeks of receipt of correctly submitted and authorised claim form.

### 3. Elections and fundraising activities of political parties

3.1 A person's re-election is considered to be a personal interest. Official council material such as letterhead, publications, emails, websites as well as council services and forums must not be used for such personal interests. Situations in which the appearance may be given that these are being used for such purposes are also to be avoided.

3.2 The fundraising activities of political parties, including political fundraising events, are considered to be personal interests. Council will not pay expenses or provide facilities to councillors in relation to supporting and/or attending such activities and events.

#### 3.3 Advance Payments

3.4 When requested by a councillor, consideration will be given to the provision of an advance payment for the cost of a service associated with their civic duty. Advance payments can help ensure that councillors are able to fully participate in their civic duties without financial disadvantage.

#### 3.4 Spouse and Partner Expenses

Council will not meet any cost associated with a Councillor's spouse, partner, friend or relative attending a function in the company of the Councillor unless specifically authorised by a Council resolution carried in Open Council.

### 4. Fixing and Payment of Annual Fees for Councillors

4.1 *Section 248 of the Local Government Act 1993 provides:*

1. *A council must pay each Councillor an annual fee.*
2. *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
3. *The annual fee so fixed must be the same for each councillor.*
4. *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

Revised: May 2022 Adopted: Resolution	Kyogle Council Payment of Expenses and Provision of Facilities for Councillors Page 4 of 9
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4.2 Section 248A of the Local Government Act 1993 provides:

*A council must not at any time pay any fee or other remuneration, to which a Councillor would otherwise be entitled as the holder of a civic office, in respect of any period during which:*

- a) the Councillor is suspended from civic office under this Act, or*
- b) the Councillor's right to be paid any fee or other remuneration is suspended under this Act, unless another provision of this Act specifically authorises payment to be made, or specifically permits a person to authorise payment to be made, when the suspension is terminated.*

## **5. Fixing and Payment of Annual Fees for the Mayor**

5.1 Section 249 of the Local Government Act 1993 provides:

- 1. A council must pay the mayor an annual fee.*
- 2. The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- 3. A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- 4. A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- 5. A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.*

### **5.2 At what intervals are fees to be paid?**

5.3 Section 250 of the Local Government Act 1993 provides:

*Fees payable under this Division by a council are payable monthly in arrears for each month (or part of a month) for which the Councillor holds office.*

### **5.4 Can fees be paid into a compliant superannuation fund?**

5.5 In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

5.6 Requests from Councillors must be made in writing to the General Manager. Payments cannot be retrospective.

### **5.7 Payment of Superannuation**

5.8 254B of the Act provides for the payment for superannuation contributions for councillors

- (1) A council may make a payment (a superannuation contribution payment) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.

Revised: May 2022 Adopted: Resolution	Kyogle Council Payment of Expenses and Provision of Facilities for Councillors Page 5 of 9
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(2) The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.

(3) A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.

## 6 Specific Expenses for Mayors and Councillors

### 6.1 Conference and Seminar Expenses

6.2 Councillors may attend training courses, conferences, seminars, and similar functions by self-nomination, provided funds are available from within the existing budget and approval is granted in accordance with this policy.

6.3 From September of each year, each Councillor (excluding the Mayor) is entitled to a maximum annual limit of \$3,000 (excluding GST) for attendance at seminars, conferences and training courses (pro rata for a Councillor elected mid-term).

6.4 From September of each year the Mayor is entitled to a maximum annual limit of \$5,000 (excluding GST) for attendance at seminars, conferences and training courses (pro rata for a Mayor elected mid-term).

6.5 Council may, by way of resolution, vary the annual limits identified above in cases of necessity.

6.6 Any unused balance of the annual allocation for individual Councillors, including the Mayor, does not carry forward into subsequent years.

### 6.7 Councillor Professional Development

6.8 Staff will make necessary arrangements for candidate sessions, Councillor inductions and training courses. Councillors can also apply for additional training costs based on their individual Professional Development plans, subject to available budget.

## 7 Accommodation and Meals

7.1 Council will pay actual costs of overnight accommodation and the costs of meals where those meals are not provided as part of a meeting, conference, seminar or engagement fee, subject to the limits outlined below.

7.2 The maximum amount payable for accommodation and meals will be the maximum reasonable travel and meal allowances as determined by the Australian Taxation Office: The current rates are:

Place	Accommodation	Food and Drink	Incidentals
Adelaide	209	164.90	29.45

Revised: May 2022  
Adopted:  
Resolution

Kyogle Council Payment of Expenses and Provision  
of Facilities for Councillors  
Page 6 of 9

Brisbane	257	164.90	29.45
Canberra	246	164.90	29.45
Darwin	287	164.90	29.45
Hobart	195	164.90	29.45
Melbourne	265	164.90	29.45
Perth	265	164.90	29.45
Sydney	265	164.90	29.45
Country	195	164.90	29.45

7.3 The Food and Drink amount is dissected as follows – breakfast \$37.50, lunch \$53.10, dinner \$74.30 Over expenditure for one meal can be offset by under expenditure for another.

7.4 Approved travel outside of Kyogle Council area requiring overnight stay accommodation to be reimbursed on production of documentation for cost of reasonable accommodation, travel and sustenance (where possible General Manager to organise appropriate style of accommodation, travel and sustenance).

**8 Travel Expenses**

8.1 Travel should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

8.2 The reimbursement rate for use of a Councillors vehicle shall be equivalent to the reimbursement rate included in the Local Government (State) Award.

8.3 Councillors will receive reimbursement for the cost of travel to attend:

- Council meetings
- Council Committee meetings
- Council Workshops and Working Party meetings.
- Meetings of community groups whose activities encompass all or part of the Council area.
- Social functions or meetings as a representative of the Mayor or Council, when requested to do so by the Mayor or General Manager.
- Inspection of works or properties within the Council area as a result of a request from a resident, when requested to be in attendance by the Mayor or General Manager.
- Other functions, meetings, conferences, seminars or training courses approved in accordance with this policy.
- Progress Association or Ratepayer Association Meetings.
- Ward meetings

8.4 Councillors will not receive reimbursement for travel to attend:

- Council Offices other than situations outlined above.
- Meetings with constituents other than those outlined above.

8.5 Councillors are required to record for each trip, the date, the purpose of trip and the total kilometres on their claim form.

Revised: May 2022 Adopted: Resolution	Kyogle Council Payment of Expenses and Provision of Facilities for Councillors Page 7 of 9
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8.6 Full details of all travel will be published monthly in the Business Paper for the Ordinary Council Meeting. Such detail to include total kilometres travelled and the cost of reimbursement per kilometre for use of private vehicles.

8.7 The class of air travel to be used by a Councillor will be economy travel.

8.8 Should a Councillor elect to use their vehicle to undertake long distance travel, or to travel via a non-direct route, travel expenses will be paid equivalent to an airfare to the destination or payment at the vehicle reimbursement rate per kilometre for the direct route, whichever is the lower.

## 9 Telephone Expenses

9.1 Council will reimburse the cost of all Council related telephone calls made by a Councillor on the production of details of the relevant calls up to a monthly limit of \$50 per Councillor. If the service is bundled, 20% of the monthly cost or \$50, whichever is lower.

## 10 Legal Expenses

10.1 As a general rule, Council will not provide assistance for legal expenses. However, if a Councillor has a legal matter that they believe merits assistance that matter is to be reported to Council for determination. In considering such a matter, Council will be guided by Office of Local Government advice.

## 11 Insurance Expenses

11.1 Council insurance cover applies to Councillors for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions in the following areas:

- Public Liability
- Professional Indemnity
- Personal Accident
- Councillors and Officers
- Statutory Liability

## 12 PROVISION OF FACILITIES

### 12.1 Provision of Facilities Generally

Council will provide the following general facilities:

- Council will provide refreshments following Council and Committee Meetings where appropriate, to include a light supper/meal and refreshments.
- Council will provide Mayor and Councillors in addition to secretarial support, access to telephone, scanners and photocopiers for Council business purposes through the General Manager's Office.
- Where possible a Council vehicle will be provided for delegates to attend conferences/seminars at the discretion of the General Manager.
- A uniform will be provided upon request by the Councillor, in accordance with the current staff policy and in accordance with the Australian Taxation Office guidelines.

Revised: May 2022 Adopted: Resolution	Kyogle Council Payment of Expenses and Provision of Facilities for Councillors Page 8 of 9
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- An identification badge and council business cards will be provided at Council's expense.
- Standard stationery items as required for official duties.

### 12.2 Private Benefit

12.3 Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as 'frequent flyer' schemes or any other such loyalty programs while on council business. However, it is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment back to council.

12.4 Any private benefit (not considered to be incidental) derived from facilities provided for discharging the functions of civic office shall either be reimbursed by the Councillor or be deducted from fees paid to the Councillor.

## 13 Provision of Equipment and Facilities for Councillors

13.1 Councillors will have access to the following facilities:

- Council Meeting Rooms subject to bookings and availability.
- Secretarial support as required through the General Manager's Office.
- Scanner and printer.
- Scanner and printer supplies.
- Electronic mobile device(s) and access to email and the internet.
- Stationery items limited to writing pads, pens, diary

13.2 All equipment remains the property of Council and is returnable on a Councillor ceasing to hold office.

## 14. Provision of Equipment and Facilities for the Mayor

14.1 In addition to Equipment and Facilities for Councillors, Council will provide the Mayor with the following facilities:

- Access to an office in the Council Administration Building.
- A mobile telephone.

The Deputy Mayor will also be provided with a mobile telephone.

Revised: May 2022 Adopted: Resolution	Kyogle Council Payment of Expenses and Provision of Facilities for Councillors Page 9 of 9
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### 13.3 CODE OF MEETING PRACTICE

**Author:** Manager Corporate Services

**Authoriser:** General Manager

**Attachments:** 1. Submissions    
2. Final Draft Code of Meeting Practice (under separate cover) 

#### SUMMARY / PURPOSE

To adopt a Code of Meeting Practice in accordance with Local Government Act 1993.

#### RECOMMENDATION

That Council:

1. Receives and notes the report *Code of Meeting Practice*;
2. Adopts the attached Code of Meeting Practice.

#### BACKGROUND INFORMATION

Council must adopt a code of meeting practice incorporating the mandatory provisions of the Model Code of Meeting Practice prescribed on 19 November 2021 within 12 months of the local government elections.

A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions. A council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Meeting Code and any other supplementary provisions adopted by the council.

The Code of Meeting Practice applies to the conduct of meetings of the Council and committees of the Council where all the members are councillors.

The new Model Meeting Code prescribed on 19 November 2021 contains new provisions that allow councils to permit individual councillors to attend meetings by audio-visual link and to hold meetings by audio-visual link in the event of natural disasters or public health emergencies. The provisions governing attendance at meetings by audio-visual link are non-mandatory. Councils can choose not to adopt them or to adapt them to meet their own needs.

Amendments have also been made to the provisions governing the webcasting of meetings and disorder at meetings to reflect amendments to the Regulation since the previous iteration of the Model Meeting Code was prescribed in 2019.

An amendment has also been made to the Model Meeting Code implementing recommendation 6 in the ICAC's report in relation to its investigation of the former Canterbury City Council (Operation Dasha). The ICAC recommended that the Model Meeting Code be amended to require that council business papers include a reminder to councillors of their oath or affirmation of office, and their conflict of interest disclosure obligations.

Under section 361 of the Local Government Act 1993, before adopting a new Code of Meeting Practice, councils must first exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.

The attached draft code has been updated and incorporates all mandatory clauses, along with supplementary provisions from Council's existing Code of Meeting Practice that are consistent with the mandatory provisions.

Councillors raised the issue of bringing forward the starting time of Council meetings at the 5 January 2022 Extraordinary Meeting. The meeting time has been changed in the attached draft to bring the meeting start times to 2pm as suggested.

NOTE: The repeal date for section 237 of the Regulation which exempts councils from the requirement under clause 5.2 of the previous iteration of the Model Meeting Code for councillors to be personally present at meetings in order to participate in them has been extended to 30 June 2022.

This is to allow councils additional time to exhibit and adopt new codes of meeting practice containing provisions allowing attendance by audio-visual link at meetings. If councils have not adopted a new meeting code that allows councillors to attend meetings by audio-visual link, they will not be permitted to do so after that date.

### **PREVIOUS COUNCIL CONSIDERATION**

At its Ordinary Meeting of March 14, 2022 Council resolved;

*That Council:*

1. *Receives and notes the report, Draft Code of Meeting Practice;*
2. *Approves the attached draft Code of Meeting Practice for public notice and exhibition in accordance with Section 361 of the Local Government Act 1993.*

### **REPORT**

The draft Code of Meeting Practice was placed on public exhibition for a period of 42 days.

Two submissions were received, both raising concerns with the proposed 2pm start time. The policy is recommended for adoption as per the draft placed on public display.

**From:** [REDACTED]  
**Subject:** [Kyogle Council](#)  
Code of Meeting Practice  
**Date:** Wednesday, 30 March 2022 9:05:54 PM

---

Caution! This message was sent from outside your organization.

To whom it may concern,

Regarding the Code of Meeting Practice, I would like to raise my objection to the time change.

I cannot see any good reason for this change that makes it difficult for working people to attend meetings during working hours.

Every opportunity for a time that suits most people towards the end of the day should be availed.

I also object to seeing Council Staff being called away from their normal working hours in delivering results for rate payers & LGA residents. I believe there would be the pressure to make the meetings potentially shorter.

It is only one meeting a month. Surely Councillors can handle a 5 pm start ?

I would appreciate if you would note my reservations about this change.

Yours,

[REDACTED]





From: [REDACTED]  
To: [Kyogle Council](#)  
Subject: Draft Code of Meeting Practice  
Date: Monday, 11 April 2022 10:54:43 AM

---

Caution! This message was sent from outside your organization.

### **Draft Code of Meeting Practice**

Please note my concerns about changing the meeting time.

1. Changing the Council meeting time from 5pm to 2pm will effectively stop many people who work from attending a Council meeting if they so choose. I note that under Section 2, Meeting Principles, that Council and committee meetings should be inclusive. If a person wishes to speak at a public forum and is employed they may be excluded from doing so.
2. Council Officers who are required to attend the Council meetings will be unavailable to the constituents of the LGA for a three hour period. Further the Council Officers will be taken away from their very important roles.

Thank you

[REDACTED]

[REDACTED]  
[REDACTED]

### 13.4 LOCAL GOVERNMENT RECOVERY GRANTS

**Author:** General Manager

**Authoriser:** General Manager

**Attachments:** 1. Local Government Recovery Grants Program [↓](#) 

#### SUMMARY / PURPOSE

This report advises Council of the availability of funding from two NSW Government programs to assist with community recovery following flood events in 2021 and 2022, and identifies eligible activities for consideration.

#### RECOMMENDATION

That Council:

1. Receives and notes the report, *Local Government Recovery Grants*;
2. Authorises the General Manager to submit a Program of Works for the \$1 million allocation under the Local Government Recovery Grants for the 2022 flood and storm event on the following basis;
  - (a) \$250,000 for the extension of the Community Resilience Officer role to assist with community recovery
  - (b) \$250,000 for a round of community recovery grants
  - (c) \$250,000 for improvements to community led evacuation centres and associated resources
  - (d) \$250,000 for repairs and improvements to community infrastructure including;
    - (i) Bonalbo and Woodenbong Pre-Schools
    - (ii) Kyogle Visitor Information Centre
    - (iii) Kyogle Memorial Swimming Pool.

#### BACKGROUND INFORMATION

On 8 March, 2022 the Minister for Local Government the Hon. Wendy Tuckerman MP advised that the NSW Government, in partnership with the Commonwealth, had announced significant recovery funding targeted at disaster declared under the Disaster Recovery Funding Arrangements (DRFA) – Category D assistance local government areas, such as Kyogle. The Local Government Recovery Grants program provided an upfront payment of \$1 million to council.

#### REPORT

This program is available to provide funding directly to local councils, to support local economic and social recovery in areas impacted by the NSW severe weather and flooding events that have occurred from February 2022 onwards. \$1 million is being made available by the State Government for each council eligible for funding under this program.

The program guidelines (which are attached to this report) note the following:

*The objective of the program is to deliver immediate flexible grants to local councils for projects which support economic and social recovery projects at a local level. Funding aims to support restoration and recovery activities that*

- Are eligible activities under Cat A and/or Cat B of the DRFA; and/or

- *Are not otherwise eligible through existing support measures, but can demonstrably strengthen community resilience and reduce the impact future natural disasters will have on communities.*

*In recognition that the impact of these storm and flood events have been diverse, councils can apply for funding for a range of activities that best meet their local community's needs. The program will encourage community and local economic recovery in the short, medium and long-term.*

Having reviewed the program eligibility criteria and the nature of the local priorities following the recent flood event, officers have identified a number of initiatives that could be supported with funding from this program for Council's consideration:

- \$250k for the extension of the current Community Resilience Officer role for a further two years ending June 2024 (to coincide with the completion date for this funding program)
- \$250k for a community recovery grant round that would be determined by Council
- \$250k for improvements to community led evacuation centres, with priorities to be further refined based on the outcomes of ongoing prioritisation discussions between community groups and the Community Resilience Officer
- \$250k for community infrastructure, with the following components currently under consideration:
  - Kyogle Visitor Information Centre building
  - Bonalbo pre-school building (and also consideration of possible repairs to Woodenbong pre-school building roof – currently under investigation)
  - Kyogle Pool showers and lockers – to assist with future community support/recovery activities

On May 4, 2022 the Minister for Local Government announced an additional payment of \$2,375,000 under the Local Government Recovery Grants program for Kyogle Council, with \$2,000,000 to enable immediate support for recovery and resilience, and \$375,000 to provide support for companion animals management following the floods. The Office of Local Government are finalising the Program Guidelines for this additional payment, and these will be presented to Councillors as soon as they are released, and the priorities for the allocation of this additional funding discussed at the next Councillor workshop after the guidelines are released.

## **BUDGET AND FINANCIAL IMPLICATIONS**

The funding provided covers the planned expenditure and does not impact on the budget bottom line.



**NSW Council Support Payments (Category D)  
Local Government Recovery Grants  
Program Guidelines for Councils**

**Part 1: Summary/Overview**

Australian Government Reference Number (AGRN)	AGRN 1012
Event Name/s	NSW Severe Weather and Flooding: 22 February 2022 onwards
Disaster Recovery Funding Arrangements (DRFA) Category of assistance	Category D
Name/title of initiative	Local Government Recovery Grants
Program completion	30 June 2024
Type of assistance and who will receive support/benefit	Streamlined, flexible and immediate funding directly to local councils, to support local economic and social recovery in areas impacted by the NSW severe weather and flooding events.  The Council payments will provide timely financial assistance directly to affected councils to support them to undertake immediate recovery activities, address emerging needs and to help build community resilience. This includes initiatives across the built, social, economic, and natural environment recovery domains.
Available Funding	\$1 million to each local council declared under an eligible disaster event.  Where councils are declared under multiple events, a single funding amount (up to \$1 million) will be provided to cover all events.
Description of initiative, including: relevant amounts/levels of support; how the assistance will be provided/delivered; and eligibility criteria	The grants provide financial assistance to councils towards supporting restoration and recovery projects that best meet their community's needs.  Payment will be released to councils to assist them in undertaking immediate recovery activities, addressing emerging needs and help build community resilience. Councils are encouraged to use these grants on measures and activities not eligible through existing Disaster Recovery Funding Arrangements (DRFA) but <b>may</b> use these grants on activities eligible through Cat A and/or Cat B of the DRFA.  Projects must meet eligibility and project criteria as outlined in the program guidelines. Councils will be required to submit a Program of Works within three (3) months of receiving funding and regularly report on how the funds are being spent.
Locations where the initiative will be made available/provided	Funding will be made available to disaster declared Local Government Areas (LGAs).
State/territory administering agency and contact details	The Office of Local Government (adminstrating agency) Email: <a href="mailto:grants@olg.nsw.gov.au">grants@olg.nsw.gov.au</a> Phone: 02 4428 4100

1

Local Government Recovery Grants – NSW Severe Weather and Flooding (from 22 February 2022 onwards)  
AGRN 1012 – V.2 Updated April 2022



## Part 2: Recovery Needs

### Objective

The objective of the program is to deliver immediate flexible grants to local councils for projects which support economic and social recovery projects at a local level. Funding aims to support restoration and recovery activities that

- Are eligible activities under Cat A and/or Cat B of the DRFA; and/or
- Are not otherwise eligible through existing support measures, but can demonstrably strengthen community resilience and reduce the impact future natural disasters will have on communities.

In recognition that the impact of these storm and flood events have been diverse, councils can apply for funding for a range of activities that best meet their local community's needs. The program will encourage community and local economic recovery in the short, medium and long-term.

Councils will be responsible for working with the NSW Government administering agencies to ensure funding complements (rather than duplicates) any other forms of recovery assistance being delivered.

### Program outcomes

Council will need to demonstrate in their Program of Works how projects aim to contribute to one or more of the following outcomes (See Part 4 and Part 5 for details outlining this requirement):

#### Disaster Recovery Outcomes

- The needs of vulnerable groups are addressed in the disaster recovery process
- The community is aware of the disaster recovery process
- The community can express its changing disaster recovery needs
- Community members are aware of the risks of future disasters
- Government, private sector, civil society and organisations are engaged in plans for preparedness and management of the recovery

#### Social and Economic Recovery Outcomes

- Community members receive access to appropriate and coordinated social services
- The community has improved capacity and capability to respond to future disasters
- The community strengthens its ability to withstand and recover from future disasters
- Business and non-profit groups implement adequate mitigation practices for risks and threats

#### Built and Environment Recovery Outcomes

- Infrastructure that delivers essential services to the community is repaired
- Infrastructure is repaired in accord with changing recovery needs
- Cultural or heritage sites or assets of importance are restored, where possible, in a way that provide these values to the community
- The impact of future disasters on biodiversity and ecosystem is minimized

2

Local Government Recovery Grants – NSW Severe Weather and Flooding (from 22 February 2022 onwards)  
AGRN 1012 – V.2 Updated April 2022



### Part 3: Funding

The Local Government Recovery Grants program is jointly funded by the Australian and NSW Government and administered by the Office of Local Government under Category D of the Disaster Recovery Funding Arrangements (DRFA) 2018.

#### Payment to councils

An upfront payment of up to \$1 million will be released to each eligible council who will be required to sign a Grant Acknowledgement Schedule (the Schedule) between the Office of Local Government and Council.

Under the Schedule, Councils agree to:

- provide a Program of Works within three (3) months of receiving funding
- provide reports on a quarterly basis as per Disaster Recovery Funding Arrangements

(See Section 5 for details outlining the Program of Works and Reporting requirements)

Spending funds on eligible project costs can occur prior to submission of Program of Works. Council will be required to pay back funds which have not been spent in accordance with these program guidelines or any funds which are not expended by 30 June 2024.

It is strongly recommended Council contact the administering agency prior to spending funds should they require any advice or assistance regarding eligibility.

### Part 4: Eligibility Criteria

Projects must meet the eligibility criteria and the project criteria for expenditure to be considered eligible under the grants program.

#### Eligible applicants

Eligible applicants include NSW disaster declared councils.

#### Ineligible applicants

The only circumstance where an organisation other than a council may be considered for funding is for the Unincorporated Area of NSW (if disaster declared).

#### Project location

Projects seeking funding must be delivered in an eligible LGAs.

Projects that provide benefit across multiple eligible LGAs are considered eligible (i.e. LGAs can combine funds for eligible projects). Where the Council/s is not the owner of the land on which the project will be delivered, landowner's consent will be required as part of the Program of Works.

#### Project criteria

Councils will be required to submit a Program of Works within three (3) months of receiving funding (see Part 5 outlining Council Program of Works).

The Program of Works should detail all eligible projects that are planned for delivery and council must demonstrate how each eligible project meets the project criteria outlined below:

3

Local Government Recovery Grants – NSW Severe Weather and Flooding (from 22 February 2022 onwards)  
AGRN 1012 – V.2 Updated April 2022



Project Criteria	Description
<b>Diverse local recovery needs are balanced</b>	The community has a need for the project and its outcomes. This need can either be demonstrated through data analysis or through community driven interest in the project and its outcome.
<b>Alignment</b>	The project is able to contribute to social and economic recovery needs and current recovery activities whilst avoiding duplication with other recovery initiatives already funded or underway.
<b>Resilience building</b>	The project supports the ongoing productivity, sustainability, preparedness and disaster resilience of the impacted community or infrastructure asset(s).
<b>Local support and delivery</b>	The community supports the project and participate, where possible, in planning and development processes. The project should aim to optimise local and Indigenous employment and procurement opportunities, including opportunities for local trades, services and other input-supplying businesses.
<b>Feasibility</b>	The project is feasible, risks and consequences are acceptable, and appropriate mitigation strategies are identified. Project proponents can demonstrate delivery capacity and experience, and project readiness supports commencement and completion within program timeframes. Cost is an effective, efficient, and ethical use of resources. Council must provide evidence the project has been adequately planned, costed and appropriate mitigation strategies are in place for identified risks. For infrastructure projects, council should demonstrate how any infrastructure is to be maintained, including evidence to demonstrate that the future operating and maintenance costs of the project can be continued.

#### Eligible projects

Projects should contribute to recovery initiatives that are not otherwise eligible under the Disaster Recovery Funding Arrangements 2018 (DRFA). Projects which include activities that align to Category A or B initiatives may be eligible (see examples of eligible projects).

To be eligible projects must:

- Meet all eligibility criteria outlined in Part 4 of these program guidelines
- Support the recovery of the local community's economy, social well-being, built or natural environment, or improve resilience to future natural disasters
- For infrastructure projects, not meet the definition of *essential public asset* in the DRFA and be eligible for reimbursement under the DRFA
- For community infrastructure projects, infrastructure must play a demonstrated, important role in providing one or more of the following:
  - basic social and recreational amenity to local residents and visitors
  - help support and/or safeguard community cohesion
  - support the delivery of social support networks
  - support local and Indigenous-owned businesses through procurement
- For council or community infrastructure projects, be for the repair or rebuild of infrastructure that was directly impacted as a result of an eligible disaster or be for the enhancement (disaster resilience) works required to prepare for an eligible disaster
- Align with relevant NSW Government policies and strategies
- All eligible projects be completed by 30 June 2024

4

Local Government Recovery Grants – NSW Severe Weather and Flooding (from 22 February 2022 onwards)  
AGRN 1012 – V.2 Updated April 2022



**Examples of eligible projects**

Projects must align to one or more of the project categories and project types below:

Project Category	Project Type	Example
<b>Social and economic recovery</b>	<p><b>New activities and measures/events that directly support local economic or social recovery:</b></p> <ul style="list-style-type: none"> <li>Recovery initiatives which support and promote community safety and wellbeing, social support, or social development.</li> <li>Initiatives which support and promote sustainable local economic recovery, business continuity, business preparedness and business development.</li> </ul> <p>This may include projects that relate to existing activities and measures, where it can be demonstrated that the proposed project adds value to the existing activity or where an existing activity or measure has been significantly financially impacted by eligible storm and flood events or compounding disasters.</p>	<p>Activities, measures, events may include but are not limited to:</p> <ul style="list-style-type: none"> <li>Community information initiatives</li> <li>Activities aimed at restoring community safety and wellbeing</li> <li>Commemorative events and/ or memorials</li> <li>Heritage and cultural events and initiatives</li> <li>Advocacy and monitoring services</li> <li>Community wide mental health and support programs</li> <li>Recovery outreach activities which support access to safety and security, shelter or health services</li> <li>Access to support on insurance, financial counselling and mentoring programs</li> <li>Tourism and small business initiatives</li> <li>Local economic development initiatives</li> <li>Programs that value and build on the local capacities of services that support economic activities (e.g. non-profit groups)</li> </ul>
	<p><b>Employing additional local staff to take on fixed term temporary specialist recovery or planning roles to help coordinate and plan the rebuilding effort and to foster resilience-building within the LGA</b></p> <p>This includes employment of contractors, casual or fixed term temporary staff (or backfill staff when a staff member is deployed to these roles, and backfill is fixed term temporary).</p> <p>Note: this does not include the additional hire of staff to project manage restoration works related to essential public assets.</p>	<p>Employment of additional local staff may include:</p> <ul style="list-style-type: none"> <li>Additional local staff hired by Council to work directly in the delivery of an eligible project or to help coordinate and plan recovery efforts</li> </ul>

5

Local Government Recovery Grants – NSW Severe Weather and Flooding (from 22 February 2022 onwards)  
 AGRN 1012 – V.2 Updated April 2022





Project Category	Project Type	Example
<p><b>Built and environmental recovery</b></p>	<p><b>Evacuation and Relief Centres:</b> Reconstruction or enhancement (disaster resilience) to evacuation and relief centres that were directly impacted as a result of an eligible disaster or enhancement works that were required to prepare for the eligible disaster.</p>	<p>Including council or key community infrastructure owned/managed by non-council community groups. This may include not-for-profit organisations or non-government community social infrastructure assets which play a key role in social cohesion.</p>
	<p><b>Council or community owned infrastructure:</b> Reconstruction or enhancement (disaster resilience) to <b>directly impacted</b> council or community owned infrastructure that is not otherwise eligible under the DRFA, including council damaged built, environmental, cultural, historic, or recreational assets.</p> <p>This may include:</p> <ul style="list-style-type: none"> <li>- Reconstruction or enhancement of key community infrastructure owned/managed by non-council community groups. This may include not-for-profit organisations or non-government community social infrastructure assets which play a key role in social cohesion.</li> <li>- Using funding for the purpose of enhancement or complementary works to Essential Public Assets, where the costs for enhancement or complementary works aren't covered by the DRFA.</li> </ul> <p>Note: Assets or infrastructure which meet the definition of an Essential Public Asset and are eligible for reimbursement under the DRFA are not eligible for funding under this program (see Part 6 Definitions).</p>	<p>Projects may include, but are not limited to, repair, replacement of disaster damaged council or community:</p> <ul style="list-style-type: none"> <li>• access roads and carparks</li> <li>• council cemeteries</li> <li>• playing field or court surfaces</li> <li>• retaining walls</li> <li>• war memorials</li> <li>• parks and playgrounds</li> <li>• walking trails and footpaths</li> <li>• pedestrian bridges</li> <li>• signage in public spaces</li> <li>• river/creek banks</li> <li>• youth and senior citizen facilities</li> <li>• tourism, arts and culture facilities</li> <li>• fixed sporting equipment</li> <li>• cultural heritage and identity of place assets</li> <li>• wharves, jetties, boat ramps</li> </ul> <p>Enhancement (disaster resilience) projects may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• increased flood immunity (e.g. additional or increased diameter of culverts)</li> <li>• realignment of roads</li> <li>• Provision of additional signage</li> <li>• Enhanced materials for reconstruction</li> </ul>



Project Category	Project Type	Example
Built and environmental recovery	<p><b>Waste clean-up of assets and infrastructure:</b></p> <p>Clean-up of assets not covered by the DRFA (including category B, C, D), other government assistance or insurance claims.</p> <p>Note: this is only for projects in eligible LGAs where funding for clean-up assistance or waste disposal measures are not otherwise available.</p>	<p>Projects may include but are not limited to:</p> <ul style="list-style-type: none"> <li>Debris clean-up and removal, including green waste, trees, sediment, silt, mud, flood deposited waste items that are not otherwise covered by DRFA or other assistance measures.</li> </ul>
	<p><b>New projects or initiatives related to assets and infrastructure that support disaster resilience in response to flood and storm events:</b></p> <p>Projects or initiatives which have been identified following the flood and storm events which address the causes of risk to hazards and implement disaster reduction initiatives across the built and natural environment.</p> <p>Note: this does not include the building of new infrastructure which did not exist prior to the eligible disaster.</p>	<p>Projects may include, but are not limited to, initiatives related to:</p> <ul style="list-style-type: none"> <li>Protection of existing structures</li> <li>Sensitive ecosystems</li> <li>Critical infrastructure</li> <li>Education and awareness about hazard and risk</li> </ul>
Resilience	<p><b>Community capacity recovery building and resilience</b></p> <p>Projects or initiatives aimed at increasing community awareness, enhancing capacity and building resilience to future disasters</p>	<p>Projects or initiatives may include but are not limited to:</p> <ul style="list-style-type: none"> <li>Re-building or establishing new community networks</li> <li>Workshops and forums which provide awareness for disaster implications and developing risk mitigation plans</li> <li>Programs that assist affected people and groups to explore alternative opportunities through learning new skills</li> </ul>

#### Examples of ineligible projects

Ineligible projects include those that:

- fund the day-to-day operations and/or business as usual activities of the organisation
- include building of new infrastructure which did not exist prior to the eligible disaster
- for infrastructure assets that meet the definition of an *essential public asset* and are eligible for reimbursement under the DRFA
- are fully funded through other government grant(s), assistance and/or insurance claims
- duplicate other recovery initiatives already funded or underway
- are located outside of the eligible LGAs
- require ongoing funding from NSW or Australian Government
- are not aligned to the objective and outcomes of the program
- have exclusive private benefits or provide direct commercial and/or exclusive private benefit to an individual or business

7

Local Government Recovery Grants – NSW Severe Weather and Flooding (from 22 February 2022 onwards)  
AGRN 1012 – V.2 Updated April 2022



- include improvements or repair to residences

#### **Eligible expenses**

Eligible expenses must be directly related to delivering the approved project and may include:

- extraordinary local government labour costs for ongoing/budgeted staff directly associated with delivering the eligible project. Including base wage, overtime, plus on costs to a maximum of 32.19% (on-costs including superannuation, workers compensation, and long service leave, if applicable, etc).
- fixed-term temporary staff or casual staff
- hire of contractors
- travel and accommodation expenses (allowance or actuals)
- communications technology costs including extraordinary mobile plans or internet services
- project costs related to buying or upgrading capital items, equipment or supplies up to 5% of total grant value
- external plant hire/rental costs
- extraordinary local government owned plant operating costs (fuel only)
- extraordinary materials and consumables (e.g. stationery, catering, advertising, promotion, printing)
- project delivery costs, including program and service development, project management, design, supervision and inspection/superintendent costs
- temporary office accommodation costs (where required) that are not council owned

#### **Ineligible expenses**

Expenses that cannot be claimed include, but are not limited to:

- project costs related to buying or upgrading capital items, equipment or supplies (greater than 5% of total grant value)
- financing, including debt financing, or insurance
- legal costs
- project costs that are reimbursable under other approved/awarded funding sources
- additional hire of staff to project manage works related to essential public assets which are eligible for reimbursement under the DRFA
- site rental costs for infrastructure projects and environmental projects
- for community programs, rental costs not directly associated with the program
- costs relating to depreciation of plant and equipment
- business-as-usual operational costs and expenditure, including core business responsibilities and ordinary wages and plant costs of local / state government agencies
- in-kind contributions
- funding to a third party in the form of sponsorship, grant, cash prize or commercial gift
- non-project related staff training and development costs
- ongoing costs / recurrent funding that is required beyond the stated timeframe of the project (e.g. administration, operation, maintenance or repairs)
- purchase of land
- loss of revenue on council owned buildings or any other building

8

Local Government Recovery Grants – NSW Severe Weather and Flooding (from 22 February 2022 onwards)  
AGRN 1012 – V.2 Updated April 2022



## Part 5: Administrative Arrangements

### Program of Works

The administering agency will provide Council with a Program of Works template and be available to provide advice to Councils in preparing and submitting the relevant information.

It is strongly recommended Council contact the administering agency prior to spending funds should they require any advice or assistance regarding eligibility. Council will be required to pay back funds which have not been spent in accordance with these program guidelines or any funds which are not expended by 30 June 2024.

Project information and supporting documents which may be required as part of the Program of Works, may include but is not limited to:

- project name
- project description
- socio-economic benefits of project
- requested funding
- council contribution (if any)
- estimated total project cost
- accurate GPS locations of proposed site/s (for infrastructure projects)
- proposed project start date and approximate project duration
- a completed project plan including a risk plan
- cost estimates/quotes
- options analysis
- cost benefit analysis
- results of investigation/ consultation
- letters of support, as appropriate
- evidence confirming funding sources
- evidence of land ownership/tenure
- scope works and key milestones
- letter of offer / employment for temporary staff
- a copy of completed Cultural Heritage Management Plan, Vegetation Assessments, Environmental Management Plans, etc. as appropriate or evidence that these types of plans are not required.

The administering agency may request additional information from Council or from any other source.

Where there is uncertainty or unintended outcomes arising from the project eligibility requirements, a practical approach will be taken to resolve issues. Final determination will be made at the discretion of the administering agency, with advice and recommendations from relevant government agencies.

The administering agency may refer projects to other funding programs for consideration.

Requests for variations or changes to the project will only be considered by the administering agency in limited circumstances.

9

Local Government Recovery Grants – NSW Severe Weather and Flooding (from 22 February 2022 onwards)  
AGRN 1012 – V.2 Updated April 2022



Councils should be aware that information submitted in Program of Works and all related correspondence, attachments and other documents may be made publicly available under the Government Information (Public Access) Act 2009 (NSW). Information that is deemed to be commercially sensitive will be withheld.

#### **Complaints handling**

Contact [grants@olg.nsw.gov.au](mailto:grants@olg.nsw.gov.au) in the first instance

#### **Reporting**

Council will submit project progress reports to the administering agency on a quarterly basis, and may include information such as:

- actual expenditure reported against the approved capped amount (e.g. general ledger or transaction listing)
- percentage of scope of works completed
- delivery against project milestones and outcomes
- any variances in scope, cost or time

The reporting requirement for councils will be included in the Grant Acknowledgement Schedule.

The Australian Government or the administering agency may request funding information and progress reports outside of the agreed reporting activity if required.

#### **Monitoring and Evaluation**

Councils will be required to participate in a program evaluation which is undertaken during and/or after completion of the project to determine the extent to which their projects have contributed to the objectives of the fund. The evaluation will require Councils to provide evidence of how projects have resulted in a measurable benefit to the community that is consistent with the objectives of the Local Government Recovery grants program.

#### **Public acknowledgement**

Councils must acknowledge the joint Australian and NSW Governments support for the project as per the DRFA Guidelines: <https://www.disasterassist.gov.au/Documents/Natural-Disaster-Relief-and-Recovery-Arrangements/disaster-recovery-funding-arrangements-2018.pdf>

To obtain Australian Government agreement to public announcements, promotional materials or other publicity materials, councils must contact the administering agency, who will liaise with the National Recovery and Resilience Agency.

The NSW Government or Commonwealth Government may use any information submitted by an Council for promotional material. Information may be used in the form of press releases, case studies, promotional material and in response to media enquires relevant to the Local Government Recovery grants program.

10

Local Government Recovery Grants – NSW Severe Weather and Flooding (from 22 February 2022 onwards)  
AGRN 1012 – V.2 Updated April 2022



### Assurance and acquittal

Councils will maintain and make available accurate audit records consistent with the minimum evidentiary requirements outlined in clause 10.4 of the DRFA. DRFA records must be available for seven years from the end of the financial year the claim is acquitted by the Australian Government.

For assurance purposes, the Australian Government may at any time, via the administering agency, request documentation to evidence the NSW Government's compliance with any aspect of the DRFA.

Councils must consent to Resilience NSW conducting an audit of grant funding within a period seven years from the signing of the funding deed, and retain relevant documentary evidence to provide on request, should they be selected for audit. Documentary evidence may include:

- Financial acquittal report
- Payment receipts for completed works
- Bank records or ledgers
- Statutory Declaration from authorised delegate

Penalties apply where false or misleading information is provided.

### Part 6: Definitions

**Community Infrastructure** means key community infrastructure owned/managed by non-council community groups. It must be demonstrated that this infrastructure plays a key role in providing one or more of the following:

- basic social and recreational amenity to local residents and visitors
- help support and/or safeguard community cohesion
- support the delivery of social support networks
- support local and Indigenous-owned businesses through procurement

**Disaster Recovery Funding Arrangements 2018 (DRFA)** means the joint Commonwealth-State cost sharing arrangements, these can be viewed online via [disasterassist.gov.au/disaster-arrangements](https://disasterassist.gov.au/disaster-arrangements)

**Essential Public Asset (under the DRFA)** means an asset that must be a transport or public infrastructure asset that is an integral part of a state infrastructure and normal functioning of a community. Examples of assets that are **not** considered to be essential public assets are:

- Private roads
- Roads on Crown Land that are not Crown Roads
- Sporting or recreational or community facilities (for example, playgrounds and associated facilities)
- Beaches, coastal areas and riverbanks
- Religious establishments
- Cemeteries
- Memorials

**Reconstruction** means the restoration or replacement of an infrastructure asset.

11

Local Government Recovery Grants – NSW Severe Weather and Flooding (from 22 February 2022 onwards)  
AGRN 1012 – V.2 Updated April 2022

**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 Notice of Motion - Cr James Murray: Renegotiate Tenders for Lamonds No 1 / ID 59-11123 and Grieves Crossing / ID 59-1056 Bridges**

This matter is considered to be confidential under Section 10A(2) - c 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.



**16      CLOSE OF MEETING**