



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

Date: Monday, 14 August 2023
Time: 2pm
Location: Kyogle Council Chambers, Stratheden Street, Kyogle

AGENDA

Ordinary Council Meeting

14 August 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 Monday 14 August 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 - 10 JULY 2023

Author: Executive Assistant

Authoriser: General Manager

Attachments: 1. Minutes 10 July 2023 (under separate cover)  

RECOMMENDATION

That Council confirms the minutes of the Council meeting of 10 July 2023.

PURPOSE / SUMMARY

This report presents the minutes of the 10 July 2023 Ordinary Meeting to Council for confirmation.

8 MAYORAL MINUTE

Nil

9 NOTICES OF MOTION**9.1 NOTICE OF MOTION - CR JAMES MURRAY: UPGRADE OF CLARENCE WAY THROUGH YABBRA STATE FOREST**

Attachments: Nil

MOTION

That Council write to the relevant ministers and bureaucrats seeking special exemption to allow widening and straightening of dangerous sections of the Clarence Way through Yabbra State Forest.

RATIONALE

The section of the Clarence Way for approximately 1 kilometre north of South Yabbra Road and the bends at the southern end of the forest constitute a major safety risk due to high use by heavy vehicles. The forest types are not endangered ecosystems and to my understanding is regrown from when the road was initially built.

9.2 NOTICE OF MOTION - CR JAMES MURRAY: FUNDING TO UPGRADE BYPASS UNDER RAILWAY VIADUCT ON GRADYS CREEK ROAD

Attachments: Nil

MOTION

That Council seek funding to upgrade the bypass under the railway viaduct near Murray's Bridge on Grady's Creek Road.

RATIONALE

The bypass was a quick-fix solution to get trucks past the low 3.5 meter viaduct and was built on a land slip which constantly moves in flood events to the extent that it undermines the main section of road. Many trucks get caught in this bypass for several reasons:

1. Semi-trailers and wide loads such floats carrying machinery for council, rail and other uses travelling north cannot get enough swing and get caught on viaduct abutments;
2. Vehicles travelling south lose traction due to loose gravel on the steep gradient;
3. In wet weather many trucks get bogged in the lower part of the bypass .

Without this lower level many vehicles over 3.5 meters would be stuck with no turn around available.

As erosion on the northern bank of Grady's Creek occurs due to misalignment of bridge piers on Murrays Bridge, it is most probable that a ricochet effect will cause increased problems with this bypass and ultimately the main sealed section of the road.

9.3 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: HEALTH SERVICES WEST OF THE RANGE**Attachments:** Nil**MOTION**

That Council write to the Minister for Health, the Honourable Ryan Park, Janelle Saffin MP, Member for Lismore and the Premier, the Honourable Chris Minns to:

1. Review health services delivered to West of the Range communities within our Local Government Area (LGA);
2. Provide adequate funding and staffing for the Bonalbo Multi-Purpose Service (MPS) so that it fulfils the full potential of its intended purpose.

RATIONALE



Recent discussions with residents and ratepayers of west of the range communities confirms a significant shift in available health services especially essential women's health services. Current outreach programs are scattered and ineffective and something as essential as pap smears for screening for cervical cancer in women now requires patients to travel to other centres such as Casino or Lismore. Research indicates that people who live in rural and remote communities already have poorer health outcomes than their metropolitan equivalents. Further exacerbating the problem by inadequately funding and staffing existing health facilities will only make an existing situation worse.

Clearly having a significant capital infrastructure investment, such as the Bonalbo MPS, is of very limited use without adequate funding and staff to operate the facility to the limit of its intended purpose. I therefore propose that Council write to the above mentioned political representatives to highlight the urgent need for a comprehensive assessment and resolution of health services for the less populous areas of the Kyogle LGA.

10 QUESTIONS WITH NOTICE FROM COUNCILLORS**10.1 QUESTIONS WITH NOTICE**

Author: Executive Assistant

Authoriser: General Manager

Attachments: 1. Extract from "Top 7 Solar Myths Busted" from Clean Energy Reviews  

RECOMMENDATION

That Council receives and notes the responses to the questions with notice.

QUESTIONS WITH NOTICE:

The following questions were provided with notice prior to this meeting under Clause 3.14 of Council's Code of Meeting Practice.

Question – Cr James Murray

As the push for renewables progresses, council will face increased pressure on waste resources due to limited life of solar panels and batteries. What strategies are being implemented to deal with this?

Response

The great news is that solar panels are made almost completely out of glass, plastic and aluminium – three materials that are highly and easily recyclable. It gets a bit complex in that the materials need to be meticulously separated, but advanced machinery is making that process easier and easier. The claims that solar panels cannot be recycled is one of the many myths about renewables and waste doing the rounds. A myth busting brief on this subject is included in the attachments to this report.

Lithium-ion batteries are 95% recyclable. In fact, the metals used in lithium-ion applications, such as lithium, nickel, and cobalt, hold their value well beyond the life of the battery, allowing recycling facilities to reclaim these materials.

As such, there is no increased pressure on waste resources expected to result from the push for renewables.

The NSW Government has developed the NSW Waste and Sustainable Materials Strategy, which provides the overall strategic approach to waste management in NSW. A copy can be found here; https://www.dpie.nsw.gov.au/data/assets/pdf_file/0006/385683/NSW-Waste-and-Sustainable-Materials-Strategy-2041.pdf

The strategy is based on New South Wales transitioning to a circular economy over the next 20 years. This means minimising what we throw away and using and reusing resources efficiently, making them as productive as possible. The end result is less waste, less emissions, less harm to our environment and more jobs. The move is expected to boost innovation and help drive our economy.

The NSW Government has identified the need to have the services and infrastructure in place to deal with waste safely, to ensure it does not become a problem for future generations, and to work with consumers, industries and other governments to make the circular economy a reality.

The NSW Waste and Sustainable Materials Strategy outlines the actions the NSW Government will take over the next six years, the first phase of the strategy, to deliver on their long-term objectives. These actions are backed by \$356 million in funding to help deliver priority programs and policy reforms. Some of the key reforms include:

- phasing out problematic single-use plastic items
- financial incentives for manufacturers and producers to design out problematic plastics
- having government agencies prefer recycled content
- mandating the separation of food and garden organics for households and selected businesses
- incentivising biogas generation from waste materials

Council, in partnership with the other Northern Rivers Joint Organisation Councils and NEWaste (North East Waste) developed a regional strategic response to the state strategy, with the *NEWaste Regional Waste Strategy 2022-2027* finalised in December 2022. A copy can be found here; https://www.newaste.org.au/assets/newaste_regional_waste_strategy_2022-2027.pdf The NWEaste has myriad resources available that provide more detailed information, which are available on their website here; <https://www.newaste.org.au/>

Council has recently implemented the Food and Organics (FoGo) collection service for domestic and food premises customers across the LGA in response to the NSW Government's strategy, and received funding of \$503,000 under the NSW Governments "Waste Less, Recycle More" grants program to support the implementation of this new service.

Council also recently adopted the *Illegal Dumping and Litter Prevention Strategy 2023-2017*. A copy can be found here; <https://www.kyogle.nsw.gov.au/wp-content/uploads/2023/04/Illegal-Dumping-and-Litter-Prevention-Strategy-Final-For-Adoption.pdf> In July 2023 Council received a further grant of \$72,100 from the NSW Environmental Protection Agency to combat illegal dumping in the Kyogle local government area by implementing some of the priority actions in Council's recently adopted strategy. The 'Parks for People' project will target the first key challenge in the Strategy – dumping of household waste in public bins – and specifically target public bins in Anzac Park, the Kyogle Skate Park, the Amphitheatre, Apex Park, the Kyogle Recreation Reserve, and Reid Park which were identified as a key illegal dumping hotspot.

Funding will be used to provide dedicated resources to combat illegal dumping in public park bins through increased surveillance by Council staff, enforcement and compliance action. Funding has also been provided for infrastructure to assist in deterring illegal dumping behaviours such as park and bin signage and surveillance cameras to assist Council to catch people dumping their household waste in public bins. A communication and education program about illegal dumping will also be developed and implemented via various media and events.

More information on the waste and recycling facilities and initiatives currently underway in the Kyogle LGA can be found on Council's website here; <https://www.kyogle.nsw.gov.au/waste-and-recycling-information/>

Question – Cr James Murray

What is the council process with contracted overseers overseeing family members working for contractors or being contractors themselves?

Response

It should firstly be noted that Council has no contracted overseers. All staff overseers are direct employees of Council, not external contractors.

At present the only contracted personnel are either labour hire, or external consulting engineering and project management personnel involved in the administration and co-ordination of flood recovery works. Contracted personnel do not have delegated authority for purchasing or procurement.

Degrees of separation are also in place to ensure good governance. All staffing decisions including overtime, leave, promotion and higher duties payments must be approved by Managers and/or Executive staff and the General Manager.

The process for managing any conflicts of interest for staff are outlined in the Code of Conduct, whether Pecuniary Interests (Part 4 of the Code) or Non-Pecuniary Conflicts of Interest (Part 5 of the Code). All of Council's staff are trained in the Code of Conduct and the Code's conflict, pecuniary and non-pecuniary interest provisions, as are Councillors.

The Code also specifically covers the Relationships Between Council Officials (Part 7 of the Code), as well as General Conduct Obligations (Part 3 of the Code) which deals with matters such as Fairness and Equity, including not taking irrelevant matters or circumstances into consideration when making decisions, and Bullying, including not spreading malicious rumours. Maintaining the Integrity of The Code (Part 9 of the Code) deals with Complaints made for an Improper Purpose where it is trivial, frivolous, vexatious or not made in good faith, or otherwise lacks merit.

The Code of Conduct is supported by the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. The procedures cover how Code of Conduct Complaints are to be Made (Part 4) and How Code of Conduct Complaints are Managed (Part 5).

Public and protected disclosure procedures and policies are also in place. Council's Public Disclosure Policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money, and applies to staff and Councillors. The system enables such internal disclosures to be made to the Disclosure Co-ordinator, or to the General Manager.

New legislation will be coming into effect later in the year that will enable protected disclosures to be made to Managers, further enhancing good governance. An updated Protected Disclosure Policy will be presented to Council for adoption later in the year once that legislation has come into effect.

Question – Cr James Murray

What restrictions would council have on the building of a saleyards complex in Kyogle Shire?

Response

The *Kyogle Local Environmental Plan 2012* (the Kyogle LEP) is the principal planning instrument for the Council area. The plan uses the format of the NSW Government's Standard Instrument for LEPs. The Standard Instrument requires a consistent format for LEPs including standard land use zones, definitions and clauses. A stock sale yards is defined in the Kyogle LEP under "rural industry" as outlined below;

***rural industry** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—*

- (a) agricultural produce industries,*
- (b) livestock processing industries,*
- (c) composting facilities and works (including the production of mushroom substrate),*
- (d) sawmill or log processing works,*
- (e) stock and sale yards,*
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.*

Rural industry is only Permitted with consent in Zone RU1 Primary Production. Rural industry is Prohibited in all other zones

The *Kyogle Development Control Plan 2014* (the DCP) makes provisions to guide the design of development proposals, the preparation of applications for development consent and the assessment of development applications in the Kyogle Council Local Government Area. Chapter 1 covers non-residential development in rural areas, and Part 2 of Chapter 1 covers “Intensive Livestock Agriculture, Rural Industries and Animal Boarding or Training Establishments.” This section of the DCP provides performance criteria and suggestions for acceptable solutions covering rural industries such as sale yards. This includes buffers to avoid land use conflicts, hours of operation, environment, design and setting of buildings, visual amenity, noise odour light and dust, effluent management, stormwater management and transport and access impacts.

Any development application for a sale yards in an RU1 zoned area would be assessed against the objectives of the zone listed in the LEP, the criteria listed in the DCP, and the general requirements of the *Environmental Planning and Assessment Act 1979*.

Myth 7. Solar Panels Are Toxic And Can't Be Recycled

The claims of toxic solar panels come from the obsolete thin-film or 'amorphous' solar panels. These older generation, less efficient panels were sold up until around 2010, but quickly became obsolete due to the huge advancements in silicon crystalline solar cells which were also much more efficient.

While the old thin-film solar panels did contain trace amounts of cadmium, unless the panels are broken up into fragments the very small amount of cadmium is contained and cannot leach out. It's important to note that there are many toxic elements used in common consumer electronic devices, mobile phones, TV's and computers which is why electronic or E-waste is a large global problem.

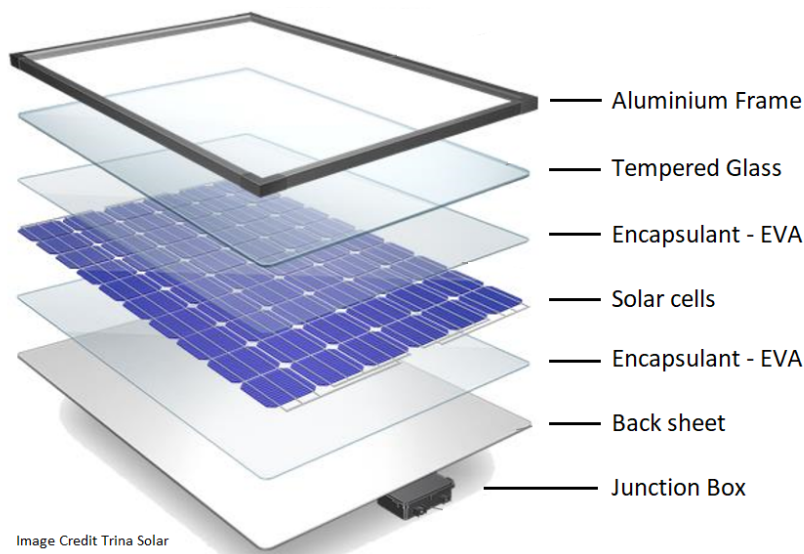


Image Credit Trina Solar

Common solar panel construction using typical silicon crystalline solar cells made using silica sand.

Approximately 96% of all solar panels installed globally are made up of silicon crystalline PV cells encased in a polymer material and protected by a glass front and aluminium frame. There are no toxic materials except for a trace amount of lead used in the solder. However, even the use of solder is being phased out with the new busbar compression joining techniques and conductive paste materials being used.

Recycling

Most solar panels installed over the last 20 years are still in use so there is a relatively small amount of solar waste. However, over the next 10-20 years many thousands of systems will reach the end of life (EOF) and there is expected to be a large increase in the volume of solar related waste which will need to be recycled.

Solar panel recycling is an emerging industry but due to the easily recycled materials such as the aluminium frames and mounting systems there are many recycling facilities being built around the world. Most solar panel manufacturers are pushing to be more sustainable and are now part of the not-for-profit [PV Cycle](#) organisation - 'PV CYCLE offers members and waste holders better access to take-back and ensure recycling rates above the industry standards.'

11 REPORTS FROM DELEGATES

Nil

12 INFORMATION REPORTS

12.1 MONTHLY FINANCE REPORT - JULY 2023

Author: Manager Financial Services

Authoriser: General Manager

Attachments: 1. Finance Report - July 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 – July 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 July 2023

Rates Statement

Rates/Charges – Write Off's

Statement of Bank Balances

Summary of Investments

Councillor Travel

Councillor Conference & Seminars

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

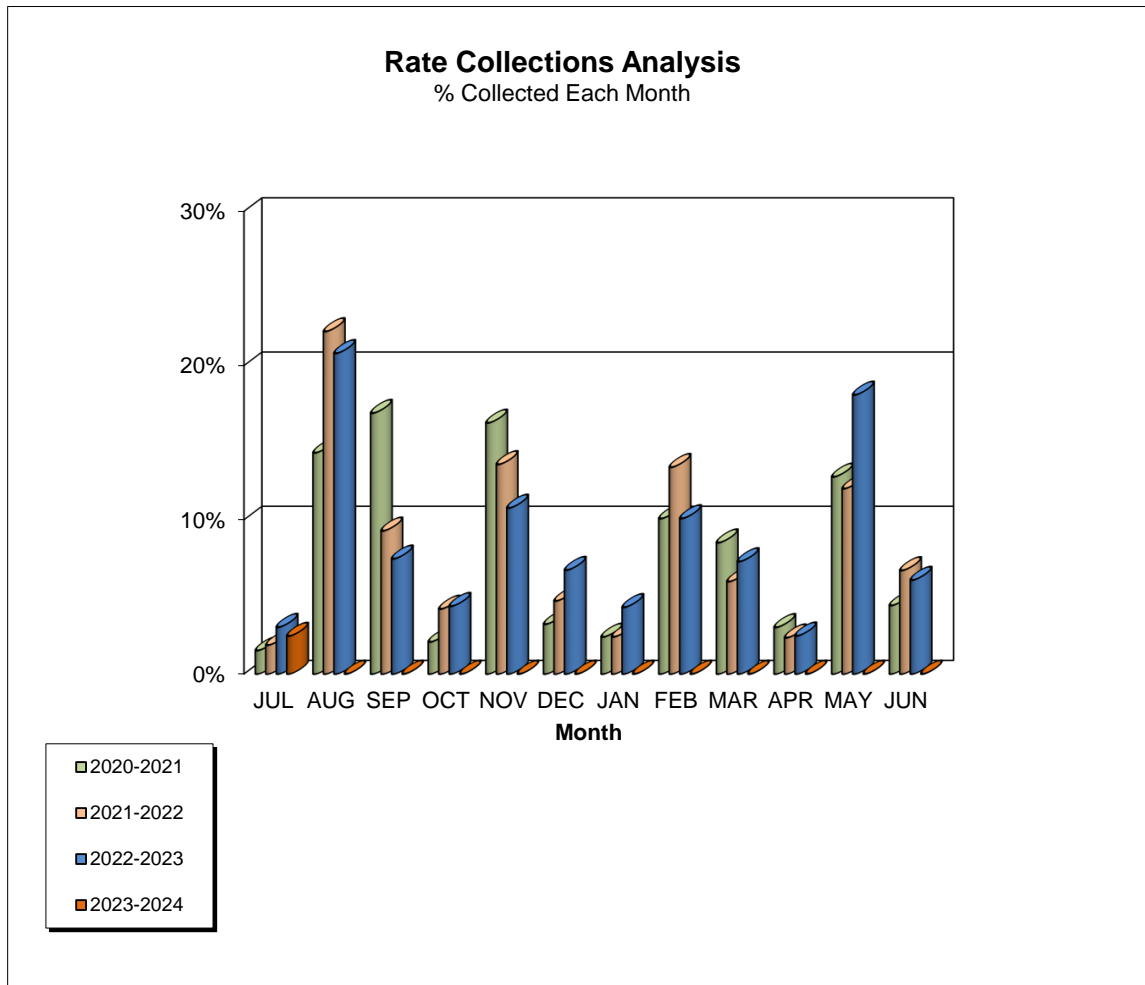
KYOGLÉ COUNCIL RATES STATEMENT AS AT 31 JULY 2023

	ARREARS 1-Jul-2023	NET CHARGES 2023-2024	PAYMENTS	OUTSTANDING BALANCE 31/7/2023	ARREARS as at 31/7/2023	% TOTAL COLLECTED incl. ARREARS	% ARREARS COLLECTED 2023-2024
RATES, SERVICES AND INTEREST	835,512.13	10,168,251.73	270,062.99	10,733,700.87	611,839.79	2.45%	26.77%

PRESENTED TO COUNCIL AUGUST 2023

Note:

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



Write offs under delegated authority - Rates and Charges 2023-2024

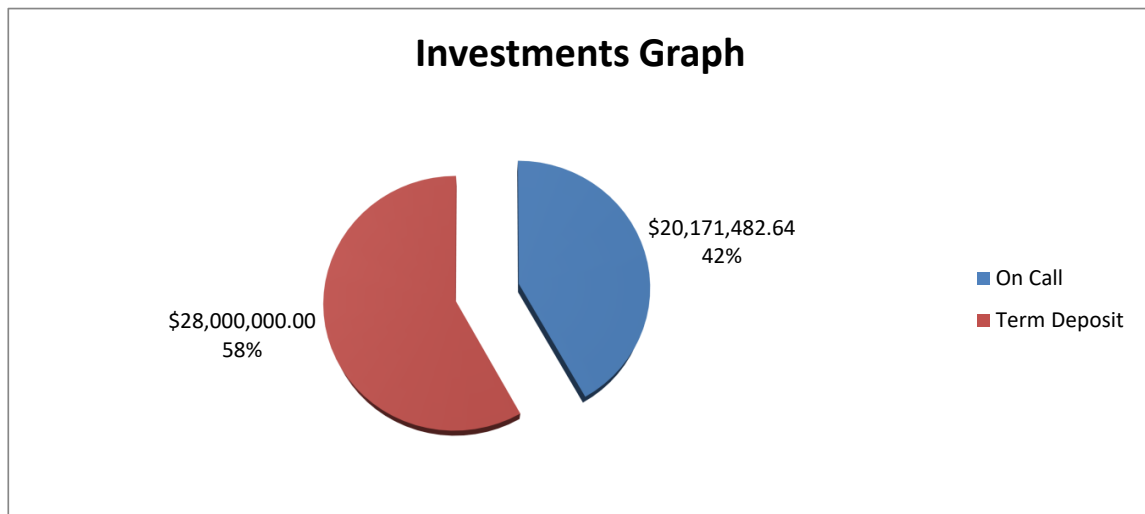
July	August	September	October	November	December	January	February	March	April	May	June	Total Write Offs
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

<u>Kyogle Council</u>	
STATEMENT OF FUND BALANCES as at 31-Jul-23	
Fund	Closing Balance
General Fund	
Unrestricted	27,383,099.30
Internally Restricted	3,900,929.00
State Highways	(1,035,904.69)
Quarries	1,183,252.69
Plant	1,640,632.25
Externally Restricted	13,226,430.62
Total General Fund	46,298,439.17
Restricted	
Water Supplies	470,138.66
Sewerage Systems	1,071,194.31
Domestic Waste	295,365.76
Trust Fund	36,344.74
Total Restricted	1,873,043.47
Total Consolidated Funds at Bank	48,171,482.64

KYOGLÉ COUNCIL FINANCIAL ANALYSIS REPORT AS AT 31/07/2023								
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		20,171,482.64	41.87%
Total Cash at Call							20,171,482.64	41.87%
NAB	Term Deposit	08-Jun-23	03-Aug-23	Fixed	Maturity	4.39%	3,000,000.00	6.23%
NAB	Term Deposit	22-Jun-23	10-Aug-23	Fixed	Maturity	4.40%	1,000,000.00	2.08%
NAB	Term Deposit	27-Jun-23	17-Aug-23	Fixed	Maturity	4.40%	3,000,000.00	6.23%
Suncorp	Term Deposit	25-May-23	24-Aug-23	Fixed	Maturity	4.60%	2,000,000.00	4.15%
Suncorp	Term Deposit	01-Jun-23	31-Aug-23	Fixed	Maturity	4.76%	2,000,000.00	4.15%
CBA	Cash Deposit	29-Jun-23	07-Sep-23	Fixed	Maturity	4.82%	3,000,000.00	6.23%
NAB	Term Deposit	06-Jul-23	14-Sep-23	Fixed	Maturity	4.50%	2,000,000.00	4.15%
CBA	Cash Deposit	13-Jul-23	21-Sep-23	Fixed	Maturity	4.66%	3,000,000.00	6.23%
Suncorp	Term Deposit	27-Jun-23	28-Sep-23	Fixed	Maturity	5.10%	3,000,000.00	6.23%
CBA	Cash Deposit	27-Jul-23	05-Oct-23	Fixed	Maturity	4.64%	3,000,000.00	6.23%
Suncorp	Term Deposit	20-Jul-23	19-Oct-23	Fixed	Maturity	5.05%	3,000,000.00	6.23%
Total Cash at Call							28,000,000.00	58.13%
Total Investment Portfolio							\$48,171,482.64	

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 Jul-23

Councillor Name	Kilometres Claimed		Current Rate per Kilometre	Amount Reimbursed	
	Jul-23	YTD		Jul-23	YTD
K. Thomas	0	0	\$0.95	\$0.00	\$0.00
H. Doolan	0	0	\$0.81	\$0.00	\$0.00
J. Wilson	0	0	\$0.81	\$0.00	\$0.00
J. Burley	0	0	\$0.81	\$0.00	\$0.00
D. Mulholland	0	0	\$0.95	\$0.00	\$0.00
M. May	0	0	\$0.81	\$0.00	\$0.00
T. Cooper	408	408	\$0.95	\$387.60	\$387.60
R. Cullen	0	0	\$0.81	\$0.00	\$0.00
J. Murray	0	0	\$0.81	\$0.00	\$0.00
Total	408	408		\$387.60	\$387.60

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.

Councillors Seminars & Conferences 1 September 2022 to 31 July 2023

Description	Actual 2022-2023	Actual 2023-2024	Total
Seminars & Conferences - Cr Cooper	\$0.00	\$0.00	\$0.00
Seminars & Conferences - Cr Cullen	\$1,990.53	\$0.00	\$1,990.53
Seminars & Conferences - Cr Murray	\$0.00	\$0.00	\$0.00
Seminars & Conferences - Cr Doolan	\$0.00	\$0.00	\$0.00
Seminars & Conferences - Cr May	\$2,734.51	\$0.00	\$2,734.51
Seminars & Conferences - Cr Thomas	\$2,592.18	\$0.00	\$2,592.18
Seminars & Conferences - Cr Wilson	\$0.00	\$0.00	\$0.00
Seminars & Conferences - Cr Mullholland	\$3,045.95	\$0.00	\$3,045.95
Seminars & Conferences - Cr Burley	\$0.00	\$0.00	\$0.00
	\$10,363.17	\$0.00	\$10,363.17

13 STAFF REPORTS

13.1 JUNE 2023 QUARTERLY BUDGET REVIEW

Author: Manager Financial Services

Authoriser: General Manager

Attachments: 1. June 2023 Quarterly Budget Review (under separate cover) 

SUMMARY / PURPOSE

This report arises out of the statutory requirement to conduct a review of budget performance and a review against targets identified in the Operational Plan following the close of each quarter.

RECOMMENDATION

That Council:

1. Receives and notes the report, *June 2023 Quarterly Budget Review*.
2. Incorporate the funds identified as revotes in the June 2023 Quarterly Budget Review into the 2023/2024 budget.

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 operational 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* requires the General Manager to report to Council on the extent which performance targets set by the Management Plan have been achieved during that quarter.

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 Office of Local Government 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 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 a Quarterly Budget Review Statement (QBRs) in the format required by the OLG, as well as;

- 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;
- Budget Review Income and Expenses Statement
- Budget Review Capital Budget
- Budget Review Cash and Investments position
- Budget Review Key Performance Indicators; and,
- Budget Review Contracts and Other Expenses

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

BUDGET AND FINANCIAL IMPLICATIONS

The June Quarter Budget Review shows a strong operating result, including before capital items, at \$90.6 million and \$10.9 million respectively. The level of capital works completed is the largest ever for Kyogle Council at \$88.7 million, which is particularly impressive considering the major challenges facing Council in the wake of the February/March 2022 Natural Disaster. The total revotes of \$29.6 million is spread across a number of functions, with the bridge renewal program the largest contributor. This is not unexpected, given the number of externally funded projects that were mostly expected to carry over into the 2023/24 financial year, or where Council has actively sought extensions of time to allow the flood reconstruction process to be given priority. The final cash position of \$51.4 million is up from the original projections of \$40.3 million.


Because of the advanced payments made in response to flood reconstruction works, there is \$2.6 million of capital income that has been received over and above expenditure. This overpayment in 2022/23 will be offset by the same amount in 2023/24 to balance out the Natural Disaster Restoration and Recovery Assistance funding. The funding is required to be recognised in the financial year when it has been received, rather than when the expenditure was incurred, as the advanced payments are not linked to a specific project approval.

This final budget review for the 2022/23 financial year has shown the success of the review of the Long Term Financial Plan and Resourcing Strategy undertaken to deliver the up scaled works program anticipated following the February/March 2022 flood event, and expected to continue for the next 2-3 years.

13.2 PLANNING PROPOSAL - REZONING OF LAND IN KYOGLE FOR RESIDENTIAL DEVELOPMENT

Author: Manager Development & Regulatory Services

Authoriser: General Manager

- Attachments:**
1. Attachment 1 - Gateway Determination [!\[\]\(8c4dca64662d21542001ca0ed7eeb688_img.jpg\) !\[\]\(3de35c640e7147a3fb61ee393128d2ae_img.jpg\)](#)
 2. Attachment 2 - Updated Planning Proposal (under separate cover) 
 3. Attachment 3 - Public Submissions [!\[\]\(dc4d2c544087998b6f093f485f5119d7_img.jpg\) !\[\]\(f26ab61dd00ea7e5f19553908ec3fa6b_img.jpg\)](#)
 4. Attachment 4 - DPE Approval of Planning Proposal [!\[\]\(ecf85e064bcd351a8999f71bf3f405e7_img.jpg\) !\[\]\(b7205a03f3dd3fe6f731085a326bb0d6_img.jpg\)](#)

SUMMARY / PURPOSE

Kyogle Council received a planning proposal from Newton Denny Chappelle, on behalf of Roseberry Creek Developments, to rezone part of Lot 1 DP 307050, 45 Anzac Drive, Geneva, from RU1 Primary Production to R1 General Residential (see Attachment 1). Amendment of the minimum lot size map was also proposed to enable the land to be subdivided into residential allotments.

Public consultation on the planning proposal has occurred and the Department of Planning and Environment has signed off on the final proposal post-consultation. Accordingly, Council should approve amendment of the *Kyogle Local Environmental Plan 2012* to rezone the subject land for residential development.

RECOMMENDATION

That Council:

1. Receives and notes the report *Planning Proposal – Rezoning of Land in Kyogle for Residential Development*;
2. Approves the amendment of the Kyogle Local Environmental Plan 2012 to:
 - a. rezone part of Lot 1 DP307050 located at 45 Anzac Drive, Geneva, from RU1 Primary Production to R1 General Residential, consistent with the planning proposal prepared for this purpose
 - b. establish a 500m² minimum lot size for the subject land
 - c. establish a 9m building height for the subject land.

BACKGROUND INFORMATION

The Kyogle Local Environmental Plan 2012 (LEP) is the principal environmental planning instrument governing land use within the Kyogle LGA. The LEP prescribes land use zoning and development controls and provides a local framework for the way in which land can be developed and used.

If Council, or a proponent, wishes to propose development that is different to what is allowed under the LEP, a planning proposal must be submitted to, and approved by, the Department of Planning and Environment (DPE), to effect changes to the LEP to enable the proposed development to occur.

PREVIOUS COUNCIL CONSIDERATION

On 8 August 2022, Council approved for the planning proposal to be submitted to DPE for a Gateway Determination.

REPORT

On 15 September 2022, DPE determined that the planning proposal should proceed subject to conditions outlined in the Gateway Determination. These conditions included that:

- (a) the planning proposal was updated prior to public consultation to clarify a number of details, demonstrate consistency with the latest strategic planning documents and provide further information addressing flooding hazards (see Attachment 1),
- (b) public exhibition of the planning proposal occurred for a minimum of 20 working days, and
- (c) consultation was undertaken with government agencies and the Gugin Gudduba Local Aboriginal Land Council.

The planning proposal was updated by the consultant acting on behalf of the proponent prior to public consultation as required under the Gateway Determination. The updated planning proposal was then provided to government agencies and the Gugin Gudduba Local Aboriginal Land Council for comment. Several government agencies provided comment on the planning proposal and requested a number of changes to the proposal prior to public consultation including:

- (a) inclusion of some flood-free land in the remaining RU1 – Primary Production Zone to provide harbourage for livestock during a flood event if required
- (b) further discussion of the impacts of flood on the land and emergency management arrangements to ensure that development of the land will not increase risk to life in the event of flooding
- (c) a road connection to Morgans Road and in-turn Anzac Drive via a presently unformed road reserve to allow for pedestrian and emergency vehicle access during a flood event.

The proponent's consultant updated the planning proposal to address the changes requested by government agencies (see Attachment 2) and the updated planning proposal was placed on public exhibition from Tuesday, 4 April 2023 – Friday, 12 May 2023.

A total of four submissions were received from adjoining landowners during the public exhibition period. A summary of the issues raised and Council's response to these issues is provided in Attachment 3.

The final planning proposal, state agency comments received pre-public consultation and public submissions received during public consultation, were provided to DPE for review on 9 June 2023. On 28 June 2023, Council received notification from DPE that the planning proposal complies with applicable Ministerial Directions or that any inconsistencies with Ministerial Directions are justified, and that Council can now proceed to amend the LEP to give effect to the proposal. Post notification, DPE has confirmed that Council does not need to seek a Parliamentary Counsel opinion confirming that the LEP can be legally made as the proposal only requires amendment of maps including the Zoning Map, Minimum Lot Size Map and Building Height Restriction Map.

BUDGET AND FINANCIAL IMPLICATIONS

This planning proposal is a proponent-driven proposal, prepared by external planning consultants. Any costs incurred by Council in progressing the proposal (eg assessment, public notification) will be charged to the applicant in accordance with Council's Fees and Charges Schedule.



Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2022-2869): *rezone land for residential purposes and amend associated development standards at 45 Anzac Drive, Geneva (part Lot of 1 DP 307050).*

I, the Director, Northern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Kyogle Local Environmental Plan 2012 to rezone land for residential purposes and amend associated development standards at 45 Anzac Drive, Geneva (part of Lot 1 DP 307050) should proceed subject to the following conditions.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 12 months from the date of the Gateway determination.

Gateway Conditions

1. The planning proposal is to be updated prior to agency or community consultation to:
 - clarify that a nine-metre height of building will apply to the land zoned R1 General Residential and include mapping as appropriate;
 - address the provisions of the Kyogle Local Growth Management Strategy 2010;
 - provide a discussion on the proposal's consistency with draft North Coast Regional Plan 2041;
 - address the most current version of the Ministerial section 9.1 Directions and consolidated State Environmental Planning Policies;
 - demonstrate that flooding hazards are capable of being suitably addressed at the development application stage, including but not limited to locating all future dwellings above the probable maximum flood (PMF) level and achievement of safe evacuation;
 - confirm the Reduced Levels (RLs) of the site in accordance with the Kyogle Floodplain Risk Management Plan 2009;
 - include a preliminary investigation of the land in accordance with the contaminated land planning guidelines; and
 - include an updated project timeline.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - Department of Primary Industries – Agriculture
 - Department of Planning and Environment – Floodplain Management Division
 - State Emergency Service
 - Northern Rivers Reconstruction Corporation
 - NSW Mining, Exploration and Geoscience
 - Gugin Gudduba Local Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 15 day of September 2022.



Jeremy Gray
Director, Northern
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning

PP-2022-2869 (IRF 22/2875)

Submissions on Planning Proposal for 45 Anzac Drive, Geneva

Submissions on Planning Proposal for 45 Anzac Drive, Geneva

A total of four submissions were received from residents in response to the Planning Proposal to rezone land located at 45 Anzac Drive, Kyogle. The below table summarises the concerns raised in the submissions and Council’s position in response.

ISSUE/CONCERN	COUNCIL RESPONSE
<p>The proposed minimum lot size of 500m² is not consistent with the lot size of existing residential lots in Geneva. The minimum lot size will result in high-density residential development which is inconsistent with surrounding development.</p>	<p>Geneva is zoned R1 – General Residential under the <i>Kyogle Local Environmental Plan 2012</i>. The minimum lot size for land zoned R1 in Geneva is 500m². Therefore, the Planning Proposal is consistent with existing planning provisions for land in Geneva.</p> <p>It is important to note that 500m² is the <i>minimum</i> lot size permitted and Council has not received any development application proposing subdivision of the subject land into 500m² lots. However, this lot size is considered appropriate for the type of development being proposed, that is, smaller dwellings on low maintenance lots for seniors living.</p> <p>It is also important to note that a key objective of the proposal is to provide more diverse housing types in Kyogle to meet the ranging needs of the community. Accordingly, it is not the aim of the proposal to provide residential dwellings consistent with existing development in Geneva, that is, single detached dwellings on large lots.</p> <p>Generally, existing lot sizes in Geneva range from 640m² – 1815m², however, Council has issued several development consents to subdivide properties in Geneva to provide for additional housing, including detached dwellings and units.</p>
<p>The proposed building height of 9m is too high.</p>	<p>Under the <i>Kyogle Local Environmental Plan 2012</i>, the existing maximum building height for properties in Geneva is 9 metres. Therefore, the Planning Proposal is consistent with existing planning provisions for land in Geneva.</p>
<p>The development could be occupied by different socio-economic groups, not just seniors, which may bring social issues to the area.</p>	<p>Council understands that it is the intention of the developer to market the development to senior people for retirement-style living. Despite marketing, dwellings could be purchased by a range of people of different ages if suitable for their lifestyle. Ultimately, Council cannot control the property market and who purchases properties.</p>

Submissions on Planning Proposal for 45 Anzac Drive, Geneva

	<p>It is unreasonable to conclude that a development occupied by a range of people from different socio-economic groups will lead to social issues in the area. Council has a range of powers under various pieces of legislation to address certain issues arising from use of land and behaviours of occupiers of property. The NSW Police also have powers to address criminal and anti-social behaviours should they occur.</p>
<p>The Planning Proposal does not explain how the development will be serviced by water, sewer and stormwater and the impact of these connections on surrounding properties.</p>	<p>Supply of water, sewer and stormwater infrastructure to the development site are matters which have been addressed, in part, under Development Consent number 2021/78. Namely:</p> <ul style="list-style-type: none"> • The existing water main on Anzac Drive will be extended to provide water to the development. • The development will be connected to Council’s sewerage network and a pump station provided to service the development. • Stormwater infrastructure will be provided in conjunction with roads, draining water to Anzac Drive, with upgraded stormwater infrastructure along Anzac Drive. <p>Additional demand for water, sewerage and stormwater infrastructure will be assessed as part of future development applications for the site. Any development consent issued would be subject to conditions requiring infrastructure to be provided that meet the needs of the development without causing adverse impacts to surrounding premises.</p>
<p>The development will have adverse impacts on surrounding properties in the form of noise, lighting and traffic.</p>	<p>Road infrastructure provided as part of the development will be required to be provided in accordance with the <i>Northern Rivers Local Government Development Design and Construction Manual</i>. Access to the development will be via a local street connection direct to Anzac Drive. Impacts such as noise and lighting can be considered as part of future development applications, with conditions applied to a consent requiring noise and light mitigation strategies to be implemented if required.</p>
<p>The development should not be allowed to connect to Morgans Road via the existing unformed road. The unformed road is unused, too narrow and it would adversely impact on the existing bus depot and properties in terms of traffic.</p>	<p>The Department of Planning and Environment and State Emergency Service have requested that the development has a road connection to enable evacuation of the site in the event of a 1 in 100-year flood event, and the road access direct to Anzac Drive is un navigable.</p>

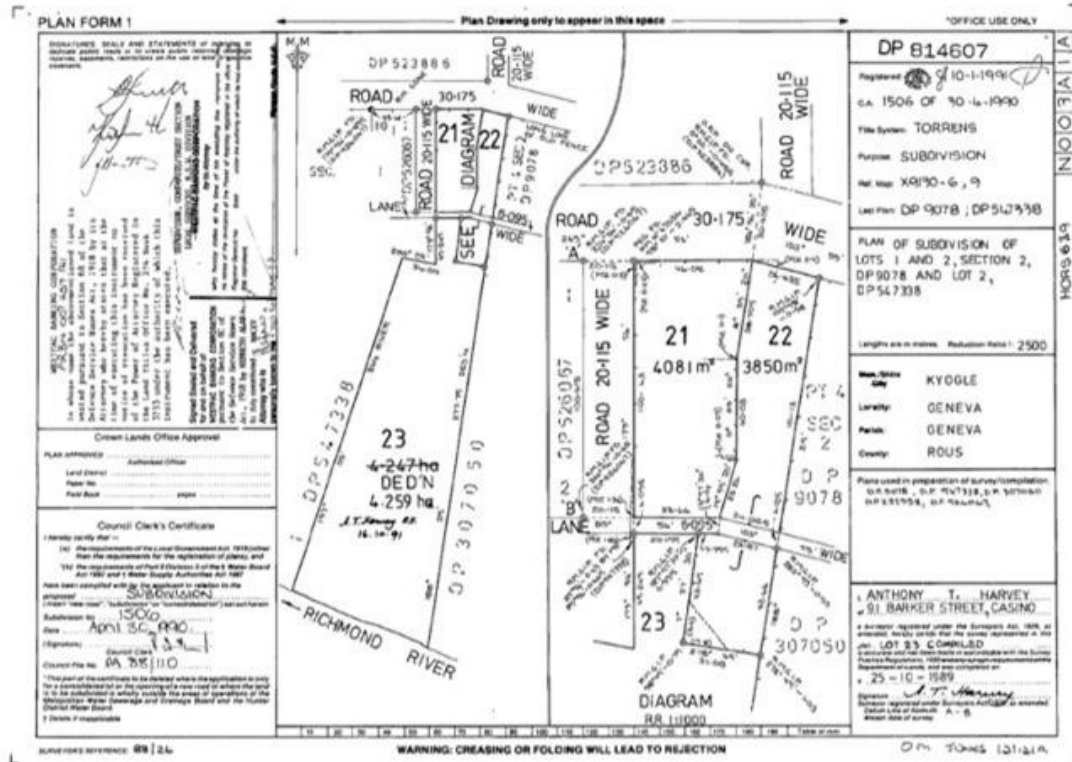
Submissions on Planning Proposal for 45 Anzac Drive, Geneva

<p>The bus depot is located in the road corridor and forming the road would also cut an adjoining property in two.</p>	<p>There is existing land designated as a local road that traverses the development site and connects to Morgans Road. A Plan of Subdivision registered in 1991 shows a 6 metre wide road corridor traversing adjoining land parcels. Council acknowledges that if a road was formed in this corridor to connect to Morgans Road, it would physically result in a segregated lot at 51 Anzac Drive, however, legally, the land is already segregated as shown in the Plan of Subdivision.</p> <p>Council understands the existing bus depot is currently operating across two lots located on opposite sides of the road corridor, and is also using the road corridor as part of this operation. The road corridor has been in place on this land since at least 1976, therefore, the land owners and bus depot operators should be aware that this land is not theirs to use as part of their bus depot.</p> <p>If a decision is made to form the road as part of subsequent development applications, the design and layout of the road will need to take into account bus movements, however, the land owners and bus depot operators may also need to adjust their onsite operations accordingly.</p>
<p>The development will mean that adjoining land owners will have to upgrade their fencing and be liable for the costs.</p>	<p>The development will not result in any costs to adjoining landowners to upgrade their boundary fencing. Any boundary fencing required as part of future development on the site would be the responsibility of the developer.</p>
<p>The development will limit how adjoining rural land owners can use their land and cause conflict between rural and urban land uses.</p>	<p>Under NSW planning legislation property owners have existing and continuing use rights which enable ongoing use of their land for lawful purposes. Development which encroaches on land with an established lawful use is required to ensure that any conflicts between uses are mitigated where required. A Land Use Conflict Risk Assessment was prepared as part of DA2021/78 which determined that the risk level associated with potential land use conflict between residential subdivision and grazing land uses was less than 20 (i.e. acceptable). This was based on development achieving a set back of 50m from cattle yards, shearing sheds, stock transporting infrastructure and other intensively used facilities ancillary to grazing activities.</p>

Submissions on Planning Proposal for 45 Anzac Drive, Geneva

<p>A vegetation buffer should be required to be established along the western boundary of the property to mitigate impacts on adjoining properties.</p>	<p>Council has not received a development application regarding future development of the site. Any impacts on adjoining properties and mitigation strategies to address impacts will be considered at this stage.</p>
<p>The development does not include sufficient private and public open space.</p>	<p>Council has not received a development application regarding future development of the site. Any future development proposed will need to comply with the applicable provisions of the <i>Kyogle Development Control Plan 2014</i>, which includes minimum requirements for private and public open space.</p>

Submissions on Planning Proposal for 45 Anzac Drive, Geneva



This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day, 13th January 1992.



Department of Planning and Environment

PP-2022-2869 / IRF23/1607

Mr Graham Kennett
General Manager
Kyogle Council
PO Box 11
KYOGLÉ NSW 2474

Via email: council@kyogle.nsw.gov.au
amanda.clark@kyogle.nsw.gov.au

Dear Mr Kennett

Planning proposal PP-2022-2869 to amend Kyogle LEP 2012

I refer to your correspondence requesting the Secretary's agreement that inconsistency of the above proposal with section 9.1 Directions 1.1 Implementation of Regional Plans, 3.2 Heritage Conservation, 4.1 Flooding, 4.4 Remediation of Contaminated Land, 8.1 Mining, Petroleum Production and Extractive Industries, 9.1 Rural Zones and 9.2 Rural Lands is justified.

I have considered this matter, and as a delegate of the Secretary, I have agreed that the inconsistency with section 9.1 Directions 1.1 Implementation of Regional Plans, 4.1 Flooding, 9.1 Rural Zones and 9.2 Rural Lands is justified in accordance with the terms of the Directions. It is considered that the proposal is consistent with section 9.1 Directions 3.2 Heritage Conservation, 4.4 Remediation of Contaminated Land and 8.1 Mining, Petroleum Production and Extractive Industries.

Council can now proceed to finalise the proposal once it receives a Parliamentary Counsel opinion confirming that the LEP can legally be made.

Should you have any further enquiries about this matter, I have arranged for Ms Kate Campbell to assist you. Ms Campbell can be contacted on 5778 1401.

Yours sincerely

A handwritten signature in black ink, appearing to read "J. Gray".

28/6/2023

Jeremy Gray
Director, Northern
Local and Regional Planning

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 Code of Conduct Breach by Councillor Murray - Consideration of Final Investigation Report and Recommendation of Formal Censure

This matter is considered to be confidential under Section 10A(2) - i 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 alleged contraventions of any code of conduct requirements applicable under section 440.

15.2 Code of Conduct Breach By Councillor Cooper - Consideration of Final Investigation Report and Recommendation of Formal Censure

This matter is considered to be confidential under Section 10A(2) - i 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 alleged contraventions of any code of conduct requirements applicable under section 440.

15.3 Clarence Way Woodenbong to Urbenville Legal Matter Update

This matter is considered to be confidential under Section 10A(2) - g 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 advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

15.4 Industrial Land Expression of Interest

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.

Section 10A(4) of the Local Government Act, 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Before voting on the motion to close the meeting to the public, the meeting Chair will ask the gallery if anyone would like to make representations to Council as to why the meeting should not be closed.

16 CLOSE OF MEETING