



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

**Date:** Monday, 12 February 2024  
**Time:** 2pm  
**Location:** Kyogle Council Chambers, Stratheden Street, Kyogle

# **AGENDA**

**Ordinary Council Meeting**

**12 February 2024**

**Brett Kelly  
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 12 February 2024, 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

BRETT KELLY  
GENERAL MANAGER

OPENING STATEMENT

All Kyogle Council meetings are webcast - the meetings are recorded and the recording is later uploaded to Council's website. All speakers at the meeting are advised to refrain from making any defamatory statements/comments. Council accepts no liability for any damage that may result from defamatory comments made by speaking at the meeting. All liability rests with the individual making the comments.

COUNCIL PRAYER

We seek guidance as we come together to make decisions in the best interest of our communities which support the development of a peaceful and just environment to encourage our people to thrive and live purposeful lives to reflect a modern, inclusive and diverse community.

Adopted by Council on 14 December, 2020.  
Resolution CO/1220/3

Note: Council Policy is for the Mayor or Chairperson to lead the Council Meeting in the Prayer at the start of the first meeting of the day.

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

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

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DISCLAIMER

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

BRETT KELLY  
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](mailto:council@kyogle.nsw.gov.au).

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

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

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

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

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

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

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

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

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



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- 1 OPEN MEETING**
- 2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**
- 3 OPENING PRAYER**
- 4 ACKNOWLEDGEMENT OF COUNTRY**
- 5 DECLARATION OF INTERESTS**
- 6 PUBLIC FORUM**

**7 CONFIRMATION OF MINUTES****7.1 COUNCIL REPORT - 11 DECEMBER 2023**

**Author:** Executive Assistant

**Authoriser:** General Manager

**Attachments:** 1. **Minutes 11 December 2023 Ordinary Meeting (under separate cover)** [↓](#) 

**RECOMMENDATION**

That Council confirms the minutes of the Council meeting of the 11 December 2023.

**PURPOSE / SUMMARY**

This report presents the minutes of the 11 December 2023 Ordinary Meeting to Council for confirmation.

**7.2 COUNCIL REPORT - 19 DECEMBER 2023**

**Author:** Executive Assistant

**Authoriser:** General Manager

**Attachments:** 1. **Minutes Extraordinary Meeting 19 December 2023 (under separate cover)** [↓](#) 

**RECOMMENDATION**

That Council confirms the minutes of Council's Extraordinary Meeting of 19 December 2023.

**PURPOSE / SUMMARY**

This report presents the minutes of the 19 December 2023 Extraordinary Meeting to Council for confirmation.

**8 MAYORAL MINUTE**

Nil

**9 NOTICES OF MOTION****9.1 NOTICE OF MOTION - CR JANET WILSON - PETITION**

**Attachments:** Nil

**MOTION**

That Council acknowledges the receipt of the petition from the residents of the Kyogle Local Government Area (LGA).

**RATIONALE**

Petitions to Council are not specifically covered by legislation. However, the *Local Government Act 1993* encourages effective participation of local communities in the affairs of local government. Council can deal with petitions in keeping with this principle.

The petition also relates to Council's values:

- Respect and respond to community needs
- Improve the quality of our services
- Be open and accessible
- Act with honesty and integrity
- Value peoples contributions
- Support the culture of teamwork, cooperation and safety

Information provided to Council in a petition is managed in accordance with the Kyogle Council Agency Information Guide, the Privacy Act and other corporate policies in relation to record management.

The petition has been prepared by residents of the LGA following the dismissal of a General Manager and the illegal appointment of an interim General Manager which had to be later addressed through a second meeting.

In essence, the petition is addressed to the Minister of Local Government in NSW and this copy being tabled at the Ordinary Meeting of 12 February 2024, is to:

1. Alert Council to the anger and disappointment of residents about the behaviour and secrecy of five councillors and the interim General Manager in the dismissal of a highly regarded General Manager.
2. To advise Council that residents have made a formal complaint about the lack of transparency, disrespect by five Councillors of the principles of government, workplace safety and disregarding the community Strategic Plan developed by residents with council, and the budget by ignoring the budgetary issues arising from paying two GM payments without regard for how it will be paid .

I am tabling the copy of the petition in good faith on behalf of the residents of the Kyogle LGA .

The residents are asking the Minister to sack the current Council, appoint an administrator and to investigate the current Council's decision to sack the General Manager. There are 1,500 signatures from across the LGA.

**9.2 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: POLICE AND WORKING WITH CHILDREN CHECKS****Attachments: Nil****MOTION**

That Council undertake police and working with children checks on all Councillors.

**RATIONALE**

Councillors are leaders of our communities and as such, we are held to a high standard of behaviour. This is the standard for pre-employment in Australia and Councillors should be held to a similar, if not higher, standard.

Given that Councillors are often invited to schools, and community events including events around vulnerable people, it is incumbent on us, as an elected body, to be subjected to these checks to assure our residents that they and their children are safe.

Councillors play a vital role in serving local communities. To do this effectively, we need to uphold the highest standards of behaviour to ensure the public has trust and confidence in local government (Councillor Handbook, p97).

**9.3 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: SPONSORSHIP STOCK HORSE CHALLENGE CHARITY AUCTION**

**Attachments:** Nil

**MOTION**

That Council sponsor the 2024 Stockmen's Challenge auction, which raises funding for Tommy Johnston and Abigail Sweeper, and that the General Manager identify funding for the sponsorship.

**RATIONALE**

At the Stockhorse Challenge scheduled to be held at Woodenbong in April 2024, organisers conduct an auction at the Saturday night event for Tommy Johnston (Neiman Pick Disease), who is living at Old Bonalbo and Abigail Sweeper (Riding for Abbie), from up near Laidley.

Usually donations have a horse theme but if council donates \$1,000, organisers will promote Kyogle Council as a sponsor, like they have other groups. They are also looking for horse-themed donations. All funding raised at the Challenge auction goes to Tommy and Abigail for their medications, travel to treatment and the Neiman Pick Disease organisation which coordinates this for Tommy.

Niemann-Pick disease type C is a form of lysosomal storage disease which is characterized by a deficiency not in an enzyme, but most typically in a type of transporter protein that prevents water soluble molecules from moving within a cell. It is caused by mutations of either the NPC1 or NPC2 gene. There is broad disparity in the severity and presentation of symptoms in Niemann-Pick disease type C, making symptoms an unreliable method for diagnosis. Such symptoms include spleen and/or liver enlargement, jaundice, severe depression, ataxia, epilepsy, difficulty speaking and swallowing, dystonia, poor muscle tone, bipolar disorder, microcephaly, progressive loss of hearing, progressive dementia, and psychosis. Most treatment is supportive, but there are some medicines that can delay disease progression and prolong life. Lifespan is connected to the onset of symptoms, with those with the earliest symptoms usually dying sooner.

While Niemann-Pick disease type C often prevents patients from surviving beyond their teens, the funds from this event will go towards getting Tommy access to useful therapies and medications that could slow the progression of his disease and allow him to live for considerably longer.

Eleven-year-old Abbie Sweeper tragically became a tetraplegic when she fell from a horse while participating in the Laidley and District Pony Club Gymkhana. She now requires constant medical attention, coming at a large cost.

**9.4 NOTICE OF MOTION - CR JANET WILSON: REVEIW OF WASTE SERVICES**

**Attachments:** Nil

**MOTION**

That Council receive a report on the effectiveness of the recently introduced three bin system with a view to seeking residents input on the capacity of the bins to meet their needs, the frequency of the pick-up of the red bin in particular, and how they might see improvements can be made to the service and how costs on improvements might affect the budget and user fees.

**RATIONALE**

Council moved to an improved waste management service as part of council policy to pursue waste reduction and increasing environmental and cost issues around landfill and a range of waste management issues which impact on Council's budget.

There has been Facebook chatter about issues with the capacity and collection frequency of the red bin to meet family needs. It is unclear if the dissatisfaction is about the capacity of the bin or the frequency of the collection of the bin. Some residents believe that their phone calls to the administration have not provided satisfaction and others are not happy to put a complaint in writing.

Given that Council is nearing budget time, it may be prudent to review the service to implement improvements if needed.

**STAFF COMMENT**

The roll-out of the new domestic waste service, in line with Council's previous resolutions, commenced in June 2023. Staff have continued to provide support, education and information to residents and businesses – and the roll-out of the new service was accompanied by a comprehensive suite of information materials.

Given that the new service has been operational for only a little over six months, and mindful of the contractual and financial implications of revising the service, it may be premature to consider a review of service provision at this stage. However, staff would be able to collate and summarise the comments received to date and address associated issues in a subsequent report for the consideration of Councillors.



**9.5 NOTICE OF MOTION - CR JANET WILSON: APPOINTMENT OF A NEW GENERAL MANAGER**

**Attachments:** Nil

**MOTION**

That Council does not move to appoint a permanent General Manager and appoints an interim General Manager for a period of 10 months.

**RATIONALE**

The Mayor said in her comments during this difficult time that the next council would decide who would be the next General Manager. This is a prudent approach to employing new personnel approaching an election in September.

Council has already heard from residents through individual approaches and through the petition tabled seeking the dissolution of council. The councillor body is now in a situation whereby residents have lost trust in the council's ability to govern in a lawful and appropriate way. Residents don't trust this council body to make decisions that reflect their values.

Staff have undertaken a vote of no confidence in this council to provide a safe and stable workplace.

The image of Council as a high functioning, well managed council is now in tatters. The ability of this Council to attract high quality candidates who have a commitment to this local government area and a high level of understanding of governing in a changing and complex federated system, is now very difficult.

Candidates who undertake due diligence will see the record of this council over this term will not be interested in applying so close to an election.

**9.6 NOTICE OF MOTION - CR JANET WILSON: PROCESS TO APPOINT A NEW GENERAL MANAGER**

**Attachments:** Nil

**MOTION**

That Council seek proposals from external facilitators for Council's consideration to undertake a workshop with the aim to develop a suitable recruitment process, contemporary position description, appropriate salary and conditions, and a realistic timeframe for the employment of a General Manager.

**RATIONALE**

Council has a current resolution which requires the salary of the general manager's position to be examined from time to time. This matter arose because the previous General Manager worked at a much lower salary, and with fewer conditions, than general managers of similar local government areas (LGAs) with similar challenges.

It was recognised that the Kyogle LGA would find it difficult to attract quality applicants with sufficient skills, knowledge, and abilities to meet the challenges of the LGA and the evolving regulatory and legislative environment without a review of the salary and conditions to ensure that these reflect contemporary market value.

The historical issues around cronyism and the resulting negative press attention because of challenges posed by the difficulties of achieving a budget approved by the Independent Pricing and Regulatory Tribunal (IPART), striking a rate, and setting fees and charges which the residents can afford, resolving issues around unrateable land, a small population, poor physical and technological connectivity have all been raised by potential candidates in previous recruitment discussions.

The Kyogle LGA comes with a reputation in governing, and good candidates undertaking due diligence are wary of the stability and intentions of unstable councils. The current situation of dismissing a highly regarded and competent General Manager without due cause or sufficient reason does not present well to potential quality candidates.

A clear presentation of what Council sees as important qualities in a general manager, at a salary that reflects the necessity for current qualifications, skills, experience, and knowledge plus a commitment to a small rural council with pockets of activity spread out over a large geographic area is essential to ensure the best quality candidate for the General Manager's position.

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

**Author:** General Manager

**Authoriser:** General Manager

**Attachments:** Nil

Cr Janet Wilson submitted the following questions with notice, under Clause 3.14 of Council's Code of Meeting Practice.

**Question – Cr Janet Wilson**

When was the Interim General Manager first contacted in relation to this position, and who was it that first contacted him, and by what means?

**Response**

*A response will be provided at the meeting.*

**Question – Cr Janet Wilson**

When was the Interim General Manager interviewed for the position, who was present, and where did the interview take place?

**Response**

*A response will be provided at the meeting.*

**Question – Cr Janet Wilson**

Has Council's Human Resources Department been provided with appropriate records in regards to the interview/s, pre-employment checks, and associated material such as meeting file notes, recruitment procedures and written recommendation for suitability of employment in accordance with the requirements of the State Records Act?

**Response**

*A response will be provided at the meeting.*

**Question – Cr Janet Wilson**

Can all Councillors be provided with a copy of the two executed contracts of employment for the Interim General Manager including all attachments or referenced documents such as applicable Council policies and position description?

**Response**

*A response will be provided at the meeting.*

**Question – Cr Janet Wilson**

What workplace induction was the Interim General Manager given prior to commencing in the role and who conducted the induction?

**Response**

*A response will be provided at the meeting.*

**Question – Cr Janet Wilson**

What documentation was provided to the Interim General Manager in assisting him to undertake due diligence in regard to the role as set out in the Integrated Planning and Reporting Framework

Guidelines and the adopted Long Term Financial Plan, and who provided orientation in regard to such plans and policies?

### Response

*A response will be provided at the meeting.*

Cr Danielle Mulholland submitted the following questions with notice under Clause 3.14 of Council's Code of Meeting Practice.

Cr Mulholland prefaced her questions with the following background information and commentary.

### Background relating to questions

The questions below relate to the guiding principles of the Local Government Act, and the policies and procedures for decision making and accountability of councillors who have been elected to carry out duties in the interests of the local community.

It has been suggested by many members of the community that the actions of the governing body at, and in the lead up to, the Ordinary Meeting of 11 December, 2023 may not have been in keeping with the Guiding Principles of the Local Government Act, specifically those listed below. I personally have grave concerns about the legitimacy, transparency, communication and governance issues as outlined below.

#### Clause 8A Guiding Principles of the Local Government Act

1. *Exercise of functions generally* The following general principles apply to the exercise of functions by councils —

.....

(h) *Councils should act fairly, ethically and without bias in the interests of the local community.*

(i) *Councils should be responsible employers and provide a consultative and supportive working environment for staff.*

2. *Decision-making* The following principles apply to decision-making by councils (subject to any other applicable law) -

(e) *Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.*

3. *Community participation* Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

#### Clause 9.3 of the Code of Meeting Practice states:

9.3. *Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:*

(a) *a motion is passed to have the business considered at the meeting, and*

(b) *the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.*

### Commentary

It appeared that when this motion was put, with the Mayor reading from a pre-prepared script, that the Mayor and Deputy Mayor Cr Cooper had pre-emptively recruited an Interim General Manager, with no existing mandate from the elected body. Additionally, Councillors Murray, Cullen and May all appeared to be aware that the matter was to be put as urgent business and that Councillors Burley, Wilson, Doolan and myself were not aware that this matter was to be raised. No information regarding the Interim General Manager was provided to the aforementioned four Councillors prior to the motion being put. This put four Councillors in a position whereby they could not make an informed decision nor could we meet our due diligence obligations.

This raises concerns around good governance, and open and transparent communication amongst the elected body and the broader community.

Despite that the Mayor ruled it to be of great urgency, there were no grounds identified upon which the matter required a decision by the council before the next ordinary meeting of the council on February 12, 2024 as required by the Code of Meeting Practice. This raises concerns about whether the resolution is valid and whether the process deliberately sought to impede due consideration of the motion, given that no notice or information pertaining to the motion was provided.

Given that the previous General Manager's annual performance review had been completed in September 2023 and resulted in a satisfactory performance being recorded that meets expected requirements, there would appear to be no grounds for urgency in response to his performance. This is reinforced by the lack of action between September and December 2023.

As the proposal put by the Mayor was to consider a motion for termination of the employment of the General Manager under the "no fault" clause of the contract, there is no apparent reason why the matter could not have waited to the next scheduled ordinary meeting of the council. The urgency of the matter remains unresolved.

This is particularly the case when it became apparent that the Interim General Manager was already employed by a third party and intended to continue with his secondary employment for some time, as confirmed by the resolution to authorise this secondary employment at the December 19, 2023 Extraordinary Meeting. This was again declared as urgent business, this time through a Mayoral Minute without notice (prior to the date of the meeting), to at least four of the councillors and the community. Again, this raises concerns about good governance and clear communication to the entire elected body.

Clause 10.9 of the Code of Meeting Practice states;

*10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.*

The motion put by the Mayor on 11 December required expenditure of considerable funds. In the order of \$330,000 for the termination payment under the General Manager's contract, in addition to the remuneration package for the incoming Interim General Manager. The annual salary for a single General Manager is provided for in the current council's adopted budget, however the additional \$330,000 termination payment was not. The motion did not identify the source of funding for the expenditure that was the subject of the motion. Council did not defer consideration of the matter, or request a report from the General Manager on the matter on the availability of funds for implementing the motion if adopted.

Council would need to correct this budget shortfall during a quarterly budget review or as a special resolution outside the normal budget review process. It is unclear at this stage if this voids the resolution of council.

### **Question – Cr Danielle Mulholland**

What is the detailed breakdown of the total additional cost to the 2023/2024 budget for the termination of the former General Manager and the appointment of the Interim General Manager? What provision has been made to meet the budget shortfall, and where will this money come from?

### **Response**

*A response will be provided at the meeting.*

**Question – Cr Danielle Mulholland**

What personal liability exposure do the Mayor and the four other councillors who passed this resolution in breach of the Code of Meeting Practice and Local Government Act have? What is their potential exposure to a class action from ratepayers to recover from them individually or collectively the \$330,000 paid to the former General Manager following the termination his employment, and any other costs that may have resulted?

**Response**

*A response will be provided at the meeting.*

**Question – Cr Danielle Mulholland**

How many hours, and over how many days, has the Interim General Manager spent in the Council offices since his initial appointment on 11 December, 2023 through to the response to this question, and was he paid the full contract rate of pay during this period? Why has this information and the employment arrangements not been provided to all Councillors?

**Response**

*A response will be provided at the meeting.*

**Question – Cr Danielle Mulholland**

Is there sufficient scope in the budget to install a safer entry/exit to the Kyogle amphitheatre to accommodate our ageing population and those with a disability? Eg handrails and ramps to the amphitheatre and access to the stage. If so, how long would it take to install?

**Response**

*A response will be provided at the meeting.*

**RECOMMENDATION**

That Council receives and notes the responses to the Questions With Notice from Councillors Janet Wilson and Danielle Mulholland.

**11 REPORTS FROM DELEGATES****11.1 DELEGATE'S REPORT: CR DANIELLE MULHOLLAND - LOCAL GOVERNMENT NSW ANNUAL CONFERENCE**

**Author:** Cr Danielle Mulholland

**Authoriser:** General Manager

**Attachments:** Nil

**SUMMARY / PURPOSE**

The following Delegate's Report by Cr Danielle Mulholland provides information for Councillors on the Local Government NSW Annual Conference held at Parramatta from 12 – 14 November 2023.

**RECOMMENDATION**

That Council receives and notes Cr Mulholland's Delegate's Report on the Local Government NSW Annual Conference.

**BACKGROUND INFORMATION**

The Local Government NSW (LGNSW) Annual Conference was held at Parramatta from 12 – 14 November 2023. Three Councillors from Kyogle Council attended – Cr Kylie Thomas, Cr Danielle Mulholland and Cr Rob Cullen.

**REPORT**

The LGNSW conference was opened by Uncle Graham Davis King and LGNSW President, Darriea Turley.

The Bluett Award finalists and winners were announced. There were 14 entrants in total for these prestigious awards for the sector.

The Metro award finalists were Inner West and Lake Macquarie councils with the Inner West Council taking home first prize for their work in waste management strategies and delivery, financial stability and focus on continuous improvement.

The Rural/Regional award finalists were Forbes Shire Council and Singleton Council with Singleton Council winning first prize for creating a positive approach, high success focused strategies, partnerships with business, building resilient and inclusive communities, with sound financial statements.

**Kristy McBain MP, Federal Minister for Regional Development, Local Government and Territories**

The Minister commended Bayside City Council for their innovation in waste. She spoke about the Local Roads and Infrastructure program and also addressed the Financial Assistance Grants which she considered to be "sound". Kyogle Council has been lobbying for the removal of the minimum per capita allocation from this fund's criteria and has the support of the Country Mayors' Association. This motion around the Financial Assistance grants criteria was passed at the Australian Local Government Association (ALGA) however ALGA, unlike LGNSW, does not necessarily convert passed motions into policy.

**Financial Sustainability panel - Peter Tegart, Rays Thinking Advisory, Carmel Donnelly PSM, Chair, Independent Pricing & Regulatory Tribunal (IPART), David Mehan MP, Parliamentary Secretary to the Treasurer, Dr Amanda Cohn MLC, Greens spokesperson for Local Government.**

**Presentation** followed by questions

**CHAIR - IPART** - engaged extensively with councils and some councils are struggling with financial sustainability. Report - Looking at trends in operating deficits, % of councils not meeting their infrastructure backlog benchmarks with more work to be done. Called on government to look into financial model for local government regarding financial sustainability. Focus needs to be on solutions for the future. New methodology does exclude the ESL - separates it out but it's still legally in the legislation.

**MEHAN - Parliamentary Secretary to the Treasurer:** Council amalgamation has been problematic in terms of financial stability. The IPART report addresses the contradiction between council's position and the ratepayers who don't think councils are spending their money wisely. Next round of amalgamations looming? Government supports IPART review report. Terms of reference will be done in conjunction with LGNSW. State Government ticks off on draft terms of reference which IPART don't have yet. Councillors need to know how many kms of road they have to look after.

**Amanda Cohen** - councils are being set up to fail. Need a review into the ESL, funded by State Government.

**TAKEAWAYS** - We calculated that 10% of our rates go back to the State Government so we are essentially paying a tithe just to function. And that is without mentioning the double and triple dipping that is happening. Eg landowners with multiple titles on the same cluster of land in rural areas. The double and triple dipping for the ESL is absurd.

My questions are as follows:

Will the State Government ensure that 100% of the waste levy collected by the State Government is distributed back to councils instead of over 80% being rolled back into consolidated revenue;

Will the State Government ensure that they make sure the IPART terms of reference take into consideration the needs of rural councils which we asked for last time, only to be told that the terms of reference were unable to be changed;

Will the State Government fund their own responsibilities instead of cost shifting them to local government and adequately fund local councils to plug those gaps in services or infrastructures that they aren't prepared to take responsibility for?

**The Housing Crisis, Let's Collaborate on Solutions Forum. Panel: Rose Jackson MLC, Scott Farlow MLC and Emeritus Professor Peter Phibbs, Henry Halloran Research Trusts, University of Sydney (see slide for portfolio distribution)**

**Rose Jackson, Minister for Homelessness, Housing, Youth, Mental Health, North Coast and Water; Scott Farlow - Shadow Minister for Planning, Public Spaces, Housing and Cities; Professor Peter Phibbs, Professor Emeritus, Henry Halloran Research Trusts and University of Sydney.**

**Minister Jackson** - key messages - is interested in action and change, not just talk fests. Recognises there is a problem and a need for State Government to take action. Homes NSW - focuses on social and affordable housing and is a relatively new organisation.

Migrants aren't taking housing away - we simply haven't had sufficient investment in social and affordable housing. We can have migration AND address the housing crisis.

Rent to own and shared equity schemes are very similar - good scheme but with shortcomings. The State Government is looking at making these schemes more robust to meet expectations and supply. We need to ensure the schemes the government create actually works.

**Shadow Minister Farlow** - spoke about the global housing shortage, looking at housing supply AND demand.

**Professor Peter Phibbs** - "The Housing Crisis - Let's Collaborate on Solutions Forum"

Problem 1 - blame shift

Problem 2 - try to look busy but are ineffective



Housing is expensive not because of the cost of building a house or an apartment - it's the land. The land embedded in each dwelling is very expensive in Australia, the most expensive in the world, yet we have a huge continent.

It's because of the decisions we have made around urban design, housing, planning and zoning. This is not something that can be gifted by the Federal Government - but it is in within the scope of governments broadly, to make a difference to the value of the land embedded in each dwelling.

Supply mistakes - more supply will fix the housing crisis and the problem is local governments and planning systems.

Demand mistakes - reduce immigration, tax concessions, incentives to downside and don't panic when house prices drop.

*Influencing residential development*

Finance - Availability, pricing

Cost of new versus established housing - is it worth purchasing new versus existing? Cost of infrastructure problematic.

Demand - Yield, household formation, investor perceptions, amenity, price/ proportion of households in housing stress, future price estimates.

Planning stance - Land use regulations/policy, quantity of zoned land/ease of rezoning approval rates/perceived likelihood of success, Planning Authority culture

Forecast of future profits - Will prices increase it wait?

Supply of developers / builders - Nature of development industry

Source: Gurrán, Phibbs, Gilbert 2012

Development approvals aren't being taken up

The Australian Bureau of Statistics reports that at the end of the June quarter in 2023 there was 14,344s potential dwellings in NSW with a construction approval that had not yet commenced.

But they do not report on what has happened to Development Approvals.

Analysis of the data from the NSW's Planning portal, is that there are a large number of NSW Development Approvals that have not yet proceeded to the construction certificate stage.

We need to think about strategies to turn these DAs into buildings.

Changes to the Planning System could work.

People should learn how the planning system works, especially the media.

Don't get too upset about NIMBYs.

*Possible levers*

- Fix the planning portal
- Reducing minimum lot sizes
- Bonus schemes for apartments
- Expanding affordable housing schemes across the State
- Reducing the growth of short term rentals

Universities have capacity to deliver student housing, particularly overseas students to relieve housing pressures from their sector.

MY COMMENTS: We need a holistic approach to housing - decent infrastructure, services available eg childcare, schools, health and allied health services, jobs, training and further

education. Housing supply has to be appropriate for the area and needs to be assessed against how councils can service this housing and future occupants.

### **Debate of motions.**

#### **President of ALGA, Linda Scott**

The messages from the President of the Australian Local Government Association, Linda Scott, were as follows:

Invite Federal members and Senators to look at what we do with the Financial Assistance Grants (FA Grants) and to meet with staff.

ALGA has been successful in obtaining an extra FA Grants of \$100m. However, ALGA continues to aim for 1% of taxation revenue.

ALGA is also calling for \$1B in terms of more funding for infrastructure as well as an increase in Roads to Recovery funding.

### **LGNSW BOARD ELECTION**

There were five candidates from the Northern Rivers region running for a total of seven LGNSW rural/regional board positions. The candidates were Mayor Sharon Cadwallader (Ballina), Councillor James Owen (Tweed), Mayor Kylie Thomas (Kyogle), Cr Robert Cullen (Kyogle) and myself as a sitting board member.

Each Council gets a certain number of voting delegates, based on the size of their population. For example, Kyogle had one delegate's vote, Lismore had four votes etc. and so on.

I did not receive any calls before the withdrawal date however, after seeing how many had nominated from across the region, I contacted several voting delegates to speak to them about the issue. All were unavailable but spoke to me at conference, apologising for not returning my call but they had been very busy. I take them at their word. I had no idea anyone else was running until the nomination list came through from the Australian Election Commission.

It seems a rather self-defeating strategy to have five candidates (three from the same Council), running for the region with so few votes compared to the larger rural/regional councils. A number of candidates from other council areas were confused as to why there were five candidates running from an area with only six councils, with the result that the available votes cancelled each other out and ensured that our nearest representative is now Cr Dominic King (Greens) from Bellingen. Bellingen is south of Coffs Harbour.

Whilst I am happy to blaze the trail by becoming the first representative from the Northern Rivers to sit on the LGNSW Board, I think we have missed an opportunity by not putting our votes behind a candidate with the best chance of actually getting elected. Party politics was heavily at play in this election and it is disappointing that we couldn't see the bigger picture and come together for the greater good of the region. Now we have no seat at the table of our peak body.

### **PRESENTATION ON ROADS - A SUSTAINABLE FUNDING MODEL**

Part 1. We need more money for roads, and we need it now. Untied funding is not going to where it is most needed. Tied funding imposes unnecessary burdens. Eg completion of programs within specified timeframes. Many councils need help to improve their processes.

Grants for local government have not kept pace with increased costs to councils which have been greater than the indexed CPI.

Maintenance expenditure on roads has stagnated but road use has not. Road freight has proven resilient to economic disruptions.

Councils have also expanded their services, diluting the amount going into local roads. State rules can limit council's ability to own-source revenue. Regional Australia faces a higher rates burden. Remote councils have the largest gap between maintained and funded roads and non-funded and non-maintained roads.

Climate change and uncertainties about climate are detrimental results. Heavy rainfall events followed by very dry spells, impact on our roads. Temperatures have been higher and lower for the last few decades.

**11.2 DELEGATE'S REPORT - CR ROB CULLEN: AUDIT RISK AND IMPROVEMENT COMMITTEE**

**Author:** Cr Rob Cullen  
**Authoriser:** General Manager  
**Attachments:** Nil

**SUMMARY / PURPOSE**

To provide Councillors with the minutes of the 11 December 2023 meeting of Council's Audit Risk and Improvement Committee.

**RECOMMENDATION**

That Council receives and notes Cr Cullen's Delegate's Report on the Audit Risk and Improvement Committee.

**BACKGROUND INFORMATION**

Cr Rob Cullen was appointed Council's non-voting member on the Audit Risk and Improvement Committee at the 13 June 2023 Ordinary Meeting of Council.

**REPORT**

The minutes appear below.

**MINUTES OF KYOGLE COUNCIL  
AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON MONDAY, 11 DECEMBER 2023 AT 12PM**

**PRESENT:** Ms Laurie Lefcourt (Chair via audio video conferencing), Ms Susan Glasson, Mr Nathan Dearing, Mr Paul Malt (via audio video conferencing), Cr Robert Cullen

**IN ATTENDANCE:** The General Manager, Executive Manager Corporate Service, Finance Manager, Mr Adam Bradfield of Thomas, Noble and Russell (Auditors), Mr Gearoid Fitzgerald (Audit Office of NSW – via audio video conferencing), Executive Assistant to the General Manager.

*The Chair opened the meeting at 12.10pm*

**1. 1 APOLOGIES**

*Nil*

**2. 2 OPENING PRAYER**

*Cr Rob Cullen read the opening prayer.*

**3. 3 TRADITIONAL LANDS ACKNOWLEDGEMENT**

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

**4. 4 DECLARATION OF INTERESTS**

Nil

**5. 5 REPORTS****5.1 CONFIRMATION OF MINUTES AUDIT, RISK AND IMPROVEMENT COMMITTEE 29 AUGUST 2023****RESOLVED ARIC/1223/1**

Moved by Mr Nathan Dearing, seconded by Mr Paul Malt

That the Audit and Risk Improvement Committee confirm the minutes of the 29 August 2023 committee meeting.

**CARRIED**

FOR VOTE – Ms Laurie Lefcourt, Mr Nathan Dearing, Mr Paul Malt

ABSENT DID NOT VOTE - Ms Susan Glasson

Mr Adam Bradfield of Thomas, Noble and Russell addressed the meeting.

Ms Susan Glasson arrived at the meeting at 12.17pm and apologised for being late.

**5.2 PRESENTATION OF DRAFT FINANCIAL STATEMENTS****RESOLVED ARIC/1223/2**

Moved by Mr Paul Malt, seconded by Ms Susan Glasson

That the Audit, Risk and Improvement Committee:

1. Receives and notes the Draft Financial Statements for 2022 -2023;
2. Receives and notes the engagement closing report
3. Receives and notes the final management letter
4. Receives a report on progress implementing IT strategy and addressing IT issues from the management letter at the committee's next meeting.

**CARRIED**

FOR VOTE - Unanimous vote

Council's General Manager, Executive Manager Corporate Services and Finance Manager left the meeting at 1.07pm at the request of the Chair.

Council's General Manager, Executive Manager Corporate Services and Finance Manager returned to the meeting at 1.17pm.

Mr Adam Bradfield and Mr Gearoid Fitzgerald left the meeting at 1.18pm.

**5.3 TRANSITION TO COMPLIANCE WITH ARIC REGULATIONS****RESOLVED ARIC/1223/3**

Moved by Mr Nathan Dearing, seconded by Ms Susan Glasson

That the ARIC:

1. Receives and notes the report Transition to Compliance with Aric Regulations;

2. Notes Council will seek proposals for the contracting of the Internal Audit Function.

**CARRIED**

FOR VOTE - Unanimous vote

**5.4 RISK MATURITY AUDIT REPORT**

**RESOLVED ARIC/1223/4**

Moved by Ms Susan Glasson, seconded by Mr Paul Malt

That the ARIC receives and notes:

1. The report Enterprise Risk Maturity Audit Report;
2. The attached ERM Maturity Review.

**CARRIED**

FOR VOTE - Unanimous vote

**5.5 COMPLIANCE**

**RESOLVED ARIC/1223/5**

Moved by Mr Nathan Dearing, seconded by Ms Susan Glasson

That the Audit and Risk Improvement Committee receives and notes the Compliance Report.

**CARRIED**

FOR VOTE - Unanimous vote

**5.6 EXTERNAL WEB APPLICATION PENETRATION TEST REPORT**

**RESOLVED ARIC/1223/6**

Moved by Mr Nathan Dearing, seconded by Ms Susan Glasson

That the ARIC receives and notes the report External Web Application Penetration Test Report

**CARRIED**

FOR VOTE - Unanimous vote

**The Meeting closed at 1.35pm.**

**The minutes of this meeting were confirmed at the Audit Risk and Improvement Committee Meeting held on .**

.....  
**CHAIRPERSON**

## 12 INFORMATION REPORTS

### 12.1 MONTHLY FINANCE REPORT - JANUARY 2024

**Author:** Manager Financial Services

**Authoriser:** General Manager

**Attachments:** 1. Finance Report - January 2024  

#### SUMMARY / PURPOSE

This report presents financial reports to Council for information.

#### RECOMMENDATION

That Council receives and notes the information contained in the report, *Monthly Finance Report – January 2024*.

#### BACKGROUND INFORMATION

##### Legislative Requirements

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

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

#### REPORT

The following information is presented for information only.

##### (A) Finance Reports

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

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

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

##### (B) Councillors' Travel Expenses Report

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

# Kyogle Council



**Financial Reports**

**31 January 2024**

**Rates Statement**

**Rates/Charges – Write Off's**

**Statement of Bank Balances**

**Summary of Investments**

**Councillor Travel**

**Councillor Conference & Seminars**

**General Manager Training**

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



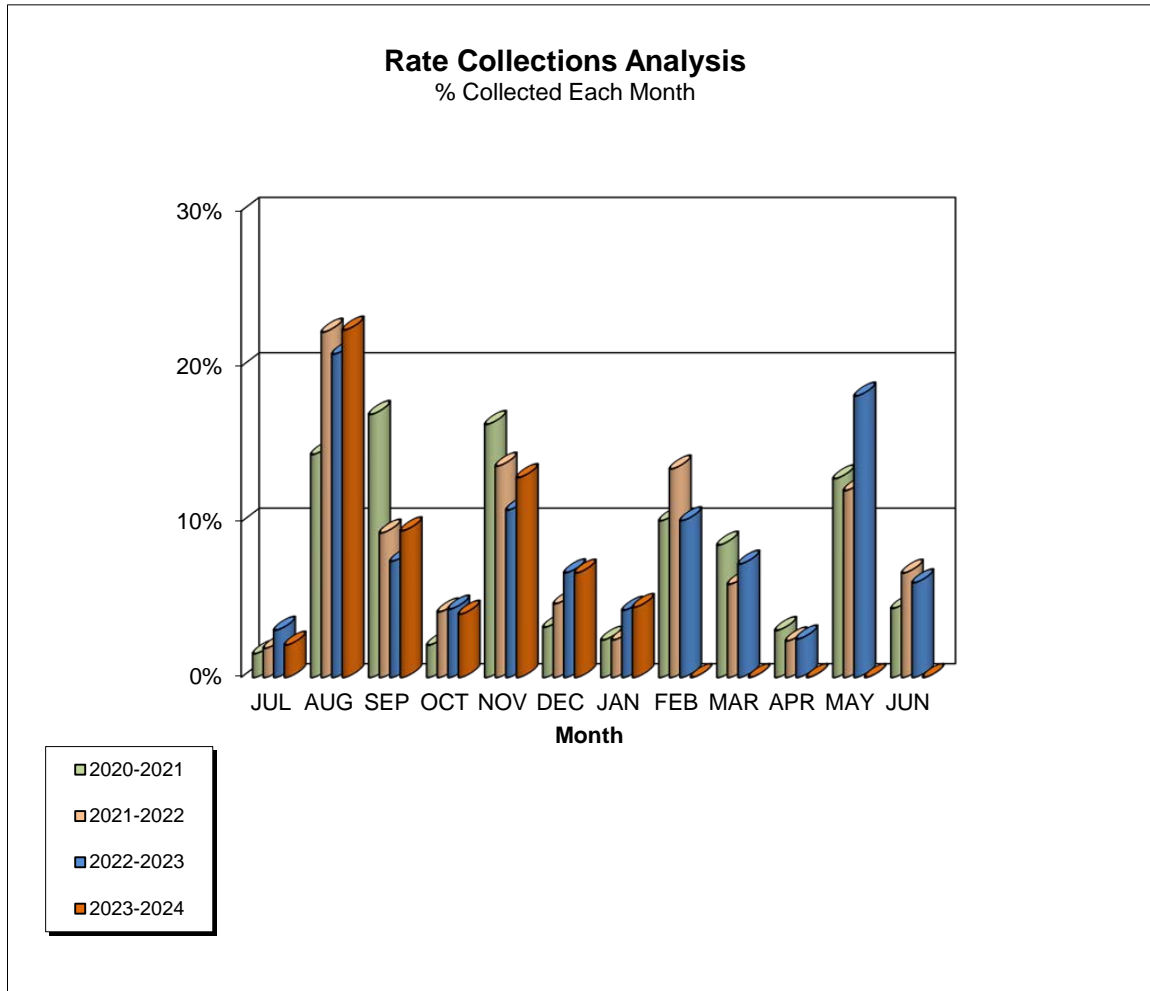
**KYOGLE COUNCIL RATES STATEMENT AS AT 31 JANUARY 2024**

	ARREARS 1-Jul-2023	NET CHARGES 2023-2024	PAYMENTS	OUTSTANDING BALANCE 31/1/2024	ARREARS as a 31/1/2024	% TOTAL COLLECTED incl ARREARS	% ARREARS COLLECTED 2023-2024
RATES, SERVICES AND INTEREST	835,512.13	12,194,201.44	8,074,661.29	4,955,052.28	278,900.88	61.97%	66.62%

PRESENTED TO COUNCIL FEBRUARY 2024

**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
\$ -	\$ -	\$ -	\$ 0.42	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.42

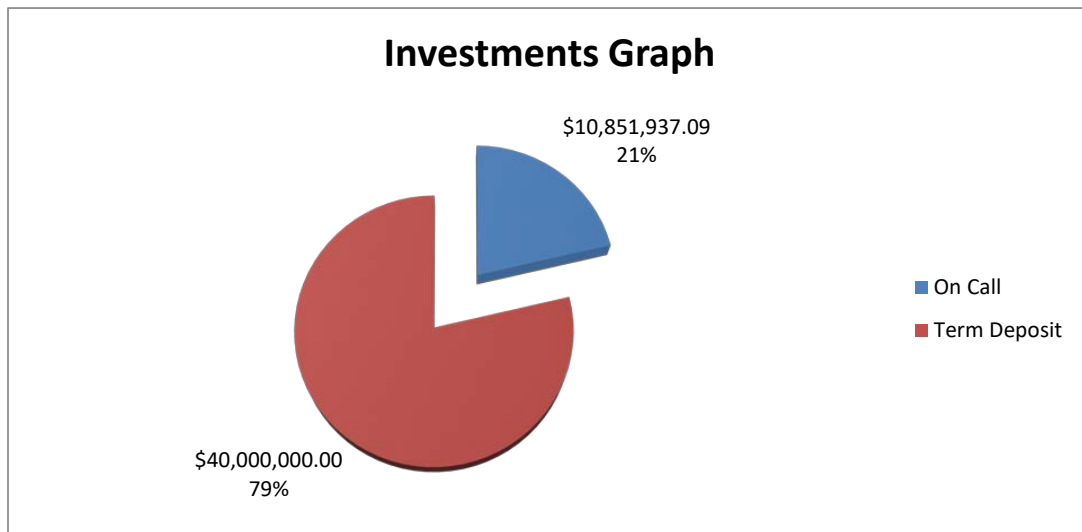
<b><u>Kyogle Council</u></b>	
<b>STATEMENT OF FUND BALANCES as at</b>	
<b>31-Jan-24</b>	
Fund	Closing Balance
<b>General Fund</b>	
Unrestricted	31,704,968.88
Internally Restricted	3,969,957.00
State Highways	(2,904,805.31)
Quarries	1,434,012.84
Plant	1,764,226.89
Externally Restricted	13,783,548.44
<b>Total General Fund</b>	<b>49,751,908.74</b>
<b>Restricted</b>	
Water Supplies	(45,849.98)
Sewerage Systems	1,192,275.24
Domestic Waste	(82,841.85)
Trust Fund	36,444.94
<b>Total Restricted</b>	<b>1,100,028.35</b>
<b>Total Consolidated Funds at Bank</b>	<b>50,851,937.09</b>

KYOGLE COUNCIL FINANCIAL ANALYSIS REPORT AS AT 31/01/2024								
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		10,851,937.09	21.34%
<b>Total Cash at Call</b>							<b>10,851,937.09</b>	<b>21.34%</b>
CBA	Cash Deposit	16-Nov-23	01-Feb-24	Fixed	Maturity	4.80%	3,000,000.00	5.90%
NAB	Term Deposit	07-Dec-23	08-Feb-24	Fixed	Maturity	4.65%	2,000,000.00	3.93%
CBA	Cash Deposit	14-Dec-23	15-Feb-24	Fixed	Maturity	4.63%	3,000,000.00	5.90%
Suncorp	Term Deposit	23-Nov-23	22-Feb-24	Fixed	Maturity	4.65%	2,000,000.00	3.93%
NAB	Term Deposit	20-Dec-23	29-Feb-24	Fixed	Maturity	4.75%	3,000,000.00	5.90%
Suncorp	Term Deposit	30-Nov-23	07-Mar-24	Fixed	Maturity	5.07%	2,000,000.00	3.93%
CBA	Cash Deposit	18-Jan-24	14-Mar-24	Fixed	Maturity	4.55%	3,000,000.00	5.90%
NAB	Term Deposit	23-Jan-24	21-Mar-24	Fixed	Maturity	4.50%	4,000,000.00	7.87%
CBA	Cash Deposit	23-Jan-24	28-Mar-24	Fixed	Maturity	4.63%	6,000,000.00	11.80%
Suncorp	Term Deposit	11-Jan-24	11-Apr-24	Fixed	Maturity	4.95%	3,000,000.00	5.90%
Suncorp	Term Deposit	23-Jan-24	24-Apr-24	Fixed	Maturity	5.00%	6,000,000.00	11.80%
Suncorp	Term Deposit	25-Jan-24	02-May-24	Fixed	Maturity	5.00%	3,000,000.00	5.90%
<b>Total Cash at Call</b>							<b>40,000,000.00</b>	<b>78.66%</b>
<b>Total Investment Portfolio</b>							<b>\$50,851,937.09</b>	

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

Glenn Rose

Responsible Accounting Officer



**COUNCILLORS TRAVEL EXPENSES  
Jan-24**

Councillor Name	Kilometres Claimed		Current Rate per Kilometre	Amount Reimbursed	
	Jan-24	YTD		Jan-24	YTD
K. Thomas	444	600	\$0.95	\$421.80	\$563.76
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	3,365	\$0.95	\$0.00	\$3,169.19
M. May	0	0	\$0.81	\$0.00	\$0.00
T. Cooper	948	4,044	\$0.95	\$948.00	\$3,841.80
R. Cullen	0	0	\$0.81	\$0.00	\$0.00
J. Murray	0	0	\$0.81	\$0.00	\$0.00
<b>Total</b>	<b>1,392</b>	<b>8,009</b>		<b>\$1,369.80</b>	<b>\$7,574.75</b>

**Notes**

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

**Councillors Seminars & Conferences  
1 September 2023 to 31 August 2024**

Description	Actual 2023-2024	Actual 2024-2025	Total
Seminars & Conferences - Cr Cooper	\$0.00	\$0.00	\$0.00
Seminars & Conferences - Cr Cullen	\$1,259.09	\$0.00	\$1,259.09
Seminars & Conferences - Cr Murray	\$0.00	\$0.00	\$0.00
Seminars & Conferences - Cr Doolan	\$0.00	\$0.00	\$0.00
Seminars & Conferences - Cr May	\$0.00	\$0.00	\$0.00
Seminars & Conferences - Cr Thomas	\$1,013.83	\$0.00	\$1,013.83
Seminars & Conferences - Cr Wilson	\$0.00	\$0.00	\$0.00
Seminars & Conferences - Cr Mullholland	\$1,850.34	\$0.00	\$1,850.34
Seminars & Conferences - Cr Burley	\$54.00	\$0.00	\$54.00
	<b>\$4,177.26</b>	<b>\$0.00</b>	<b>\$4,177.26</b>

**General Managers Training  
1 July 2023 to 30 June 2024**




Description	Actual 2023-2024
Salaries	\$0.00
Course Registration	\$3,968.49
Travel Expenses	\$490.61
Accommodation	\$270.32
Other	\$80.35
	<b>\$4,809.77</b>

**12.2 WORKS PROGRAM PROGRESS REPORT - JANUARY 2024**

**Author:** Manager Financial Services

**Authoriser:** General Manager

**Attachments:**

1. **Kyogle Bridge Program Status Report - January 2024** [↓](#) 
2. **Clarence Way Project - Bonalbo to Urbenville - Status Report - January 2024** [↓](#) 
3. **Works Program Progress Report - January 2024 (under separate cover)** 

**SUMMARY / PURPOSE**

This report provides an update on the progress of Council's capital works program, plant replacement program, quarry operations, and RMS ordered works for the information of Council.

**RECOMMENDATION**

That Council receives and notes the information contained in the report, *Works Program Progress Report – January 2024*.

**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.

	<h2 style="margin: 0;">KYOGLÉ COUNCIL BRIDGE PROGRAM</h2> <h3 style="margin: 0;">MONTHLY STATUS REPORT 2023/2024</h3>
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**REPORTING MONTH:** January 2024

**REPORT DATE:** 01/02/2024

**PROGRESS SNAPSHOT**

TOTAL NUMBER OF TIMBER BRIDGES REPLACED = 81 of 92 (88.0%)

FCB DEED PERIOD ELAPSED – 136 of 149 weeks (91.3%) 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**

- Three bridges opened to traffic over the December / January period.
- Deed signed for the \$12M NSW Government Election Commitment for Bridge Replacements

**3 RISKS TO DELIVERY PROGRAM**

- Weather conditions – wet weather is slowing productivity at sites. High water levels have been damaging side tracks and causing delays to works.

**4 FIXING COUNTRY BRIDGES (FCB)**

**4.1 ROUND 1 GROUP 1 – KYOGLE COUNCIL MANAGED PROJECTS**

**4.1.1 BRIDGES**

Ryans Creek Road - Cooks Bridge - has been removed from the FCB program. After design and consultation with the local land owners and the Department of Primary Industries (Fisheries) a decision has been made to construct a splash crossing (as an alternative to a bridge). This reduces the number of Group 1 FCB bridges to 69. Sixty-one of 69 have been replaced and opened to traffic.

The below table summarises bridges in the construction stage:

BRIDGE ID	BRIDGE NAME	COMMENTS	EXPECTED COMPLETION
50-4933	Needhams Road Eight Day Creek Bridge	Bridge opened to traffic in late December 2023.	Complete
50-9824	Needhams Road	Works in progress on site. Piling complete and abutments under construction.	February 2024

Bridge Program Monthly Status Report – Jan 2024

227-843	Askews Dip Road – Askews Bridge	Bridge opened to traffic in late January 2024.	Complete
245-887	Brindle Creek Road	Bridge opened to traffic in late December 2023. Clean up works completed in January 2024.	Complete
66-409	Gambleys Road Bridge	Works in progress – cast insitu deck in construction.	Mid-February
115-1327	Rodgers Road – Winterons Bridge	Works in progress – piling and scour protection works complete. Abutments in construction.	February 2024

The next bridges planned for construction are:

- 291-315 Phelps Road Bridge
- 113-2687 Ryans Creek No.3 Bridge
- 152-494 Yabbra Bridge
- 13-109 Bean Creek – Suffolks Bridge
- 265-257 Hansen Road

**4.1.2 BRIDGE TO PIPES**

All bridge to pipe projects are complete.

**4.2 ROUND 1 GROUP 2 BRIDGES**

Ozwide Bridge Rail and Civil has been contracted for Design and Construction of the Group 2 bridges. Three of six bridges are completed and opened to traffic. Updates on the remaining bridges are in the table below:

BRIDGE ID	BRIDGE NAME	COMMENTS	EXPECTED COMPLETION
59-1056	Gradys Creek – Grieves Crossing	Design of new scope in progress. Survey works complete. Fisheries permit application submitted to construct access tracks for geotechnical investigation.	December 2024
59-11123	Gradys Creek – Lamonds No.1	Extension of time granted for open to traffic milestone in December 2024. However, contractor has advised likely construction start in March 2024.	June 2024
141-62442	Kyogle Road – Little Back Creek	Bridge works complete. Road works and site clean up in progress. Expected to open in early February.	February 2024

**4.3 ROUND 2 GROUP 1 – BRIDGES**

There are three bridges in the Round 2 Program:

- Bridge Knowledge (design consultant) engaged to Design Paddys Flat Bridge. Final design expected in late February.
- Girders fabricated for Babyl Creek and Duck Creek Bridges. Works still on track for mid-2024 start onsite.

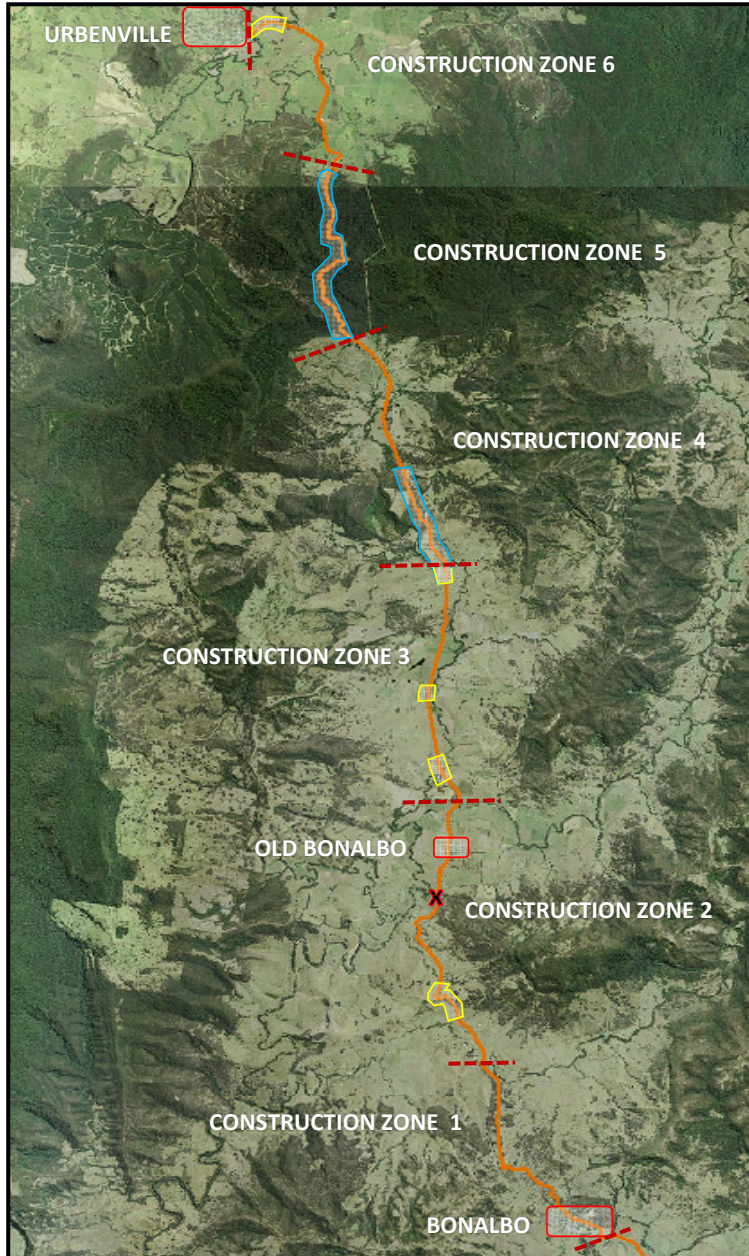
**5 OTHER BRIDGE REPLACEMENTS**

The deed has been signed for the NSW Government election commitment for \$12M in bridge replacements in Kyogle LGA. Planning works are in progress to lock in the scope of works for this program. Current forecast is to replace seven timber bridges and six superstructure replacements for Doolan Deck bridges.

Concept design is complete for Risk Road. Final design expected in late February.

Due to limited damage, Council was unable to gain funding for full replacement of Sugar Glider Road Bridge under Natural Disaster Recovery. This bridge will be replaced under the NSW Government election commitment. Design work is continuing for this bridge.





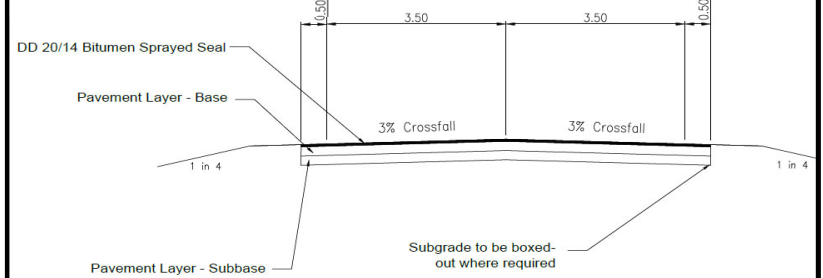
**CLARENCE WAY MR361 RRUPP - PROPOSED TREATMENTS**

- CZ 1 - 5.5km section from Bonalbo to WH Ralston Bridge (Sandy Creek) - Replace 2 large box culverts in Bonalbo. Reline, extend, and replace select culverts. Rehabilitate pavement through stabilisation of subbase, 200mm overlay of base material, and bitumen seal. Standard centre crown cross section with 8m seal on 8m formation.**
- CZ 2 - 7.5km section from WH Ralston Bridge (Sandy Creek) to Duck Creek Bridge - Raise the level of a stretch that is known to be inundated during flood. Foam bitumen stabilisation for inundation section. Replace Cooksons Bridge with box culvert. Reline, extend, and replace select culverts. Treat remainder with standard slag lime stabilisation, base overlay and bitumen seal. Standard centre crown cross section with 8m seal on 8m formation.**
- CZ 3 - 6.3km section from Duck Creek Bridge to Knockembandy Bridge (Bean Creek) - Standard centre crown cross section with 8m seal on 8m formation. Approximately 1.4km of low lying stretches to be raised, receive drainage improvements, and foam bitumen stabilisation. Reline, extend, and replace select culverts. The remainder of section 3 to be rehabilitated with standard slag lime stabilisation, base overlay and bitumen seal.**
- CZ 4 - 6.4km section from Knockembandy Bridge (Bean Creek) to Yabbra Scrub Southern boundary - Bean Creek cutting has been surveyed and will feature specific design that aims to widen the carriageway and improve the drainage conditions using a one-way crossfall cross-section with kerb and gutter. Reline, extend, and replace select culverts. Standard treatment for pavement stabilisation, base overlay and seal. Standard centre crown cross section with 8m seal on 8m formation for remaining stretch.**
- CZ 5 - 5km section from Yabbra Scrub Southern boundary to Yabbra Scrub Northern boundary - Yabbra Scrub has been surveyed, and has specific design being prepared. Design aims to widen road and improve the drainage to protect the pavements by implementing the one-way crossfall design with kerb and gutter. Reline, extend, and replace select culverts. Standard treatment for pavement stabilisation, base overlay and seal.**
- CZ 6 - 5.6km section from Yabbra Scrub Northern boundary to LGA boundary (Tooloom Creek) - Standard centre crown cross section with 8m seal on 8m formation. One low lying section to be raised and foam bitumen stabilised to provide flood resilience. Reline, extend, and replace select culverts. Standard treatment for pavement stabilisation, base overlay and seal for remaining length.**

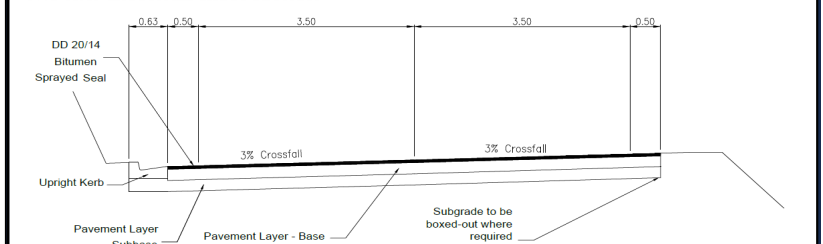
**LEGEND**

- CLARENCE WAY MR 361**  
Standard treatment for pavement stabilisation, base overlay and seal. 
- TOWNSHIPS**  
Bonalbo, Old Bonalbo, & Urbenville. 
- SURVEY & DESIGN - FLOOD**  
Foam bitumen stabilisation.  
Raise road level. Improve drainage. 
- SURVEY & DESIGN - ALIGNMENT**  
Widening and improving drainage with one-way crossfall design with kerb and gutter. 
- COOKSONS BRIDGE TO CULVERT**  
Replace old timber bridge with reinforced concrete box culvert. 
- EXTENT OF SECTIONS** 

**STANDARD CENTRE CROWN CROSS SECTION**



**ONE-WAY CROSSFALL CROSS SECTION**



STAGE	DESCRIPTION	CREW	STATUS	START	FINISH
<b>CONSTRUCTION ZONE 1</b>					
1	1.2km Bonalbo Tip/Cemetery	RC1	COMPLETE	SEP 2023	DEC 2023
2	1.3km Sandy Creek Road intersection	RC1	ACTIVE	DEC 2023	MAR 2024
3	1.1km Bonalbo Town	RC1	PLANNED	JUL 2024	OCT 2024
4	1.9km North of Bonalbo Town	RC1	NEXT	MAR 2024	JUL 2024
DRAIN	Drainage upgrades Construction Zone 1	CC1	NEXT	APR 2024	MAY 2024
<b>CONSTRUCTION ZONE 2</b>					
1	1.2km North of Sandy Creek Bridge	RC5	PLANNED	JUN 2024	SEP 2024
2	1.5km Hootons Road intersection	RC5	PLANNED	MAR 2024	JUN 2024
3	1.8km Joes Box	RC4	NEXT	MAY 2024	OCT 2024
4	1.8km South Old Bonalbo	RC4	ACTIVE	JAN 2024	MAY 2024
5	1.3km Old Bonalbo	RC4	PLANNED	OCT 2024	JAN 2025
DRAIN	Drainage upgrades Construction Zone 2	CC2	ACTIVE	JAN 2024	JUL 2024
<b>CONSTRUCTION ZONE 3</b>					
1	Bean Creek Flood Zone	RC2	COMPLETE	OCT 2023	FEB 2024
2	1.3km North Duck Creek Bridge	RC2	ACTIVE	FEB 2024	MAY 2024
3	1.2km Bean Creek Road intersection	RC2	NEXT	MAY 2024	AUG 2024
4	1.9km South Knockembandy Bridge	RC2	PLANNED	AUG 2024	DEC 2024
DRAIN	Drainage upgrades Construction Zone 3	CC1	COMPLETE	Oct 2023	DEC 2023
<b>CONSTRUCTION ZONE 4</b>					
1	1.1km North Knockembandy Bridge	RC5	PLANNED	DEC 2024	FEB 2025
2	1.3km South Mills Road intersection	RC5	PLANNED	SEP 2024	DEC 2024
3	1.9km North Mills Road intersection	RC1	PLANNED	OCT 2024	FEB 2025
4	1km Bean Ck 3 Bridge to Bean Ck 4 Bridge	RC3	NEXT	APR 2024	JUN 2024
5	1km Bean Ck 4 Bridge to Yabbra Boundary	RC3	PLANNED	JUN 2024	SEP 2024
DRAIN	Drainage upgrades Construction Zone 4	CC1	ACTIVE	DEC 2023	APR 2024
<b>CONSTRUCTION ZONE 5</b>					
1	1km Yabbra Scrub	RC3	PLANNED	JUN 2025	AUG 2025
2	1.2km Yabbra Scrub	RC3	PLANNED	AUG 2025	OCT 2025
3	1.2km Yabbra Scrub	RC3	PLANNED	NOV 2025	JAN 2026
4	1km Yabbra Scrub	RC2	PLANNED	JUN 2025	AUG 2025
5	1.1km Yabbra Scrub	RC2	PLANNED	AUG 2025	OCT 2025
DRAIN	Drainage upgrades Construction Zone 5	CC2	PLANNED	JUN 2025	NOV 2025
<b>CONSTRUCTION ZONE 6</b>					
1	1.3km North of Yabbra Scrub	RC3	ACTIVE	JAN 2024	APR 2024
2	1.3km South Boomi Creek Bridge	RC3	PLANNED	JAN 2025	APR 2025
3	1.5km South Connells Road	RC3	PLANNED	SEP 2024	JAN 2025
4	1.2km Urbenville Showgrounds	RC3	COMPLETE	NOV 2023	JAN 2024
DRAIN	Drainage upgrades Construction Zone 6	CC2	ACTIVE	OCT 2024	DEC 2024

LEGEND		NEXT = SECTIONS OF WORK PROGRAMMED FOR CONSTRUCTION NEXT
RC = ROAD CONSTRUCTION CREW	CC = CULVERT CONSTRUCTION CREW	PLANNED = SECTIONS OF WORK SCHEDULED FOR FURTHER INTO PROGRAM
ACTIVE = SECTIONS OF WORK CURRENTLY BEING CONSTRUCTED		COMPLETE = SECTIONS OF WORK WITH CONSTRUCTION COMPLETE

**13 STAFF REPORTS****13.1 DECEMBER QUARTERLY BUDGET REVIEW****Author:** Manager Financial Services**Authoriser:** General Manager**Attachments:** December Quarter Budget Review (under separate cover)**SUMMARY / PURPOSE**

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

**RECOMMENDATION**

That Council:

1. Receives and notes the December 2023 Quarter Budget Review Statement;
2. Approves the variation of estimates contained in the table below:

<b>STATEMENT OF SIGNIFICANT VARIANCES</b>		
<b>DECEMBER QUARTER BUDGET REVIEW</b>		
<b>DETAILS</b>	<b>QUARTERLY ADJUSTMENT</b>	
	<b>INCOME</b>	<b>EXPENSES</b>
Governance - Employment Costs		308,798
Administration - Income	710	
Administration - Office Expenses		131,386
Administration - Office Equipment		(131,386)
Personnel - Grants & Subsidies	10,000	
Personnel - Outdoor Staff Costs		150,000
Personnel - Insurance & Risk Management		(60,000)
Finance - Rates Income	9,282	
Finance - Interest Income	326,000	
Finance - Operating Costs		66,000
Regulatory Control - Income	4,000	
Regulatory Control - Operating Costs		18,000
Regulatory Control - Microchipping Program		(37,054)
Regulatory Control - Construction		37,054
Other Waste - Waste Charges	69,621	
Other Waste - Collection Costs		69,621

Strategic, Community & Cultural - Community Services Income	15,000	
Strategic, Community & Cultural - Working it out in Kyogle Income	(59,031)	
Strategic, Community & Cultural - Community Donations		1,398
Strategic, Community & Cultural - Gallery Employment		7,000
Strategic, Community & Cultural - Gallery Other		9,000
Strategic, Community & Cultural - Community Services Costs		15,000
Strategic, Community & Cultural - Working it out in Kyogle Costs		(59,031)
Pre Schools - Income	1,980	
Public Libraries - Income	2,004	
Public Libraries - Contribution to Regional Library		13,466
Regional Roads - Operating Grants	3,078,722	
Regional Roads - Operating Costs		77,664
Regional Roads - Capital Expenditure		5,746,315
Regional Roads - Flood damage Works		(2,029,162)
Urban Roads - Street Lighting Subsidy	4,001	
Urban Roads - Operating Costs		20,000
Rural Roads - Operating Grants	(271,835)	
Rural Roads - Heavy Haulage Levies	34,648	
Rural Roads - Sealed Roads Maintenance		150,000
Rural Roads - Other Expenses		6,877
Rural Roads - Capital Expenditure		(150,000)
Rural Roads - Flood damage works		(725,070)
Bridges - Operating Grants	(49,007)	
Emergency Services - Income	9,636	
Emergency Services - SES Contributions		6,778
Community Buildings - Hall & Shop Rents	20,432	
Community Buildings - KMI Operating Costs		20,432
Public Cemeteries - Income	11,635	
Engineering Administration - Sundry Income	1,000	
Engineering Administration - Employment Costs		100,000

Engineering Administration - Recoveries		(430,000)
State Highways - Revenue	159,644	
State Highways - Operating Costs		161,864
Quarries - Income	124,000	
Quarries - Operating Costs		70,000
Plant - Plant Sales	45,371	
Plant - Other Income	(8,650)	
Plant - Depot Costs		200
Plant - Stores Operations		(40,000)
Plant - Plant Purchases		115,371
Plant - EV Charging Stations		3,905
Water - Capital Grants	(6,459,901)	
Water - Construction		(6,459,901)
Sewer - Capital Grants	(3,709,099)	
Sewer - Construction		(3,730,807)
Domestic Waste - Waste Charges	18,000	
Domestic Waste - Collection Costs		18,000
<b>Totals</b>	(6,611,837)	(6,528,282)
	<b>Net Adjustment</b>	<b>(83,555)</b>

## BACKGROUND INFORMATION

### Legislative Requirements

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

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

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

## REPORT

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

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

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

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

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

- Budget Review Income and Expenses Statement
- Budget Review Capital Budget
- Budget Review Cash and Investments position
- Budget Review Key Performance Indicators

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

### Conclusion:

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

**14 URGENT BUSINESS WITHOUT NOTICE**

**15 CONFIDENTIAL BUSINESS PAPER**

Nil

**16 CLOSE OF MEETING**