



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

Date: Monday, 11 March 2024
Time: 2pm
Location: Kyogle Council Chambers, Stratheden Street, Kyogle

AGENDA

Ordinary Council Meeting

11 March 2024

Chris White
Acting 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 11 March 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 |

CHRIS WHITE
ACTING 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.

CHRIS WHITE
ACTING 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 - 12 FEBRUARY 2024**

Author: Executive Assistant

Authoriser: Acting General Manager

Attachments: 1. Minutes 12 February 2024 (under separate cover)  

RECOMMENDATION

That Council confirms the minutes of the Council meeting of 12 February 2024.

PURPOSE / SUMMARY

This report presents the minutes of the 12 February 2024 Ordinary Meeting to Council for confirmation.

8 MAYORAL MINUTE

Nil

9 NOTICES OF MOTION**9.1 NOTICE OF RESCISSION - GENERAL MANAGER RECRUITMENT PROCESS****Attachments: Nil****MOTION**

We, Councillors John Burley, Janet Wilson and Danielle Mulholland, give notice to rescind the following resolution of the Ordinary Council Meeting held on 12 February 2024:

Resolution No: CO/0224/6

That Council:

1. Appoint Mr Chris White, current Director of Planning and Community Development to the position of Acting General Manager beginning 23 February 2024 for the duration of the recruiting process and until the permanent position of General Manager is filled, not to exceed 12 months.
2. Begin the Recruitment Process for the new General Manager immediately.
3. Reinstate the General Manager Selection/Review sub-committee to initiate the External Recruitment process and provide a candidate or candidates to Council for consideration.
4. Members of General Manager's Subcommittee to be as follows; Mayor Cr Kylie Webster, Deputy Mayor Cr Tom Cooper and Cr Rob Cullen.

COUNCILLORS COMMENT

The OLG has advised Council to test the market and to ensure compliance with the Guidelines for employing General Managers. Council recently employed an interim GM illegally and was required to correct the illegalities at an extraordinary meeting.

The position is now vacant from February 23, 2024 with an existing staff member employed on an interim basis. Council has not been advised about what arrangements will be put in place to manage the department of Planning and Community development and what that will mean for the resourcing of programs and statutory obligations of the department.

The lack of transparency around the decision making for this position has engendered suspicion and instability within the constituency. The recently demonstrated lack of accountability to the constituency by refusing to answer questions on notice in an open council meeting and then using confidentiality to continue to refuse to provide answers and to abuse councillors for expecting answers, clearly demonstrates Council's poor governance practice and a lack of will to make decisions in the public interest.

Council is a member of Local Government NSW which provides a Locum Service to councils who find themselves constrained by time and skills, to engage a well experienced external person for a short term to achieve improved governance and decision making.

The option of using a Locum is sensible and stabilising given that Council has six ordinary meetings before an election and the caretaker period will begin in early August so no substantive decisions which will affect a future council can be made from that time.

Rescinding the resolution of February 12, 2024, is important for the integrity and stability of council in an election year.

9.2 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.

REPORT

This item was deferred at the 12 February meeting to allow for advice from the General Manager.

RESOLVED CO/0224/11

Moved by Cr Kylie Webster, seconded by Cr James Murray

That Council defer consideration of Item 9.3 until the advice from the General Manager is given at the March Ordinary Council meeting.

CARRIED

FOR VOTE - Crs Kylie Webster, Tom Cooper, Danielle Mulholland, John Burley, Maggie May, Robert Cullen and James Murray

AGAINST VOTE - Crs Janet Wilson and Hayden Doolan

Officers have established that funds are available in a budget area which has been used to support this type of activity previously (ie area promotion). The allocation of funds from this budget falls within the delegated powers of the Director Planning and Community Development. Should Council resolve to support this motion, funding will be made available from this budget area in time to support the proposed event.

9.3 NOTICE OF MOTION - CR TOM COOPER: GPS TRACKING SYSTEM

Attachments: Nil

MOTION

That Council staff prepare a report on the cost benefit of a GPS tracking system for all Council mobile equipment and operators.

STAFF COMMENT

Whilst it is possible to prepare such a report, the scope would need to be developed once the rationale for the motion is established.

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

Author: Acting General Manager

Authoriser: Acting General Manager

Attachments: Nil

The following questions on notice were received from Councillors James Murray and Danielle Mulholland.

Question – Cr James Murray

Council has made \$1.125 million available for the upgrade of the Woodenbong town centre. Will this money be put towards upgrades to McPherson Street pavement and parking redevelopment and if so when is this project likely to proceed?

Response

The Woodenbong CBD Masterplan is focussed on the upgrade of MacPherson Street, and this will include improvements to the pavement and car parking provision/arrangement. The specific scope of works – including which elements are deliverable within the funds available – will be confirmed at tender stage, and the scope will be reported to Council at that time. However, it is envisaged that the pavement and parking in MacPherson Street will be comprehensively upgraded as per the intent of the adopted Masterplan, even if these works require future phases and additional grant applications. At the present time, the Long-Term Financial Plan includes funding for these works in the 2026 financial year, subject to Council successfully accessing additional grant funds.

Question – Cr Danielle Mulholland

Council staff have placed traffic counters on Knights/Bolan Road as per the former General Manager's email to a resident dated 22 November 2023. Has this information been collated and has a business case for funding been prepared?

Response

Council has been diligently collecting traffic data, which is a crucial initial step in building a strong case for road sealing. This data collection process has spanned several months, as a longer sample size provides a more accurate representation of the actual situation.

Regarding the specific query about traffic counters on Knights/Bolan Road, the information from these counters has been collated. However, a business case for funding has not yet been prepared. This process is part of the broader effort to gather and analyse data to support the proposal for road sealing.

Council will continue to gather and analyse data in order to assess the competitiveness of a supporting business case and provide further updates to stakeholders as they become available.

Question – Cr Danielle Mulholland

Are any works planned for Dingo Gully Road? If yes, what kind of timeline are we looking at?

Response

Works to remediate flood damage on Dingo Gully Road have been approved and are funded – these works will be completed by the end of June 2024. In addition, Council's grading crew is scheduled to carry out works to Dingo Gully late in the current financial year.

Question – Cr Danielle Mulholland

Does Council have the capacity to absorb the cost for installing a street sign on the corner of Geneva Street and the Summerland Way for Kyogle Family Support Services, a not-for-profit organisation delivering services across our local government area?

Response

Council receives numerous requests for infrastructure improvements and signage across our local government area. Whilst the valuable services provided by Kyogle Family Support Services is recognised, it is standard practice not to make exceptions for individual requests for infrastructure funding.

The cost for installation of directional signage is set out in Council's adopted Fees and Charges. The cost for supply and installation of fingerboard signs for the current financial year are;

Supply and installation of sign, post and bracket - \$413

Supply and installation of sign and bracket only - \$271

In the case of the particular sign requested in this instance, the applicable fee would be \$271 as there is already a post at this location.

Question – Cr Danielle Mulholland

Is there any capacity for Council to repeat the cat desexing program undertaken in 2023? If so, can Council promote it through local newsletters, posters at local post offices and media releases, in addition to our usual methods of communication eg social media, council newsletter etc.

Response

Kyogle Council is participating in the RSPCA's Keeping Cats Safe at Home Program. The Program is a four-year program which aims to reduce the impact that domestic cats have on wildlife by encouraging cat caregivers to desex, permanently identify and register their cats and prevent them from roaming. The project is funded by the NSW Government through the Environmental Trust and ends in December 2024.

By participating in the program, 265 cats from the Kyogle local government area have been desexed since July 2022. There is still funding for another approximately 70 cats from the Kyogle local government area to be desexed before the end of this year. Promotion of the remaining places is scheduled to occur in April through the Community Newsletter, associated social media and local veterinary clinics which has proven sufficient to meet the quota allocated to our local government area.

The program is scheduled to end in December 2024. The RSPCA is advocating to the NSW Government for the program to continue and be expanded across all NSW, however, no commitments have been made at this point in time. If the program does not continue and Council wanted to fund an equivalent program for residents, the cost to desex cats is \$145 – \$235 per animal. At this stage, Council does not have any surplus budget in regulatory control to fund such a program and it may be prudent to wait for the NSW Government's decision on whether the RSPCA's program will be funded in future, before making a decision in this regard.

RECOMMENDATION

That Council receives and notes the responses to the Question with Notice from Councillors James Murray and Danielle Mulholland.

11 REPORTS FROM DELEGATES

Nil

12 INFORMATION REPORTS

12.1 MONTHLY FINANCE REPORT - FEBRUARY 2024

Author: Manager Financial Services

Authoriser: Acting General Manager

Attachments: 1. Monthly Finance Report - February 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 – February 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

29 February 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

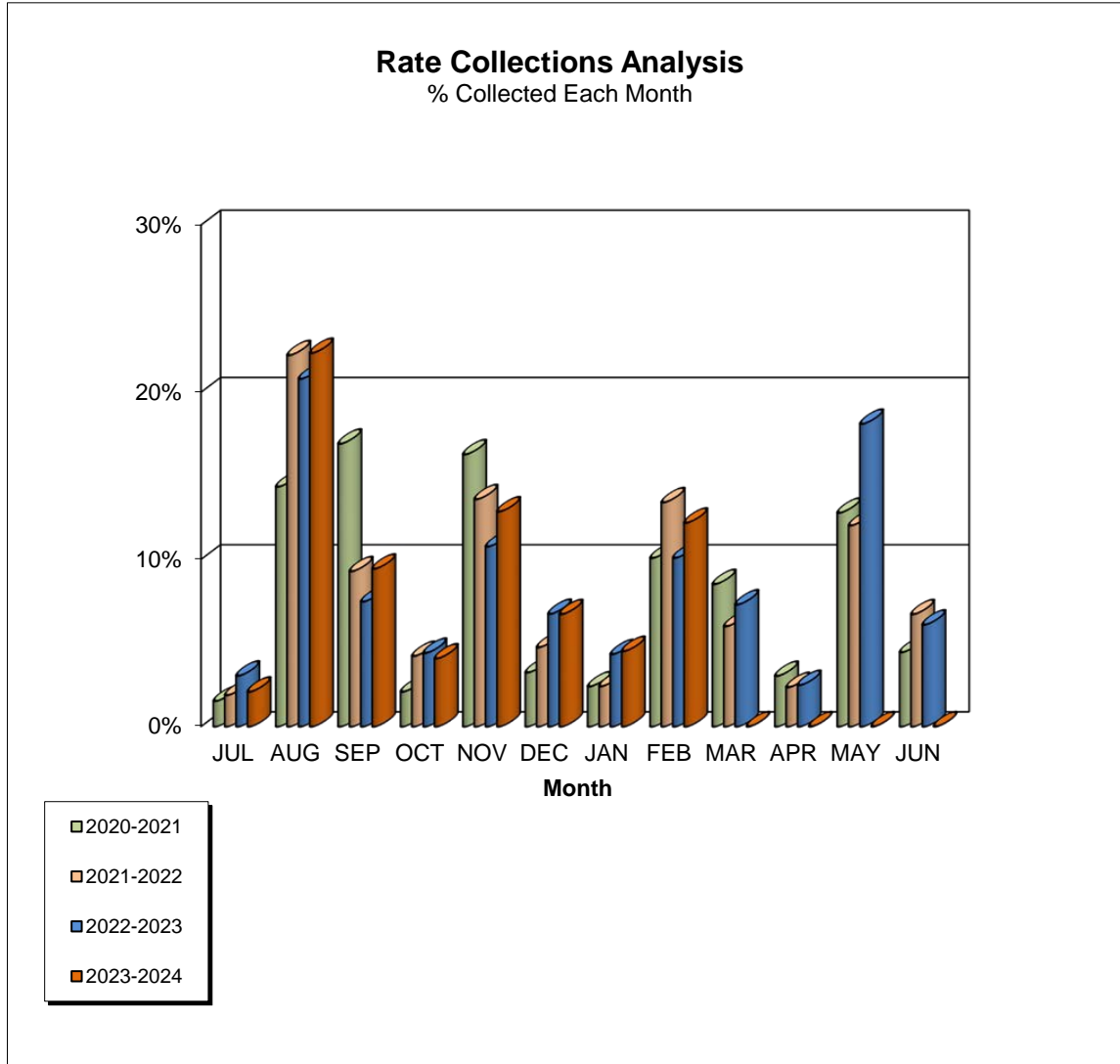
KYOGLÉ COUNCIL RATES STATEMENT AS AT 29 FEBRUARY 2024

	ARREARS 1-Jul-2023	NET CHARGES 2023-2024	PAYMENTS	OUTSTANDING BALANCE 29/2/2024	ARREARS as at 29/2/2024	% TOTAL COLLECTED incl. ARREARS	% ARREARS COLLECTED 2023-2024
RATES, SERVICES AND INTEREST	835,512.13	12,195,549.00	9,662,218.56	3,368,842.57	264,861.43	74.15%	68.30%

PRESENTED TO COUNCIL MARCH 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

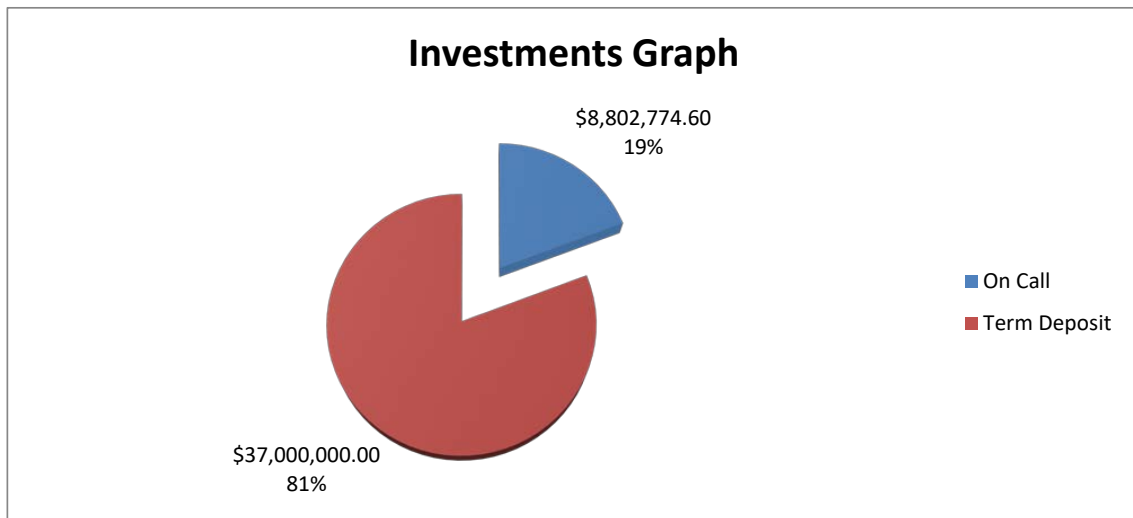
<u>Kyogle Council</u>	
STATEMENT OF FUND BALANCES as at 29-Feb-24	
Fund	Closing Balance
General Fund	
Unrestricted	25,546,572.30
Internally Restricted	3,969,957.00
State Highways	(1,984,442.48)
Quarries	1,419,043.28
Plant	1,540,070.30
Externally Restricted	13,783,548.44
Total General Fund	44,274,748.84
Restricted	
Water Supplies	(32,389.57)
Sewerage Systems	1,225,663.12
Domestic Waste	301,714.27
Trust Fund	33,037.94
Total Restricted	1,528,025.76
Total Consolidated Funds at Bank	45,802,774.60

KYOGLE COUNCIL FINANCIAL ANALYSIS REPORT AS AT 29/02/2024								
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		8,802,774.60	19.22%
Total Cash at Call							8,802,774.60	19.22%
NAB	Term Deposit	20-Dec-23	29-Feb-24	Fixed	Maturity	4.75%	3,000,000.00	6.55%
Suncorp	Term Deposit	30-Nov-23	07-Mar-24	Fixed	Maturity	5.07%	2,000,000.00	4.37%
CBA	Cash Deposit	18-Jan-24	14-Mar-24	Fixed	Maturity	4.55%	3,000,000.00	6.55%
NAB	Term Deposit	23-Jan-24	21-Mar-24	Fixed	Maturity	4.50%	4,000,000.00	8.73%
CBA	Cash Deposit	23-Jan-24	28-Mar-24	Fixed	Maturity	4.63%	6,000,000.00	13.10%
CBA	Cash Deposit	01-Feb-24	04-Apr-24	Fixed	Maturity	4.61%	3,000,000.00	6.55%
Suncorp	Term Deposit	11-Jan-24	11-Apr-24	Fixed	Maturity	4.95%	3,000,000.00	6.55%
Suncorp	Term Deposit	23-Jan-24	24-Apr-24	Fixed	Maturity	5.00%	6,000,000.00	13.10%
Suncorp	Term Deposit	25-Jan-24	02-May-24	Fixed	Maturity	5.00%	3,000,000.00	6.55%
NAB	Term Deposit	08-Feb-24	09-May-24	Fixed	Maturity	5.05%	2,000,000.00	4.37%
Suncorp	Term Deposit	22-Feb-24	23-May-24	Fixed	Maturity	4.94%	2,000,000.00	4.37%
Total Cash at Call							37,000,000.00	80.78%
Total Investment Portfolio							\$45,802,774.60	

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 Feb-24

Councillor Name	Kilometres Claimed		Current Rate per Kilometre	Amount Reimbursed	
	Feb-24	YTD		Feb-24	YTD
K. Thomas	0	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	0	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
Total	0	8,009		\$1,369.80	\$7,574.75

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
	\$4,177.26	\$0.00	\$4,177.26

**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
Accomodation	\$270.32
Other	\$80.35
	\$4,809.77

12.2 WORKS PROGRAM PROGRESS REPORT - FEBRUARY 2024

Author: Infrastructure Works Manager

Authoriser: Acting General Manager

Attachments:

1. **Kyogle Council Bridge Program Status report - February 2024**  
2. **Works Program Progress Report - February 2024 (under separate cover)** 
3. **Clarence Way Project - Bonalbo to Urbenville - Status Report February 2024**  

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 – February 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: February 2024

REPORT DATE: 29/02/2024

PROGRESS SNAPSHOT

TOTAL NUMBER OF TIMBER BRIDGES REPLACED = 85 of 92 (92.4%)

FCB DEED PERIOD ELAPSED – 140 of 149 weeks (94.0%) 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 during February
- Only seven bridges remaining in the FCB Round 1 Program

3 RISKS TO DELIVERY PROGRAM

- Precast Girder Manufacture and Delivery: Our precast supplier has been impacted by the recent wet weather. This has delayed their casting program. The supplier has indicated the girders for the Bean Creek, Phelps and Yabba will not be delivered until mid to late April 2024. This will push completion of these bridges outside the Deed period. We have submitted an extension of time variation for these three projects to allow the open-to-traffic date at the end of June 2024.
- Weather conditions – wet weather is continuing to impact sites.

4 FIXING COUNTRY BRIDGES (FCB)

4.1 ROUND 1 GROUP 1 – KYOGLE COUNCIL MANAGED PROJECTS

4.1.1 BRIDGES

Sixty-four of 69 bridges have been replaced and opened to traffic. The below table summarises bridges in the construction stage:

BRIDGE ID	BRIDGE NAME	COMMENTS	EXPECTED COMPLETION
50-9824	Needhams Road	Bridge opened to traffic in late February 2024	Complete
66-409	Gambleys Road Bridge	Bridge opened to traffic in mid-February 2024. Some minor clean up works remaining.	Complete

Bridge Program Monthly Status Report – Feb 2024			
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115-1327	Rodgers Road – Winterons Bridge	Bridge opened to traffic in late February 2024.	Complete
265-257	Hansen Road	Piling works complete. Abutments in progress.	Mid-March 2024
152-494	Yabbra Road Bridge	Piling works in progress. Side track in place for alternate access.	May 2024
113-2687	Ryans Creek No.3 Bridge	Site preparation works in progress. Piling works programmed for 6 March start.	April 2024
291 - 315	Phelps Road Bridge	Piling materials delivered. Bridge crew will commence onsite after clean up at Rodgers Road.	May 2024
13-109	Bean Creek – Suffolks Bridge	Piling materials delivered. Bridge crew will commence onsite after completion at Hansen Road Bridge.	May 2024

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 granted for access track works. Geotechnical investigation programmed for March 2024.	June 2025
59-11123	Gradys Creek – Lamonds No.1	Contractor has moved the start of construction to April 2024.	July 2024
141-62442	Kyogle Road – Little Back Creek	Bridge opened to traffic in late February. Clean up and line marking works remaining.	March 2024

4.3 ROUND 2 GROUP 1 – BRIDGES

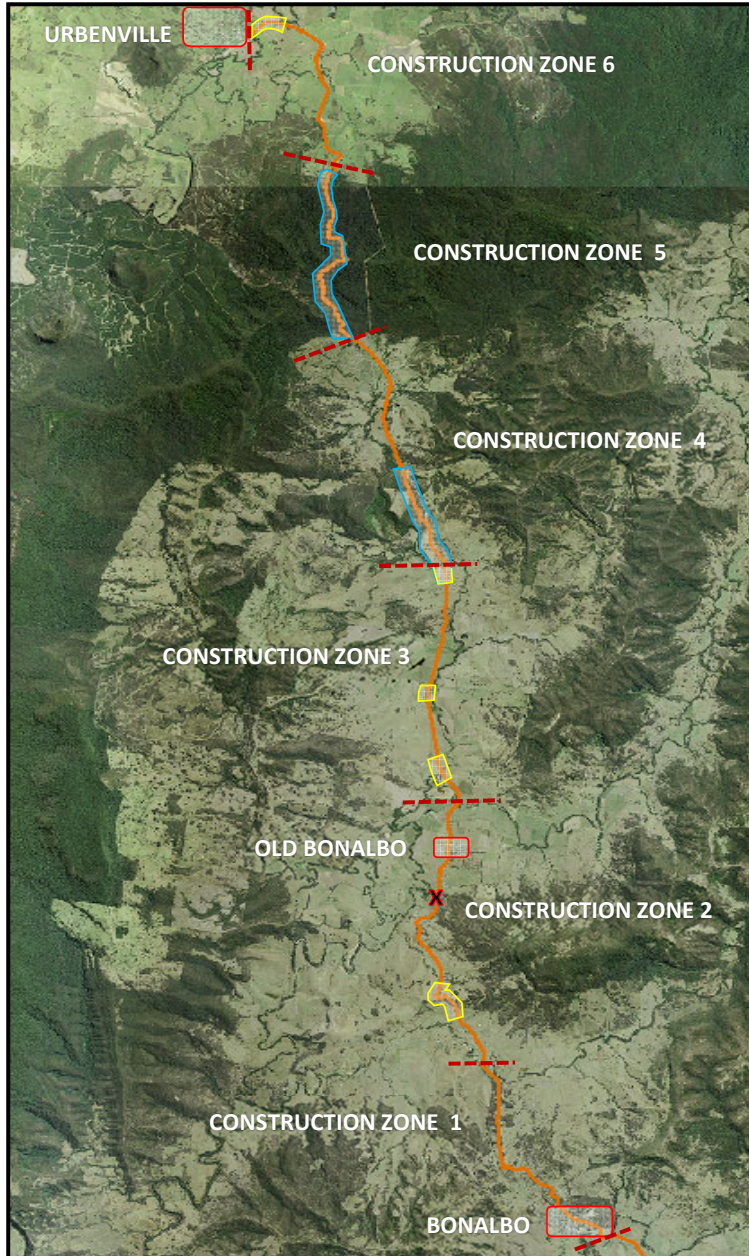
There are three bridges in the FCB Round 2 Program:

- The final design for Paddys Flat Bridge is complete. Procurement required for construction materials and Environmental REF to be prepared for Fisheries Permit.
- Baby Creek and Duck Creek Bridges: Works still on track for mid-2024 start on site.

5 OTHER BRIDGE REPLACEMENTS

Final designs for Risk Road and Sugar Glider Road are expected in early March 2024.

No significant developments on the bridges in the \$12M TfNSW Regional Roads Program.



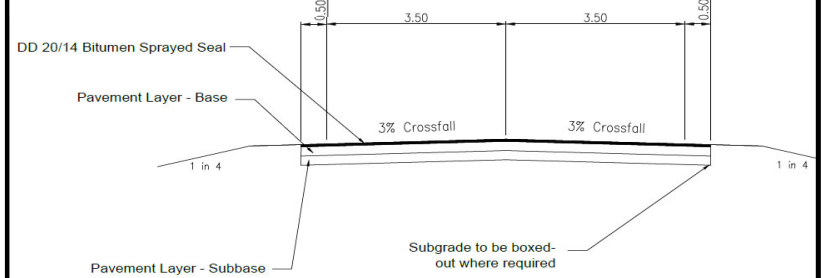
CLARENCE WAY MR361 RRUPP - PROPOSED TREATMENTS

- 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.**

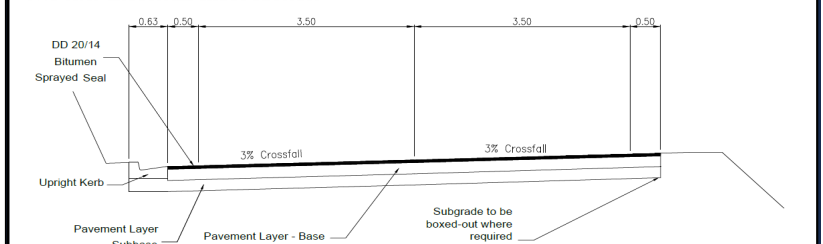
LEGEND

- 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
CONSTRUCTION ZONE 1					
1	1.2km Bonalbo Tip/Cemetery	RC1	COMPLETE	SEP 2023	DEC 2023
2	1.3km Sandy Creek Road intersection	RC1	COMPLETE	DEC 2023	MAR 2024
3	1.1km Bonalbo Town	RC1	NEXT	JUL 2024	OCT 2024
4	1.9km North of Bonalbo Town	RC1	ACTIVE	MAR 2024	JUL 2024
DRAIN	Drainage upgrades Construction Zone 1	CC1	NEXT	APR 2024	MAY 2024
CONSTRUCTION ZONE 2					
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
CONSTRUCTION ZONE 3					
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
CONSTRUCTION ZONE 4					
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
CONSTRUCTION ZONE 5					
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
CONSTRUCTION ZONE 6					
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	
RC = ROAD CONSTRUCTION CREW	CC = CULVERT CONSTRUCTION CREW
ACTIVE = SECTIONS OF WORK CURRENTLY BEING CONSTRUCTED	NEXT = SECTIONS OF WORK PROGRAMMED FOR CONSTRUCTION NEXT
	PLANNED = SECTIONS OF WORK SCHEDULED FOR FURTHER INTO PROGRAM
	COMPLETE = SECTIONS OF WORK WITH CONSTRUCTION COMPLETE

12.3 STRATEGIC PROJECTS UPDATE REPORT - MARCH 2024

Author: Acting General Manager

Authoriser: Acting General Manager

Attachments: 1. **Strategic Projects Tracker - March 2024 (under separate cover)** 

SUMMARY / PURPOSE

This report provides an update on the progress of Council's strategic projects program and current grant funded projects for the information of Council.

RECOMMENDATION

That Council receives and notes the information contained in the report, *Strategic Projects Update Report – March 2024*.

BACKGROUND INFORMATION

This report provides information on the progress and implementation of key projects and initiatives that address Council's adopted strategic priorities.

REPORT

The current version of the Strategic Project Tracker is provided as a separate attachment covering three main areas;

1. Local Strategic Planning Statement Actions

This section of the report shows progress against all Local Strategic Planning Statement (LSPS) priority actions, along with a brief status report and any information on next steps and/or target dates.

2. Other Strategic Projects

This section of the report shows progress associated with other key strategic projects and notes the alignment of the projects with LSPS and/or Community Strategic Plan (CSP) priorities.

3. Current Grant Funded Projects

This section of the report indicates the status of key, current grant funded projects (Note: This section does not include all grants that are related to capital/infrastructure works - which are reported in the separate 'Works Program Report', elsewhere in this agenda – but it does include key projects currently at the planning stage).

A number of the actions and projects identified in the Strategic Projects Tracker directly address Councillor Strategic Priorities (as initially identified at the September 2022 Workshop) – and these are notated accordingly in the Tracker.

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.

13 STAFF REPORTS

13.1 POPULARLY ELECTED MAYOR

Author: Manager Corporate Services

Authoriser: Acting General Manager

Attachments: 1. Education Pamphlet  

SUMMARY / PURPOSE

To adopt a referendum question to be put to the electors for a popularly elected Mayor. To adopt an education pamphlet outlining the pros and cons of a popularly elected Mayor.

RECOMMENDATION

That Council:

1. Puts the following referendum question to electors at the 2024 Kyogle Council Election:
 - 1.
 2. *Do you favour the election of the Mayor by electors for a four (4) year term with the number of Wards reduced from three (3) to two (2), each Ward comprising of four (4) Councillors, plus a popularly elected Mayor?*
2. Endorses the attached education pamphlet to be made available to electors.

PREVIOUS COUNCIL CONSIDERATION

At the 11 April 2022 Ordinary meeting Council resolved the following:

RESOLVED CO/0422/1

Moved by Cr Maggie May, seconded by Cr Robert Cullen

That Council

1. *Proceed with a referendum to ascertain residents' views about having a popularly elected Mayor.*
2. *Conduct an education program with residents on the pros and cons of a popularly elected mayor.*

CARRIED

FOR VOTE - Crs Kylie Thomas, Danielle Mulholland, John Burley, Janet Wilson, Maggie May and Hayden Doolan

AGAINST VOTE - Crs Tom Cooper, Robert Cullen and James Murray

REPORT

As Council previously advised, the NSW Electoral Commission recommended Council consider popularly elected mayor referendum questions put by other Councils in recent elections, to ensure an appropriate question is put to electors.

To maintain the current number of councillors, a Ward system and a popularly elected Mayor, it is proposed that Council moves to have, 2 wards, 4 councillors per ward + Mayor, 9 councillors total.

On the advice of the NSW Electoral Commission, Council considered precedents set in previous council elections, and found a match in Wollondilly Shire Council putting the following question to electors at a 2016 referendum:

Do you favour the election of the Mayor by electors for a four (4) year term with the number of Wards reduced from three (3) to two (2), each Ward comprising of four (4) Councillors, plus a popularly elected Mayor?

The following information was presented to Councillors at the November 2023 Councillor Workshop.

Constitutional referendums

A council can decide to conduct a constitutional referendum and the following issues can be proposed to the voters:

- whether the mayor should be elected by the voters
- whether to increase or reduce the number of councillors for that council
- whether to divide the council area into wards or abolish all wards

For a constitutional referendum to pass a majority of voters in the council area must have voted in support of the proposal. Voting in a constitutional referendum is compulsory and the result is binding on the council. If the constitutional referendum is passed, the result takes effect at the next local government elections.

Chapter 4, Part 3, Division 2 of the NSW Local Government Act 1993, provides the following;

Division 2 Constitutional referendums

15 What is a constitutional referendum?

A constitutional referendum is a poll initiated by a council in order to give effect to a matter referred to in section 16.

16 What matters must be dealt with at a constitutional referendum?

A council may not do any of the following unless approval to do so has been given at a constitutional referendum—

- (a) divide its area into wards or abolish all wards in its area,*
- (b) change the basis on which the mayor attains office (that is, by election by the councillors or by election by the electors),*
- (c) increase or decrease the number of councillors in accordance with the limits under section 224,*
- (d) change the method of ordinary election of councillors for an area divided into wards.*

17 What is the effect of a constitutional referendum?

- (1) The decision made at a constitutional referendum binds the council until changed by a subsequent constitutional referendum.*
- (2) However, such a decision does not apply to a by-election held after the constitutional referendum and before the next ordinary election.*

The following sections of the NSW Local Government Act 1993 (the Act) provide further detail.

228 How is it decided that the mayor be elected by the electors?

- (1) It may be decided at a constitutional referendum that the mayor be elected by the electors.*
- (2) A decision that the mayor be elected by the electors takes effect in relation to the next ordinary election after the decision is made.*

230 For what period is a mayor elected?

(1) A mayor elected by the councillors holds the office of mayor for 2 years, subject to this Act.

(2) A mayor elected by the electors holds the office of mayor for 4 years, subject to this Act.

Chapter 10, Part 3 What is the system of election?**278 Election of councillors for an area not divided into wards**

The councillors for an area that is not divided into wards are to be elected by an electorate comprising all the electors for the area.

279 Alternative methods for election of councillors for an area divided into wards

(1) The councillors for an area that is divided into wards are to be elected in accordance with either section 280 or 281.

(2) The method of election under section 280 (method 1) is to apply unless a decision made at a constitutional referendum is in force which—

(a) requires the method of election under section 281 (method 2) to apply, and

(b) specifies the number of councillors each of whom is to be elected by an electorate comprising all the electors for a ward and the number of councillors (if any) each of whom is to be elected by an electorate comprising all the electors for the area.

280 Ward election of councillors—method 1

(1) Each councillor for an area that is divided into wards may be elected by an electorate comprising all the electors for a ward.

(2) The same number of councillors is to be elected for each ward. The mayor is to be excluded when determining that number if the mayor is to be elected by all the electors for the area.

(3) The same person is not to be a candidate for election as a councillor by the electors for more than one ward, unless the election is for the mayor as such.

281 Election of councillors partly by wards, partly by area—method 2

(1) The councillors for an area that is divided into wards may be elected—

(a) as to some of them—each by an electorate comprising all the electors for a ward, and

(b) as to the others—by an electorate comprising all the electors for the area.

(2) The same number of councillors is to be elected for each ward. The mayor is to be excluded when determining that number if the mayor is to be elected by all the electors for the area.

(3) If a person is a candidate for election as a councillor by the electors for a ward, the person must not at the same time be a candidate for election as a councillor by the electors for another ward or a candidate for election as a councillor by all the electors for the area, unless the election is for the mayor as such.

282 Election of mayor

(1) The mayor of an area who is to be elected by the electors is to be elected by an electorate comprising all the electors for the area, even if the area is divided into wards.

284 Voting system for election of the mayor by all the electors of the area

The voting system in a contested election of the mayor by all the electors of the area is to be optional preferential.

283 Double candidature

(1) *A person may be a candidate for election as mayor and a candidate for election as a councillor at the same time.*

(2) *If a person is elected by the electors as mayor and the person is also a candidate for election as a councillor, the votes cast for the person as a councillor are not to be counted for that person but are to be distributed as prescribed by the regulations.*

The following provisions apply to Constitutional Referendums, as contained in Schedule 10 of the Local Government (General) Regulation;

4 *The following additional provisions apply to constitutional referendums and council polls under Part 3 of Chapter 4 of the Act—*

(a) *if a council resolves to take a constitutional referendum or council poll, the general manager is to notify the Electoral Commissioner of the resolution within 21 days after the council makes the resolution (if the Electoral Commissioner is to administer the referendum or poll),*

(a1) *if a constitutional referendum or council poll is to be held in conjunction with an election of councillors, the general manager must (if he or she has not already done so) notify the Electoral Commissioner of the question to be asked at the referendum or poll no later than 12 noon on the closing date for the election (if the Electoral Commissioner is to administer the referendum or poll and the election),*

The question put to electors at the referendum must require a “Yes” or “No” answer. Multiple questions can also be asked in the same referendum. For example;

- | | |
|---|--------|
| 1. Do you wish to have a popularly elected Mayor? | Yes/No |
| 2. Do you wish to reduce the number of Councillors? | Yes/No |
| 3. Do you wish to abolish wards? | Yes/No |

The legislation allows for some flexibility to establish a governance structure based on the possible outcomes. This includes the Council having the ability to vary the number of wards or number of Councillors in a ward, provided there was compliance with the requirements around the variation in the number of electors in wards.

For example, if in the case of Kyogle Council, the referendum resulted in the requirement for a popularly elected Mayor, but retention of wards, and no change in the number of Councillors, a ward structure with two wards with four councillors each plus a popularly elected Mayor could be established, retaining the existing number of nine councillors. However, caution must be taken to avoid a contradictory outcome/s, and best practice is to provide the community with a clear outcome for any referendum.

Kyogle Council Current Status

Kyogle Council is divided into three Wards, with three Councillors in each Ward, and the mayor is elected by the Councillors. The Wards are named A, B and C with the following towns and villages located in the three Wards.

A Ward

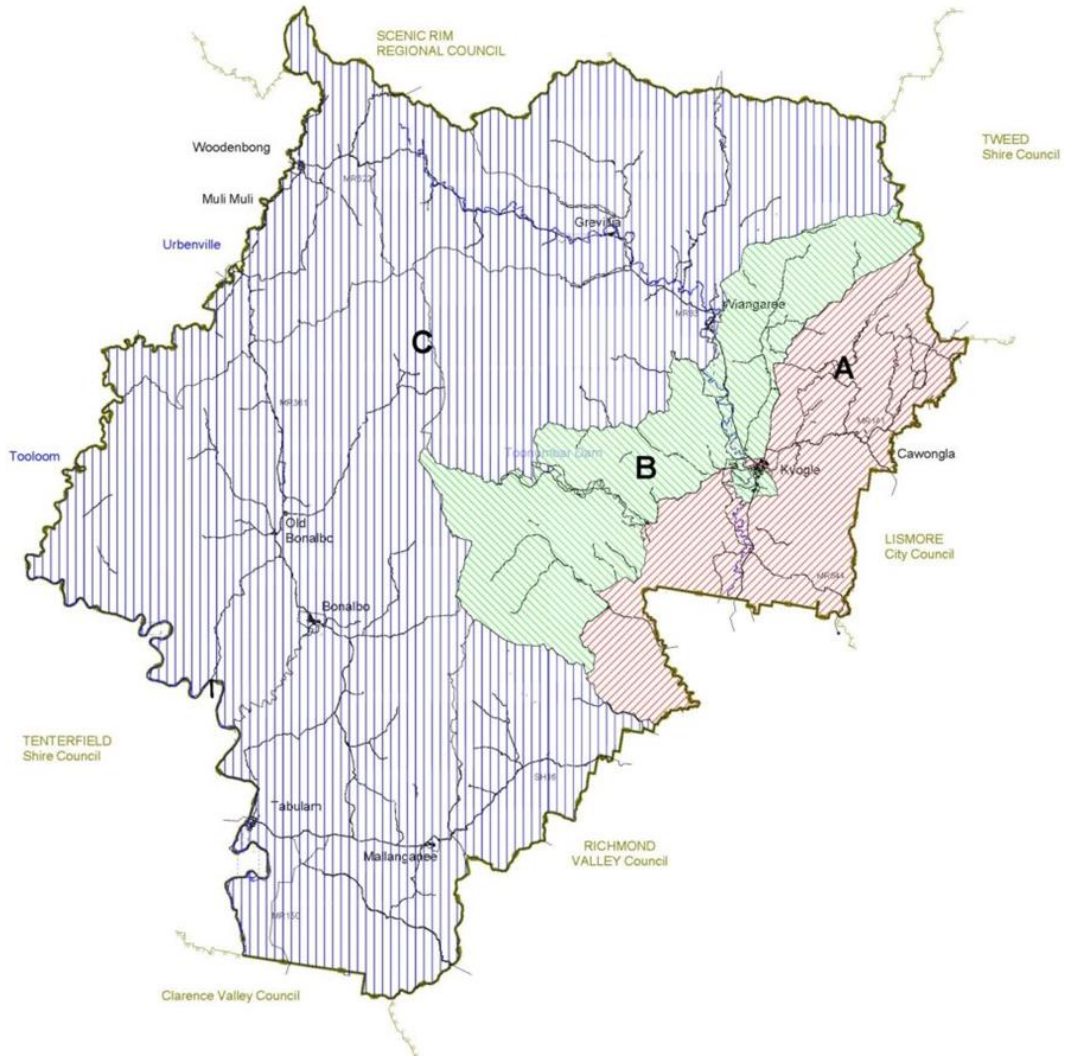
Cawongla, Wadeville and parts of Kyogle.

B Ward

Ettrick, Geneva and parts of Kyogle.

C Ward

Wiangaree, Grevillia, Woodenbong, Muli Muli, Old Bonalbo, Bonalbo, Tabulam, Mallanganee and Mummulgum.





KYOGLE COUNCIL



POPULARLY ELECTED MAYOR ELECTION REFERENDUM 2024 CONSTITUTIONAL REFERENDUM

At the 14 September 2024 local Government elections, a constitutional referendum will be conducted to determine if Kyogle wants to have a Popularly Elected Mayor and reduce the number of wards.

OUTCOME OF REFERENDUM

Electors may choose how the Mayor is elected and the number of wards but only after a Constitutional Referendum is held.

A majority decision on the question is binding on the Council and will apply from the next general election of the Council scheduled for 2028.

A majority decision will see a Popularly Elected Mayor elected for 4 years by the voting public, rather than by the Councillors for a term specified in the Local Government Act which is currently the case.

A CONSTITUTIONAL REFERENDUM REQUIRES A YES OR NO ANSWER TO THE QUESTION.

Do you favour the election of the Mayor by electors for a four (4) year term with the number of Wards reduced from three (3) to two (2), each Ward comprising of four (4) Councillors, plus a popularly elected Mayor?

The YES case

- ❖ Popular election of the Mayor excludes internal politics from the Mayoral Election.
- ❖ A popularly elected Mayor can lead Council with considerable independence.
- ❖ A popularly elected Mayor is elected by the people and as such is seen as the community's elected leader.
- ❖ Popular election of the Mayor enables the residents an opportunity to consider the candidates' policies and vote accordingly thus providing the Mayor with an election mandate.
- ❖ The possibility of the Mayor being elected "out of the hat" is avoided in the event that two or more Councillors receive equal votes.
- ❖ A reduction in Wards will help to better manage any imbalance of elector numbers between Wards.

The NO case

- ❖ The elected Council should not have a leader imposed upon them with whom they may not be able to work cooperatively or constructively.
- ❖ A change in leadership cannot occur during the term unless the Mayor resigns or dies and then a by-election is required.
- ❖ Councillors are closest to their fellow Councillors and therefore have a greater appreciation of their capabilities and credentials to fulfil the role of Mayor.
- ❖ Having a popularly elected Mayor increases the administrative costs of elections and by-elections.
- ❖ A further Constitutional Referendum would be required if Council wished to return to the current system of election of Mayor.
- ❖ Councillors will have larger ward areas, with greater population to represent

Chris White
Acting General Manager

Kyogle Council
KYOGLE NSW 2474

14 URGENT BUSINESS WITHOUT NOTICE

15 CONFIDENTIAL BUSINESS PAPER

Nil

16 CLOSE OF MEETING