



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

Date: Tuesday, 11 April 2023
Time: 2PM
Location: Kyogle Council Chambers, Stratheden Street, Kyogle

AGENDA

Ordinary Council Meeting

11 April 2023

**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 Tuesday 11 April 2023, at 2PM.

DECLARATION OF PECUNIARY INTEREST

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

ETHICAL OBLIGATIONS

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

BUSINESS

- | | |
|---------|--|
| Item 1 | Open Meeting |
| 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.

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

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

DISCLAIMER

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

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

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

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

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

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

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

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

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

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

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

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- 1 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 - 13 MARCH 2023

Author: Executive Assistant

Authoriser: General Manager

Attachments: 1. Minutes 13 March 2023 Ordinary Council Meeting (under separate cover) [↓](#) 

RECOMMENDATION

That Council confirms the minutes of the Council meeting of 13 March 2023.

PURPOSE / SUMMARY

This report presents the minutes of the 13 March 2023 Ordinary Meeting to Council for confirmation.

8 MAYORAL MINUTE

Nil

9 NOTICES OF MOTION

Nil

10 QUESTIONS WITH NOTICE FROM COUNCILLORS

Nil

11 REPORTS FROM DELEGATES**11.1 DELEGATES REPORT - CR MAGGIE MAY: CLIMATE CHANGE WORKING GROUP****Author: Councillor****Authoriser: General Manager****Attachments: 1. Minutes Climate Change Working Group - 28 November 2022 (under separate cover) ****SUMMARY / PURPOSE**

This report provides for the information of Council the minutes of the 28 November 2022 meeting of the Climate Change Working Group (CCWG) and an update on the issues the CCWG has been working on.

RECOMMENDATION

That Council:

1. Receives and notes the report, Delegates Report – Cr Maggie May: Climate Change Working Group;
2. Work with Local Land Services (LLS) and NSW Department of Primary Industries (DPI) to host a Carbon Forum in Kyogle Local Government Area (LGA) in 2023 and seek further information from LLS to determine whether it is feasible for LLS to run a carbon project in Kyogle.

REPORT

The CCWG met for the last time for 2022 on 28 November. LLS and NSW DPI provided a presentation on reducing greenhouse gas emissions in the agricultural industry. The speakers were LLS Officer Strategic Planning Stephen Conrad, Team Leader Sustainable Agriculture Lelia Kamphorst, and Team Leader Planning and Investment Theresa Adam.

The focus of LLS is to gather best practice information and disseminate this back to farmers and landholders in their area. Support is available from LLS to run workshops on topics of interest to local landholders.

There is an emerging focus on providing Environmental Market Services to provide landholders with impartial advice on generating and selling carbon credits, market access, rewarding stewardship and whole farm accounting. This service is in the early stages and more will be coming as LLS develops its capacity further.

Dr Cathy Waters, Principal Research Scientist, Leader Climate Research, NSW DPI, provided an overview of carbon opportunities in agriculture. Please see attached minutes for full details. Her full presentation is also available from the climate change working group files.

Discussion focused on what we could do in the Kyogle LGA to develop our knowledge and capacity to understand and implement carbon capture and storage using soils.

It was agreed that LLS/DPI will run a forum in Kyogle LGA in 2023. This forum may run for two to three days and can provide deeper knowledge and skills development for participants.

LLS will also investigate further possibility of a carbon project, including education and awareness in the Kyogle LGA.

Kieran Somerville provided an overview of Natural Sequence Farming at Tarwyn Park via a course she attended in Lismore.

Other items included discussion of the climate change adaptation and risk assessment currently being prepared, Electric Vehicle Destination Charging Grants and the Climate Change Resource guide which is being regularly updated with new information. This is available on the Council website.

12 INFORMATION REPORTS

12.1 MONTHLY FINANCE REPORT - MARCH 2023

Author: Manager Financial Services

Authoriser: General Manager

Attachments: 1. Monthly Finance Report - March 2023  

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 – March 2023*.

BACKGROUND INFORMATION

Legislative Requirements

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

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

REPORT

The following information is presented for information only.

(A) Finance Reports

Summary reports outlining Council's financial position. The reports presented include:

- Rates statement and graph
- Statement of bank balances
- Summary of investments

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

(B) Councillors' Travel Expenses Report

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

Kyogle Council



Financial Reports

31 March 2023

Rates Statement

Rates/Charges – Write Off's

Statement of Bank Balances

Summary of Investments

Councillor Travel

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

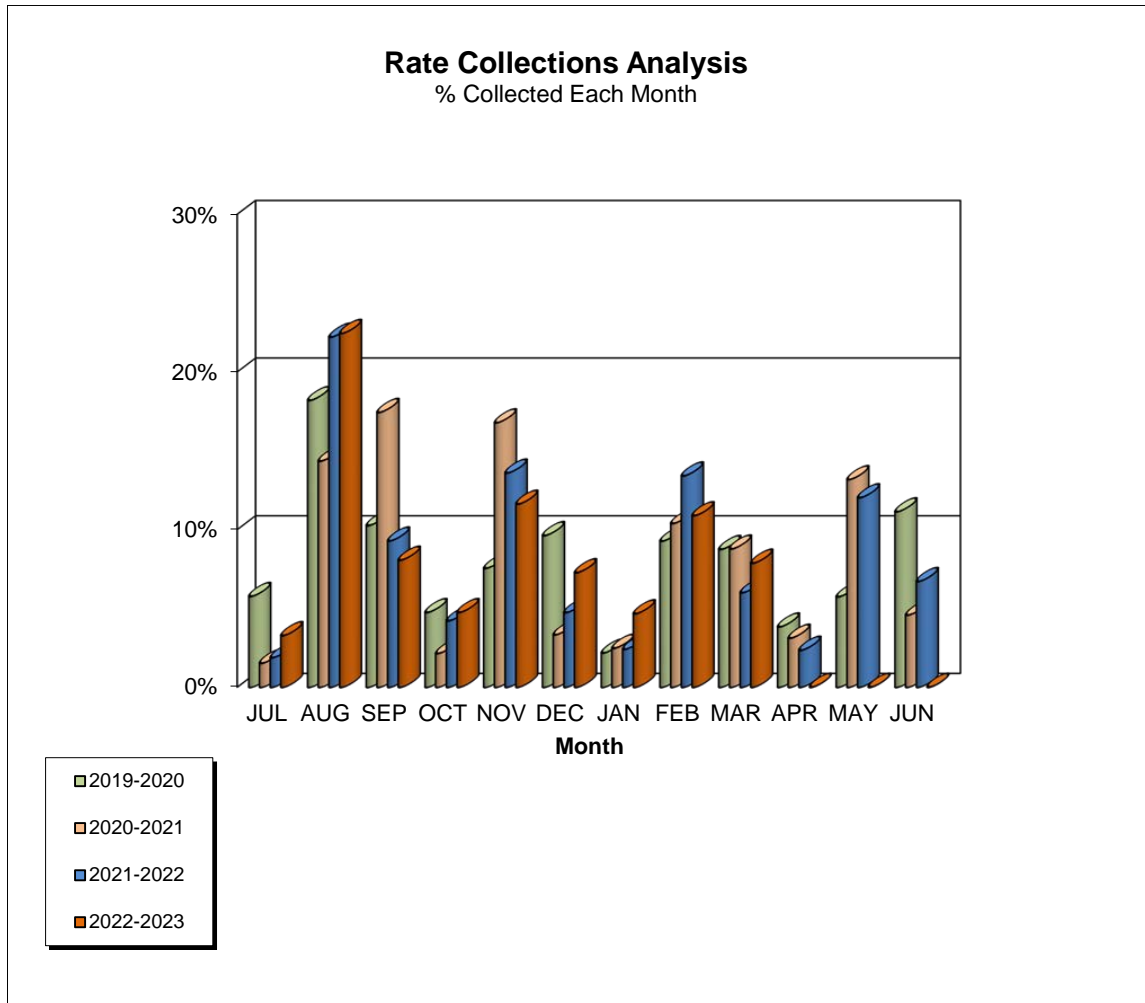
KYOGLE COUNCIL RATES STATEMENT AS AT 31 MARCH 2023

	ARREARS 1-Jul-2022	NET CHARGES 2022-2023	PAYMENTS	OUTSTANDING BALANCE 31/3/2023	ARREARS as at 31/3/2023	% TOTAL COLLECTED incl. ARREARS	% ARREARS COLLECTED 2022-2023
RATES, SERVICES AND INTEREST	585,446.44	12,103,606.83	10,250,285.37	2,438,767.90	282,556.49	80.78%	51.74%

PRESENTED TO COUNCIL APRIL 2023

Note:

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



Write offs under delegated authority - Rates and Charges 2022-2023

July	August	September	October	November	December	January	February	March	April	May	June	Total Write Offs
\$ -	\$ -	\$ -	\$ -	\$ 40.51	\$ -	\$ 38.68	\$ 9.25	\$ -	\$ -	\$ -	\$ -	\$ 88.44

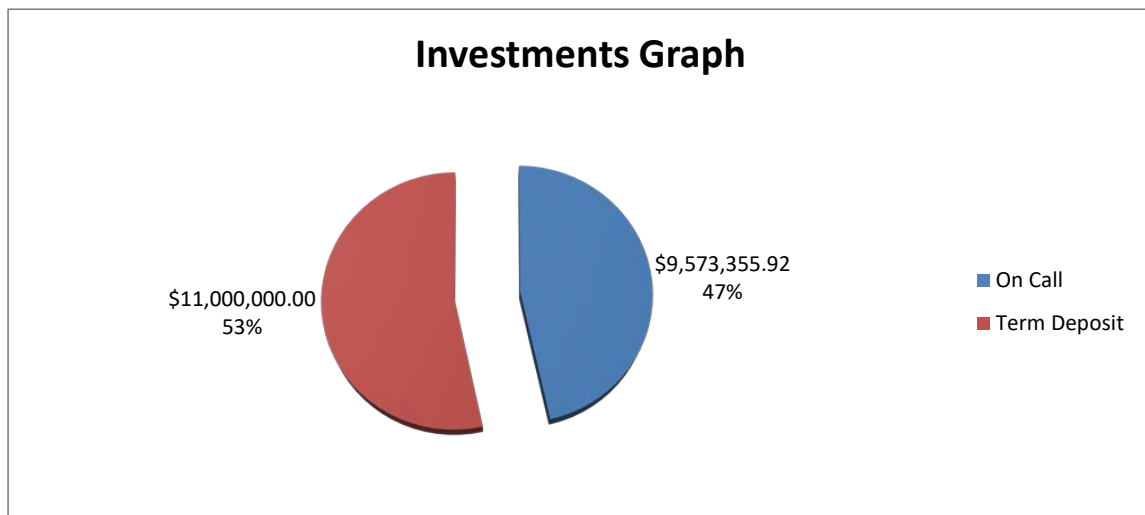
<u>Kyogle Council</u>	
STATEMENT OF FUND BALANCES as at 31-Mar-23	
Fund	Closing Balance
General Fund	
Unrestricted	(1,167,239.95)
Internally Restricted	3,900,929.00
State Highways	(1,656,136.38)
Quarries	1,059,669.12
Plant	2,780,896.65
Externally Restricted	13,226,430.62
Total General Fund	18,144,549.06
Restricted	
Water Supplies	651,501.69
Sewerage Systems	1,528,630.93
Domestic Waste	214,969.50
Trust Fund	33,704.74
Total Restricted	2,428,806.86
Total Consolidated Funds at Bank	20,573,355.92

KYOGLE COUNCIL FINANCIAL ANALYSIS REPORT AS AT 31/03/2023								
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		9,573,355.92	46.53%
Total Cash at Call							9,573,355.92	46.53%
NAB	Term Deposit	09-Mar-23	13-Apr-23	Fixed	Maturity	3.63%	1,000,000.00	4.86%
Suncorp	Term Deposit	19-Jan-23	20-Apr-23	Fixed	Maturity	3.91%	4,000,000.00	19.44%
NAB	Term Deposit	16-Mar-23	27-Apr-23	Fixed	Maturity	3.68%	2,000,000.00	9.72%
Suncorp	Term Deposit	23-Feb-23	25-May-23	Fixed	Maturity	3.83%	2,000,000.00	9.72%
Suncorp	Term Deposit	02-Mar-23	01-Jun-23	Fixed	Maturity	4.00%	2,000,000.00	9.72%
Total Cash at Call							11,000,000.00	53.47%
Total Investment Portfolio							\$20,573,355.92	

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 Mar-23

Councillor Name	Kilometres Claimed		Current Rate per Kilometre	Amount Reimbursed	
	Mar-23	YTD		Mar-23	YTD
K. Thomas	0	2,517	\$0.91	\$0.00	\$2,516.84
H. Doolan	0	0	\$0.80	\$0.00	\$0.00
J. Wilson	0	0	\$0.80	\$0.00	\$0.00
J. Burley	0	363	\$0.78	\$0.00	\$363.48
D. Mulholland	0	1,397	\$0.91	\$0.00	\$1,396.85
M. May	0	0	\$0.80	\$0.00	\$0.00
T. Cooper	928	3,089	\$0.91	\$928.20	\$3,088.54
R. Cullen	0	0	\$0.80	\$0.00	\$0.00
J. Murray	0	0	\$0.80	\$0.00	\$0.00
Total	928	7,366		\$928.20	\$7,365.71

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 - MARCH 2023

Author: Manager Financial Services

Authoriser: General Manager

Attachments:

1. Bridge Program Status Report - March 2023  
2. Works Program Progress Report March 2023 (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 – March 2023*.

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 2022/2023

REPORTING MONTH: March 2023

REPORT DATE: 30/03/2023

PROGRESS SNAPSHOT

TOTAL NUMBER OF TIMBER BRIDGES REPLACED = 56 of 93 (60.2%)
FCB DEED PERIOD ELAPSED – 93 of 149 weeks (62.4%) Revised Deed Period

1 PURPOSE

The purpose of this report is to provide additional commentary on the 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 March 2023 include:

- Four FCB Bridges completed (Levers, Deep Creek, Chestnut and Larsson)
- Construction started on the Group 2 Bridges Package contracted to Ozwide Bridge Rail and Civil

3 RISKS TO DELIVERY PROGRAM

- The upcoming wet season may slow productivity.

4 PAGE BRIDGE REPLACEMENT PACKAGE

There are eight bridges in the Page Bridge Replacement Package. Seven of the eight have been completed. Updates below on the remaining bridge:

BRIDGE ID	BRIDGE NAME	COMMENTS	EXPECTED COMPLETION
68-8166	Horseshoe Creek Bridge	Bridge works are complete and open to traffic. Some road approach works and site clean up remaining.	Early April 2023

5 FIXING COUNTRY BRIDGES (FCB)

5.1 GROUP 1 – KYOGLE COUNCIL MANAGED PROJECTS

5.1.1 BRIDGES

There are 70 bridges in the Group 1 FCB program. Forty-one of 70 have been replaced and opened to traffic.

The below table summarises bridges in the construction stage:

BRIDGE ID	BRIDGE NAME	COMMENTS	EXPECTED COMPLETION
269-157	Levers Road	Works complete, bridge opened to traffic in late March 2023.	

Bridge Program Monthly Status Report – March 2023

44-1070	Deep Creek Bodycotes No.2 Bridge	Bridge open to traffic in early March 2023 – approach sealing works remaining	
31-721	Chestnut Road Bridge	Works complete, bridge opened to traffic in mid-March 2023.	
140-6330	Larsson Road Bridge	Works complete, bridge opened to traffic in mid-March 2023.	
138-12136	Duck Creek Gears Bridge	Abutment works in progress	Early April 2023
17-2810	Boomi Creek Road – Mulcahys Bridge	Side track and site preparation works complete. Piling works scheduled for early April.	May 2023
35-322	Collins Velle Road – Lynchs Creek	Side track construction complete and piling works in progress.	May 2023
91-975	Montgomery's Road Bridge	Site preparation works in progress.	June 2023
106-14873	Old Lawrence Road No.2 Bridge	Abutment works complete – superstructure installation in progress.	Early April 2023

The next bridges planned for construction are:

- 253-152 Slaters Rd Bridge – Powerline relocation programmed for April 2023
- 112-7844 Roseberry Creek Comerford No.1
- 138-13999 Duck Creek Allens Bridge
- 223-363 MacQueens Road Bridge
- 80-2729 Brown Knob Road

5.1.2 BRIDGE TO PIPES

Seven of the eight FCB bridge to pipe projects have been completed. The Station Road (256-9294) bridge to pipe replacement is programmed for late 2023 – all precast materials are on Station Road.

5.2 GROUP 2 – BRIDGES

There are six bridges in Group 2, these have been Contracted to Ozwide Bridge Rail and Civil for Design and Construction. Updates on each bridge are in the table below:

BRIDGE ID	BRIDGE NAME	COMMENTS	EXPECTED COMPLETION
6-250	Baileys Bridge Road	Works commenced – demolition of existing bridge in progress. Road closed during construction.	July 2023
59-1056	Gradys Creek – Grieves Crossing	Rescoping of the project in progress due to betterment funding.	TBA
59-11123	Gradys Creek – Lamonds No.1	Design in progress.	TBA
141-62442	Kyogle Road – Little Back Creek	Design in progress.	October 2023
103-1951	Old Cob O Corn Road	Works have commenced. Road closed during construction. Piling works programmed for after Easter.	June 2023
92-218	Tims Lane Bridge	Works commenced – piling works programmed for Early April 2023. Full road closure during construction.	June 2023

6 OTHER BRIDGE REPLACEMENTS

Geotechnical investigations and survey work completed for Risk Road and Sugar Glider Road Bridges. Survey works for the FCB Round 2B bridges are complete. Geotechnical works to be awarded.

13 STAFF REPORTS**13.1 SIX MONTHLY REVIEW OF DELIVERY PROGRAM AND OPERATIONAL PLAN 2022/2023**

Author: Manager Corporate Services

Authoriser: General Manager

Attachments: 1. Six Monthly Report July 2022 to December 2022 (under separate cover) 

SUMMARY / PURPOSE

This report is to provide Council with a copy of the six-monthly reporting documentation for the period July 2022 to Dec 2022.

RECOMMENDATION

That Council receives and notes the attached six-monthly Review of the Delivery Program and Operational Plan.

BACKGROUND INFORMATION

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

Delivery Program

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

REPORT

The attached report provides an overview of programs included in the Delivery Program and the Operational Plan.

Council continues to report monthly on the Capital Works program and other initiatives contained within the Delivery Program and Operational Plan, going above the six-monthly minimum reporting requirement.

13.2 DRAFT OPERATIONAL PLAN 2023/2024 AND DELIVERY PROGRAM 2023/2027**Author:** General Manager**Authoriser:** General Manager

- Attachments:**
1. **Draft Operational Plan 2023/2024 and Delivery Program 2023/2027 (under separate cover)** 
 2. **Draft Fees and Charges 2023/2024 (under separate cover)** 

SUMMARY / PURPOSE

This report presents the following Integrated Planning and Reporting documents to be placed on public exhibition;

- *Draft Operational Plan 2023/2024 and Delivery Program 2023/2027*
- *Draft Fees and Charges 2023/2024*

RECOMMENDATION

That Council:

1. Receives and notes the report, *Draft Operational Plan 2023/2024 and Delivery Program 2023/2027*;
2. Places the *Draft Operational Plan 2023/2024 and Delivery Program 2023/2027* on public exhibition for a minimum of 28 days and seek submissions from the community on its content;
3. Places the *Draft Fees and Charges 2023/2024* on public exhibition for a minimum of 28 days and seek submissions from the community on its content.

BACKGROUND INFORMATION

As part of the ongoing review of the Integrated Planning and Reporting (IP&R) documents, a review of the Long-Term Financial Plan (LTFP) was undertaken in 2020. This review consolidated the delivery of the first five years of the 20-year LTFP adopted by Council in 2014, and the revised [LTFP 2021-2035 Adopted in June 2020](#) was focused on the long-term sustainability of Council. There was a further periodic review of the LTFP undertaken in 2022 as part of the annual budget and IP&R process.

Since then, events have overtaken the business as usual approach to resourcing and delivery of Council's functions and services. There have been a number of significant events and opportunities, most significantly the reconstruction process post the flood and storm damage from the February/March 2022 Natural Disasters, and an unprecedented increase in external funding around roads and bridges, including \$26 million for the Clarence Way.

The most recent estimates suggest a total cost of **\$254 million** for the reconstruction of the transport network in the Kyogle Local Government Area (LGA) associated with the 2022 Natural Disaster. To date, Council has completed \$33 million of this work.

In response to this unprecedented works program over the next three years, Council has been progressively undertaking changes as part of a staged review of the resourcing strategy required to deliver such a scaled-up delivery program.

There is also a significant community engagement and strategic planning workload required to implement the strategic priorities from the new Community Strategic Plan adopted by Council in 2022.

In order to rationalise the overall spread of work and demand on resources, the need to undertake a review of the delivery program in order to “flatten the curve” was identified, and the following principles have guided this review;

- Reach out to external funding partners and determine their flexibility in delivery times for externally funded projects;
- Prioritisation of the externally funded works, including Natural Disaster Restoration, as these external funding partner constraints and requirements are known
- Identification of “value add” opportunities for Council funding in conjunction with other priority externally funded works, as well as any opportunities that arise for funding of “betterment”
- Undertake a review of the remaining Council-funded projects and programs to see what can be deferred, and any implications or risks associated with deferring works

In order to deliver this up scaled works program for the community, there is a need to undertake a review, or a series of reviews, of the key components of the Integrated Planning and Reporting framework. This LTFP review has been undertaken within this context, and used to prepare the draft Operational Plan and Delivery Program and associated Fees and Charges.

In September 2022 IPART announced a rate peg determination of 4.1% for Kyogle Council, based on the before population growth figure of 3.7% and a population growth factor of 0.4%. The draft Operational Plan and Delivery Program have been prepared using the rate peg as set by IPART for 2023/24, and assumed 2.5% each year after that.

Significant elements of the LTFP review and Operational Plan and Delivery program development include:

- Significant changes in the Waste Management Charges required to implement the new 3-bin system across the waste collection customers. The overall increase in revenue required is 37.9%.
- Capital works allocations have been added for Woodenbong main street (\$2m in 2026) and Bonalbo and Tabulam main streets (\$2m in 2027) all assuming 50% external income, which is yet to be secured.
- Construction works to establish sewerage systems in the villages of Wiangaree, Tabulam and Mallangaree, which are subject to 75% external funding, have had their capital costs increased from the original \$9 million preliminary estimate to \$25million in 2026/27 as per the final scoping study cost estimates. Income and operational expenses have also been adjusted to reflect the post construction service delivery operational budget. This includes a \$5million loan in 2025/26 to maintain the minimum Sewer Fund bank balance and cover Council’s 25% capital contribution (note grant yet to be secured), loan over 25 years fully amortised at 6% interest.
- Funding allocated to Council under the Phase 4 of the Local Roads and Community Infrastructure Program (LRCIP) is an additional \$1,024,156, which needs to be expended by June 2025. The full LRCIP Phase 4 funding has been added to Regional Roads capital income in 2025 to partially cover Council's contribution to the NSW Government funded Regional Roads and Transport Recovery Package project, Clarence Way upgrade Bonalbo to Bruxner, subject to confirmation by funding body and consideration by Council as part of this year’s budget process.
- The Infrastructure Backlog calculation has been adjusted to reflect the expected impact of completion of a number of areas currently impacting heavily on the figures used for the Infrastructure Backlog. The cumulative impact of the projects aimed at addressing these backlog components will reduce the Infrastructure Backlog from \$52m to \$6.5m over the three years from 2023 to 2025. The projects and the backlog reduction amounts are;
 - flood damage restoration works (\$14.6m sealed roads, \$8.3m unsealed roads)

- the bridge renewal program (\$11m)
- the Clarence Way upgrade (\$6m)
- Employee costs adjusted to reflect latest staffing levels, Award increases to rates of pay and superannuation requirements, with employee cost indexation estimated to be 5.5%, 3.5%, 3.5% over next three years to reflect likely Award outcome and superannuation guarantee increases. These assumed increases include a continuation of the 2% above Award rates of pay currently in place for 2022/23.
- Additional budget changes to accommodate decisions made during 2022/23 as part of the staged development of the resourcing strategy in response to the increased activity around flood damage and external grant funding

REPORT

The Delivery Program directly addresses the objectives and strategies of the Community Strategic Plan (CSP), identifying the principal activities Council will undertake within available resources.

The Operational Plan includes a Statement of Revenue Policy, estimated income and expenditure, statement of rates and charges, proposed fees and charges and a statement of proposed borrowings.

The majority of fees and charges for 2023/2024 have been indexed by 3% per cent in line with the assumptions included in the LTFP and rounded for practical purposes. Others remain at statutory levels set by the NSW Government.

Sections 404 and 405 of the Local Government Act require public exhibition of these documents for at least 28 days. Comments from the community during the draft exhibition period are to be considered by Council prior to the endorsement of the final program/plan.

The draft documents will be placed on Council's website and hard copies will be available at various locations throughout the LGA to ensure comprehensive consultation.

Advertisements will be placed in Council's Newsletter and Council's website advising that the documents are on display and calling for submissions.

The closing date for submissions is proposed to be 12 May 2023. The final document will be considered by Council at the Ordinary Meeting on 12 June 2023. All submissions received will be provided to Councillors for their consideration.

13.3 COMMUNITY RESILIENCE PLAN - ADOPTION

Author: Director Planning & Environmental Services

Authoriser: General Manager

Attachments: 1. Draft Community Resilience Plan (under separate cover) 

SUMMARY / PURPOSE

The purpose of this report is to obtain Council approval to adopt the *Community Resilience Plan* following the recent conclusion of the public exhibition stage.

RECOMMENDATION

That Council:

1. Receives and notes the report, *Community Resilience Plan Adoption*;
2. Adopts the attached Community Resilience Plan.

BACKGROUND INFORMATION

Following the 2019 and 2020 bushfires, Kyogle Council was provided with funds by the state and federal governments to support local disaster recovery and community resilience programs. Over the two-year life of the grant funded program, Council engaged a Community Resilience Officer (CRO) to conduct community capacity building and engagement activities, and identify the key measures for developing enhanced community resilience in the Kyogle LGA. These activities have informed the development of the draft Community Resilience Plan – the adoption of which is a requirement for successfully acquitting the grant funded program.

PREVIOUS COUNCIL CONSIDERATION

At the 13 February 2023 Ordinary Meeting, Council unanimously resolved:

That Council:

1. *Receives and notes the report “Kyogle Council Draft Community Resilience Plan – Public Exhibition”.*
2. *Places the draft Community Resilience Plan on public exhibition for a period of at least 28 days and, at the conclusion of public exhibition, be provided with a report on submissions received.*

REPORT

Community consultation on the draft Community Resilience Plan has been undertaken – the public exhibition period ran from 14 February 2023 until 17 March 2023. Five written responses to the draft were received during the formal consultation period. All written correspondence has been acknowledged. Councillors were provided with full copies of all submissions received at their March 2023 Councillor Workshop.

Overall, the feedback has been supportive and the community respondents have expressed a strong interest in working with Council in the delivery of key aspects of the Plan. The following specific comments and feedback to submissions was noted:

- The interest of the wider Cawongla community in developing the Cawongla Community Centre as a hub that can support residents as required is noted. The development of the Community Hub concept was well supported, although the location is not suited to use as an evacuation or assembly point in times of emergency, due to a number of risks and accessibility issues during various emergency situations. Despite this, Council can continue

- to support this investment and activity under the auspices of other adopted plans, without formally designating the Community Centre as an evacuation centre.
- The Red Cross submission acknowledges the effective partnership that currently exists between Council and the Red Cross, and the community groups that this supports, as well as the importance of continuing this partnership into the future. The submission also refers to the need to maintain a focus on supporting volunteers, and increasing volunteerism across the LGA and the region more generally. The submission recognises that the current work of the Community Responders Working Group through the Northern Rivers Local Emergency Management Committee (LEMC) which covers the LGA's of Kyogle, Richmond Valley and Lismore, has been innovative in creating new ways to better engage and coordinate community responders. The Red Cross submission identified that telecommunications is a critical area which needs strengthening, and supports Council's identification of this issue as a high priority in terms of strengthening community resilience. The submission requested a small number of additional inclusions in the text of the Plan, which have been included in the final draft.

In light of received community feedback, officers have undertaken minor typographical revisions to the draft plan as appropriate. The final revised version is attached.

BUDGET AND FINANCIAL IMPLICATIONS

The preparation of the Community Resilience Plan has been funded via the state and federal grant program to support local disaster recovery and community resilience programs. Council will assess future grant funding opportunities and/or allocations within its own core budget to support priority activities identified in the Plan.

13.4 COUNCIL-RELATED DEVELOPMENT CONFLICT OF INTEREST POLICY

Author: Manager Corporate Services

Authoriser: General Manager

Attachments: 1. **Draft Council-Related Development Conflict of Interest Policy**  
2. **DPE Information Sheet - Council-related Development Application Conflict of Interest Guidelines**  

SUMMARY / PURPOSE

To place a draft Council-Related Development Conflict of Interest Policy on public display for 28 days, in accordance with the Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022.

RECOMMENDATION

That Council:

1. Receives and notes the report Council-Related Development Conflict of Interest Policy;
2. Places the draft Council-Related Development Conflict of Interest Policy on public display for a period of at least 28 days.

REPORT

The Department of Planning and Environment (DPE) provides the following advice:

Councils are development regulators. But they also can be the developer, landowner or hold a commercial interest in the land they regulate. Where councils have this dual role, an inherent conflict can arise between their interests in the development and their duty as regulator.

Identifying these conflicts of interest early and finding ways to address them is crucial to good governance and allows councils to strengthen their relationship with communities and build and enhance trust.

The following requirement has been introduced into the Environmental Planning and Assessment Regulation 2021 to address conflicts of interest in council related development:

- *Councils must adopt and have a policy that specifies how conflicts of interest in connection with council-related development applications will be handled.*

Section 66 A of the Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 states the following:

66A Council-related development applications — the Act, ss 4.16(11)

(1) A council-related development application must not be determined by the consent authority unless —

- (a) the council has adopted a conflict-of-interest policy, and*
- (b) the council considers the policy in determining the application.*

The attached draft policy uses the DPE recommended policy template.

Council-Related Development Conflict of Interest Policy

Draft 31 March 2023

Kyogle Council Council-Related Development Conflict of Interest Policy

Draft April 2023



Rev	Description	Author	Review	Approval	Date
Draft	Draft for Approval			TBA	31/03/2023



Council-Related Development Conflict of Interest Policy

Draft 31 March 2023

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Council-Related Development Conflict of Interest Policy

Draft 31 March 2023

NAME

This policy is the Council-Related Development Conflict of Interest Policy.

OBJECTIVE

The objectives of this Policy are to manage potential conflicts of interest and increase transparency at all stages of the development process for Council-related development.

SCOPE

This policy applies to Council-related development.

VALIDITY

This policy derives validity from Council resolutions

LEGISLATIVE FRAMEWORK

Under the provisions of Section 66A of the Environmental Planning and Assessment Regulation 2021, Council must adopt a policy that specifies how conflicts of interest in connection with council-related development applications lodged with Kyogle Council within the Kyogle Local Government Area will be handled.

DEFINITIONS

In this policy:

Application means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent. It does not include an application for a complying development certificate.

Council means Kyogle Council.

Council-related development means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority.

Development process means application, assessment, determination, and enforcement the Act means the Environmental Planning and Assessment Act 1979.

A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.

POLICY

Council as Regulator

Council regulates development under the *Environmental Protection and Assessment Act 1979* but it can also be the developer, landowner or hold a commercial interest in the

Council-Related Development Conflict of Interest Policy

Draft 31 March 2023

land it regulates. Where Council has this dual role, an inherent conflict of interest can arise between Council's interests in the development and its duty as a regulator.

Management Controls

The following management controls may be applied where a matter involves Council-related development:

- (a) the assessment of a development application for council-related development
 - i. undertaken by Council staff under delegation
 - ii. engagement of a private consultant
 - iii. referral to another local government authority.
- (b) the determination of a development application for council-related development
 - i. undertaken by Council staff under delegation
 - ii. referral to regional planning panel.
- (c) the regulation and enforcement of approved council-related development
 - i. undertaken by Council staff under delegation
 - ii. engagement of a private certifier
 - iii. undertaken by another local government authority.
- (d) the assessment of a proposed activity under Division 5.1 of the Act
 - i. undertaken by Council staff under delegation
 - ii. engagement of a private consultant
- (e) the determination of an activity under Division 5.1 of the Act
 - i. undertaken by Council staff under delegation
 - ii. engagement of a private consultant
 - iii. peer review by another local government entity.

Where assessment or determination of a development application is undertaken by Council staff under delegation, neither the assessing officer or the determining officer may be Council staff with direct responsibility for the work that is the subject of the application.

The assessment of the environmental impacts of a proposed activity under Division 5.1 of the Act may be undertaken by Council staff with direct responsibility for the project, however, the review of any assessment report in relation to a project or activity, and the determination of the project or activity, may not be undertaken by Council staff with direct responsibility for the project or activity.

The management strategy for the following kinds of development is that no management controls need to be applied:

- (a) commercial fit outs and minor changes to the building façade
- (b) internal alterations or additions to buildings that are not a heritage item
- (c) advertising signage
- (d) minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)

Council-Related Development Conflict of Interest Policy

Draft 31 March 2023

- (e) development where Council only receives a small fee for the use of the land.

Development applications lodged with Council that are council-related development are to be referred to the General Manager or delegate for a conflict-of-interest risk assessment. The General Manager or delegate is to:

- (a) assess whether the application is one in which a potential conflict of interest exists
- (b) identify the phase(s) of the development process at which the identified conflict of interest arises
- (c) assess the level of risk involved at each phase of the development process
- (d) determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in this Policy and the outcome of the assessment of the level of risk involved. Note: The General Manager could determine that no management controls are necessary in the circumstances
- (e) document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

Example management statement

Council conflict of interest management statement	
Project name	Blue River Civic Place
DA number	DA21/0001
Potential conflict	BlueStar Council is the applicant. Blue River Civic Place has an estimated capital investment value of \$4.9 million and the council expects to receive revenue through renting commercial office spaces.
Management strategy	<p>The council is managing potential conflicts of interest in this matter as follows:</p> <ul style="list-style-type: none"> The application will be referred to the local planning panel to determine the development application. Council development assessment staff not involved with preparing the application will assess the DA. The staff will remain separated from the project team. A private certifier will be engaged to undertake the certification for the development. Green Hill Council has agreed to peer review any regulatory decisions should compliance decisions be made. Key project milestones following the development consent will be reported at a public council meeting.
Contact	Anyone with concerns about council fulfilling its obligations should report their concerns to the council.

DURATION AND REVIEW

This Policy will be reviewed periodically as required.

Department of Planning and Environment



Council-related Development Application Conflict of Interest Guidelines

Introduction

Councils are development regulators. But they also can be the developer, landowner or hold a commercial interest in the land they regulate. Where councils have this dual role, an inherent conflict can arise between their interests in the development and their duty as regulator.

Identifying these conflicts of interest early and finding ways to address them is crucial to good governance and allows councils to strengthen their relationship with communities and build and enhance trust.

The following requirements have been introduced into the *Environmental Planning and Assessment Regulation 2021* to address conflicts of interest in council related development:

- Councils must adopt and have a policy that specifies how conflicts of interest in connection with council-related development applications will be handled. The policy must comply with the requirements in these Guidelines (section 66A).
- Council-related development applications must now be accompanied by either a management strategy statement, which explains how the council will manage potential conflicts of interest, or a statement that the council has no management strategy for the application (section 36A).
- Councils must record conflicts of interest in connection with each council-related development application, and the measures taken to manage the conflicts, in their existing DA register (section 242A).
- Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process (*Environmental Planning and Assessment Act 1979*, schedule 1, clause 9B).

While the regulation changes do not mandate the use of the framework once a development consent is issued, it is best practice when developing their policies for councils to also address conflicts that may occur after development consent has been granted. This could be as simple as stating in the policy that the council will seek to enter a shared services arrangement with a neighbouring council about this phase of the development process, for any development that is the subject of the policy.

Purpose of these Guidelines

These Guidelines are intended to:

- set out the requirements for the council conflict of interest policy required under section 66A,



- assist councils in meeting these requirements by providing a sample policy and management strategy statement that can be used as a template when developing their policies
- provide general information and guidance about the policy.

Flexibility

In some circumstances, council may determine the risks associated with a council-related development are sufficiently low and no specific controls are warranted. Where this is the case, council should still publicly communicate that fact to ensure transparency.

Where a council determines for a particular class of development that the risks of a conflict of interest are very low, it may decide to not have any management controls for a specified type of development unless there is some direct involvement of a councillor or a council staff member in their private capacity.

This can happen, for instance, where the council is the owner of a large commercial building that has a range of shops within it, for which it receives many development applications for commercial fit outs and minor changes to the building facade. In those circumstances, the council's policy could outline that its management strategy for this class of development does not apply additional controls for conflicts of interest.

Other examples where this approach might be appropriate include development for internal alterations or additions to buildings that are not a heritage item, advertising signage, minor building structures projecting from a building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services), and development where the council might receive a small fee for the use of their land.

Sample policy

The sample policy below is to help councils develop their conflict of interest policies for council-related development. It provides practical solutions for developing and implementing ways to manage potential conflicts at all stages of the development process.

For councils that have local planning panels, the council's policy only needs to deal with a subset of this development, as a range of development to which the policy would otherwise apply will already be referred to local planning panels.

Using the sample policy is optional. Each council and local government area is different and has unique local settings, therefore, councils should decide what is appropriate in their circumstances and develop a policy for managing conflicts of interest about council-related development that is suitable for their local area.

An example management strategy statement is also included below.

Requirements for conflict-of-interest policies

Any policy prepared and adopted by a council must:



- establish management controls and/or a management strategy to address potential conflicts of interest at the different phases of the development process for the types of council-related development that the council could be involved in,
- outline the process through which potential conflicts of interest will be identified, the risks assessed and appropriate management controls determined, and
- outline the process that will be followed to publicly communicate the management approaches for each development subject to the policy.

Sample policy

Part 1 Preliminary

(1) Name of policy

This policy is the [insert name of policy].

Note: For example, Conflicts of interest policy – dealing with council-related development throughout the development process.

(2) Aim of policy

This policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development.

(3) Scope

This policy applies to council-related development.

(4) Definitions

(1) In this policy:

application means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent it does not include an application for a complying development certificate.

council means [insert name of the council]

council-related development means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority

development process means application, assessment, determination, and enforcement

the Act means the *Environmental Planning and Assessment Act 1979*.

(2) A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.

(3) Notes included in this policy do not form part of the policy.



Note: Other definitions can be inserted.

Part 2 Process for identifying and managing potential conflicts of interest

(5) Management controls and strategies

- (1) The following management controls may be applied to:
- a. the **assessment** of an application for council-related development
 - *insert control(s)*
 - b. the **determination** of an application for council-related development
 - *insert control(s)*
 - c. the **regulation and enforcement** of approved council-related development
 - *insert control(s).*

Note: For example, council will enter into a shared services arrangement with a neighbouring council.

- (2) The management strategy for the following kinds of development is that no management controls need to be applied:
- a. commercial fit outs and minor changes to the building façade
 - b. internal alterations or additions to buildings that are not a heritage item
 - c. advertising signage
 - d. minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
 - e. development where the council might receive a small fee for the use of their land.

Notes:

1. *While councils must have a policy that sets out how they propose to deal with potential conflicts of interest for council-related development, it could implement different controls for dealing with them based on the level of risk. For example, councils could set their controls based on:*
 - a. *risk category – low, moderate, high, very high*
 - b. *types of development – non-controversial small-scale development, development of a certain value with/without a commercial interest, controversial development, or even*
 - c. *capital investment value of the proposed development.*
2. *There is a range of management controls that could be applied in particular circumstances. The following are some examples that councils could use. Note that councils are not limited to one approach and could specify more than one approach if appropriate in their local settings:*
 - a. *Assessment and determination*
 - i. *The assessment and/or determination of an application are to be undertaken by council staff under delegation – this might be appropriate if the proposal is considered to be a low-level risk or non-controversial. For more controversial projects, this might only be effective if strict role separation controls are imposed.*
 - ii. *The application could also be referred for external assessment and/or determination to either:*



1. another council
2. a local planning panel if one is in place
3. a regional planning panel (may require negotiation – RPPs are not required to accept referrals)
4. a consultant.

The involvement of an external third party might be appropriate for development where council has a commercial interest in the land, or the development is seen to be a political priority for the council.

b. Regulation and enforcement

- i. Engagement of a private certifier
- ii. Publication of certificates issued under Part 6 of the Act on the NSW Planning Portal
- iii. Peer review by a neighbouring council and/or entering into a shared services arrangement with a neighbouring council
- iv. Reporting of key milestones to the full council.

3. Councils may also wish to take advantage of their audit and risk committee to provide guidance for the types of controls that could be applied in specific circumstances.

(6) Identifying whether a potential conflict of interest exists, assessment of level risk and determination of appropriate management controls

- (1) Development applications lodged with the council that are council-related development are to be referred to the general manager (or a delegate) for a conflict-of-interest risk assessment.

Note: Council-related development is defined in section 4.

- (2) The general manager is to:

- a. assess whether the application is one in which a potential conflict of interest –exists,
- b. identify the phase(s) of the development process at which the identified conflict of interest arises,
- c. assess the level of risk involved at each phase of the development process,
- d. determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 5 of the policy and the outcome of the general manager’s assessment of the level of risk involved as set out clause 6(2)(c) of the policy,

Note: The general manager could determine that no management controls are necessary in the circumstances.

- e. document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

Note: The following is an example of a statement that could be published by councils to document its proposed management approach in a particular circumstance.



Scenario

BlueStar Council is upgrading one of their assets, 'Blue River Civic Place'. Council is the landowner and the applicant and is proposing to redevelop the site into a mixed-use development with a total capital investment value (CIV) of \$4.9 million. The development application seeks approval for the construction and use of an additional 2 storeys on an existing 3 storey building comprising a childcare centre, commercial office spaces and partial use of the building for council's public administration.

Example management statement

Council conflict of interest management statement	
Project name	Blue River Civic Place
DA number	DA21/0001
Potential conflict	BlueStar Council is the applicant. Blue River Civic Place has an estimated capital investment value of \$4.9 million and the council expects to receive revenue through renting commercial office spaces.
Management strategy	<p>The council is managing potential conflicts of interest in this matter as follows:</p> <ul style="list-style-type: none"> • The application will be referred to the local planning panel to determine the development application. • Council development assessment staff not involved with preparing the application will assess the DA. The staff will remain separated from the project team. • A private certifier will be engaged to undertake the certification for the development. • Green Hill Council has agreed to peer review any regulatory decisions should compliance decisions be made. • Key project milestones following the development consent will be reported at a public council meeting.
Contact	Anyone with concerns about council fulfilling its obligations should report their concerns to the council.

14 URGENT BUSINESS WITHOUT NOTICE

15 CONFIDENTIAL BUSINESS PAPER

Nil

16 CLOSE OF MEETING