



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

Date: Monday, 13 May 2024
Time: 2pm
Location: Kyogle Council Chambers, Stratheden Street, Kyogle

AGENDA

Ordinary Council Meeting

13 May 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 13 May 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
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
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 - 8 APRIL 2024

Author: Executive Assistant

Authoriser: General Manager

Attachments: 1. Minutes 8 April 2024 (under separate cover)  

RECOMMENDATION

That Council confirms the minutes of the Council meeting of the 8 April 2024.

PURPOSE / SUMMARY

This report presents the minutes of the 8 April 2024 Ordinary Meeting to Council for confirmation.

8 MAYORAL MINUTE

Nil

9 NOTICES OF MOTION

9.1 NOTICE OF MOTION - CR TOM COOPER: HUMAN RESOURCES REPORT

Attachments: Nil

MOTION

That Council includes a Human Resources Report on a monthly basis in our briefing papers.

STAFF COMMENT

To ensure Human Resources matters are appropriately managed, and to avoid the possibility of having to move into a confidential to ensure the protection of staff, such a report would be best presented in a workshop/councillor briefing environment.

9.2 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: SHADE TREES TABULAM OVAL

Attachments: Nil

MOTION

That Council plant shade trees around the Tabulam oval to mitigate the summer heat.

RATIONALE

Council has done some work on the Tabulam oval, however the summer heat is unbearable because there are few shade trees. The request for more shade trees has come from the Tabulam community. If we plant now, it will take a few years, or more, for the trees to mature, depending on the trees planted.

We have all heard of the problems with melanomas caused by the sun. This is not just a motion about a current situation, but about planning for the future to provide community members with a safe, shady area to play, socialise and exercise, resulting in better health outcomes, both physical and mental. Trees are one of the most effective nature-based solutions to improved health.

The NSW Government supports shade trees in open spaces. Shade from plants and trees reduces summer temperatures, glare and UV radiation. Shade is a key consideration to help everyone avoid the damaging effects of sunburn from too much sun exposure.

STAFF COMMENT

A significant number of shade trees were planted at the Tabulam oval as part of project a number of years ago. Unfortunately, not all survived.

Council's Facilities Maintenance Team will review the site and make recommendations on further planting works (to accord with the adopted Masterplan for the Tabulam oval), which will be carried out in the next planting season.

9.3 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: FOOD SECURITY

Attachments: 1. **Northern Rivers Food Security Scoping Study (under separate cover)** 

MOTION

That Council:

1. Note the findings and recommendations of the Plan C and UTS Northern Rivers Food Security & Resilience Scoping Study, in particular the urgent need for coordinated food system governance, policies and planning in the region to build resilience to disasters and supply chain disruptions;
2. Note the 'Food Production and Supply in NSW Inquiry and Report (November. 2022), particularly Recommendation 6: "that the NSW Government works with local councils to develop and implement strategies to improve local food systems, and provides appropriate funding as required";
3. Write to the following NSW Labor Government Ministers requesting the Government's response to the Inquiry, noting that Government has indicated it will respond to the findings by May, and highlighting the importance of Recommendation 6 for communities recovering from disasters such as the Northern Rivers:
 - i) NSW Premier the Hon Chris Minns MP
 - ii) Minister for Agriculture the Hon Tara Moriarty MP
 - iii) Minister for Local Government the Hon Ron Hoenig MP;
 - iv) Minister for Regional New South Wales and North Coast the Hon Rose Jackson MP and
 - v) Minister for Health and Regional Health the Hon Ryan Park MP;
4. Note the Northern Rivers Joint Organisation passed a similar motion at its February meeting;
5. Include questions regarding food and water security in community engagement processes to understand community lived experience in the Kyogle LGA;
6. Provide a briefing to Council by July outlining current constraints and the mechanisms that could be considered to enable and assist small scale agriculture in the Kyogle LGA.
7. Examine opportunities and challenges for "farm-gate to the plate" current practices and identify mechanisms to trigger the manufacturing and processing sector in the region.

RATIONALE

See attached report.

STAFF COMMENT

It is noted that, at its meeting of February 2024, the NRJO resolved as follows:

10.6 NSW 2022 Food Production and Supply Inquiry report

RESOLVED (Johnstone/Cherry) that the Northern Rivers Joint Organisation Board:-

1. Note and receive the NSW 2022 Food Production and Supply Inquiry Report
2. Call on the NSW Premier and relevant Ministers to provide response to the report.
3. Requests the implementation of recommendation 6 of the Report.

Given that Council is a member of the NRJO, the above noted resolution effectively conjoins Council to the NRJO position.

In respect of other specific points raised in the Notice of Motion, the following comment is provided:

- Point 5 – where relevant community engagement exercises are being undertaken, issues of food and water security can be addressed.
- Point 6 – there are currently insufficient staff resources to service the request for a briefing to Council by July 2024. It should be noted that the diversification of the local agricultural sector remains an ongoing priority for Council under both the Community Strategic Plan and the Local Strategic Planning Statement.
- Point 7 – these opportunities and challenges will be identified and addressed in servicing the priorities of the Community Strategic Plan and the Local Strategic Planning Statement.

9.4 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: REPLACEMENT OF SAWPIT CREEK CULVERT

Attachments: Nil

MOTION

That the road and culvert at Sawpit creek be scheduled for an upgrade with the aim of a more permanent solution regarding residents' access as outlined below.

RATIONALE

At present, Council's remedial action at Sawpit Creek is to gravel the road and culvert. In times of flood, the gravel is washed away and residents are unable to get out of their properties. This is a serious and significant concern as we have an ageing population, some of whom are dependent on medications and/or require access to medical services, emergency services etc.

Cr Janet Wilson put a Notice of Motion to Council, in June 2021 which was passed as follows:

That council prepare a plan for the resolution of issues emerging with causeways across the Local Government Area (LGA) as part of the review of the Community Strategic Plan in the 21/22 financial year.

This was then carried through into the priorities for staff to work on in terms of options development and costings for the various service levels etc. At the time, Council had intended to complete this in the lead up to the CSP. This is now on the top of the list for further discussion after the CSP. Following the review of the CSP, the LTFP will need to be reviewed to determine what additional funding is needed.

In relation to the specific causeway on Sawpit Road, Council had intended to apply for "betterment" as part of the current flood damage claim, to allow Council to extend the concrete apron either side and stop the constant wash out on the end of the current causeway.

STAFF COMMENT

Staff will provide a verbal update at the meeting.

9.5 NOTICE OF MOTION - CR JOHN BURLEY: HEALTH AND WELLBEING HUB**Attachments:** Nil**MOTION**

1. That a report be brought back to Council on the proposed change of scope for the Health and Well Being Hub project once the application for variation to the Funding Deed under the Bushfire Local Recovery Fund has been submitted and a decision has been made by the funding partners as to the approval or otherwise of the variation and before any commitment is made by staff to accept any variation.
2. That Council proceeds with calling tenders for the Kyogle Health and Well Being Hub project based on the current completed design as soon as possible to enable the consideration of tenders by Council before a decision is made on whether or not to proceed with any alternate proposed change of scope.

RATIONALE

At the April 2024 Meeting Council resolved;

That Council:

1. *Receives and notes the report, Re-scoping the Kyogle Health and Wellbeing Hub;*
2. *Endorses the proposed change of project scope and immediately proceed with funding partner and other stakeholder consultation.*

Councillors were advised there was a sense of urgency because the proposed change of scope would need to be subject to a formal variation request and this request had to be submitted before the end of April 2024. Verbal advice from the General Manager is that no such variation request has been submitted and no details of the proposed change of scope have been provided to councillors. With every delay, the risk of losing the \$4.5 million in funding grows, as does the risk of losing the opportunity for Council to deliver this important community facility that will serve the needs of generations to come.

No reason has been provided to date as to why Council can't run the variation request for the proposed change of scope at the same time as it calls tenders for the original proposal. Doing so would allow Council to properly consult the community, and make a fully informed decision on this once in a lifetime opportunity. I urge all councillors to support this way forward so we can ensure we have done everything within our power to get the best outcome for our community.

STAFF COMMENT

1. As per the Notice of Motion, a report will be brought back to Council once the funding partners have formally considered any proposed change of scope and have approved or refused any variation.
2. Notwithstanding the cost estimate and timing issues previously advised at the Ordinary Meeting of April 2024, Council can proceed to call tenders for the Kyogle Health and Wellbeing Hub based on the current design whilst also giving effect to the existing Council resolution to proceed with a rescope of the project.

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

Author: Executive Assistant
Authoriser: Acting General Manager
Attachments: Nil

The following questions on notice were received from Councillors at the last Council meeting or with notice prior to this meeting.

Question – Cr Danielle Mulholland

Members of the public were turned down for public access at the February meeting - no response has been provided yet. Were there any files notes or records as to why these residents were denied public access?

Response

A search of Council records failed to produce any file notes. The then interim General Manager informed applicants for Public Forum, that access was denied due to it being sought on matters that relate to staff, "that will most likely be discussed in confidential".

Question – Cr Danielle Mulholland

Council allocates \$7,500 to Woodenbong and Bonalbo Australia Day Committees - can we have a breakdown of what the committees are spending the funding on?

Response

The committees are yet to reconcile expenses with Council's Finance Officer. However, typical spend includes catering and entertainment.

Question – Cr Danielle Mulholland

Can we please workshop the strategies we can implement to reduce illegal dumping? In Panania in Sydney back in the 1990s, Bankstown Council introduced tipping fees. Almost immediately, illegal dumping in dead end suburban streets, nearby parks, and bushland became an issue.

In Moreton Bay Regional City, there are no fees for residents, and they don't have an illegal dumping problem. Brisbane has illegal dumping. One option is to raise the rates to cover the tip running costs, make tipping free to residents of the Kyogle Local Government Area, to eliminate the problem. A workshop however, will tease out additional suggestions to minimise illegal dumping.

Response

Council is currently resourcing an illegal dumping program, however a discussion on this program and options can be held at a future workshop.

Question – Cr Janet Wilson

Consultants were employed several years ago to undertake a review of cultural assets with a view to developing a cultural policy and strategy. Residents engaged with this area of community life would like to know more about the status of that review.

What is the current state of play with this review document and will it be put to Council about the way forward and to achieve a policy direction? How will the Kyogle and District Arts Council be engaged with discussions about this review?

Response

Given the passage of time since the original consultancy work, and the State Government's subsequent development of the 'Creative Communities' Policy (December 2023) it will be prudent for Council to develop a renewed strategy (incorporating relevant content from the earlier work) that aligns with the new overarching policy provided by the State Government. The development of any such strategy would align with the intentions of Council's Community Strategic Plan and would involve renewed stakeholder engagement (including Kyogle and District Arts Council).

Question – Cr Janet Wilson

Summerland Way, CBD streetscape/upgrade was the subject of community engagement and Council received a report about a modified plan and funding being available. In the meantime, there was COVID and major natural disasters which put work on hold. What is the status of this work and will Council be provided with an updated report with timelines and budget information about how the work will be progressed?

Response

These works are scheduled to be completed by June 2025, and tenders are likely to be called in July 2024 for subsequent referral to Council.

Question – Cr Janet Wilson

In regard to the Stratheden Street redevelopment. Community engagement was also undertaken around this plan and I have been approached by residents and a business about the status of this work. Will Council be provided with an updated report on progress and residents alerted to implementation timelines for this work to begin?

Response

These works are scheduled to be completed by June 2025, and tenders will be called in July 2024 for subsequent referral to Council. Once Council has considered tenders, residents and businesses will be consulted on implementation timelines and any attendant impact of works.

Question – Cr Janet Wilson

The Roxy Gallery has had work and relocation over time and it is highly valued by residents. The issue of access and wayfinding has been raised many times by gallery users. The budget highlights in the Council newsletter has set out an amount of \$149,661 for work this next financial year.

Does this amount include operational costs and capital works, how will residents and the Kyogle and District Arts Council be provided with further information about this, and when will wayfinding be implemented to improve customer access?

Response

The draft budget is apportioned as follows:

- 1. \$93,083 – wages and on-costs.*
- 2. \$56,578 – operational costs, including utilities, advertising, exhibition/program expenses, Arts Northern Rivers annual subscription, rental costs and external services.*

Improved waymarking for the Gallery can be included in current grant funded programs (eg CBD improvements).

Question – Cr Janet Wilson

Residents are concerned about the lack of direction and action in relation to operational matters for the gallery, eg volunteer recruitment and progress on providing work health and safety training for volunteers. When will Council advertise the position of the Cultural Services Officer? And how will this position be used within the context a cultural services strategy?

Response

The role of Arts and Culture Officer has been advertised with applications closing on 31 May 2024.

It is envisaged that the Arts and Culture Officer will be responsible for a range of activities designed to grow our identity as a hub for creative arts industries and develop cultural initiatives, including:

- Plan and deliver an annual program of exhibitions and events for the Roxy Gallery including facilitation of after hour events, tours, artist talks and symposia.*
- Plan and coordinate events and activities held in Council's Cultural Precinct (including venue and site hire).*
- Develop and deliver creative arts and cultural development projects.*
- Develop and implement plans, policies, programs and strategies to grow the creative arts industry and creative arts and cultural development events and activities across the local government area.*
- Collaborate with industry and community to identify, support and promote creative arts and cultural development activities encompassing a diverse range of artforms, participants and audiences.*

The role has wider focus than the previous role, encompassing all creative arts and responsibility for cultural development initiatives also.

Question – Cr Janet Wilson

Was an application submitted to the funding partner for the variation request for the proposed change of scope to the Health and Well Being Project and if not, why?

Response

*An application for a variation has yet to be submitted. As advised at the Ordinary Council Meeting of April 2024, the initial requirement from the funding partner was for an indicative rescope to be provided by 30 April 2024 for consideration, **prior to** any variation being formally invited by the funder. As per staff comment on a related Notice of Motion (elsewhere in this agenda), once a variation is invited by the funder – and a decision has been made on any variation request – a further report can be brought to Council.*

Question – Cr Janet Wilson

Kyogle Council plan to ensure that community interests, including impacts on infrastructure, local amenity, water quality, and areas of local environmental or heritage significance, are adequately considered and protected in the absence of dual consent for private native forestry?

Response

The proposed change to the Kyogle Local Environmental Plan regarding Private Native Forestry (PNF) will not remove any legislative requirements for landowners to ensure that PNF operations on their land do not result in adverse impacts on the environment. All PNF operations undertaken in the Kyogle LGA must comply with the PNF Code of Practice for Northern NSW. This prevents PNF from occurring on land which has landscape features of environmental and cultural significance including threatened ecological communities and populations, areas of outstanding biodiversity value, rainforest, old growth forest, wetlands, riparian exclusion zones, core koala habitat, and lands identified as an Aboriginal place or site of Aboriginal objects. The PNF Code of Practice also sets environmental controls to protect water quality and local amenity including infrastructure location and design, erosion and sediment controls, exclusion from riparian zones and requirements to cease harvesting and haulage operations during rainfall runoff events.

When Local Land Services (LLS) receives an application from a landowner to conduct PNF on their property, LLS assesses the application to ensure that the proposal complies with the PNF Code of Practice, including ensuring that landscape features of environmental and cultural

significance are protected and appropriate environmental controls are in place. Once a PNF Plan is approved by LLS, the NSW Environmental Protection Agency is responsible for conducting checks to ensure landowners and forestry operators are complying with the approval issued and the PNF Code of Practice.

In terms of impacts on Council-owned transport infrastructure it should be noted that heavy vehicle operators such as forestry operators are required to obtain a permit from Council to haul materials on Council roads. During the application process, Council assesses the suitability of the haulage route for the vehicle type and traffic proposed by the operation and can place conditions on the permit to address any potential impacts. It should be noted that road impacts resulting from an individual Private Native Forestry operation are very low, due to the time limited nature of the activity, when compared with an ongoing operations such as a quarry. In addition, over the last several years Council has been progressively upgrading many local roads and bridges to enable heavy vehicle access to assist rural landowners to access markets more safely and efficiently.

Question – Cr Janet Wilson

Kyogle Council intends to monitor and mitigate the cumulative impact of private native forestry activities across the landscape, particularly concerning factors such as infrastructure strain on our roads, impact on local amenity with noise and dust and ensure the safety of community on our country roads?

Response

Kyogle Council is not authorised under planning and environmental legislation to monitor and mitigate cumulative impacts of any industry across the local government area. Under planning and environmental legislation, Council can consider the impacts of an individual proposal on infrastructure, amenity and the environment and condition any consents issued to mitigate any adverse impacts on these matters if necessary. In the case of Private Native Forestry, the assessment process undertaken by Local Land Services and other approval processes such as Heavy Vehicle Access Permits, enable impacts on infrastructure, amenity and the environment to be avoided and mitigated, with the same effect as a development consent issued by Council. The Heavy Vehicle Access Permit process enables Council to consider road safety issues and all heavy vehicle operators must comply with the NSW Road Rules just like any other motorist.

Question – Cr Janet Wilson

Given that the assessment process for private native forestry plans does not currently involve consultation with councils or consideration of the impacts of a PNF operation on our local roads and residents, what steps will Kyogle Council take to proactively engage with relevant stakeholders and advocate for the inclusion of community interests in the assessment process?

Response

As discussed above, the assessment process undertaken by Local Land Services and other approval processes such as Heavy Vehicle Access Permits, enable impacts on infrastructure, amenity and the environment to be avoided and mitigated, with the same effect as a development consent issued by Council.

Question – Cr John Burley

What are the details of the number of fixtures and floor space for pool amenities, pool kiosk, and community gym space before and after the proposed change of scope to the Health and Well Being Hub, and what is the open green space in the pool complex before and after the proposed change of scope, and are any changes to the grandstand proposed as part of the change of scope proposal and if so what?

Response

As noted elsewhere in this report, a formal variation for a rescope has yet to be submitted and, at the time of writing, options/inclusions are still under consideration and discussion with the funder.

However, it can be confirmed at this stage that no changes to the existing grandstand are under consideration as part of the rescope process.

Question – Cr John Burley

Has the funding partner given written agreement to fund an alternate proposal for the reduced scope for the Health and Well Being Hub that excludes the indoor pools and sports stadium?

Response

No. As previously advised, a formal variation for a rescope has yet to be submitted however the funder has encouraged a rescope process given the funding and timeline constraints associated with the grant program – and that process is ongoing.

Question – Cr John Burley

Is there any legal reason why tenders could not be called for the full original proposal for the Health and Well Being Hub including the indoor pools, gym and sports stadium or that Council could not consider providing additional funding for the project if the tendered prices are more than the current budget?

Response

No.

Question – Cr John Burley

Why was the decision made to call tenders for the Mallanganee Observatory before the Health and Well Being Hub when the Mallanganee project has a later deadline for completion?

Response

*The current deadline for completion of the Mallanganee Observatory is December 2024 (ie **before** the Health and Wellbeing Hub). Following an extension request submitted in November 2023, the funder has advised that the tender process needs to be completed before a variation/extension of time will be considered.*

Question – Cr John Burley

Is there a risk that Council could lose some or all of the \$4.5 million of BLERF funding if the alternate proposal is not accepted and there are not tenders ready to allow a contract to be signed for the full original scope?

Response

There is a risk that Council could lose some or all of the \$4.5million of BLERF funding if the funder is not satisfied that a project can be delivered within the funding and timeline constraints of the program.

Question – Cr John Burley

What is the list of identified stakeholders for the proposed change of scope for the Health and Well Being hub project, and what stakeholder consultation has been undertaken on the proposed change of scope and what opportunities for broader public participation and community engagement in the proposed change has been provided to date?

Response

In response to the funders request for a rescoped proposal, officers have notified representatives of Kyogle Together (Community Gym managers) and the Kyogle Swimming Club of the current position. Further community engagement will be undertaken as required – dependent upon the outcome of the funders response to the rescope process and/or any tender process.

Question – Cr John Burley

Since the Memorandum of Understanding was signed with Kyogle Together for the provision of youth services in partnership with Council, has there been any rent for the premises paid by Kyogle Together and has there been any increase in office space occupied by Kyogle Together or its delivery partners in the Kyogle Youth Centre and has there been any reduction in the ad hoc patronage of the Youth Centre space by the youth of the town?

Response

No rent has been sought or paid for the premises. At the time of writing, and in the absence of an inspection, Council is not aware of any increase in the quantum of office space occupied by Kyogle Together nor of any reduction of patronage of the Youth Centre space.

Questions from the last Council meeting**Question – Cr Rob Cullen**

What is the status of the:

- Main Street/Civic Precinct

Response

- *Civic Heart (ie Stratheden Street) designs are ready for tender (estimated July 2024).*
- *Main Street designs are being finalised (estimated ready for tender in July 2024).*
- *Total of \$5.223M external funding is available for Civic Heart and Main Street.*
- *Tender package which includes Civic Heart construction, Main Street watermain, asphalt and line marking is being prepared.*

Question – Cr Rob Cullen

What is the status of Mt Brown Road?

Response

Currently the Rural Fire Service (RFS) is awaiting a funding announcement under the FAFT (Fire access fire trail) funding stream for the Peacock Creek and Sextonville sections of the forestry roads. This is not due until next year. If successful, the road would be brought up to a satisfactory standard for fire trails. This is still short of what we would expect for a public road. The option would be there for Council to start negotiating the takeover of the road once this is complete if we wished, there would still be a significant investment or further funding required to finish bringing it to the appropriate standard.

Question – Cr John Burley

What is the status of the:

- Mallanganee Observatory project funding?
- The Toonumbar Dam retreat project?

Answer

- *Mallanganee Observatory funding deadline is currently December 2024, but an extension has been requested until April 2025 (approval of request for extension from funder anticipated upon completion of tender process).*
- *Contact is to be re-established with Water NSW to progress the matter of the Toonumbar retreat project, following a site visit by officers to assess site and building conditions late in 2023.*

Question – Cr Tom Cooper

Is there a river gauge above or below Gorge Creek on Peacock Creek?

Answer

Peacock Creek gauge is approximately 1.5km upstream of the Gorge Creek confluence.

Question – Cr Tom Cooper

Please provide an update on the status of EPARS (Essential Public Assets Repairs), including total approved and total pending approval.

Answer

<i>Total number of EPAR Project Submissions (Grouped Submissions)</i>	<i>27</i>
<i>Total number of individual sites (defects)</i>	<i>125</i>
<i>Total Value of EPAR Project Submissions</i>	<i>\$181,161,403</i>
<i>Total Number of approved EPAR Submissions</i>	<i>12</i>
<i>Total Number of approved individual sites (defects)</i>	<i>34</i>
<i>Total Value of Approved EPAR Project Submissions</i>	<i>\$51,401,395</i>
<i>Total Number of pending EPAR Submissions (Under TFNSW Review)</i>	<i>15</i>
<i>Total Number of pending individual sites (defects)</i>	<i>81</i>
<i>Total value of pending EPAR Submissions</i>	<i>\$124,352,690</i>

RECOMMENDATION

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

11 REPORTS FROM DELEGATES

Nil

12 INFORMATION REPORTS

12.1 MONTHLY FINANCE REPORT - APRIL 2024

Author: Manager Financial Services

Authoriser: Acting General Manager

Attachments: 1. Monthly Finance Report  

SUMMARY / PURPOSE

This report presents financial reports to Council for information.

RECOMMENDATION

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

30 April 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

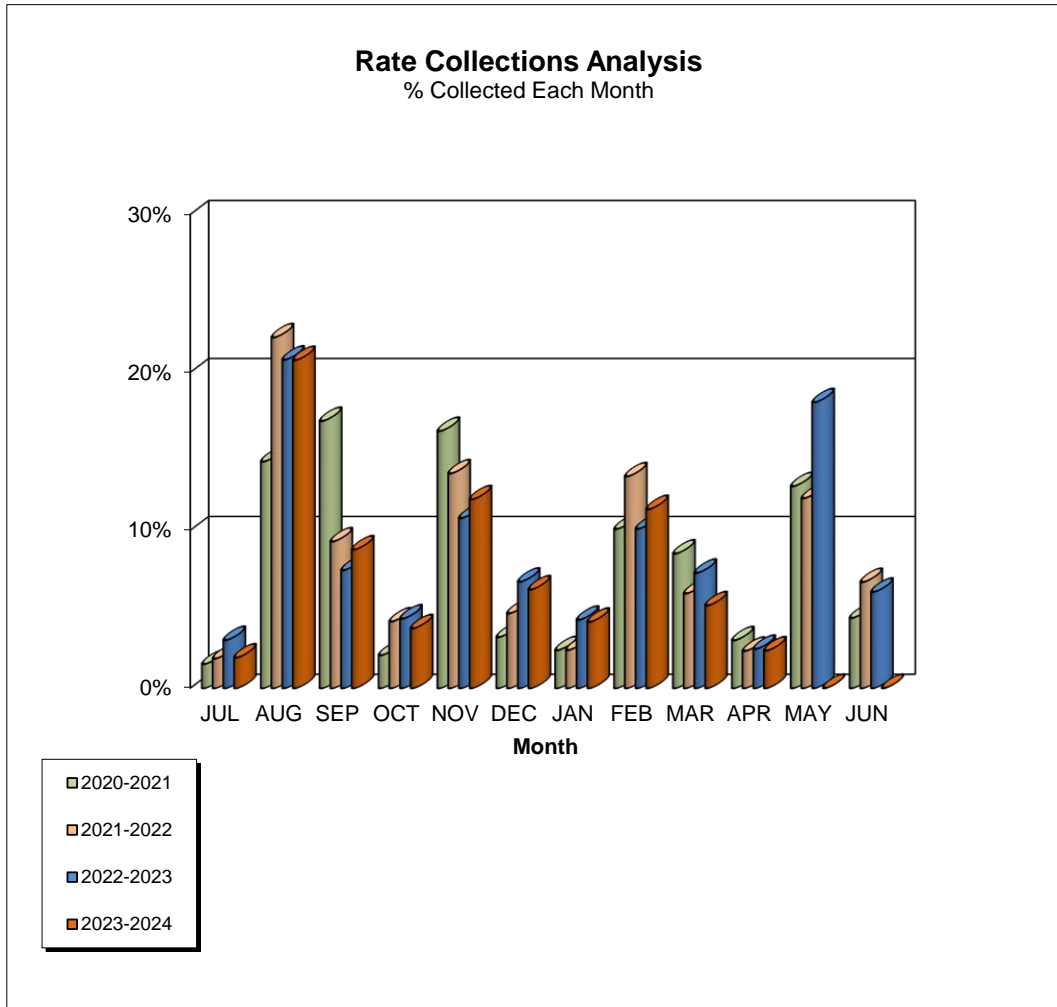
KYOGLE COUNCIL RATES STATEMENT AS AT 30 APRIL 2024

	ARREARS 1-Jul-2023	NET CHARGES 2023-2024	PAYMENTS	OUTSTANDING BALANCE 30/4/2024	ARREARS as at 30/4/2024	% TOTAL COLLECTED incl. ARREARS	% ARREARS COLLECTED 2023-2024
RATES, SERVICES AND INTEREST	835,512.13	13,181,498.99	10,726,888.30	3,290,122.82	237,643.57	76.53%	71.56%

PRESENTED TO COUNCIL MAY 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	\$ -	\$ -	\$ -	\$ -	\$ 2.80	\$ -	\$ -	\$ -	\$ 3.22

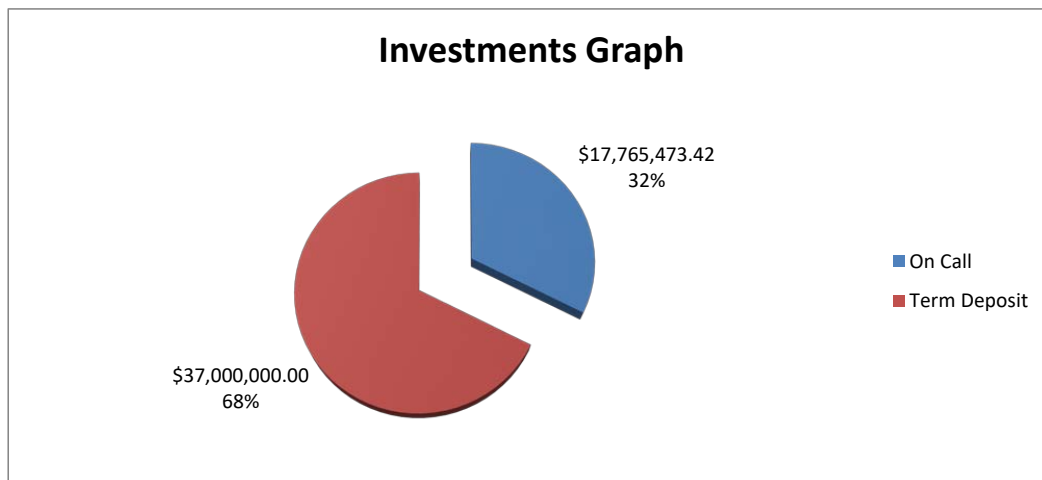
<u>Kyogle Council</u>	
STATEMENT OF FUND BALANCES as at 30-Apr-24	
Fund	Closing Balance
General Fund	
Unrestricted	34,280,663.14
Internally Restricted	3,969,957.00
State Highways	(1,832,265.87)
Quarries	1,189,931.95
Plant	1,585,276.80
Externally Restricted	13,783,548.44
Total General Fund	52,977,111.46
Restricted	
Water Supplies	(119,935.51)
Sewerage Systems	1,689,246.47
Domestic Waste	186,064.26
Trust Fund	32,986.74
Total Restricted	1,788,361.96
Total Consolidated Funds at Bank	54,765,473.42

KYOGLE COUNCIL FINANCIAL ANALYSIS REPORT AS AT 30/04/2024								
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		17,765,473.42	32.44%
Total Cash at Call							17,765,473.42	32.44%
Suncorp	Term Deposit	25-Jan-24	02-May-24	Fixed	Maturity	5.00%	3,000,000.00	5.48%
NAB	Term Deposit	08-Feb-24	09-May-24	Fixed	Maturity	5.05%	2,000,000.00	3.65%
NAB	Term Deposit	29-Feb-24	16-May-24	Fixed	Maturity	4.90%	3,000,000.00	5.48%
Suncorp	Term Deposit	22-Feb-24	23-May-24	Fixed	Maturity	4.94%	2,000,000.00	3.65%
CBA	Cash Deposit	14-Mar-24	30-May-24	Fixed	Maturity	4.67%	3,000,000.00	5.48%
Suncorp	Term Deposit	07-Mar-24	06-Jun-24	Fixed	Maturity	4.95%	2,000,000.00	3.65%
NAB	Term Deposit	21-Mar-24	13-Jun-24	Fixed	Maturity	4.98%	4,000,000.00	7.30%
CBA	Cash Deposit	28-Mar-24	20-Jun-24	Fixed	Maturity	4.70%	6,000,000.00	10.96%
CBA	Cash Deposit	04-Apr-24	27-Jun-24	Fixed	Maturity	4.66%	3,000,000.00	5.48%
Suncorp	Term Deposit	11-Apr-24	11-Jul-24	Fixed	Maturity	4.80%	3,000,000.00	5.48%
Suncorp	Term Deposit	24-Apr-24	25-Jul-24	Fixed	Maturity	4.78%	6,000,000.00	10.96%
Total Cash at Call							37,000,000.00	67.56%
Total Investment Portfolio							\$54,765,473.42	

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

Glenn Rose

Responsible Accounting Officer



**COUNCILLORS TRAVEL EXPENSES
Apr-24**

Councillor Name	Kilometres Claimed		Current Rate per Kilometre	Amount Reimbursed	
	Apr-24	YTD		Apr-24	YTD
K. Webster	250	850	\$0.95	\$237.50	\$801.26
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	208	3,584	\$0.95	\$208.05	\$3,377.24
M. May	0	0	\$0.81	\$0.00	\$0.00
T. Cooper	612	5,064	\$0.95	\$581.40	\$4,810.80
R. Cullen	0	0	\$0.81	\$0.00	\$0.00
J. Murray	0	0	\$0.81	\$0.00	\$0.00
Total	1,070	9,498		\$1,026.95	\$8,989.30

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	-\$195.93	\$0.00	-\$195.93
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 Mulholland	\$1,850.34	\$0.00	\$1,850.34
Seminars & Conferences - Cr Burley	\$54.00	\$0.00	\$54.00
	\$3,981.33	\$0.00	\$3,981.33

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 - APRIL 2024

Author: Executive Manager Corporate Services

Authoriser: Acting General Manager

Attachments:

1. **Kyogle Council Bridge Program Status Report - April 2024**  
2. **Clarence Way Project - Bonalbo to Urbenville - Status Report - April 2024**  
3. **Works Program Progress Report - April 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 – April 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.



KYOGLE COUNCIL BRIDGE PROGRAM MONTHLY STATUS REPORT 2023/2024

REPORTING MONTH: April 2024

REPORT DATE: 08/05/2024

PROGRESS SNAPSHOT

TOTAL NUMBER OF TIMBER BRIDGES REPLACED = 87 of 92 (94.6%)

FCB DEED PERIOD ELAPSED – 149 of 149 weeks (100%) Revised Deed Period – ended on 30/4/2024

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

- One bridge opened to traffic in April – Ryans Creek No. 3 Bridge
- Extension of time for open to traffic of Yabbra, Phelps and Bean Creek Bridges has been granted to end of June 2024. Forecast open to traffic for each is late May 2024.

3 RISKS TO DELIVERY PROGRAM

- 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-five (65) 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
152-494	Yabbra Road Bridge	In situ deck poured – road approach works remaining.	Late May 2024
113-2687	Ryans Creek No.3 Bridge	All works complete. Bridge opened to traffic on 23 April 2024	
291 - 315	Phelps Road Bridge	Abutment works complete and prestressed girders landed. Deck pour programmed for early May.	Late May 2024
13-109	Bean Creek – Suffolks Bridge	Piling works complete. Abutment works in progress.	Late May 2024

Bridge Program Monthly Status Report – Apr 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 have been contracted for Design and Construction of the Group 2 bridges. Four 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	Designer finalising alignment option before repricing. Purchase of land required for the works is in progress.	June 2025
59-11123	Gradys Creek – Lamonds No.1	Community notification released for start of works on 27 May 2024, with a 4-month construction duration. The Road will be closed at the bridge site with alternate route advised through Lynches Creek -> Forest Rd-> Simes Road. Advisory signage will be in place. Council is waiting for the weather to improve before maintenance can be performed on the alternate route roads.	Late September 2024
141-62442	Kyogle Road – Little Back Creek	Bridge opened to traffic in late February. Line marking complete. Contractor is required to clean up the side track.	Complete – except site clean-up.

4.3 ROUND 2 GROUP 1 – BRIDGES

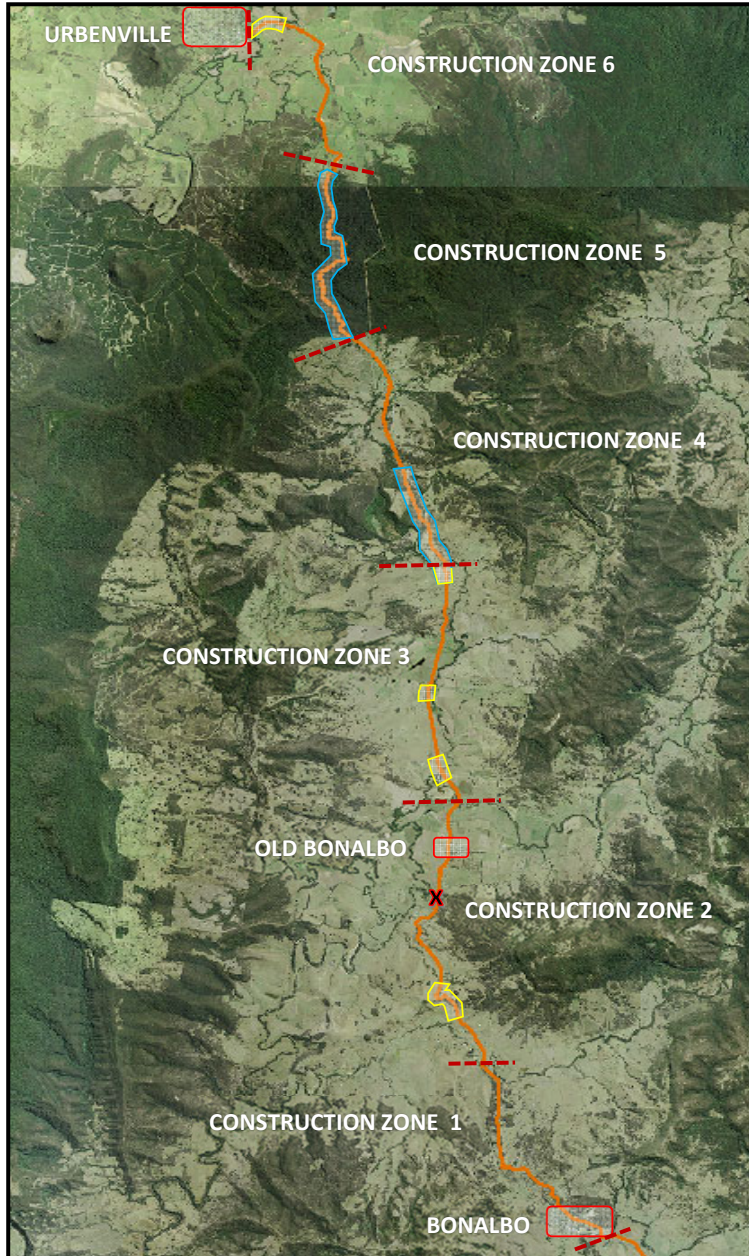
There are three bridges in the FCB Round 2 Program:

- The final design for Paddys Flat Bridge is complete. Procurement of construction materials and environmental review in progress.
- Babyl Creek and Duck Creek Bridges: Works still on track for mid-2024 start onsite.

5 OTHER BRIDGE REPLACEMENTS

Review of Environmental Factors (REF) for Risk Road complete. Next stage is submission of Fisheries Permit before works can commence onsite. Expected start of works at Risk Road in late June / July 2024. Consultant is still working on REF for Sugar Gilder Road Bridge.







No significant developments on the bridges in the \$12M TfNSW Regional Roads Program – focus is on completion of the FCB program.



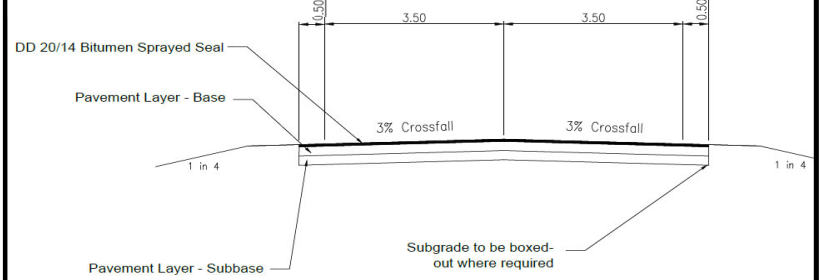
CLARENCE WAY MR361 RRUP - PROPOSED TREATMENTS

- 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.**

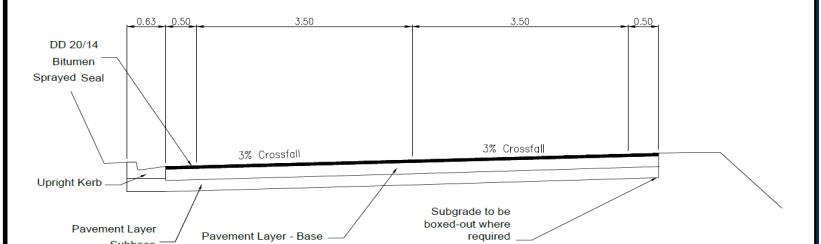
LEGEND

- 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	ACTIVE	APR 2024	JUN 2024
CONSTRUCTION ZONE 2					
1	1.2km North of Sandy Creek Bridge	RC5	ACTIVE	MAY 2024	JUL 2024
2	1.5km Hootons Road intersection	RC5	NEXT	JULY 2024	NOV 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	CC1	ACTIVE	JAN 2024	JUL 2024
CONSTRUCTION ZONE 3					
1	1.8km Bean Creek Flood Zone	RC2	COMPLETE	OCT 2023	FEB 2024
2	1.3km North Duck Creek Bridge	RC2	COMPLETE	FEB 2024	APR 2024
3	1.2km Bean Creek Road intersection	RC2	ACTIVE	APR 2024	JUL 2024
4	1.9km South Knockembandy Bridge	-	CANCELLED	-	-
DRAIN	Drainage upgrades Construction Zone 3	CC1	COMPLETE	Oct 2023	DEC 2023
CONSTRUCTION ZONE 4					
1	1.1km North Knockembandy Bridge	RC2	NEXT	JUL 2024	OCT 2024
2	1.3km South Mills Road intersection	RC5	PLANNED	NOV 2024	JAN 2025
3	1.9km North Mills Road intersection	-	CANCELLED	-	-
4	1km Bean Ck 3 Bridge to Bean Ck 4 Bridge	RC3	NEXT	JUL 2024	SEP 2024
5	1km Bean Ck 4 Bridge to Yabbra Boundary	RC3	ACTIVE	APR 2024	JUL 2024
DRAIN	Drainage upgrades Construction Zone 4	CC1	COMPLETE	DEC 2023	APR 2024
CONSTRUCTION ZONE 5					
1	1km Yabbra Scrub	RC3	PLANNED	SEP 2024	NOV 2024
2	1.2km Yabbra Scrub	RC3	PLANNED	NOV 2024	FEB 2025
3	1.2km Yabbra Scrub	RC3	PLANNED	FEB 2025	MAY 2025
4	1km Yabbra Scrub	RC3	PLANNED	MAY 2025	JUL 2025
5	1.1km Yabbra Scrub	-	CANCELLED	-	-
DRAIN	Drainage upgrades Construction Zone 5	CC2	PLANNED	SEP 2024	JUL 2025
CONSTRUCTION ZONE 6					
1	1.3km North of Yabbra Scrub	RC3	COMPLETE	JAN 2024	APR 2024
2	1.3km South Boomi Creek Bridge	-	CANCELLED	-	-
3	1.5km South Connells Road	-	CANCELLED	-	-
4	1.2km Urbenville Showgrounds	RC3	COMPLETE	NOV 2023	JAN 2024
DRAIN	Drainage upgrades Construction Zone 6	CC2	COMPLETE	OCT 2024	APR 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 MARCH 2024 QUARTERLY BUDGET REVIEW

Author: Manager Financial Services

Authoriser: Acting General Manager

Attachments: 1. **March 2024 Quarterly Budget Review Statement (under separate cover)** 

SUMMARY / PURPOSE

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

RECOMMENDATION

That Council:

1. Receives and notes the March 2024 Quarterly Budget Review Statement;
2. Incorporates the funds identified as revotes in the March 2024 Quarterly Budget Review into the 2023/2024 budget.

BACKGROUND INFORMATION

Legislative Requirements

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

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

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

REPORT

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

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

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

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

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

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

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

Conclusion:

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

13.2 DRAFT DATA BREACH POLICY**Author:** Manager IT**Authoriser:** Acting General Manager**Attachments:** 1. Draft Data Breach Policy (under separate cover) **SUMMARY / PURPOSE**

To present to Council the Draft Data Breach Policy for adoption.

RECOMMENDATION

That Council adopt the attached Draft Data Breach Policy.

REPORT

Part 6a of the Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act) established the NSW Mandatory Notification of Data Breach (MNDB) Scheme. This scheme requires all public sector agencies to prepare and publish a Data Breach Policy (DBP) to manage such breaches and maintain an internal and public register of eligible data breaches.

The attached policy has been created to not only address this legislative requirement but also to provide Kyogle Council with a strategy on how to handle incidents involving unauthorised access, disclosure, or loss of sensitive data effectively and efficiently.

The purpose of this policy is to minimise the impact of a data breach on Council, our customers, and stakeholders to ensure Council reports data breaches in line with the Notifiable Data Breach Scheme – Privacy Act 1998, and to assist in preventing any future breaches.

14 URGENT BUSINESS WITHOUT NOTICE

15 CONFIDENTIAL BUSINESS PAPER**RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

15.1 Tender for Plant and Equipment Hire (Tender 2024/25-001)

This matter is considered to be confidential under Section 10A(2) - di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

15.2 Tender for Rock Filled Gabion and Mattresses (Tender 2024/25-002)

This matter is considered to be confidential under Section 10A(2) - di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

15.3 Tender for Crushing Services (Tender 2024/25-003)

This matter is considered to be confidential under Section 10A(2) - di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

15.4 Tender for Supply of Quarry Products (Tender 2024/25-004)

This matter is considered to be confidential under Section 10A(2) - di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

15.5 Tender for Concrete Works (Tender 2024/25-005)

This matter is considered to be confidential under Section 10A(2) - di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

15.6 Tender for Supply of Precast Bridge Components (Tender 2024/25-006)

This matter is considered to be confidential under Section 10A(2) - di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

15.7 Tender for Supply of Structural Steel Products (Tender 2024/25-007)

This matter is considered to be confidential under Section 10A(2) - di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

15.8 Tender for Pile Installation (Tender 2024/25-008)

This matter is considered to be confidential under Section 10A(2) - di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

15.9 Tender for Supply of Steel Reinforcing Products (Tender 2024/25-009)

This matter is considered to be confidential under Section 10A(2) - di of the Local Government Act,

and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

15.10 Tender 2024/25-011 Industrial Control System Integration Support

This matter is considered to be confidential under Section 10A(2) - di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

15.11 Tender for Supply of 6X4 Rigid Water Cart (Tender 2023/24-013)

This matter is considered to be confidential under Section 10A(2) - di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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