KYOGLE COUNCIL

ORDINARY COUNCIL MEETING AGENDA

TO BE HELD AT KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE

ON MONDAY 16 NOVEMBER 2009

Commencing at 3.30 p.m.

GENERAL MANAGER: ARTHUR PIGGOTT

Dear Councillor,

In accordance with the provisions of the Local Government (General) Regulation 2005, you are hereby notified of the following Ordinary Meeting to be held at the Kyogle Council Chambers, on Monday 16 November 2009, AT 3.30 p.m.

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.

BUSINESS

Item 1	Apologies
Item 2	Opening Prayer
Item 3	Traditional Lands Acknowledgement
Item 4	Declaration of Interests
Item 5	Question Time
Item 6	Public Access
Item 7	Deputations
Item 8	Questions with Notice from Councillors
Item 9	Matters Determined without Further Debate
Item 10	Confirmation of Minutes
Item 11	Mayoral Minute
Item 12	Notices of Motion
Item 13	Reports from Delegates
Item 14	Information Reports
Item 15	Reports from General Manager
	A Technical Services Section
	B Planning Services Section
	C Environmental Services Section
	D Corporate Services Section
	E Community Services Section
	F General Manager's Section
Item 16	Urgent Business Without Notice
Item 17	Confidential Business Paper

ARTHUR PIGGOTT
GENERAL MANAGER

COUNCIL PRAYER

"Almighty God, Ruler of all the Nations, we ask for your blessing upon this Meeting of Council.

Give us your wisdom to work in harmony and direct and prosper all that we do to the advancement of your glory and the true welfare of the People of the Council Area.

AMEN

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Adopted by Council on October 21, 1991.
Resolution 91 /G 1159

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.

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

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

(ARTHUR PIGGOTT),
GENERAL MANAGER.

5.7 Question Time (Council Policy)

A public Question Time session is scheduled following the Declaration of Interests as part of the Ordinary Meeting. This session allows residents to ask questions of Councillors or Management on any issue without prior notice.

Each speaker has a maximum allowable time of 5 minutes.

If a response to a question is not able to be provided during question time, the speaker should be requested to put their question in writing and a written response will be provided in due course and tabled at the next available Council meeting.

The Chair has the right to refuse any question, to refuse to take any further questions from and individual or to end the session.

Speakers are not to debate answers.

Speakers are not to make any insulting or defamatory statements, and to take care when discussing other people's personal information (without their consent).

The maximum duration of this session is 30 minutes.

5.8 Public Access (Council Policy)

That Public Access be scheduled for all Ordinary Meetings of Council.

A maximum of 30 minutes is allowed for the Public Access segment.

Individual residents concerned about a particular issue may make application for public access and are required to register with the General Manager by phone or in writing by the close of business on the working day preceding the meeting day; and include the subject matter of the matter proposed for discussion.

If granted Public Access by the General Manager, the individual resident will be allowed five (5) minutes to address Council with an extension for Councillors to direct questions to the speaker. No more than two speakers for a subject will be permitted Five (5) minutes is allocated for Council's response.

Applicants who submit an application outside the above times will generally be refused, however, where unusual circumstances exist, the Mayor may at his/her discretion, advise the Council that a public access application has been received and Council has the option to grant public access.

5.9 Deputations to Council (Council Policy)

Applications in writing, stating the subject matter to be discussed for Deputations to address Council on a particular subject may be made to the General Manager at least seven (7) days prior to the meeting.

Details of Scheduled deputations are to be included in the Business Paper; Deputations are allowed twenty (20) minutes to address Council and twenty (20) minutes for questions and answers. (Resolution 29/11/93-[007]).

ORDINARY COUNCIL MEETING AGENDA

Monday 16 November 2009

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ITEM 1 APOLOGIES

ITEM 2 OPENING PRAYER

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

ITEM 4 DECLARATION OF INTERESTS

Nil.

ITEM 5 QUESTION TIME

Nil.

ITEM 6 PUBLIC ACCESS

Nil.

ITEM 7 DEPUTATIONS

Nil.

ITEM 8 QUESTIONS WITH NOTICE FROM COUNCILLORS

Nil.

ITEM 9 MATTERS DETERMINED WITHOUT FURTHER DEBATE

9.1 MATTERS DETERMINED WITHOUT DEBATE

Summary/Purpose

This report seeks Council determination of those items that do not require further debate.

Report

This item allows Council to determine those matters that will be adopted “en globo” and assist in Council meetings operating smoothly and avoid undue delays where Councillors agree with the staff recommendations.

Upon the moving of this motion, the Mayor will then invite Councillors to call the item numbers of any report(s) which they wish to be excluded from the general resolution and considered separately.

Recommendation

1. That Council identify those matters to be dealt with by the exception method.
2. That the remaining matters be adopted.

ITEM 10 CONFIRMATION OF MINUTES

10.1 CONFIRMATION OF ORDINARY MINUTES

Summary/Purpose

A copy of the Minutes for the Ordinary Meeting held on 19 October 2009 is included in the attachments to the business paper.

Recommendation

That the Minutes of the Ordinary Meeting held 19 October 2009 be adopted.

Attachments

1. Minutes of the Ordinary meeting held 19 October 2009.

10.2 CONFIRMATION OF EXTRAORDINARY MINUTES

Summary/Purpose

A copy of the Minutes for the Extraordinary Meeting held on 26 October 2009 is included in the attachments to the business paper.

Recommendation

That the Minutes of the Extraordinary Meeting held 26 October 2009 be adopted.

Attachments

1. Minutes of the Ordinary meeting held 26 October 2009.

ITEM 11 MAYORAL MINUTE

Nil.

ITEM 12 NOTICES OF MOTION

Nil.

ITEM 13 DELEGATES REPORTS

13.1 DEPUTY MAYOR ATTENDANCES

Summary/Purpose

The following summarises the Deputy Mayor Attendances for the period 1st October 2009 through 5th November 2009.

Date	Attendance
30th, 31st October & 1st November 2009	Keep Australia Beautiful NSW Tidy Towns Sustainable Communities 2009 Awards with John Hession, Director Planning & Environmental Services and Bruno Spudiro, Council Gardner and members of Tidy Towns Kyogle, including Cr. & Mrs Robert Dwyer. Kyogle Tidy Towns was nominated for 3 awards and won a Highly Commended in the Schools Environment Award category for Kyogle High School.
4th November 2009	NSW Police Force Richmond Local Area Command Awards Presentation Ceremony. Also in attendance from local councils were Cr. Jenny Dowell, Lismore Mayor, Cr. Col Sullivan, Richmond Valley Mayor and Cr. Alan Brown, Ballina Council.

Report

Kyogle resident, former-Senior Sergeant Noel Gibson, received a medal for 30 years meritorious service and ethical conduct.

Recommendation

1. That the information contained in the Deputy Mayor Attendances for the period 1 October 2009 through 5 November 2009 be received and noted.
2. That Council send a letter of congratulations to Mr Gibson.

ITEM 14 INFORMATION PAPERS

14.1 MONTHLY FINANCE REPORT - OCTOBER

Summary/Purpose

This report serves to advise Council of matters of interest not requiring a determination by Council and/or not affecting Council Policy.

Background Information

Legislative Requirements
Clause 212 of the Local Government (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, with additional detail available through inspection of the monthly cheque warrant.

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1. (A) Finance Reports

Summary reports outlining Council's financial position as at 31 October 2009. The reports presented include:

- Rates Statement
- 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.

2. (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.

Recommendation

That the information contained in the Monthly Finance Report – October 2009 be received and noted.

Attachments

1. Financial Reports
2. Councillors Travel

ITEM 15 GENERAL MANAGER 'S REPORT

ITEM 15A TECHNICAL SERVICES REPORT

15A.1 WORKS COMMITTEE MEETING - NOVEMBER 9, 2009

Summary/Purpose

This report presents the minutes of the Works Committee Meeting held Monday November 9, 2009.

Report

Kyogle Council

Unconfirmed Minutes of the Works Committee Meeting held in the Council Chambers, Stratheden Street, Kyogle, on November 9, 2009.

PRESENT
Cr. R. Brown, (Mayor in the Chair), Cr. L. Zito, Cr. R. Dwyer, Cr. J. Reilly and Cr. T. Cooper.

IN ATTENDANCE
The General Manager, the Director of Technical Services, the Director of Corporate & Community Services, the Works Manager, the Assets Manager, the Plant & Depot Co-ordinator and the Personal Assistant to Technical Services.

MEETING COMMENCEMENT
The Mayor declared the meeting open at 2:32 p.m.

ITEM 1 APOLOGIES
Nil

ITEM 2 OPENING PRAYER
The Mayor read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT
The Mayor acknowledged that the meeting was being held on the Traditional Lands of the Bundjalung people.

ITEM 4 DECLARATION OF INTERESTS
Nil

ITEM 5 REPORTS

Item-5.1 RURAL AND URBAN WORKS REPORT

Committee's Recommendation
Moved Councillor Lynette Zito, seconded Councillor Tom Cooper.

That the Rural and Urban Works report be received and noted.

The motion was put to the vote and was CARRIED unanimously.

Item-5.2 STATE ROAD WORKS REPORT

Committee's Recommendation
Moved Councillor Lynette Zito, seconded Councillor Tom Cooper.

That the State Road Works report be received and noted.

The motion was put to the vote and was CARRIED unanimously.

Item-5.3 REGIONAL ROAD WORKS REPORT

Committee's Recommendation
Moved Councillor Lynette Zito, seconded Councillor John O'Reilly.

That the Regional Road Works Report be received and noted.

The motion was put to the vote and was CARRIED unanimously.

Item-5.4 PLANT BUDGET REPORT Oct

Committee's Recommendation
Moved Councillor John O'Reilly, seconded Councillor Lynette Zito.

That the Plant Budget Report be received and noted.

The motion was put to the vote and was CARRIED unanimously.

Item-5.5 QUARRIES REPORT

Committee's Recommendation
Moved Councillor Lynette Zito, seconded Councillor John O'Reilly.

That the Quarries Report be received and noted.

The motion was put to the vote and was CARRIED unanimously.

Item-5.6 FINANCIAL PERFORMANCE MAJOR WORKS - OCTOBER

Committee's Recommendation
Moved Councillor Tom Cooper, seconded Councillor Lynette Zito.

That the Financial Performance Major Works Report be received and noted.

The motion was put to the vote and was CARRIED unanimously.

Item-5.7 ROAD NAMING - UNNAMED ROAD 314 AT BOTTLE CREEK

Committee's Recommendation
Moved Councillor Lynette Zito, seconded Councillor Tom Cooper.

That, under section 162 of the Roads Act 1993, Council adopts the proposed road name shown below and serve notice of this name on Australia Post, the Registrar-General and the Surveyor General as required under Section 7 of the Roads (General) Regulation 2000, prior to Gazettal.

Road No.	314
Description of Route	The unnamed road off Clarence Way in a westerly direction through Lot 183 DP 875828, ending at the boundary of Lot 181 DP 875828, a total distance of 713m.
Proposed Road Name	Cookes Lane
Reason	Un-named lane

The motion was put to the vote and was CARRIED unanimously.

Item-5.8 REQUEST FOR TRANSFER OF CROWN ROAD - DUCK CREEK

Committee's Recommendation
Moved Councillor Ross Brown, seconded Councillor Lynette Zito.

1. That the Works Committee receives and notes the report Request for Transfer of Crown Road – Duck Creek.

The motion was put to the vote and was CARRIED unanimously.

Moved Councillor Ross Brown, seconded Councillor John O'Reilly.

2. That Council staff are authorised to negotiate with State Forests with a view to receiving their assistance with upgrading of the road.

The motion was put to the vote and was CARRIED unanimously.

Moved Councillor Tom Cooper, seconded Councillor Lynette Zito.

3. That Council apply to the NSW Department of Lands for transfer of the section of Crown Road identified below;

Road No.	N/A
Description of Route	The un-named section of Crown road known as Goanna Creek Road from the intersection with Duck Creek Road which runs in a south-easterly direction through Lot 14 DP 751047, Lot 1 DP 747578, Lot 2 DP 747578, Lot 7 DP 751047, Lot 10 DP 751047 through to a point approximately 40m past the point where the Crown Road meets the northern most boundary of Lot 6 DP 751047. Total length 1.3km.

4. That upon transfer of the Crown Road described below, Council advertises for submissions from the public on the proposed naming of the road as follows;

Road No.	To be determined
Description of Route	The un-named section of Crown road from the intersection with Duck Creek Road which runs in a south-easterly direction through Lot 14 DP 751047, Lot 1 DP 747578, Lot 2 DP 747578, Lot 7 DP 751047, Lot 10 DP 751047 through to a point approximately 40m past the point where the Crown Road meets the northern most boundary of Lot 6 DP 751047. Total length 1.3km.
Proposed Road Name	Goanna Creek Road
Reason	Un-named road

The motion was put to the vote and was CARRIED unanimously.

Item-5.9 REVIEW OF ROAD NETWORK - MACQUEENS ROAD

Committee's Recommendation
Moved Councillor Lynette Zito, seconded Councillor John O'Reilly.

That, under section 162 of the Roads Act 1993, Council adopts the proposed road name shown below and serve notice of this name on Australia Post, the Registrar-General and the Surveyor General as required under Section 7 of the Roads (General) Regulation 2000, prior to Gazettal.

Road No.	316
Description of Route	The un-named road off Babyl Creek Road in an easterly direction through Lot 241 DP 755732 ending at the boundary of Lot 81 DP 1022677, a total distance of 430m.
Proposed Road Name	Nobles Road
Reason	Un-named lane

The motion was put to the vote and was CARRIED unanimously.

MEETING CLOSURE
There being no further business the Mayor declared the meeting closed at 3:02 p.m.

Recommendation

1. That the minutes of the Works Committee meeting held 9 November 2009 be received and noted.

2. That, under section 162 of the Roads Act 1993, Council adopts the proposed road name shown below and serve notice of this name on Australia Post, the Registrar-General and the Surveyor General as required under Section 7 of the Roads (General) Regulation 2000, prior to Gazettal.

Road No.	314
Description of Route	The unnamed road off Clarence Way in a westerly direction through Lot 183 DP 875828, ending at the boundary of Lot 181 DP 875828, a total distance of 713m.
Proposed Road Name	Cookes Lane
Reason	Un-named lane

3. That Council staff are authorised to negotiate with State Forests with a view to receiving their assistance with upgrading of the road.

4. That Council apply to the NSW Department of Lands for transfer of the section of Crown Road identified below;

Road No.	N/A
Description of Route	The un-named section of Crown road known as Goanna Creek Road from the intersection with Duck Creek Road which runs in a south-easterly direction through Lot 14 DP 751047, Lot 1 DP 747578, Lot 2 DP 747578, Lot 7 DP 751047, Lot 10 DP 751047 through to a point approximately 40m past the point where the Crown Road meets the northern most boundary of Lot 6 DP 751047. Total length 1.3km.

5. That upon transfer of the Crown Road described below, Council advertises for submissions from the public on the proposed naming of the road as follows;

Road No.	To be determined
Description of Route	The un-named section of Crown road from the intersection with Duck Creek Road which runs in a south-easterly direction through Lot 14 DP 751047, Lot 1 DP 747578, Lot 2 DP 747578, Lot 7 DP 751047, Lot 10 DP 751047 through to a point approximately 40m past the point where the Crown Road meets the northern most boundary of Lot 6 DP 751047. Total length 1.3km.
Proposed Road Name	Goanna Creek Road
Reason	Un-named road

6. That, under section 162 of the Roads Act 1993, Council adopts the proposed road name shown below and serve notice of this name on Australia Post, the Registrar-General and the Surveyor General as required under Section 7 of the Roads (General) Regulation 2000, prior to Gazettal.

Road No.	316
Description of Route	The un-named road off Babyl Creek Road in an easterly direction through Lot 241 DP 755732 ending at the boundary of Lot 81 DP 1022677, a total distance of 430m.
Proposed Road Name	Nobles Road
Reason	Un-named lane

15A.2 REGIONAL LOCAL COMMUNITY INFRASTRUCTURE PROGRAM

Summary/Purpose

This report is to provide Council with information relating to the Commonwealth Governments Regional Local Community Infrastructure Program (RLCIP).

Background Information

Council previously received an allocation of $401,000 under the first round of the RLCIP. This funded a number of projects across the Local Government Area, all of which have now been completed. A final report on these projects is required to be completed by November 30, 2009 under the terms of the Funding Agreement.

Previous Council Consideration

The following information is taken from a report presented to Council at its Ordinary Meeting of July 20, 2009;

> *The second annual ACLG meeting was held in late June 2009 in Canberra and all Mayors were once again invited to attend. Discussions were held on the infrastructure requirements to build resilience into local councils and economies. The Prime Minister Mr Kevin Rudd announced another $220M dollars for local government infrastructure projects. Of this $100M is in direct grants to all local Government areas using the same formula as last year. Of this Kyogle Council was granted $155,000 to spend on community infrastructure in 2010. Another $100M is made available via application on a competing basis similar to last year, in which Kyogle Council was unsuccessful.*
>
> *There were some important points made during the speeches by the Prime Minister Kevin Rudd, The Hon Anthony Albanese MP, Minister for Transport, Regional Development and Local Government and in discussions with Janelle Saffin Federal Member for Page and they are summarised below:-*

1. *If Council has not fully expended and acquitted for the $401,000 grant from last by the due date don't bother applying for any more.*
2. *Preference for the competing funds will be given to those projects with the biggest multiplier effect i.e. matching funding or better.*
3. *Preference will be given to those that create jobs.*
4. *Small Councils can join together to put in submissions that distribute the funds over a wider area.*
5. *Preference appears to go to well planned projects that have already been in existence, not projects thrown together at the last minute.*

To demonstrate those principles the two projects that got funding from the last round in our area were the Evans Head Swimming pool (community had already raised $300,000) and the last street of the Lismore CBD upgrade (already been done and funded by Council). Both long standing and long term projects.

At its Ordinary Meeting of July 20, 2009 Council resolved:

That Council staff prepare a list of projects for the expenditure of the $155,000 in 2010, in compliance with guidelines provided by the Federal Government.

Those projects are to be presented to Council for determination.

That Council staff prepare a list of projects that may comply with the identified preferences above for consideration to apply for the competing funds.

That Council consider utilizing part of the $155,000 Community Infrastructure Program Funding to develop a plan for "transitional aged accommodation unit/s" on the Crown land block adjacent to the Woodenbong Preschool (next to the Aged Care) subject to suitability.

Report

Council is required to make a determination on two separate items relating to the Regional and Local Community Infrastructure Program Round 2. These are the selection of suitable projects for the non-competitive direct allocation of $155,000 and the selection of a single project suitable for application for the strategic projects competitive component.

1. RLCIP Non Competitive Component

Projects for this component must meet the requirements of the program guidelines and must be additional to existing planned activities, be ready to proceed, or additional stages of current projects. Additional projects are those not in the 2009/10 budget that can be brought forward as a result of RLCIP funding. Ready to proceed means that construction can commence within three (3) months.

The proposal to utilise part of the $155,000 to develop a plan for transitional aged accommodation units on the Crown Land block adjacent to the Woodenbong pre-school does not meet the program requirements as only construction based projects are eligible. If the proposal was changed from preparing a plan to actually

constructing an aged care facility, it is not likely to be ready for construction within the nominated three month period.

The following list of projects have been compiled from input from staff and the community.

Upgrade of sewerage system at Kyogle Showground to provide gravity sewerage connections - $55,000. Survey and design works have been completed and project is ready for construction.

Stage 2 of the piping of the open drain in Lower Highfield adjacent to Andersons Engineering on the Summerland Way, Kyogle. - $40,000. Survey and design works have been completed and project is ready for construction. Stage 1 is programmed for 2009/10 ($70,000) and there will be costs savings by undertaking both stages concurrently.

Various PAMP projects in the villages other than Kyogle – $60,000 (estimate only, total allocation to be determined by Council). Specific projects would be selected by Director Technical Services based on budget allocated. Only minor pre-construction activities required, multiple projects are ready to commence construction within specified time frame.

Woodenbong Progress Association (Futures Funding Application) - $10,000 upgrade of McPherson Street seating facilities and beautification of Median Strip. Whilst this type of project generally appears to meet the program guidelines, no plan has been prepared for the proposed works. There are concerns in relation to mobility access and risk to pedestrians associated with turning a median into an area of public access. Merit is not clear as presented, but perhaps the beautification component could be implemented without requiring public access to the area, estimated costs around $5,000.

Kyogle Interagency against Domestic Violence (Management Plan Submission) - fence around playground at Highfield Park and BBQ at Highfield Park. No estimate provided, but the project would be eligible under program guidelines. It should be noted that not any of Council's other playgrounds are fenced, and the merits of fencing off the playground are not clear. Council still has $8,400 available in the current budget for provision of new BBQs. It was planned to install an electric BBQ at the Highfield playground site, but the costs of a new electric BBQ are around $12,000 plus provision of power, estimated at around $5,000 for the site in question which is currently not powered. An additional $9,000 allocation would allow an electric BBQ to be installed at the site.

Ettrick Hall Committee (Management Plan Submission) picnic table with cover beside hall - No estimate provided, but project would be eligible under program guidelines. Estimated at $7,000.

Tabulam Chamber of Commerce (Management Plan Submission) - shade structures and tables on the land bordering Bruxner Highway. No estimate

provided, but the project would be eligible under program guidelines. This project could be implemented with additional footpath in the same area to connect existing footpath through to public phone booth and shops. The additional structures would be around $15,000.

Bonalbo Preschool (Management Plan Submission) – quote at time of submission was $24,341 for softfall at preschool. Project would be eligible under program guidelines. Given age of quote, revised estimate of $26,000 should be used.

Kyogle Seniors Centre – acoustics improvements. Involves installation of specialised panels to ceiling. This project would be eligible under the program guidelines. Updated quotes have been requested, however at the time of writing this report were not available. Estimated to cost around $60,000 - $70,000

Grove House – roof repair/upgrade. This project does not appear to be eligible under the program guidelines. Updated quotes have been requested, however at the time of writing this report were not available. Estimated to cost around $5,000. It may be possible to fund these works from within the existing budget.

Grove House – lift installation. This project would be eligible under the program guidelines. Updated quotes have been requested, however at the time of writing this report were not available. Estimated to cost around $60,000. Council has $30,000 in the current budget for mobility access which could be put towards this project.

2. RLCIP Competitive Strategic Projects Component

Projects for this component must meet the requirements of the program guidelines and must be additional to existing planned activities, be ready to proceed, or additional stages of current projects. Additional projects are those not in the 2009/10 budget that can be brought forward as a result of RLCIP funding. Ready to proceed means that construction can commence within six (6) months. Projects must be for a minimum contribution of $1 million and preference is given to projects with a greater co-contribution. In a staged project the completed stages can be included as part of the co-contribution. Each Council is only allowed to make application for one project under this component.

Projects that would meet the guidelines are;

Kyogle Main Street Redevelopment – Current Stage $1.2 million, Stage 2 $1.2 million. Stage 2 allows for the completion of the footpath works, street furniture and outdoor dining areas on the Summerland Way from Wyangarie Street to Kyogle Road, as well as footpath in Geneva Street west of the Summerland Way as per the adopted master plan. Stage 3 would be the construction of the roundabouts at Wyangarie Street, Stratheden Street, Geneva Street and Kyogle Road and these are not proposed to be included in the current application. This would see the

application submitted on the basis of 1:1 funding contributions between Council and the Commonwealth Government.

Kyogle Waste Management Facility Upgrade – Total project cost $2 million, with a Council contribution of $500,000. The project involves construction of a new landfill cell, a weigh bridge, new public facilities, and new waste processing equipment to maximise landfill life and recycling and reuse of waste.

Kyogle Water Supply Augmentation - $4.5M at 1:1 contribution. This project is also eligible for funding under the Country Towns Water Supply and Sewerage Program, and an application is also to be made for funding under the National Water Security Plan for Cities and Towns. Applications for this program are to be lodged prior to December 1, 2009. Given the other avenues of funding available for this project, it would seem appropriate to give preference to one of the other projects for the RLCIP strategic projects application.

Budget & Financial Aspects

The projects are to be funded from additional financial assistance received under the RLCIP.

Recommendation

1. That the Regional Local Community Infrastructure Program report be received and noted.
2. That Council applies for the following projects under the non-competitive component of the Regional Local Community Infrastructure Program;
    a. Upgrade of the sewerage system at the Kyogle Showground - $55,000
    b. Stage 2 of the piping of open drain Summerland Way, Kyogle - $40,000
    c. Various PAMP projects in villages other than Kyogle - $60,000
3. That Council applies for funding under the competitive Strategic Projects component of the Regional Local Community Infrastructure Program for the completion of Stages 1 and 2 of the Kyogle Main Street Redevelopment project.

15A.3 NAMING OF BRIDGES ON CLARENCE WAY

Summary/Purpose

This report is to advise Council of public submissions relating to the naming of new bridges on Regional Roads to be replaced under the Regional Roads Timber Bridge Partnership.

Previous Council Consideration

A report was considered by Council at its Ordinary Meeting on September 21, 2009, it was resolved;

1. *That the request to name the new Tunglebung Creek Bridge "Ryans Bridge" and the Tooloom Creek Bridge "S W Reid Bridge" be advertised and public submissions be invited on those proposals and on naming the other unnamed bridges, replaced under the Regional Roads Timber Bridge Partnership program and*
2. *That a further report be presented to Council on any submissions received.*

Report

An advertisement was placed in the newspaper on 3 October, 2009, in accordance with the above resolution, with a closing date for public submissions of 30 October, 2009.

One submission was received, requesting Little Creek Bridge be renamed Littles Bridge or Hollis Bridge.

Two submissions were received for the naming of Bean Creek No 2 bridge. Both submissions suggested the name "Knockembandy Bridge" after the property which is adjacent to the bridge. The second submission also submitted an alternative name of "F. R. B. Johnston Bridge" after the owner of the Knockembandy property since the 1940's. This bridge is known locally as Knockembandy Bridge but has never been formally named.

No other submissions were received.

Copies of the submissions are attached.

Recommendation

1. That the name "Ryans Bridge" be adopted for the Tunglebung Creek Bridge on the Clarence Way.
2. That the name "SW Reid Bridge" be adopted for the bridge over Tooloom Creek at Woodenbong.
3. That the name "Littles Bridge" be adopted for the bridge over Little Creek.

4. That the name “Knockembandy Bridge” be adopted for the Bean Creek No 2 Bridge.

Attachments

1. Submission suggesting name of "Littles Bridge" for the bridge over Little Creek on the Clarence Way.
2 Submissions relating to the Bean Ck No 2 bridge.

ITEM 15B PLANNING SERVICES REPORT

15B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD OCTOBER 1, 2009 TO OCTOBER 30, 2009

Report

05/131

Property:	Lot 784 DP 845464 Queebun Parish, Rous County
Address::	Dyraaba Road Dyraaba
Applicant/Owner:	Mark Stewart / M & H Stewart
Proposal:	Dwelling In Principle
Received:	Referred To DMP For Comment
Status:	Applicant to advise

06/81

Property:	L 97 DP 755751 Warrazambil Parish, Rous County
Address::	Lynches Creek Road Lynchs Creek
Applicant/Owner:	Shane McDaniel Hickey / S & J Hickey
Proposal:	Piggery Shed
Received:	Referred To DMP For Comment
Status:	Applicant to advise

2006/159

Property:	Lot 2 DP 123265 Boorabee Parish, Rous County
Address::	Mulvena Road, Larnook
Applicant/Owner:	Tony Michael Boyd / Comdox No.203 Pty Ltd
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Applicant to advise

2006/187

Property:	Lot 612 DP 1043412 Boorabee Parish, Rous County
Address::	Boorabee Road, Boorabee Park
Applicant/Owner:	Simon Peter Van Oorde / SP Van Oorde
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Applicant to advise

2007/161

Property:	Lot 1 DP 529272 Fairy Mount Parish, Rous County
Address::	Kyogle Rd Kyogle
Applicant/Owner:	Newton Denny Chapelle / GF & CJ Rogers
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Applicant to advise

2007/176

Property:	Lot 77 DP 755723 Mummulgum Parish, Rous County
Address::	Bruxner Highway Mummulgum

Applicant/Owner:	P N Van Mourik / WJ & PN Van Mourik
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Applicant to advise
2007/188	
Property:	Lot 32 DP 1047834 Queebun Parish, Rous County
Address::	Carruthers Rd Doubtful Creek
Applicant/Owner:	John Joseph Hession / Tasmanian Plantation Pty Ltd
Proposal:	Subdivision
Received:	Referred to Department of Lands & RFS for Comment
Status:	Consultant to advise
2007/194	
Property:	Lot 104 DP 1018683 Loadstone Parish, Rous County
Address::	Gradys Creek Rd Gradys Creek
Applicant/Owner:	Enviro Link Consulting / G Graham & SJ Cleeve
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Applicant to advise
2007/200	
Property:	Lot 48 DP 755733 Roseberry Parish, Rous County
Address::	Roseberry Creek Rd Roseberry Creek
Applicant/Owner:	Enviro Link Consulting / PF Kedwell
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comment
2008/17	
Property:	Lot 1 DP 527983 Sandilands Parish, Drake County
Address::	Bruxner Hwy Sandilands
Applicant/Owner:	Enviro Link Consulting / SH & KA Larsson
Proposal:	Industrial Facility -Soyabean Processing Facility
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comment
2008/87	
Property:	Lot 1 DP 820659 Peacock Parish, Buller County
Address::	Station Road, Bonalbo
Applicant/Owner:	Newton Denny Chapelle / GT & DL Jarrett & Tasmanian Plantations P/L
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Applicant to advise
2008/88	
Property:	Lot 54 DP 751074 Peacock Parish, Buller County
Address::	Station Road, Gorge Creek
Applicant/Owner:	Newton Denny Chapelle / GT & DL Jarrett & Tasmanian Plantations P/L
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Applicant to advise
2008/125	
Property:	Lot 101 DP 881876 Fairy Mount Parish, Rous County

Address::	Green Pigeon Rd Green Pigeon
Applicant/Owner:	Allan Clarke / The Secretary, Green Pigeon Pty Ltd
Proposal:	4 Commercial Sheds
Received:	Referred To DMP For Comment
Status:	Applicant to advise

2009/6

Property:	Lot 3 DP 1122813 Boomi Parish, Buller County
Address::	Boomi Creek Rd Boomi Creek
Applicant/Owner:	Enviro Link Consulting / DP & GJ Stace
Proposal:	Subdivision
Received:	Referred To RFS For Comment
Status:	Applicant to advise

2009/18

Property:	Lot 2 DP 810222 Wiangarie Parish, Rous County
Address::	Summerland Way, New Park
Applicant/Owner:	Newton Denny Chapelle / PA, CL, & LJ Bordin & ER Smith
Proposal:	Subdivision
Received:	Referred To DMP for Comment
Status:	Applicant to advise

2009/32

Property:	Lot 157 DP 781822 Fairy Mount Parish, Rous County
Address::	Irwin St Kyogle
Applicant/Owner:	Enviro Link Consulting / SA Hoffman
Proposal:	Strata
Received:	Referred To DMP For Comment
Status:	Applicant to advise

2009/34

Property:	Lot 5 DP 843729 Roseberry Parish, Rous County
Address::	Roseberry Creek Rd Roseberry Creek
Applicant/Owner:	LandPartners / Currey Family Holdings P/L & KGC Nominees P/L
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Applicant to advise

2009/35

Property:	Lot 1 DP 1005177 Fairy Mount Parish, Rous County
Address::	Colin St Kyogle
Applicant/Owner:	Newton Denny Chapelle / Jarrett, Nash & Parrington
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Awaiting outcome of LEP 22

2009/46

Property:	Lot 7 DP 759111 Donaldson Parish, Rous County
Address::	Macpherson St Woodenbong
Applicant/Owner:	Enviro Link Consulting / Jasmine Blue Pty Ltd
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Applicant to advise

2009/48

Property:	Lot 2 DP 22315 Runnymede Parish, Rous County
Address::	Summerland Way Kyogle
Applicant/Owner:	WO Lollback / WO & DL Lollback
Proposal:	Two Units Strata Title
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions

2009/120

Property:	Lot 13 DP 755753 Wiangarie Parish, Rous County.
Address::	Collins Creek Road Collins Creek
Applicant/Owner:	David Charles Wright / DC Wright & NJ Anderson
Proposal:	Subdivision By Boundary Adjustment
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments

2009/126

Property:	Lot 13 DP 834450 Wiangarie Parish, Rous County.
Address::	Collins Creek Rd Fawcetts Plain
Applicant/Owner:	Brendan Neil Pratt / BN Pratt & FM Farrah
Proposal:	Spray Booth
Received:	Referred To DMP For Comment
Status:	Applicant to advise

2009/158

Property:	Lot 15 DP 6798 Runnymede Parish, Rous County.
Address:	Summerland Way Kyogle
Applicant/Owner:	Newton Denny Chapelle / LW Rixon
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments

2010/4

Property:	Lot 278 DP 4517 Fairy Mount Parish, Rous County.
Address:	Bloore St Kyogle
Applicant/Owner:	Stephen P McElroy & Associates / Ulutaye Holdings Pty Ltd
Proposal:	Demolition Of Shed
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments

2010/10

Property:	Lot 20 DP 755733 Roseberry Parish, Rous County.
Address:	O'Donnel Creek Road Eden Creek
Applicant/Owner:	Douglas Edward Petherbridge / MF Lazaredes & Others
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions

2010/12

Property:	Lot 3 DP 21237 Fairy Mount Parish, Rous County.
Address:	Wyndham St Kyogle
Applicant/Owner:	Rodney Nardi / R Nardi
Proposal:	Dwelling and Retaining Walls
Received:	Referred To DMP for Comment
Status:	Applicant to advise

2010/16

Property:	Lot 741 DP 841754 Geneva Parish, Rous County.
Address::	Omagh Rd Geneva
Applicant/Owner:	Ian Godfrey Judd / IG & CM Judd
Proposal:	Swimming Pool
Received:	Referred to DMP for Comment
Status:	Approved subject to conditions

010/19

Property:	Lot 9 DP 1135559 Runnymede Parish, Rous County.
Address:	Andrew St Kyogle
Applicant/Owner:	Stephen Mark Scarrabelotti / SM & JM Scarrabelotti
Proposal:	Fence
Received:	Referred to DMP for Comment
Status:	Approved by Council

2010/25

Property:	Lot 1 DP 853682 Hanging Rock Parish, Rous County.
Address:	Lillian Rock Rd Lillian Rock
Applicant/Owner:	Andreas Albert Kindermann / AA Kindermann
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions

2010/29

Property:	Lot 11 DP 1001690 Hanging Rock Parish, Rous County.
Address:	Lillian Rock Rd Lillian Rock
Applicant/Owner:	Rainbow Ridge School
Proposal:	School Facilities - Classroom, library, kitchen & foyer
Received:	Referred To DMP for Comment
Status:	Approved subject to conditions

2010/30

Property:	Lot 7 DP 11630 Fairy Mount Parish, Rous County.
Address:	Colin St Kyogle
Applicant/Owner:	B & T Garages / PJ Boyle & LL Wagner
Proposal:	Shed
Received:	Referred To DMP for Comment
Status:	Approved subject to conditions

2010/38

Property:	Lot 87 DP 1071123 Fairy Mount Parish, Rous County.
Address:	Bloore St Kyogle
Applicant/Owner:	Kyogle Senior Centre / Kyogle Council
Proposal:	Sign
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions

2010/39

Property:	Lot 855 DP 803944 Loadstone Parish, Rous County.
Address:	Cedargetters Rd Gradys Creek
Applicant/Owner:	Danielle Sandra Mulholland-Eaton / DS Mulholland-Eaton
Proposal:	Multiple Occupancy
Received:	Referred To DMP For Comment

Status:	Waiting Decision

2010/41

Property:	Lot 14 DP 792536 Geneva Parish, Rous County.
Address:	Ettrick Rd Horse Station Creek
Applicant/Owner:	Newton Denny Chapelle / DL & MG Keogh
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Waiting Decision

2010/42

Property:	Lot 100 DP 814660 Runnymede Parish, Rous County.
Address:	Craig St Kyogle
Applicant/Owner:	All Steel Garages & Sheds / JH & CJ Graham
Proposal:	Awning
Received:	Referred To DMP For Comment
Status:	Applicant to advise

2010/50

Property:	Lot 31 DP 578825 Ettrick Parish, Rous County.
Address:	Iron Pot Creek Rd Ettrick
Applicant/Owner:	Shauna Gaye Everitt / DL & SG Everitt
Proposal:	Change Of Use
Received:	Referred To DMP For Comment
Status:	Waiting Decision

2010/52

Property:	Lot 402 DP 830247 Ettrick Parish, Rous County.
Address:	Iron Pot Creek Rd Ettrick
Applicant/Owner:	Bragg Enterprises Pty Ltd / LD Butterfield
Proposal:	Pool
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions

2010/53

Property:	Lot 15 DP 1088683 Wiangarie Parish, Rous County.
Address:	Collins Creek Rd Collins Creek
Applicant/Owner:	Christopher Myles Edward Pike / CME Pike & GDC Van Rensen
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions

2010/54

Property:	Lot 54 DP 805297 Warrazambil Parish, Rous County.
Address:	Collins Creek Rd Collins Creek
Applicant/Owner:	John Francis McKavanagh / JF & JA McKavanagh
Proposal:	Dwelling Additions
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions

2010/55

Property:	Lot 111 DP 751059 Donaldson Parish, Rous County.
Address:	Roseberry St Woodenbong
Applicant/Owner:	Peter James Court / PJ & B Court
Proposal:	As Built Decking

Received: Referred To DMP For Comment
Status: Approved subject to conditions

2010/56
Property: Lot 24 DP 661658 Black Camp Parish, Drake County.
Address: Larsson Rd Tunglebung
Applicant/Owner: Newton Denny Chapelle / Bioforest Limited
Proposal: Subdivision By Boundary Adjustment
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2010/57
Property: Lot 300 DP 260861 Geneva Parish, Rous County.
Address: James St Geneva
Applicant/Owner: Spanline Northern Rivers / LP & EM Tarran
Proposal: Patio
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2010/58
Property: Lot 1 DP 17828 Fairy Mount Parish, Rous County.
Address: Greer St Kyogle
Applicant/Owner: GM Project Development & Management / C Viel & RC Endres
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2010/59
Property: Lot 78 DP 6317 Fairy Mount Parish, Rous County.
Address: Gardner Lane Kyogle
Applicant/Owner: Landpartners / MM Pethers
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2010/60
Property: Lot 102 DP 1034500 Runnymede Parish, Rous County.
Address: Bentley Rd Cedar Point
Applicant/Owner: TM Scarrabelotti
Proposal: Pool Pavilion
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2010/61
Property: Lot 13 DP 716013 Jiggi Parish, Rous County.
Address: Kyogle Rd Cawongla
Applicant/Owner: Kyogle Drafting Service / TA Lieshout & DT Mangu
Proposal: Decking
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2010/62
Property: Lot 10 DP 263649 Pikapene Parish, Drake County.
Address: Old Lawrence Road Mallanganee
Applicant/Owner: Kenneth Robert Collier / ARN Hector

Proposal:	Kit Home
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments

2010/63	
Property:	Lot 855 DP 803944 Loadstone Parish, Rous County.
Address:	Cedargetters Rd Gradys Creek
Applicant/Owner:	DS Mulholland-Eaton
Proposal:	Dwelling Additions
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments

Recommendation

1. That, with the exception of the following items in which Councillors ……. and …… have declared an interest,

   - Cr……. 10B.1 Development Applications Received, Determined and Outstanding DA…/… - Reason for Declaration -

   - Cr……..10B.1 Development Applications Received, Determined and Outstanding DA…/… - Reason for Declaration -

   The information contained in the report Development Applications Received, Determined and Outstanding for the period October 1, 2009 to October 30, 2009 be received and noted.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period October 1, 2009 to October 30, 2009 only in relation to DA../… and DA../…. In which Councillors ….. have declared an interest be received and noted.

15B.2 HERITAGE REVIEW & LOCAL ENVIRONMENTAL PLAN 18

Summary/Purpose

This report advises Council;

- on the process for listing heritage items in a Local Environmental Plan,
- comments on the resolution of Council at the Ordinary Meeting held on 21 September 2009, and
- provides two alternative LEP's for adoption.

Background Information

Kyogle Council is undertaking a review of the Godden Mackay Logan heritage study. The intent of this review is to assist the creation of the comprehensive Local Environmental Plan pursuant to the Standard Instrument. Previous resolutions of Council to create draft *Local Environmental Plan 18* as specific to European heritage within the Kyogle Local Government Area have provided an avenue for timely legislative protection.

Previous Council Consideration

The previous considerations by Council are chronologically described below.

Ordinary Meeting, 21 August 2000
At this meeting Council resolved "that Council adopts the Kyogle Heritage Study as amended in June 2000 and advertise accordingly."

Ordinary Meeting, 15 August 2005
Following correspondence to Council from the NSW Heritage Office requesting that Council honour the agreement for the provision of funding for the *Kyogle Shire Heritage Study* and create an LEP pertaining to heritage, Council resolved:

1. "Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, Council resolves to prepare a Draft Local Environmental Plan amendment to insert a Heritage Provisions generally in accordance with the Standard Heritage Clauses listed by the NSW Heritage Office within Interim Development Order No 1 - Shire of Kyogle and Interim Development Order No 1 - Shire of Terania.
2. "That Council advise the Director General of the Department of Infrastructure, Planning and Natural Resources of the decision to prepare a draft local environmental plan.
3. "That following the public exhibition of the Draft Local Environmental Plan and review of all public and government agency submissions a further report is presented to Council to adopt the Local Environmental Plan Amendment."

Ordinary Meeting, 15 June 2009

At this meeting it was resolved by Council "that Council proceeds with the creation of Draft LEP 18."

Ordinary Meeting 21 September 2009
On 21 September 2009 Kyogle Council at its ordinary meeting resolved that, "In relation to the initial heritage listing of private dwellings, this should be on a voluntary basis."

Report

A Local Environmental Plan ("LEP") is a vehicle through which the strategic objectives of environmental planning can be delivered. LEPs derive their legislative authority from the *Environmental Planning and Assessment Act 1979* and are subject to state and regional legislative process. They give effect to particular principles, aims, objectives or policies such as those contained in the deemed *State Environmental Planning Policy North Coast Regional Environmental Plan 1988* and section 117 directions authorised by the Minister. The creation of an LEP must be consistent with these requirements unless that inconsistency can be justified to the satisfaction of the Director-General of the NSW Government Department of Planning.

Council's decision to prepare a draft LEP incorporating specific heritage provisions that ensure the heritage resources in the Local Government Area can be appropriately managed (Draft Amendment 18 to the Interim Development Order No. 1 - Shire of Kyogle) is therefore subject to, amongst other things, local planning direction 2.3(4):

> "A draft LEP shall contain provisions that facilitate the conservation of:
> (a) items, places, buildings, works, relics, moveable objects, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area…"

The original study of the environmental heritage of the Local Government Area was undertaken in February 1996 when Kyogle Council commissioned a Heritage Study of the Local Government Area with joint funding from the former NSW Heritage Office. That study was the first of its type to be undertaken in the Shire and was finalised in September 1997 and later amended in June 2000. It addressed European heritage through both the built environment and cultural landscapes, specifically stating that "this project has not involved research of or survey for Aboriginal places" (Godden Mackay Logan 1997:54).

That study has been the subject of review in 2008 and 2009 by the Heritage Advisor Jane Gardiner who was commissioned by Kyogle Council through joint funding from the Heritage Branch of the Department of Planning. This review "was instigated because of the passage of time and the need to correctly identify heritage items and make practical recommendations for their conservation and management in the new Kyogle Local Environmental Plan" (Gardiner 2009:9).

The contemporary review is being undertaken in accordance with the processes outlined in the Heritage Branch document "Community-Based Heritage Studies: A Guide." This is a requirement of Council's dollar-for-dollar funding agreement with NSW Heritage Grants, Department of Planning, Heritage Branch, from whom funding was sought on 16

October 2008 and approved on 7 November 2008 (Project Number LGP 2009 316). The review builds on and enhances the earlier work of Godden Mackay and recognises items that are of heritage significance.

The listing of heritage items in NSW is based on the NSW Heritage Council's criteria for listing (outlined in the guideline *Assessing Heritage Significance*). The guideline states that "An item will be considered to be of State (or local) heritage significance if, in the opinion of the Heritage Council of NSW, it meets one or more of the … criteria".

Essentially this means that if the appropriate studies are undertaken and the appropriate assessments have been used that have concluded that the item is of heritage significance, then it should be listed as a heritage item.

It is worthwhile noting that there are two (2) processes operating at this time: the review of the Godden Mackay Study and the creation of a LEP with heritage provisions. The review is undertaken in consultation with members of the community and involves research and the consideration of the existing items recognised by Godden Mackay and new items nominated by the community, including an assessment of submissions made to the Council. This is done in accordance with the relevant guidelines as abovementioned and provides strategic guidance for the creation of a LEP based on the appropriate assessment being undertaken.

The creation of an LEP such as the draft LEP 18 or the Standard Instrument Kyogle LEP would provide specific legislative protection to heritage items listed within the LEP itself. This is a more formal process and the decision of whether to list a local item in an LEP rests with the relevant local council.

The Heritage Branch of the Department of Planning advises:

> "However, Council is obligated to comply with the Section 117 Directions regarding the identification, conservation and management of heritage assets within the Local Government Area. The listing process must proceed through a properly undertaken LEP process.
>
> "In this regard, when a council is making a decision as to whether an item should be listed as a result of an objection, the council should consider whether an appropriate justification has been provided by the objector <u>NOT</u> to proceed with the listing. For example, a property owner might object to a listing if the assessment of the item includes incorrect information (such as incorrect dates for additions to the building that have been identified as part of its significance). Or perhaps the property owner has had a valuation undertaken that shows that a potential heritage item in a derelict state would cost more to restore than the final value of the finished work would return (e.g. a derelict property is worth land value only of say $250,000. A schedule of required conservation/restoration works indicates a cost of $200,000 to restore. An estimated valuation of what the restored property would be worth comes in at $350,000 - this situation might justify economic hardship).
>
> "As such, Council needs to consider whether the objections are justified and relevant, given that a proper assessment has indicated that the item IS of heritage significance.
>
> "Under the recent amendments to the NSW Heritage Act (commenced 16th October, 2009), councils can refer objections to list heritage items in their LEPs to an independent hearing and assessment panel ("IHAP") where an owner has objected to listing. This will

enable an independent review of proposed heritage listings. The referral would occur after the draft LEP has been exhibited and before its finalisation by a council."

The *Kyogle Local Government Area Heritage Review 2009* contains only one (1) newly identified potential heritage item that could be categorised under the term "private dwellings." This is the proposed Kyogle Gateway Conservation Area. Aside from this item, Council is in a situation where local planning direction 2.3(4)(a) is already applicable to those dwelling houses recognised in the original heritage study, whereby any inconsistency is subject to clause 2.3(5) of the local planning direction:

> "A draft LEP may be inconsistent with the terms of this direction only if Council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the draft LEP complies with Part 5 of the *Heritage Act 1977* [repealed], and
>
> (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or
>
> (b) the provisions of the draft LEP that are inconsistent are of minor significance."

Further, the deemed *State Environmental Planning Policy North Coast Regional Environmental Plan 1988* contains sites described in the table below which may be construed as being "private dwellings." The omission of such items is inadmissible as the authorisation issued by the Director-General for the creation of LEP 18 is subject to the inclusion of State Heritage items.

Heritage Item	*Street Address*	*Suburb*	*Listing*
Sandilands Homestead site	7689 Bruxner Highway	Sandilands	State Environmental Planning Policy North Coast Regional Environmental Plan 1988
Wyangarie Homestead	124 Homestead Road	Kilgra	State Environmental Planning Policy North Coast Regional Environmental Plan 1988
Dyraaba Station and Outbuildings	755 Dyraaba Road	Dyraaba	NSW Government Gazette, Register of the National Estate, State Environmental Planning Policy North Coast Regional Environmental Plan 1988

Two draft LEP's have been attached to this report. One in accordance with Council's resolution 21 September 2009 (LEP 18 Draft B) and a second document (LEP 18 Draft A) which contains a more comprehensive listing of properties.

Budget & Financial Aspects

Council has entered into two (2) contractual agreements with the Heritage Branch of the Department of Planning and its predecessor for the funding of an inaugural heritage study and a subsequent review of that study. These contracts were based on Council undertaking a community based heritage study and implementing that study through listings within a LEP.

Council's current funding agreement with the Heritage Branch to undertake the contemporary heritage review is subject to a number of conditions. Clause 10, Revocation of funding, describes that "unsatisfactory work" may result in a review and revocation of financial assistance at any time. Further, the funding agreement utilises terms such as "adequate progress," whereby failure to comply will result in a case of "show cause" and the possible reimbursement of all monies plus interest. It should be noted that the current heritage review has cost around $15,000.

Recommendation

1. That Council approve the draft heritage study compiled by Jane Gardiner, August 2009 and entitled *Kyogle Local Government Area Heritage Review 2009*.
2. That Council notifies potential heritage item owners and the wider community about the heritage study and undertakes a public exhibition and consultation process for both drafts of LEP 18.
3. That Council refers contentious objections to the listing of heritage items in LEP 18 received during the public exhibition period to an independent hearing and assessment panel.

Attachments

1. Kyogle Local Government Area Heritage Review 2009 (to be provided when available from Heritage Advisor)
2. LEP 18 Draft A
3. LEP 18 Draft B

15B.3 CROWN RESERVES STRATEGIC PLAN

Summary/Purpose

The purpose of this report is to update Council on the progress of a Draft Crown Reserves Strategic Plan which has been prepared by Council's Consultant under the guidance of Kyogle Council and the Department of Lands with input from the Kyogle Communities. The Draft Crown Reserves Strategic Plan has been placed on public exhibition.

Background Information

At the Ordinary Meeting of Council held on 15 June, 2009 a report was considered by Council which then resolved :-

1) That the Crown Reserves Strategic Plan report was received and noted.
2) That Council adopts the Draft Crown Reserves Strategic Plan for the purpose of placing the document on public exhibition for a period of not less than 60 days.
3) That during the period of display that Council write to the Minister of Lands and seek clarity in the way the management panel is supposed to work in relation to the Structure of Council and in particular is the management panel subject to a resolution of Council.
4) That during the period of display that Council write to the Minister of Lands and seek clarity in the way the legal liability of members of the management panel is to be addressed.

Report

On 1 June, 2008 the Consultant submitted a revised Draft Crown Reserves Strategic Plan to Council including all 330 reserves requested by the Department of Lands.

When the revised draft was provided to the Department of Lands for their comment, they subsequently requested that the Strategic Plan be further expanded to include a total of 550 Crown Reserves in the document (this increase occurring as a result of a review of travelling stock routes).

These increases in reserves have significantly increased the workload and time involved in the preparation of the Draft Crown Reserves Strategic Plan, particularly given the anomalies found when ensuring consistency between Council's Crown Reserves database with the databases held by the Department of Lands.

A workshop was held at Kyogle Council on 27 May, 2009 at which it was determined that although there will need to be further input into the Crown Reserves Strategic Plan, it is at an appropriate level to place on public exhibition.

During the public exhibition period from June 24, 2009 until August 24, 2009 Council and the Department of Lands received eight (8) submissions.

The content and outcomes from a review of the submissions is tabled below.

Name of the organisation who provided a submission	General comments	Changes made
Department of Lands, now the Land and Property Management Authority	New logo and new name Clarification of insurance status Clarification of Local Govt Act and Crown Lands Act Additional Trustee appointments have lapsed, this data needed to be updated	Entire plan updated with new name and new logo added. Updated Section 3.3 Updated the Priority 1 Action Plan
Bonalbo Reserve Trust	Issues about how reserves are currently accessing $50,000 Supports Village PoM Additional information on the socioeconomic constraints for Bonalbo	No changes made Noted No changes made
Landcare Community Support Officer	Concern about the resourcing needed to assess and remediate 550+ reserves Wished to indicate Landcare presence on the Cedar Point site Lease details of the Kyogle Caravan Park	The plan states “develop and plan and identify potential sources of funding.” No changes made. This is noted in the action plan. No changes made. Lease is a matter for LPMA, no changes made.

Green Pigeon Community Centre	Concern with the standardisation of fees. Asked for the reference to the EDO role to be removed.	Plan changed to say "suggested user fees for the consideration by each Trust" Reference to the EDO removed
Tabulam Golf Course	Editorial change Request to change the map as it is believed to be incorrect	Editorial changes made. Map was checked and it is correct.
Wadeville Reserve Trust	Request to review the categories for this reserve. Map to be revised	Categories updated Map checked, revised and new map inserted.
Woodenbong Many submission from Trust Boards, school, community members.	Concerns about amalgamating existing Trust Boards into one Village Trust. Request to have 2 Woodenbong representatives on the CBABC	Section 11.0 updated to remove the reference to amalgamating into one trust. This level of detail is not provided within the plan, no change made.

Terry Moody	Vision - request to add environment	Vision reworked
	Request to pay members of the CBAC to attend meeting	No changes made, as this level of detail is not required in the plan
	Request to change recent history section to include importance community has for the reserve system	Changes made
	Purpose of the Strategic Plan - rewording	Changes made
	Section of Values - Environmental - biodiversity, request to include additional national park details.	Changes made
	Section Values -tourism, request review statements of scale of tourism in the area.	Changes made
	Section Management Issues and Challenges - Role for Council, support for a single trust but concerns on transparency especially in terms of handling financial aspects. Request for additional support for communities	Section reviewed and additional information added to clarify the role of Council
	Concern about references to seeking funding for external parties	Document reviewed to mention how difficult this will be
	Commerical Use - request to change 'good business" in relation to user fees	Changes made
	Tourism - request to further address strategies to stop unathorised camping	This is mentioned in the document and the management strategies have been updated to include this.

	Management Strategies - request to numbered	Changes made
	The model - clarification requested between council funding and CRT administering the money	Model reviewed and revised to clarify the different roles. Council will need to develop a funding application process before the CBAC is established.
	Prioritising and categorising reserves - request to rationalise the number of reserves through asset sale and this funding come back to Council to support other reserves	No changes made - Council can not dispose of assets and did not assess them on this basis.
	NRM - concern about the proposed membership and the roles and responsibilities of the ECC.	Details of proposed membership removed.
	Implementation Plan Request to review proposed timing of some actions.	Reviewed and updated
	Action Plan Editorial changes for Bean Creek Falls to include other area within the precinct.	Details checked and are accurate. No changes made.
	Mallanganee Lookout - request to include reference to Mallangee National Park, and activity landcare have undertaken on the site.	Details checked and already included these references. No changes made.

Council staff requested clarity in relation to the management panel in accordance with resolutions 3 and 4 above. Council staff also requested separate legal advice in relation to this matter.

Responses were received on 27 July, 2009. As there were discrepancies between the two responses received, further clarification was sought from both parties with the resulting conclusion that the Department of Lands intent is that Kyogle Council be appointed as the corporate manager of the proposed trust and that it is not the intention that the Council positions function as a "board of trustees" of a Trust Board. This will mean that Council will not have protection from legal liability for these reserves and accordingly full insurance will be required.

Having now received advice in relation to both scenario's (i.e. Council appointed as corporate manager and the creation of a Reserve Trust Board with the General Manager and Councillors as members) Council may wish to consider requesting that the Department of Lands proceed with the second scenario (Reserve Trust Board) in order to provide some protection from legal liability.

In this regard staff have contacted the Department of Lands to ascertain whether or not the Department/Minister would consider this possibility. A verbal response was provided advising that the Department views the Corporate Manager scenario as the most appropriate and would be unlikely to recommend the Reserve Trust Board scenario.

Copies of all relevant correspondence are provided separately to Councillors on a confidential basis.

Recommendation

1. That the Crown Reserves Strategic Plan report be received and noted.
2. That Council adopts the Crown Reserves Strategic Plan and formally advises the Minister for Lands.

Attachments

1. Crown Reserves Strategic Plan

ITEM 15C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 15D CORPORATE SERVICES REPORT

15D.1 PRESENTATION OF AUDITED FINANCIAL STATEMENTS 2008/2009

Summary/Purpose

This report serves to present Council's Financial Statements for the 2008/2009 year to the public.

Background Information

Relevant sections of the Local Government Act 1993 are:

<u>419 Presentation of the council's financial reports</u>

(1) As soon as practicable after a council receives a copy of the auditor's reports:
  (a) it must fix a date for the meeting at which it proposes to present its audited financial reports, together with the auditor's reports, to the public, and
  (b) it must give public notice of the date so fixed.

(2) The date fixed for the meeting must be at least 7 days after the date on which the notice is given, but not more than 5 weeks after the auditor's reports are given to the council.

Note. Unless an extension is granted under section 416, the meeting must be held on or before 5 December after the end of the year to which the reports relate.

(3) The public notice must include:
  (a) a statement that the business of the meeting will include the presentation of the audited financial reports and the auditor's reports, and
  (b) a summary, in the approved form, of the financial reports, and
  (c) a statement to the effect that any person may, in accordance with section 420, make submissions (within the time provided by that section and specified in the statement) to the council with respect to the council's audited financial reports or with respect to the auditor's reports.

(4) Copies of the council's audited financial reports, together with the auditor's reports, must be kept available at the office of the council for inspection by members of the public on and from the date on which public notice of the holding of the meeting is given and until the day after the meeting (or any postponement of the meeting).

<u>419 Presentation of the council's financial reports</u>

(1) A council must present its audited financial reports, together with the auditor's reports, at a meeting of the council held on the date fixed for the meeting.
(2) The council's auditor may, and if so required in writing by the council must, attend the meeting at which the financial reports are presented.

420 Submissions on financial reports and auditor's reports

(1) Any person may make submissions to the council with respect to the council's audited financial reports or with respect to the auditor's reports.
(2) A submission must be in writing and must be lodged with the council within 7 days after the date on which those reports are presented to the public.
(3) The council must ensure that copies of all submissions received by it are referred to the auditor.
(4) The council may take such action as it considers appropriate with respect to any such submission, including the giving of notice to the Director-General of any matter that appears to require amendment of the council's financial reports.

Report

Council adopted the Financial Statements for the 2008/2009 year and authorised the signing of the Council Statements at the Extraordinary Meeting held 26 October 2009.

Council's Auditors, Thomas, Noble & Russell, attended that meeting to provide Council with the Independent Audit Reports on its General and Special Purpose Financial Reports.

The Audit of the financial statements has resulted in Council receiving an "Unqualified" audit report for the year ended 30 June 2009.

Council has nominated 16 November, 2009 as the date on which the Audited Financial Statements will be presented to the public.

The Audited Financial Statements have already been distributed to Councillors under separate cover.

It is important to note that Section 420 of the Local Government Act, 1993 allows any person to make a submission to Council with respect to the Council's audited Financial reports. Submissions must be in writing and lodged with Council within 7 days after the date on which the report was presented to the public.

Council must forward copies of all submissions to the Auditors, and may take such action as it considers appropriate with respect to any such submission, including the giving of notice to the Director-General of any matter that appears to require amendment of the Council's financial reports.

Recommendation

That in accordance with the Local Government Act 1993, the Audited Financial Reports for the year ended 30 June 2009, and the Independent Audit Reports be presented to the public.

Attachments

2008/2009 Audited Financial Statements (separately attached)

15D.2 FINANCIAL ASSISTANCE APPLICATIONS AS AT 31 OCTOBER 2009

Summary/Purpose

This report presents to Council applications for Community Assistance Funding under Council's Financial Assistance Policy.

Applications from local organisations were invited up until 31 October 2008, for amounts of up to $1,000.

Applications from individuals were invited up until 31 October 2008, for amounts of up to $500.

Background Information

Council's Financial Assistance Policy states;

> **Maximum Assistance**
> The maximum amount that will be provided per application are as follows:
> Organisations $1000 (Total available funds annually $15 500)
> Individuals $ 500 (Total available funds annually $4 500)
>
> **Timing of Assessing Assistance**
> Applications from organisations will be considered at the Ordinary Meeting of Council in November of each year. If the annual funding allocation is not expended in November a further round of funding will be advertised and will be considered by Council at the Ordinary Meeting in May the following year.
>
> Applications from individuals will be considered at the Ordinary Meeting of Council in August, November and March each year. $1500 will be allocated for both the August and November Meetings and the remainder of unspent funds be distributed at the March Ordinary meeting.
>
> **Assessment for Organisations**
> State and Federal Government agencies and businesses are ineligible for funding under the Community Assistance Fund.
> The use of funds for capital improvements to grounds, clubhouses, facilities, playing fields, the provision of equipment, etc will be given priority. Requests for assistance to finance ongoing running expenses for organisations will be considered.

The Community Assistance Fund can be accessed by eligible organisations and individuals who can demonstrate the greatest need and/or benefit to the wider community in the areas of:

- Welfare
- Community involvement/social interaction
- Sport and recreation
- The Arts
- Youth affairs
- Senior citizens affairs
- Cultural Assistance

Report

Thirty Five (35) applications have been received for funding;

- Thirty (31) from local organisations and
- Four (4) applications from individuals.

These are summarised as follows:

Request for Assistance - Local Organisations			
Applicant	**Reason for Request**	**Funds received within past 2 years**	**Funds requested**
Kyogle Youth Ventures	Funding towards costs for taking youth to camp at Mebbin Springs in December 09.	$500 (19/11/07)	$1,000
Bonalbo Central School	To purchase six (6) recycling bins for primary (3) and high school (3).	-	$330
Woodenbong Yowie Country Market	Seeking costs for DA application, Public liability insurance	$2375 (18/5/09 - Futures funding)	$848
Bundgeam Preschool	To upgrade facilities to meet licence requirements for children under 3 yrs	$764 (11/03/09)	$1,000
Eden Creek/Fairymount Preschool	Replacement of timber surrounds of "softfall area" and top up of soft fall.	$500 (19/05/08)	$1,000
Mummulgum Public Hall Trustee	Replace and install road grid.	$1,000 (20/11/08)	$1,000
Mallanganee Village Festival Bull Ride Cttee	Fill potholes in entrance to Mallanganee Oval.	-	$400
Cawongla Tennis & Recreation Club Inc	Replacement of rainwater tank destroyed by storm Feb '08.	$675 (19/2/07)	$775
Tabulam Racing Club	Promotion of Annual Tabulam Race day through advertising.	-	$1,000
Bonalbo & District Community Hall Assoc	Purchase pressure pump for fresh water to supply hall.	$500 (20/11/08)	$300
Kyogle Rural Youth of NSW Inc	Purchase new sign to place on pavilion at Show ground	$500 (19/05/08)	$1,000
The Original Bonalbo Garden Club	To construct protection/shade/shelter over table in native gardens.	-	$610
Kyogle Local Reconciliation Group	Cultural Awareness tour for Kyogle Service Club members & lunch	$500 (18/05/09) $250 (19/05/08)	$500
Tabulam Sporting Club	Purchase tennis court nets and maintenance of courts.	-	$1,000

Collins Creek Public Hall	To sand and seal timber floor	-	$1,000
Kyogle Croquet Inc	Replacement of equipment	$500 (19/11/07)	$1,000
Cawongla Playhouse Inc	Purchase cubby house, shade sails & maintenance	$500 (19/05/08)	$1,000
Cawongla Playhouse (Preschool)	Purchase and install small hot water system to laundry tub.	$500 (19/05/08)	$1,00
Louisa Johnston Training Centre	Purchase equipment	-	$950
Kyogle Red Cross Branch	To facilitate the Hands on Program to the aged in the elderly.	-	$1,000
Woodenbong Golf Club	To fix facilities for outside toilet i.e. plumbing, clean up etc.		$1,000
Woodenbong Amateur Swimming Club	Purchase portable sound system	-	$1,000
Green Pigeon Community Centre	Purchase fire safety equipment, repairs to roadside fence and gravel for driveway.	-	$1,000
Kyogle Preschool & OSHC	Purchase and install hot water system.	$500 (19/05/08)	1,000
Mallanganee Campdraft	Purchase pressure pump, shower heads and poly pipe for use in showers and toilet.	-	$921.00
Woodenbong Public Hall Reserve Trust	To assist with paying insurance on buildings	$500 (19/11/07)	$1,000
Kyogle Neighbourhood Centre	To assist with providing social activities.	$500 (18/05/09)	$1,000
Westpac Life Saver Rescue Helicopter Service	Assist with operating costs	-	$1,000
Woodenbong Central School	To purchase books for presentation day.	-	$?

Request for Assistance - Individuals			
Applicant	**Reason for Request**	**Funds received within past 2 years**	**Funds requested**
Frank Finch	To produce leaflets advertising Maritime Museum.	$300 (19/11/07)	$500
P Bundock	To assist with attending Men's Open touch Football Australia Indigenous team		$500
R Anderson	To restore signage of Bank in Bonalbo	-	$500
N McIntosh	To assist in purchasing wheelchair for child at Kyogle Public School with a severe disability.	-	$500

Recommendation

Request for Assistance - Local Organisations		
Applicant	**Reason for Request**	**Funds Allocated**
Kyogle Youth Ventures	Funding towards costs for taking youth to camp at Mebbin Springs in December 09.	500
Mallanganee Village Festival Bull Ride Cttee	Fill potholes in entrance to Mallanganee Oval.	400
Cawongla Tennis & Recreation Club Inc	Replacement of rainwater tank destroyed by storm Feb '08.	500
Bonalbo & District Community Hall Assoc	Purchase pressure pump for fresh water to supply hall.	300
The Original Bonalbo Garden Club	To construct protection/shade/shelter over table in native gardens.	600
Tabulam Sporting Club	Purchase tennis court nets and maintenance of courts.	500
Collins Creek Public Hall	To sand and seal timber floor	500
Kyogle Croquet Inc	Replacement of equipment	500
Louisa Johnston Training Centre	Purchase equipment	500
Kyogle Red Cross Branch	To facilitate the Hands on Program to the aged in the elderly.	500
Woodenbong Amateur Swimming Club	Purchase portable sound system	500
Green Pigeon Community Centre	Purchase fire safety equipment, repairs to roadside fence and gravel for driveway.	500
Mallanganee Campdraft	Purchase pressure pump, shower heads and poly pipe for use in showers and toilet.	500
Woodenbong Public Hall Reserve Trust	To assist with paying insurance on buildings	500
Total		**$6,800**

Request for Assistance - Individuals		
Applicant	**Reason for Request**	**Funds allocated**
Frank Finch	To produce leaflets advertising Maritime Museum.	250
P Bundock	To assist with attending Men's Open touch Football Australia Indigenous team	500
N McIntosh	To assist in purchasing wheelchair for child at Kyogle Public School with a severe disability	500
Total		**$1250**

Attachments

1. Application forms have been distributed to Councillors under separate cover.

15D.3 REQUEST FOR FUNDING - TABULAM GOLF CLUB

Summary/Purpose

This report presents to Council additional information regarding a request for funding from the Tabulam Golf Club for $1,500.

Background Information

This matter was previously considered by Council in September 2009 and the report appears below:

> Summary/Purpose
> This report presents to Council a request from the Tabulam Golf Club for a donation of $1,500, for the purchase of a mower.
>
> Report
> Correspondence has been received from the Tabulam Golf Club requesting a contribution of $1,500 for the purchase of a mower.
>
> This correspondence appears below:

TABULAM GOLF CLUB INC.

Charles Street
Tabulam NSW 2469

President: Arthur Ramsay
Secretary: Alan Hartley 02 66661410 hartleyac1@bigpond.com
Treasurer: Peter Smith

KYOGLE COUNCIL
RECEIVED
1 8 AUG 2009
Doc. No.

ACKNOWLEDGEMENT CARD SENT
.....

16 August 2009

The General Manager
Kyogle Council
1 Stratheden Street
Kyogle NSW 2474

Financial Assistance

On 9th March this year, the Club approached both Clarence Valley Council and Tenterfield Shire Council for assistance in procuring a heavy duty mower for the course at Tabulam. The Club has a light ride-on for maintenance along fence lines and around structures, and a gang mower for the open fairways, but it has no suitable implement to maintain the course where standing *Eucalypts* continually drop small branches.

The approach was made on the basis that most members of the Club reside near Ewingar and Drake, even though the course itself is in Kyogle Council jurisdiction. Prior assistance from Kyogle Council was acknowledged.

Tenterfield Shire Council has responded with an offer of $1500 provided that sum is matched by Clarence Valley Council and Kyogle Council.

Should all Councils approve similar assistance, the total will fall short of what is required for a suitable mower but it will provide an incentive for the Club to continue fund-raising activities and to seek further assistance from State sources.

Could Council favourably consider matching the pledge from Tenterfield Council to assist the Club in purchasing a suitable machine through its periodic community funding initiative?

Yours sincerely,

Alan Hartley
Secretary

Councils Financial Assistance Policy does not allow for donations greater that $1,000.

Clarence Valley Council will consider the request at the Council meeting to be held on September 15, 2009.

Previous Council Consideration

When this matter was considered in September the item was deferred until a decision had been made by both Tenterfield and Clarence Valley Councils.

Report

Clarence Valley Council have resolved not to support the request for funding and as a result Tenterfield Council are now not proceeding with their donation on the basis that it is not being matched.

Based on the information that this is not going to be a project supported by the three neighbouring Councils that use the facility, it would not seem appropriate to provide the $1,500 donation.

Recommendation

That the report on the request for funding form Tabulam Golf Club be received and noted.

15D.4 POLICY ON PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS

Summary/Purpose

This report seeks Council adoption of a revised policy on payment of expenses and provision of facilities in accordance with the Local Government Act.

Background Information

Section 252 of the Local Government Act requires "within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office".

Section 253 of the Local Government Act requires Council to give 28 days public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities. This period of public notice need not be provided where council is of the opinion that the proposed amendment is not substantial.

Report

Attached to this report is a copy of Department of Local Government Circular 09-36 along with the revised guidelines for the payment of expenses and the provision of facilities for mayors and councillors in NSW.

Council's existing policy has been reviewed in line with the revised guidelines and the following amendments made:

<u>Approval Arrangements</u>
Additional sentence stating where possible, approval should be sought and gained prior to expenses being incurred.

<u>Payment of Expenses Generally</u>
Additional paragraph stating where possible, receipts should be provided.

<u>General Expense Allowances</u>
Additional paragraph stating that the payment of general expense allowances is not to occur.

<u>Elections and fundraising activities of political parties</u>
Additional paragraphs stating that Council will not pay expenses or provide facilities to councillors in relation to supporting and/or attending such activities and events.

<u>Advance Payments</u>
Additional paragraph stating that consideration will be given to the provision of advance payments.

Travel Expenses
Additional sentence advising travel should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

Private Benefit
Additional paragraph stating that Councillors should not obtain private benefit (other than incidental use) from the provision of equipment and facilities.

No changes to the types or quantities of expenses and facilities to be paid/provided have been made to the existing policy.

It is considered that the above amendments further clarify existing conditions of the policy and are not substantial amendments and therefore public notice is not required.

Recommendation

1. That the Policy on Payment of Expenses and Provision of Facilities For Councillors report be received and noted.
2. That Council adopts the amended Policy on Payment of Expenses and Provision of Facilities For Councillors.

Attachments

1. Department of Local Government Circular 09-36 and revised guidelines for the payment of expenses and the provision of facilities for mayors and councillors in NSW.
2. Payment of Expenses and Provision of Facilities Policy.

15D.4 INTEGRATED PLANNING AND REPORTING FRAMEWORK

Summary/Purpose

This report presents to Council information on the new integrated planning and reporting framework and seeks a determination from Council as to which group Kyogle Council is to nominate in.

Report

The Department of Local Government Circular 09-37 has advised that the Local government *Amendment (Planning and Reporting) Act 2009* was assented to by the Governor on 9 October 2009 and commenced on and from that date.

The Act provides transitional provisions for phasing in the new legislative requirements over a three year period.

All general purpose councils and county councils are advised that a council resolution will be required for group nomination.

The timeframe for each of the Groups is as follows:

- Group 1: Community Strategic Plan and Delivery Program adopted by 30 June 2010
- Group 2: Community Strategic Plan and Delivery Program adopted by 30 June 2011
- Group 3: Community Strategic Plan and Delivery Program adopted by 30 June 2012

Circular 09-37 - Appears on the following page for Councillors information

dlg | circular to councils

RECEIVED
15 OCT 2009
Doc. No.

Circular No. 09-37
Date 14 October 2009
Doc ID. A195960

Contact IPR team
02 4428 4220
ipr@dlg.nsw.gov.au

COMMENCEMENT OF THE *LOCAL GOVERNMENT AMENDMENT (PLANNING AND REPORTING) ACT 2009*

The *Local Government Amendment (Planning and Reporting) Act 2009* (the Act) was assented to by the Governor on 9 October 2009 and commenced on and from that date. The amendments to the Act give effect to the Integrated Planning and Reporting framework that has been developed with the support of the local government sector.

The Act provides transitional provisions for phasing in the new legislative requirements over a three-year period. The Division of Local Government will be writing to all General Managers requesting that general purpose councils and county councils choose which Group they will be in with regard to implementing the new framework.

All general purpose councils and county councils are advised that a council resolution will be required for group nomination.

The timeframe for each of the Groups is as follows:

- Group 1: Community Strategic Plan and Delivery Program adopted by 30 June 2010
- Group 2: Community Strategic Plan and Delivery Program adopted by 30 June 2011
- Group 3: Community Strategic Plan and Delivery Program adopted by 30 June 2012.

When determining which one of the three Groups it will participate in, councils should consider:

- its capacity to meet the new legislative requirements within the timeframe
- if there is sufficient time to effectively engage its community in the development of the Community Strategic Plan
- the status of its Resource Strategy development. It is essential that the elected council has adequate information to inform its decisions when endorsing the Community Strategic Plan and adopting its first Delivery Program and Operational Plan. For example, council should have an asset management strategy developed that identifies how it will manage its assets, and how and over what timeframe it will develop asset management plans for all classes of assets.

Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195

3

Councils that have already adopted, or are well-progressed towards adopting, a long-term community strategic plan which included appropriate community engagement should consider nominating for Group 1.

Specific exemptions and modifications to clarify the requirements for county councils will be included in forthcoming amendments to the Local Government (General) Regulation 2005. This will include that instead of having a Community Strategic Plan, county councils will be required to have a long-term strategic plan for their business activity that is developed in consultation with their constituent councils.

Councils are reminded that the transitional provisions provide that councils continue to operate under the legislative requirements in place prior to the Amendment Act, until such time as their Group commences under the new Integrated Planning and Reporting framework.

As a number of councils have made enquiries to the Division regarding the transition arrangements, the following information is provided regarding requirements for Social/Community Plans and State of the Environment Reports.

Social/community plans

Under the previous legislation all general purpose councils must have a social/community plan for their area. These must be submitted to the Division every five years. Most councils last submitted their social/community plans in November 2004, and are therefore due to submit again by 30 November 2009.

Under the new Integrated Planning and Reporting framework, there is no longer a requirement for a separate social/community plan. However, **social planning by councils continues to be a critical part of councils' business**, but will now be integrated into a more strategic and streamlined approach to planning. Identified actions in existing social/community plans which may not have progressed into a council's annual management plan will now be embedded into the strategic planning framework. This elevates the importance of social planning by councils.

Councils that choose to commence under the new legislation in Group 1 will not be required to develop a new social/community plan to meet the requirement to have a current plan at 30 November 2009. Depending on a council's progress in implementing its current social/community plan, it may be in a position to extend the timeframe of the current social/community plan to cover the period through to 30 June 2010.

This would enable the council to conduct a review of its current plan, and utilise the findings to inform the Community Strategic Plan that is to be developed by 30 June 2010. Group 1 councils should be focussing their resources on engaging with all groups within their community to develop their Community Strategic Plan, which must address social, environmental, economic and civic leadership issues.

Group 2 and 3 councils must ensure that the social and community planning needs of their communities are in place at 30 November 2009 and through until they commence under the new legislation.

State of the environment reports

Under previous legislative provisions, all general purpose councils are required to prepare a comprehensive State of the Environment report (SoE) for 2008-09 and submit this to the Division by 30 November 2009.

SoE guidelines are available from the 'Publications' page on the Division's website. A checklist for the preparation of SoEs is also available on the website under the 'Local Government Reform Program – Promoting Better Practice' page (see 'Information for Councils').

Guidelines and Manual

The Division is currently finalising the Regulation, Guidelines and Manual together with the capacity building website that will include information on workforce planning. A further circular to councils will be issued when these are released.

If you have questions relating to the implementation of these reforms, please contact the Integrated Planning and Reporting team on telephone 4428 4220 or email at ipr@dlg.nsw.gov.au.

Ross Woodward
Deputy Director General (Local Government)
Department of Premier and Cabinet

When determining which one of the three Groups it will participate in, Council should consider:

- its capacity to meet the new legislative requirements within the timeframe
- if there is sufficient time to effectively engage its community in the development of the Community Strategic Plan
- the status of its Resource Strategy development. It is essential that the elected council has adequate information to inform its decisions when endorsing the Community Strategic Plan and adopting its first Delivery Program and Operational Plan. For example, Council should have an asset management strategy developed that identifies how it will manage its assets and how and over what timeframe it will develop asset management plans for all classes of assets.

When determining which one of the three Groups it will participate in, Council should consider:

- its capacity to meet the new legislative requirements within the timeframe
- if there is sufficient time to effectively engage its community in the development of the Community Strategic Plan

It is considered that the Community Strategic Plan adopted in 2007 will require expansion. The community consultation done as part of the Social Plan will provide excellent information to inform the development of the Community Strategic Plan and Delivery Program. It will be a large project as part of the process to develop an asset management strategy that identifies all classes of assets and how they will be managed in the future.

Recommendation

That for the transitional provisions of the Local Government Amendment (Planning & Property) Act 2009, Council nominate for Group 2 (Community Strategic Plan and Delivery Program to be adopted by 30 June 2011).

ITEM 15E COMMUNITY SERVICES REPORT

15E.1 DRAFT CULTURAL STRATEGY

Summary/Purpose

This report presents to Council the Draft Kyogle Local Government Area Cultural Strategy 2010-2012 for adoption and recommends that the document be placed on public exhibition.

Background Information

The Kyogle Council Cultural Working Party was established from a resolution of Council made of February 16, 2009. At this meeting it was resolved:

1. That Council establish a Cultural Working Party consisting of Councillors, staff and community organisation representatives
2. That Council invites Arts Northern Rivers to be involved in the Working Party to ensure links to regional and cultural planning and funding and to provide and informed level of expertise to local groups.

The following people/organisations were invited to be part of the Kyogle Council Cultural Working Party.

<u>Community Representatives</u>

- Arts Northern Rivers
- Kyogle and Districts Arts Council
- Kyogle Amateur Theatre Society
- Kyogle Historical Society
- Kyogle Writers Group
- Kyogle Youth Action
- Kyogle Reconciliation Group
- Woodenbong Artists Group
- Tourism Sector
- Turkey Media
- Githabul Julgumboonj Pty Ltd

<u>Councillors</u>

- Clr Ross Brown
- Clr Janet Wilson

<u>Kyogle Council Staff</u>

- Director Corporate and Community Services
- Community Projects Officer
- Art Gallery Coordinator

The aim of the Cultural Working Party is to prepare a draft Cultural Policy and Cultural Implementation Strategy for presentation to the Community and Cultural Committee.

The working party has been chaired by Lois Randall from Arts Northern Rivers and has met six times in developing the draft strategy. The development of the draft document has involved input from all the parties involved.

Report

The Working Party has developed a draft document for consideration. It is suggested that the adopted document will be integrated with the Social Plan and will support the cultural development needs of the community and provide a vision for the future.

The objectives of the Cultural Strategy are:

- to ensure that culture is valued and celebrated by council and community;
- to ensure that community wellbeing, inclusion and reconciliation will be fostered through culture;
- to maintain and develop a sense of place through fostering respect for the built environment, the natural environment and local heritage;
- to include and value the contribution of creative industries and cultural tourism as part of a local economic development strategy;
- to support intergenerational change by supporting young people and engaging them in the cultural life of the community; and
- to provide leadership to the community by encouraging the community to embrace learning, innovation and change.

One of the highest priority strategies in the document is the establishment of a Community Cultural Committee. It is proposed that the Community Cultural Committee (CCC) will become the community partner to work with council on the implementation of the Strategy. The implementation of the Action Plan recommended in the Cultural Strategy depends on the formal adoption of this Committee as an ongoing advisory group to Council.

It is recommended that Council calls for Expressions of Interest for the Community Cultural Committee by December 2009; that the selection criteria include demonstrated involvement in cultural activities and organisations in the LGA; that there will be 10 to 12 members of the CCC representing the cultural organisations and sectors in the LGA; and that the selection process include two Council staff (Carol O'Neill and Ruth Tsitimbinis) and two community representatives from the current Working Party.

The working party has recommended that Council:

1. Formalise the Community Cultural Committee as an ongoing advisory group to Council, by December 2009;
2. Adopts the Strategy in 2010, as part of Council's Social Plan;
3. Allocates resources to implement the Cultural Strategy in its Management Plans for 2010/11 to 2012/13;
4. Gives immediate attention to resourcing and implementing the highest priority actions for 2010, which are identified in the Strategy and the executive summary;

5. Implements the Strategy for the period from 2010 to 2012; and
6. Reviews and reports on the implementation of the Strategy in 2012, with a view to developing an updated Cultural Strategy for the future.

Budget & Financial Aspects

Where strategies/actions identified in the Draft Cultural Strategy will require additional financial contribution from Council and can not be accommodated within existing staff time, an estimate has been included in the resources column (where costs are able to be reliably estimated).

A review of these costings show that the additional staff costs alone will require almost $200,000 pa in additional funding.

It is not considered appropriate to place on public display a document that contains strategies that are not achievable and may give rise to unrealistic expectations. Staff have therefore provided an amended policy which attempts to consider all of the issues raised by the working party and is more likely to be achievable.

Recommendation

That the Draft Cultural Strategy as amended be adopted and placed on public display for a period of 28 days.

Attachments

1. Draft Cultural Strategy – (Working Party version) separate attachment
2. Draft Cultural Strategy - (with staff amendments) separate attachment.

ITEM 15F GENERAL MANAGER'S REPORT

15F.1 REPCO RALLY AUSTRALIA COSTS/STEERING COMMITTEE

Summary/Purpose

This report presents details of costs associated with the World Rally Championship and the Fringe Festival and seeks a Council decision on the Councillor representation on the Rally Steering Committee.

Previous Council Consideration

At the Extraordinary Council meeting held on 25 June, 2009 Council resolved (among other things):

- That Council allocate $34,000 of futures funding to the Chamber of Commerce in accordance with their submission dated June 18, 2009.

- That Council allocate $6,000 of futures funding to Kyogle Council for costs associated with promoting the Local Government area during the Repco Rally Australia.

- That Council establish a separate program within the operational budget of Council to manage and review Council's financial and policy commitments to the international event "Repco Rally Australia" and ensure that all costs arising from the event are costed to that account.

At an Extraordinary Meeting held on 3 September, 2009 it was resolved:

- That should there be a deficit in funding for the Kyogle Fringe Festival to be held 3-6 September 2009 in conjunction with Repco Rally Australia, Council agrees to fund the deficit (up to a maximum of $8,000) from its area advertising allocation subject to receiving an undertaking from the Chamber of Commerce that any surplus for the festival is to be put towards improvements at the Kyogle Showground.

At the October 2009 Ordinary Council Meeting it was resolved:

That Council form a Rally Steering Committee to consider issues surrounding the review of the 2009 event and planning for the 2011 event (subject to approval to proceed).

Report

Costs recorded for the rally are as follows:

Description	Amount ($)
Repco Rally Promotion	5,122
Planning & Environmental Staff	4,195
Sealed Roads Maintenance	27,592
Unsealed Roads Maintenance	15,094
Engineering Staff/Road Closures	12,621
Sub-Total	**64,624**
Fringe Festival	42,000
Graffiti removal	5,661
Grand Total	**112,285**

Repco Rally promotion costs relates to additional hours for Council's Tourism Officer to man the Visitor Information Centre and the purchase of signage which will be able to be re-used for future events.

Planning and Environmental Staff costs relate to indoor staff costs associated with noise level readings, food inspections and attendance at rally headquarters during the event. These costs fall within the annual planning and environmental staff cost allocation.

The costs relating to sealed and unsealed roads maintenance are the costs of maintenance works carried out prior to the rally on specific rally routes or on the major roads providing access to the spectator areas. The works include slashing of road shoulders, pothole and edge patching on sealed roads, clearing of vegetation and replacement of missing signage or guide posts at culverts and bridges and grading of gravel roads. All of these works would have been included in the annual routine maintenance program for these roads but were carried out early in the financial year to improve road safety in anticipation of the predicted large volume of spectator traffic and traffic associated with the rally.

Engineering staff / road closure costs include the costs to Council to plan, implement, control and dismantle road closures in the Kyogle town area required for the events in the main street on the Sunday of the rally. The costs include purchase of additional signage which will be able to be re-used, and overtime by supervisory staff on the Saturday and Sunday of the event in monitoring pedestrian, traffic and parking issues and inspecting roads closed for competition stages prior to reopening to confirm that the roads were safe to reopen for general use. The costs of works specifically required by the Roads and Traffic Authority for the closure of the Summerland Way in Kyogle and barricading the northern approach to the Jenny Constable bridge at Wiangaree are not included in the above summary and are to be recovered from the RTA.

The Fringe Festival net costs to date total $45,532 of which Council has provided its maximum contribution of $42,000 and the Chamber of Commerce has contributed the remaining $3,532.

These net costs are summarised as follows:

Description	Net Cost

Description	Net Cost
Advertising	6,311
Camping	9,980
Glitz Glamour & Gourmet Dinner	11,800
Window Dressing	(192)
Main Street Party	8,633
Evaluation	9,000
Total	45,532

Additional income is still to come in and the final net costs will reduce as a result.

A draft copy of the evaluation report has been received and will be provided to Councillors for their information

The costs of graffiti removal are for the removal of graffiti painted on the road pavement and signage along the Kyogle Road in the week prior to the rally and will be attempted to be recovered from the individual(s) involved.

Other costs which are recoverable that are not shown above include specific works requested by Rally Australia or RTA. These works include roadworks at the Jenny Constable bridge underpass, bridge repairs on Duck Creek Road, watering of special stages for dust reduction prior to the competition all funded by Rally Australia, and installation of signage, barricades on the Summerland way at Wiangaree and Kyogle and provision of traffic controllers during the closure of the Summerland Way, funded by RTA.

From the above information, it can be seen that with the exception of the Fringe Festival and the Graffiti removal, the majority of the costs in relation to the rally are already included in Council's annual operating budget and/or are related to purchase of items that may be re-used and as such will not require significant budget allocations for future events.

In accordance with Council's resolution of 19 October, 2009 staff contacted prospective members of the rally steering committee and have formed a committee with the following membership:

Kyogle Council – Mayor
Kyogle Council – General Manager
Kyogle Council – Councillor
Rally Australia – General Manager
Rally Australia – Community Liaison Officer
Chamber Of Commerce – 1 Representative
Lions Club – 1 Representative
Rotary Club – 1 Representative
Turkey Lurkey – 1 Representative
Kyogle Showground Committee – 1 Representative
Wiangaree Rodeo Committee – 1 Representative

The first meeting of the Committee will be held during November 2009. It is recommended that Council select the Councillor representative to be on the committee.

Recommendation

1. That the Repco Rally Australia Costs/Steering Committee report be received and noted.
2. That Council nominates Councillor …….. to be on the Rally Steering Committee.

ITEM 16 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 17 CONFIDENTIAL BUSINESS PAPER

17.1 DISCHARGE OF EFFLUENT AND STORMWATER AGREEMENT

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(a) personnel matters concerning particular individuals

KYOGLE COUNCIL

ATTACHMENTS

ORDINARY COUNCIL MEETING

ON 16 NOVEMBER 2009

10.1 CONFIRMATION OF ORDINARY MINUTES

Kyogle Council

Unconfirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 19 October 2009.

PRESENT

Cr. R. Brown, (Mayor in the Chair), Cr. E. Bennett, Cr. J. Wilson, Cr. L. Zito, Cr. R. Dwyer, Cr. R. Leadbeatter and Cr. T. Cooper.

IN ATTENDANCE

The General Manager, the Director of Technical Services, the Director of Corporate & Community Services, the Director of Planning & Environmental Services and the Personal Assistant to the General Manager & Corporate Services.

MEETING COMMENCEMENT

The Mayor declared the meeting open at 3.30 p.m.

APOLOGIES

Apologies were received from Councillor John O'Reilly & Councillor Lindsay Passfield.

191009/ 1 RESOLVED

Moved Councillor Ernie Bennett, seconded Councillor Robert Leadbeatter.

That the apologies be accepted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

191009/ 2 RESOLVED

Moved Councillor Lynette Zito, seconded Councillor Robert Dwyer.

That the following three (3) written applications for leave of absence were tabled and approved,

- Councillor John O'Reilly - October Ordinary meeting

- Councillor Lindsay Passfield - October Ordinary meeting
- Councillor Janet Wilson - November Ordinary meeting

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor acknowledged that the meeting was being held on the Traditional Lands of the Bundjalung people.

ITEM 4 DECLARATION OF INTERESTS

Director of Planning & Environmental Services declared an interest in the following item/s:

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 September - 30 September 2009 - 2007/188
  Reason for Declaration – previous preparation of SOE affects prior to being employed by Kyogle Council.
- Item 15B.2 Development Application 2010/33 - Raised single storey dwelling J & J Hession
  Reason for Declaration - applicant/owner of property.

General Manager declared an interest in the following item/s:

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 September - 30 September 2009 - 2009/35
  Reason for Declaration – sister involved in preparation of rezoning application.

General Manager advised that he would leave the meeting in the following item/s when the decision is being made:

- Item 15F.3 - General Manager's Review Committee
  Reason for Declaration – relates to employment contract.

Cr. Ross Brown declared an interest in the following item/s:

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 September - 30 September 2009 - 2009/18
  Reason for Declaration – adjoining land owner

Cr. Robert Leadbeatter declared an interest in the following item/s:

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 September - 30 September 2009 - 2010/32
  Reason for Declaration - adjoining property owner.

Cr. Robert Dwyer declared a possible Conflict of interest "not substantial" in the following item/s:

- o Item 15E.2 Confirmation of Community Cultural & Economic Meeting Minutes
  Reason for Declaration – member of Tidy Towns Committee

ITEM 5 QUESTION TIME

Mrs Wendy Sibley addressed the meeting in relation to:-

- The resolution of Item 12.1 Mayoral Report at the September Ordinary Meeting providing continued participation of World Rally Event, stated that there could only be the two reasons for the motion to be put forward:-
  1) Due to the euphoria of the weekend event and receiving an Award for "recognition of an outstanding feat of leadership, integrity, respect or teamwork"? or
  2) A formal request for support for the ongoing event was asked of yourself or Kyogle Council?

The Mayor advised the report was submitted by himself at his own discretion, with no input or request from any other person/s.

Mrs Anne Reardon addressed the meeting in relation to:-

- The public toilets located in Stratheden Street, off Summerland Way and advised there is no sign on Summerland Way indicating that there are public toilets available, can Council place signage on the street?
- Also asked that the subject toilets be cleaned on Saturday morning, prior to the markets occurring as the odour is most unpleasant.

The General Manager advised he would attend to both matters.

ITEM 6 PUBLIC ACCESS

- Mr Graeme Johnston, Kyogle Building Supplies addressed Council in relation to DA 2010/19 (Item 15B.3)
  Advised he was not in favour of the development which involved construction of a solid fence 1400mm high as during times of flooding the fence has the potential to increase flooding from Fairymount Creek which already occurs on properties on the eastern side of Andrew Street.

- Mr Bob Hanby, Consultant of Stephen Scarrabelotti addressed Council in relation to DA 2010/19 (Item 15B.3)
  Advised that the Kyogle Flood Study did not clearly identify local flooding from the Fairymount Creek catchment, however a study submitted with the original subdivision application for the land west of Andrew Street, showed that the existing culvert in Andrew Street has a low capacity and flooding would occur over Andrew Street in major storms.

In his opinion construction of the proposed fence will not increase flood levels east of Andrew Street as there is ample provision for stormwater to run-off west of the street or along Andrew Street itself.

- Ms Maureen Pederson, Tidy Towns, Market & Stall Holder
  Advised that the Saturday Farmers markets are very successful and are continuing to grow in both stall holders and customers.
  Requested Council consider assisting with further development of the current site i.e. additional seating, paving, planting additional trees, planting native trees (two) east and west, the erection of a plaque with the wording "Bundjalung". These requests would help create an improved flow-through for the stall area.

- Mr Alan Roberts had also applied for public access, but the request was denied by the General Manager.

ITEM 7 DEPUTATIONS

Nil.

ITEM 8 QUESTIONS WITH NOTICE FROM COUNCILLORS

Nil.

ITEM 9 MATTERS DETERMINED WITHOUT FURTHER DEBATE

9.1 MATTERS DETERMINED WITHOUT DEBATE

There were no items identified.

ITEM 10 CONFIRMATION OF MINUTES

10.1 CONFIRMATION OF ORDINARY MINUTES

191009/ 3 RESOLVED

Moved Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

That the Minutes of the Ordinary Meeting held 21 September 2009 were adopted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

ITEM 11 MAYORAL MINUTE

Nil.

ITEM 12 NOTICES OF MOTION

Nil.

ITEM 13 DELEGATES REPORTS

13.1 DEPUTY MAYOR ATTENDANCES

191009/ 4 RESOLVED

Moved Councillor Lynette Zito, seconded Councillor Robert Dwyer.

That the information contained in the Deputy Mayor Attendances for the month of September 2009 were received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

ITEM 14 INFORMATION PAPERS

14.1 MONTHLY FINANCE REPORT - SEPTEMBER

191009/ 5 RESOLVED

Moved Councillor Lynette Zito, seconded Councillor Robert Dwyer.

That the information contained in the Monthly Finance Report – September was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

14.2 CHRISTMAS/NEW YEAR CLOSEDOWN

191009/ 6 RESOLVED

Moved Councillor Ernie Bennett, seconded Councillor Lynette Zito.

That the report Christmas/New Year Closures was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

14.3 NEW MEETINGS PRACTICE NOTE

191009/ 7 RESOLVED

Moved Councillor Ernie Bennett, seconded Councillor Robert Leadbeatter.

That the New Meetings Practice Note report was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

ITEM 15 GENERAL MANAGER 'S REPORT

ITEM 15A TECHNICAL SERVICES REPORT

15A.1 WORKS COMMITTEE MEETING - OCTOBER 12, 2009

191009/ 8 RESOLVED

Moved Councillor Robert Dwyer, seconded Councillor Robert Leadbeatter.

That the minutes of the Works Committee meeting held October 12, 2009 were received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

ITEM 15B PLANNING SERVICES REPORT

15B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD SEPTEMBER 1, 2009 TO SEPTEMBER 30, 2009

191009/ 9 RESOLVED

Moved Councillor Robert Dwyer, seconded Councillor Robert Leadbeatter.

1. That, with the exception of the following items in which Mayor Ross Brown, Councillor Robert Leadbeatter, The General Manager, Director of Planning & Environmental Services have declared an interest,

    - Cr Ross Brown 15B.1 Development Applications Received, Determined and Outstanding DA 2009/18

    - Cr Robert Leadbeatter 15B.1 Development Applications Received, Determined and Outstanding DA2010/32

    - The General Manager 15B.1 Development Applications Received, Determined and Outstanding DA 2009/35

- Director of Planning & Environmental Services 15B.1 Development Applications Received, Determined and Outstanding DA 2007/188

The information contained in the report Development Applications Received, Determined and Outstanding for the period September 1, 2009 to September 30, 2009 was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

Having declared an interest in Item 15B.1 Mayor Ross Brown, Councillor Robert Leadbeatter, The General Manager, Director of Planning, Environmental & Planning Services and left the meeting at 3.58 p.m.

Councillor Lynette Zito assumed the position of the Chair.

191009/ 10 RESOLVED

Moved Councillor Robert Dwyer, seconded Councillor Ernie Bennett.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period September 1, 2009 to September 30, 2009 only in relation to DA09/18, DA10/32, DA09/35 and DA07/188. In which Mayor Ross Brown, Councillor Robert Leadbeatter, The General Manager, Director of Planning & Environmental Services have declared an interest was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield, Ross Brown, Robert Leadbeatter.

Mayor Ross Brown, Councillor Robert Leadbeatter and the General Manager, returned to the meeting at 3.59 p.m.

The Director of Planning & Environmental Services remained out of the meeting as a declaration an interest was given for Item 15B.2.

The Mayor resumed the Chair.

15B.2 DEVELOPMENT APPLICATION 2010/33 - RAISED SINGLE STOREY DWELLING J & J HESSION

191009/ 11 RESOLVED

Moved Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

That council issue development consent for the construction of a building to be used for the purpose of a dwelling.

SUBJECT TO THE CONDITIONS SPECIFIED in this notice being:

1. The development being carried out substantially in accordance with the plans received by Council on September 4, 2009 except where amended by the following conditions of consent.

2. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the development application registered in Councils records as Development Application No 10/33 on September 4, 2009, and that any alteration, variation or extension to the use for which approval has been given would require further development approval.

3. This development consent is limited to a period of 2 years. Following the expiration of this period the consent will lapse unless the development has commenced in accordance with the conditions of consent, or unless an extension of the development consent period has been requested and granted.

4. That occupation of the proposed development prior to its completion may result in Council initiating legal action for breach of the provisions of the Environmental Planning and Assessment Act, 1979, as amended.

5. Only one dwelling is allowed on this land. Existing dwelling being decommissioned.

PC - COMPLIANCE MATTERS

1 All work in connection with the installation, construction or alteration of a waste treatment device or a drain be connected to any such facility must comply with any applicable standards established by the Local Government Act and Regulations thereunder.

2 A fully completed Kyogle Council Application to Install and/or Construct, Alter or Operate a Sewage Management System and Effluent Disposal Area, including all the necessary supporting information, must be submitted to Council and be approved prior to any work commencing in relation to this consent.

3 All house drainage and sanitary plumbing and sewerage work must be carried out in accordance with the requirements of the N.S.W. Code of Practice " Plumbing and Drainage " and the National Plumbing and Drainage Code AS 3500.

4 An area, equivalent to the area set aside for the "related effluent application area " proposed, must be provided elsewhere on the land to permit the replacement of the

effluent application area at a future time. This area should not be considered for any future building development and must where possible be capable of being accessed by a gravity system.

5 A rural water supply is required to provide a minimum storage capacity of 45,000 litres for human consumption, domestic and fire fighting purposes. To ensure water quality a first flush system and bi-annual cleaning are recommended.

6 A "first flush" device shall be incorporated in the plumbing of the water storage tank to prevent the first portion of roof run-off from being conveyed to the tank storage.

7 All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.

8 An all weather vehicular access shall be constructed and maintained from the point of connection to Councils road network to the proposed development/dwelling site in accordance with Councils Property Access and Addressing Management Plan and the Northern Rivers Development and Design Manuals. This requires that the grade of the access does not exceed a grade of 1 in 6 or 16.67% within the road reserve, and does not exceed a grade of 1 in 4 or 25% within private property. Any section of the access that exceeds a grade of 1 in 8.3 or 12% shall be provided with a sealed surface on a suitable pavement. The access road is to be a minimum of 4m wide, with a minimum pavement depth of 150mm of compacted gravel, a maximum crossfall of 10%, and the radius on the inside of any bends shall not be less than 6m.

9 The applicant is to make written application to Council (accompanied by a location plan) for a vehicular access to the dwelling/development and construct it in accordance with Council's approval (refer to Council's Property Access and Addressing Management Plan). No other accesses may be constructed or opened onto a Council road without the prior written approval of Council.

10 All allotments shall have a sealed vehicular access from the existing roadway to the boundary of private property in accordance with Council's Property Access and Addressing Management Plan.

11 A certificate of Builders' Indemnity Insurance registered with an approved insurer under the Home Building Act 1997 is required to be submitted and approved by the Principal Certifying Authority prior to the commencement of work.

12 Appropriate signage must be provided on the work site and in a prominent position visible to the public:

Stating that unauthorized access to the work site is not permitted; and
Showing the name of the builder or person responsible for the site and a telephone number at which that person can be contacted outside working hours.

13 The proposal to comply with the requirements of the Work Cover Authority of NSW.

14 Erosion and sediment control measures must be put in place and be maintained to prevent soil erosion and the transportation of sediment from the site and eventually into natural or constructed drainage lines or watercourses. Control measures are to remain

in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Work may not proceed until the sedimentation controls are in place.
Failure to comply with these requirements may result in penalty notices being issued without further notice.

15 Footings and/or slabs must be in accordance with AS 2870 – 1996, “Residential Slabs and Footings”.

16 All footings shall bear on natural ground having an even, uniform bearing capacity not subject to differential bearing values upon stable, firm and undisturbed foundations, free from roots and fill.

17 The building must be protected against attack by subterranean termites. This can be achieved by:

Soil treatment in accordance with AS 3660.1 - 2000 of the subsoil area beneath all concrete slabs and including additional treatment of a 300mm wide horizontal barrier around the perimeter, edge protection and treatment of all slab penetrations.

Maintenance of a 75 mm wide strip around the entire slab to allow visual inspection. The area immediately adjoining the external wall is to be kept clear of landscaping or gardens.

Other chemical or physical measures which meet the objective of protecting primary building elements against subterranean termite attack. If this option is chosen, full details are required to be submitted for Council's consideration.

NOTE 1: The approved chemical for underslab spraying does not provide protection against termites over the economic life of the building.

NOTE 2: Depending on the slab construction a vertical 150 mm wide chemical barrier may be required to the external perimeter of the slab.

NOTE 3: Landscaping and Gardens - Most termite barriers require the area immediately adjoining an external wall to be kept clear of any landscaping or gardens. This is necessary either to prevent the bridging of the termite barrier or to ensure the area is visible for inspection.

NOTE 4: It is recommended that the slab penetrations be protected by a physical barrier where a non reticulated chemical protection is used.

A durable notice must be permanently fixed to the building in a prominent location such as a meter box, indicating;

The method of protection; and
The date of installation of the system; and
Where a chemical barrier is used, its life expectancy as listed on the National Regulation Authority label; and
The installer’s or manufacturer’s recommendations for the scope and frequency of future inspections for termite activity.

18 All timber posts and timber stair stringers are to be kept a minimum of 75 mm clear of finished ground level, to facilitate for visual termite inspection.

Alternatively, treated timber may be used or the timber suitably protected by stainless steel mesh, graded stone or chemical barriers. Where a method other than the provision for visual inspection is utilized, certification of the protection method employed must be provided to Council prior to occupation of the building.

19 The metal roof and wall cladding is to be installed in accordance with AS 1562 – 1992, Design and Installation of Sheet Roof and Wall Cladding.

NOTE: All roof capping and flashing to be scribed on a Dwelling.

20 All metal framing to comply with approved engineering specifications and AS 3623-Domestic Metal Framing.

21 The wet areas are to be treated and impervious to moisture at all floor wall junctions with an approved material in accordance with the Building Code of Australia, and Australian Standard 3740. The shower area is to be provided with a completely impervious tray using either a preformed tray of approved material or an in-situ treatment complying with AS 3740. Floor surfaces shall be impervious and graded to a floor waste.

22 A certificate from a licensed electrician must be provided upon completion of the installation of the smoke alarms certifying that the smoke alarm installation complies with AS 3786 “Smoke Alarms”.

23 Where the height of the structure above finished ground level is greater than 1.0 metre, a continuous balustrade a minimum of:

1.0 metre high above the finished floor level of decks, landings, balconies and the like, and
865 mm high above the nosings of the stair treads or floor of ramp, must be provided. The maximum permissible opening in the balustrade is 125 mm.

24 The door to a fully enclosed sanitary compartment must;

open outwards; or
slide; or
be readily removable from outside of the compartment unless there is a clear space of 1.2 m between the nearest part of the closet pan and the doorway.

Asset Protection Zones – bushfire protection

25 At the commencement of building works and in perpetuity the property around the building shall be managed as follows as outlined within section 4.1.3 and Appendix 5 of ‘Planning for Bushfire Protection 2006’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’:

- North for a distance of 20 metres as an asset protection zone;
- South for a distance of 22 metres as an asset protection zone;
- East for a distance of 28 metres as an asset protection zone;

- West for a distance of 17 metres as an asset protection zone (APZ). (Note: in forested areas a portion of the APZ may be maintained as an outer protection zone as specified in Table A2.7 of 'Planning for Bushfire Protection 206'.)

Water and Utilities: bushfire protection

26 The water source shall be made available or located within the inner protection area (IPA) and away from the structure.

27 A 65mm Storz outlet with a gate or ball valve shall be provided.

28 In recognition that no reticulated water supply exists, a 20000 litre water supply shall be provided for fire fighting purposes.

29 Above ground tanks are manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks shall not be used.

30 The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are metal.

31 Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2002: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.

32 No gas cylinders are permitted on the northern elevation.

Access – bushfire protection

33 Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bushfire Protection 2006'.

Design and construction – bushfire protection

34 New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 3.

35 All exposed/external timber used in the development shall be of a fire resistant timber species as identified in RFS Development control Note 001. These species include: Blackbutt, Kwila (Merbau), Red Iron Bark, Red River Gum, silver Top Ash, Spotted gum and Turpentine.

36 No brushwood fencing shall be used.

37 Structure and shade materials in the inner protection area shall be non-combustible or have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS 1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials'.

Landscaping – bushfire protection

38 Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

39 If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required;

- prior to pouring any in-situ reinforced concrete building element.
- prior to covering of the framework for any floor, wall, roof or other building element.
- prior to covering waterproofing in any wet areas. (Class 2,3 & 4 only 10% of rooms)
- the external house drainage lines which have been installed a licensed drainer. A water test is required prior to drains being covered. A layout plan of the house drains certified by the drainer must be submitted to Council.
- after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

Councillor Ernie Bennett and Councillor Ross Brown called for a division.

For	Against
Cr Robert Dwyer	
Cr Robert Leadbeatter	
Cr Tom Cooper	
Cr Ernie Bennett	
Cr Ross Brown	
Cr Lynette Zito	
Cr Janet Wilson	

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

The Director of Planning & Environmental Services returned to the meeting at 4.00 p.m.

15B.3 DEVELOPMENT APPLICATION 2010/19 - HEIGHT VARIATION OF A CONCRETE BLOCK FENCE

A motion was moved by Councillor Ross Brown, seconded Councillor Ernie Bennett.

That Council defer the item until a later Council meeting to allow further consideration of the matter.

The motion was put to the vote and was CARRIED.

191009/ 12 RESOLVED

Moved Councillor Ross Brown, seconded Councillor Ernie Bennett.

That Council defer the item until a later Council meeting to allow further consideration of the matter.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

Councillor Ernie Bennett and Councillor Ross Brown called for a division.

For	Against
Cr Robert Dwyer	
Cr Robert Leadbeatter	
Cr Tom Cooper	
Cr Ernie Bennett	
Cr Ross Brown	
Cr Lynette Zito	
Cr Janet Wilson	

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

15B.4 DEVELOPMENT APPLICATION 10/43 - BUILDING LINE VARIATION FOR A CARPORT

191009/ 13 RESOLVED

Moved Councillor Ernie Bennett, seconded Councillor Robert Leadbeatter.

That council issue development consent for the construction of a Carport, incorporating a building line variation of 100mm to 85mm.

SUBJECT TO THE CONDITIONS SPECIFIED in this notice being:

1. The development being carried out substantially in accordance with the plans received by Council on September 16, 2009 except where amended by the following conditions of consent.

2. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the development application registered in Councils records as Development Application No 10/43 on September 16, 2009 and that any alteration, variation or extension to the use for which approval has been given would require further development approval.

3. This development consent is limited to a period of 2 years. Following the expiration of this period the consent will lapse unless the development has commenced in accordance with the conditions of consent, or unless an extension of the development consent period has been requested and granted.

4. All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.

5. An all weather vehicular access shall be constructed and maintained from the point of connection to Councils road network to the proposed development/dwelling site in accordance with Councils Property Access and Addressing Management Plan and the Northern Rivers Development and Design Manuals. This requires that the grade of the access does not exceed a grade of 1 in 6 or 16.67% within the road reserve, and does not exceed a grade of 1 in 4 or 25% within private property. Any section of the access that exceeds a grade of 1 in 8.3 or 12% shall be provided with a sealed surface on a suitable pavement. The access road is to be a minimum of 4m wide, with a minimum pavement depth of 150mm of compacted gravel, a maximum crossfall of 10%, and the radius on the inside of any bends shall not be less than 6m.

6. The applicant is to make written application to Council (accompanied by a location plan) for a vehicular access to the dwelling/development and construct it in accordance with Council's approval (refer to Council's Property Access and Addressing Management Plan). No other accesses may be constructed or opened onto a Council road without the prior written approval of Council.

7. All allotments shall have a sealed vehicular access from the existing roadway to the boundary of private property in accordance with Council's Property Access and Addressing Management Plan.

8. The proposal to comply with the requirements of the Work Cover Authority of NSW.

9. Drainage is to be provided to divert surface water clear of the building and dispose of such water in a way that avoids the likelihood of damage or nuisance to any other property.

10. Footings and/or slabs must be in accordance with AS 2870 – 1996, “Residential Slabs and Footings”.

11. Treated timber may be used or the timber suitably protected by stainless steel mesh, graded stone or chemical barriers. Where a method other than the provision for visual inspection is utilised, certification of the protection method employed must be provided to Council prior to occupation of the building.

12. All metal framing to comply with approved engineering specifications and AS 3623-Domestic Metal Framing.

13. The metal roof and wall cladding is to be installed in accordance with AS 1562 – 1992, Design and Installation of Sheet Roof and Wall Cladding.

NOTE: All roof capping and flashing to be scribed on a Dwelling.

14. If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required;

- prior to pouring any in-situ reinforced concrete building element.
- after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O’Reilly, Lindsay Passfield

Councillor Ernie Bennett and Councillor Ross Brown called for a division.

For	Against
Cr Robert Dwyer	
Cr Robert Leadbeatter	
Cr Tom Cooper	
Cr Ernie Bennett	
Cr Ross Brown	
Cr Lynette Zito	
Cr Janet Wilson	

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

15B.5 DEVELOPMENT APPLICATION 2010/23 - BUILDING LINE VARIATION FOR A CARPORT

191009/ 14 RESOLVED

Moved Councillor Robert Leadbeatter, seconded Councillor Ernie Bennett.

That council issue development consent for the construction of a Carport, incorporating a building line variation of 100mm to 85mm.

SUBJECT TO THE CONDITIONS SPECIFIED in this notice being:

1. The development being carried out substantially in accordance with the plans received by Council on August 19, 2009 except where amended by the following conditions of consent.

2. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the development application registered in Councils records as Development Application No 10/23 on August 19, 2009 and that any alteration, variation or extension to the use for which approval has been given would require further development approval.

3. This development consent is limited to a period of 2 years. Following the expiration of this period the consent will lapse unless the development has commenced in accordance with the conditions of consent, or unless an extension of the development consent period has been requested and granted.

4. All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.

5. An all weather vehicular access shall be constructed and maintained from the point of connection to Councils road network to the proposed development/dwelling site in accordance with Councils Property Access and Addressing Management Plan and the Northern Rivers Development and Design Manuals. This requires that the grade of the access does not exceed a grade of 1 in 6 or 16.67% within the road reserve, and does not exceed a grade of 1 in 4 or 25% within private property. Any section of the access that exceeds a grade of 1 in 8.3 or 12% shall be provided with a sealed surface on a suitable pavement. The access road is to be a minimum of 4m wide, with a minimum pavement depth of 150mm of compacted gravel, a maximum crossfall of 10%, and the radius on the inside of any bends shall not be less than 6m.

6. The applicant is to make written application to Council (accompanied by a location plan) for a vehicular access to the dwelling/development and construct it in accordance with Council's approval (refer to Council's Property Access and Addressing Management Plan). No other accesses may be constructed or opened onto a Council road without the prior written approval of Council.

7. All allotments shall have a sealed vehicular access from the existing roadway to the boundary of private property in accordance with Council's Property Access and Addressing Management Plan.

8. The proposal to comply with the requirements of the Work Cover Authority of NSW.

9. Drainage is to be provided to divert surface water clear of the building and dispose of such water in a way that avoids the likelihood of damage or nuisance to any other property.

10. Footings and/or slabs must be in accordance with AS 2870 – 1996, "Residential Slabs and Footings".

11. All timber posts and timber stair stringers are to be kept a minimum of 75 mm clear of finished ground level, to facilitate for visual termite inspection.

Alternatively, treated timber may be used or the timber suitably protected by stainless steel mesh, graded stone or chemical barriers. Where a method other than the provision for visual inspection is utilised, certification of the protection method employed must be provided to Council prior to occupation of the building.

12. The timber frame used in the structure shall be in compliance with AS 1684 – 1999, Residential Timber Framed Construction.

13. The metal roof and wall cladding is to be installed in accordance with AS 1562 – 1992, Design and Installation of Sheet Roof and Wall Cladding.

NOTE: All roof capping and flashing to be scribed on a Dwelling.

14. If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required;

- prior to pouring any in-situ reinforced concrete building element.
- after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

Councillor Ernie Bennett and Councillor Ross Brown called for a division.

For	Against
Cr Robert Dwyer	
Cr Robert Leadbeatter	
Cr Tom Cooper	
Cr Ernie Bennett	
Cr Ross Brown	
Cr Lynette Zito	
Cr Janet Wilson	

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

ITEM 15C ENVIRONMENT SERVICES REPORT

15C.1 STATE OF THE ENVIRONMENT REPORT 2009

191009/ 15 RESOLVED

Moved Councillor Lynette Zito, seconded Councillor Robert Dwyer.

1. That Council adopt the draft comprehensive State of the Environment Report 2009.
2. That the draft comprehensive State of the Environment Report 2009 be placed on public exhibition for a period of 28 days inviting public submissions on the document.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

ITEM 15D CORPORATE SERVICES REPORT

15D.1 SEPTEMBER QUARTER BUDGET/MANAGEMENT PLAN REVIEW

191009/ 16 RESOLVED

Moved Councillor Ernie Bennett, seconded Councillor Lynette Zito.

That the September, 2009 Quarterly Budget/Management Plan Review Statement was received and noted and Council approve the variation of estimates contained therein.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

15D.2 PECUNIARY INTEREST RETURNS

191009/ 17 RESOLVED

Moved Councillor Ernie Bennett, seconded Councillor Robert Leadbeatter.

1. That the information contained in the report Pecuniary Interest Returns was received and noted.
2. That the tabled Kyogle Council Register of Disclosures was received.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

ITEM 15E COMMUNITY SERVICES REPORT

15E.1 DRAFT KYOGLE SOCIAL PLAN 2009 - 2014

191009/ 18 RESOLVED

Moved Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

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1. That the Draft Kyogle Council 2009-2014 Social Plan was received and noted.
2. That the Draft Kyogle Council 2009-2014 Social Plan be placed on public exhibition for a period of 28 days inviting public submissions on the document.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

15E.2 CONFIRMATION OF CUMMUNITY CULTURAL & ECONOMIC MEETING MINUTES

191009/ 19 RESOLVED

Moved Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

1. That the minutes of the Community Cultural & Economic Committee Meeting held 12 October, 2009 were received and noted.
2. That Council staff be asked to review the eligibility criteria for Futures Funding and make recommendations to Council.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

A motion was moved by Councillor Ross Brown, seconded Council Janet Wilson

That Council staff provide a report which details their proposed way forward after receiving a Draft Economic Policy from Kyogle Community Economic Development Committee (KCEDC) and Council write to the Department of Industry and Investment and advise of the intention of the motion.

The motion was put to the vote and was CARRIED.

191009/ 20 RESOLVED

Moved Councillor Ross Brown, seconded Councillor Janet Wilson.

That Council staff provide a report which details their proposed way forward after receiving a Draft Economic Policy from Kyogle Community Economic Development Committee (KCEDC) and Council write to the Department of Industry and Investment and advise of the intention of the motion.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

ITEM 15F GENERAL MANAGER'S REPORT

15F.1 TRAINING NEEDS ANALYSIS

191009/ 21 RESOLVED

Moved Councillor Lynette Zito, seconded Councillor Ernie Bennett.

1. That the training needs analysis report was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

A motion was moved by Councillor Lynette Zito, seconded Councillor Ross Brown.

2. That a workshop be held to consider recommendation 1 of the training needs analysis report.

A motion was foreshadowed by Councillor Lynette Zito.

3. That a further report be provided to Council that would outline the plan for the implementation of stages 2 and 3 and any budgetary considerations in the financial year 2010/11 budget.

An amendment to the motion was moved by Councillor Ross Brown

2. That a Kyogle Council workshop be held to consider recommendation 1 of the training needs analysis report.

The amendment was seconded by Councillor Ernie Bennett.

The amendment was put to the vote and was CARRIED.

The amendment then became the motion.

FOR VOTE - Ernie Bennett, Lynette Zito, Robert Dwyer, Robert Leadbeatter, Ross Brown, Tom Cooper
AGAINST VOTE - Janet Wilson
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

191009/ 22 RESOLVED

Moved Councillor Ross Brown, seconded Councillor Ernie Bennett.

2. That a Kyogle Council workshop be held to consider recommendation 1 of the training needs analysis report.

CARRIED

FOR VOTE - Ernie Bennett, Lynette Zito, Robert Dwyer, Robert Leadbeatter, Ross Brown, Tom Cooper
AGAINST VOTE - Janet Wilson
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

The foreshadowed motion was seconded by Councillor Janet Wilson

The foreshadowed motion was put to the vote and was CARRIED.

191009/ 23 RESOLVED

Moved Councillor Lynette Zito, seconded Councillor Janet Wilson.

3. That a further report be provided to Council that would outline the plan for the implementation of stages 2 and 3 and any budgetary considerations in the financial year 2010/11 budget.

CARRIED

FOR VOTE - Ernie Bennett, Janet Wilson, Lynette Zito, Robert Dwyer, Ross Brown, Tom Cooper
AGAINST VOTE - Robert Leadbeatter
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

15F.2 RALLY STEERING COMMITTEE

191009/ 24 RESOLVED

Moved Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

That Council form a Rally Steering Committee to consider issues surrounding the review of the 2009 event and planning for the 2011 event (subject to approval to proceed).

CARRIED

FOR VOTE - Ernie Bennett, Lynette Zito, Robert Dwyer, Robert Leadbeatter, Ross Brown, Tom Cooper
AGAINST VOTE - Janet Wilson
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

A motion was moved by Councillor Lynette Zito, seconded by Councillor Robert Leadbeatter.

That Council staff draft a Major Events Policy to be reviewed through the Rally Steering Committee prior to the next major event.

The motion was put to the vote and was CARRIED.

191009/ 25 RESOLVED

Moved Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

That Council staff draft a Major Events Policy to be reviewed through the Rally Steering Committee prior to the next major event.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

15F.3 GENERAL MANAGER'S REVIEW COMMITTEE

191009/ 26 RESOLVED

Moved Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

That consideration of the report General Manager's Review Committee be deferred until full council is present.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Lindsay Passfield

ITEM 16 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 17 CONFIDENTIAL BUSINESS PAPER

Nil.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 4.42 p.m.

10.2 CONFIRMATION OF EXTRAORDINARY MINUTES

Kyogle Council

Unconfirmed Minutes of the Extraordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 26 October 2009.

PRESENT

Cr. R. Brown, (Mayor in the Chair), Cr. E. Bennett, Cr. J. Wilson, Cr. J. O'Reilly, Cr. L. Passfield , Cr. L. Zito, Cr. R. Dwyer, Cr. R. Leadbeatter and Cr. T. Cooper.

IN ATTENDANCE

The General Manager, the Director of Technical Services, the Director of Corporate & Community Services, the Director of Planning & Environmental Services and the Personal Assistant to the General Manager & Corporate Services.

MEETING COMMENCEMENT

The Mayor declared the meeting open at 3.30 p.m.

ITEM 1 APOLOGIES

Nil

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor acknowledged that the meeting was being held on the Traditional Lands of the Bundjalung people.

ITEM 4 DECLARATION OF INTERESTS

The General Manager declared an interest in the following item/s:

- Item 5.3 General Manager's Review Committee
  Reason for Declaration – relates to employment contract.

ITEM 5 GENERAL MANAGER 'S REPORT

5.1 PRESENTATION FROM AUDITORS ON 2008/2009 FINANCIAL STATEMENTS

261009/ 1 RESOLVED

Moved Councillor Ernie Bennett, seconded Councillor Lindsay Passfield.

That the Presentation from Council's Auditors Thomas, Noble & Russell on the 2008/2009 Financial Reports was received and noted.

CARRIED

FOR VOTE - Unanimous vote

5.2 2008/2009 FINANCIAL STATEMENTS

261009/ 2 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Ernie Bennett.

That Council:

1. Adopts the 2008/2009 General Purpose Financial Report;
2. Authorises the Mayor, Deputy Mayor, General Manager and Manager Financial Services (Responsible Accounting Officer) to sign the Financial Statement to the General Purpose Financial Report;
3. Adopts the 2008/2009 Special Purpose Financial Report;
4. Authorises the Mayor, Deputy Mayor, General Manager and Manager Financial Services (Responsible Accounting Officer) to sign the Financial Statement to the Special Purpose Financial Report.

CARRIED

FOR VOTE - Unanimous vote

5.3 GENERAL MANAGER'S REVIEW COMMITTEE

261009/ 3 RESOLVED

Moved Councillor Ernie Bennett, seconded Councillor Robert Leadbeatter.

That Council re-elect the third Councillor representative on the General Manager's Review Committee by Ordinary Ballot.

CARRIED

FOR VOTE - Unanimous vote

Having declared an interest Item 5.3 the General Manager left the meeting at 3.55 p.m.

The Ordinary ballot would be held by a show of hands.

The Director of Corporate Services called for nominations.
Two nominations were received;

- Councillor Ernie Bennett
- Councillor John O'Reilly

The Director of Corporate Services called for a show of hands for each nominee;

Councillor Ernie Bennett received five (5) votes.

Councillor John O'Reilly received four (4) votes.

The Director of Corporate Services then declared Councillor Ernie Bennett as the third Councillor representative on the General Manager's Review Committee.

The General Manager returned to the meeting at 4.00 p.m.

5.4 DEVELOPMENT APPLICATION 2010/19 - HEIGHT VARIATION OF A CONCRETE BLOCK FENCE

261009/ 4 RESOLVED

Moved Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

That council issue development consent for the construction of a concrete block fence, incorporating a height variation from 600mm to 1400mm.

SUBJECT TO THE CONDITIONS SPECIFIED in this notice being:

1 The development being carried out substantially in accordance with the plans received by Council on August 3, 2009 except where amended by the following conditions of consent.

2 The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the development application registered in Councils records as Development Application No 10/19 on August 3, 2009 and that any alteration, variation or extension to the use for which approval has been given would require further development approval.

3 This development consent is limited to a period of 2 years. Following the expiration of this period the consent will lapse unless the development has commenced in accordance with the conditions of consent, or unless an extension of the development consent period has been requested and granted.

4 The existing earth mound located within the road reserve fronting the subject Lot 9 and adjoining Lot 10 must be removed in order to allow the runoff from the road and road reserve/verge area to flow unimpeded to the stormwater drain located to the east of the subject lot. This work must be completed prior to the issue of a Construction Certificate.

PC - COMPLIANCE MATTERS

1 Prior to carrying out any works within a public road reserve, the proponent shall complete an application under Council's Road Reserve Management Plan and receive written approval from Council. Satisfactory arrangements for restoration with Council's Technical Services Department shall also be required, with all works constructed according to Council's Development, Design and Construction Manuals (as amended). All costs shall be the responsibility of the proponent.

2 That there shall be no loss of support to the Councils foot path area as a result of excavation within the site. Details of how this support will be maintained during construction shall be submitted for the Councils approval prior to the commencement of any work.

3 Council must be notified in writing, prior to commencement of building operations of any existing damage to kerb and gutter or footpaths.

Absence of notification signifies that no damage exists and the applicant is therefore liable for the cost of reinstatement of any damage to the kerb and gutter or footpath which may be necessary after the completion of the building. Where unmade or grassed footpaths are disturbed by the passage of builder or suppliers' vehicles, the footpaths are to be graded and restored to original level with loam.

4 All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.

5 Measures shall be put in place to control stormwater runoff. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:

- adjoining land
- natural drainage courses
- constructed drainage systems, or
- waterways.

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation.

6 All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.

7 Details and certification prepared by a Practising Structural Engineer must be submitted to the certifying authority for the following prior to the issue of a Construction Certificate:

a) all footings and slabs
b) reinforced masonry construction

The certification must:

i) certify that the design complies with the requirements of the Building Code of Australia; and
ii) set out the basis on which it is given and the extent to which relevant codes of practice, specifications, rules or other publications have been relied upon.
iii) Details of bore log results (if applicable)

2 If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required;

a) prior to pouring any in-situ reinforced concrete building element.
b) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

CARRIED

FOR VOTE - Ernie Bennett, John O'Reilly, Lindsay Passfield, Lynette Zito, Robert Dwyer, Robert Leadbeatter, Ross Brown, Tom Cooper
AGAINST VOTE - Janet Wilson

Councillor Ernie Bennett and Councillor Ross Brown called for a division.

For	Against
Cr Robert Dwyer	Cr Janet Wilson
Cr Robert Leadbeatter	
Cr Tom Cooper	
Cr Ernie Bennett	
Cr Ross Brown	
Cr Lynette Zito	
Cr John O'Reilly	
Cr Lindsay Passfield	

CARRIED

ITEM 6 URGENT BUSINESS WITHOUT NOTICE

Nil

ITEM 7 CONFIDENTIAL BUSINESS PAPER

7.01 MOVE INTO CLOSED COUNCIL

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

The matters and information are the following;

(d) commercial information of a confidential nature

Pursuant to section 10A(4), the public were invited to make representations to the council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

Item 7.1 - Bonalbo Water Treatment Plant

This item is classified CONFIDENTIAL under section 10A(2) (i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following;

(d) commercial information of a confidential nature that would if disclosed:

It is not in the public interest to reveal all details.

Pursuant to section 10A(4), the public were invited to make representations to the council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

261009/ 5 RESOLVED

Moved by Councillor Ernie Bennett, seconded by Councillor Lindsay Passfield.

1. That Council resolve to move into closed council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

CARRIED

FOR VOTE - Unanimous vote

Council Closed its meeting at 4.10 p.m. The public and media left the Chamber.

The Manager of Asset Services attended the meeting to assist with any questions arising from Item 7.1.

7.02 MOVE OUT OF CLOSED COUNCIL

261009/ 6 RESOLVED

Moved by Councillor Ernie Bennett, seconded by Councillor Lindsay Passfield.

That Council move out of Closed Council and into Open Council.

CARRIED

FOR VOTE - Unanimous vote

7.03 RESOLUTIONS FROM THE CLOSED MEETING

261009/ 7 RESOLVED

Moved by Councillor Ernie Bennett, seconded by Councillor Lindsay Passfield.

That the following resolutions of council while the meeting was closed to the public were read to the meeting by the Chair.

CARRIED

FOR VOTE - Unanimous vote

7.1 BONALBO WATER TREATMENT PLANT

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1. That the Bonalbo Water Treatment Plant report was received and noted.
2. That Council authorises termination of contract number 2006BWS001 on the basis that the contractor is insolvent.
3. That Council authorises staff to directly engage sub-contractors and suppliers identified by the contractors Administrator to complete their services and commitments under the project.
4. That specialist service providers be engaged to complete the works as described in the original contract.
5. That a further report be provided to Councils next Ordinary Meeting outlining a detailed project program and budget estimates to complete the WTP construction.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 4.31 p.m.

14.1 MONTHLY FINANCE REPORT - OCTOBER

Kyogle Council

Financial Reports
31 October, 2009

Rates Statement
Statement of Bank Balances
Summary of Investments

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

KYOGLE COUNCIL RATES STATEMENT AS AT 31 October 2009

	ARREARS 1-Jul-09	NET CHARGES 2009	PAYMENTS	OUTSTANDING BALANCE	PERCENTAGE COLLECTED
RATES	209,476.01	4,272,032.36	1,929,025.42	2,552,482.95	43.04%
SERVICES	324,936.70	1,574,821.95	860,768.50	1,038,990.15	45.31%
INTEREST	74,253.63	13,274.72	22,364.31	65,164.04	25.55%
TOTALS	**608,666.34**	**5,860,129.03**	**2,812,158.23**	**3,656,637.14**	**43.47%**

PRESENTED TO COUNCIL NOVEMBER 2009

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

KYOGLE COUNCIL

STATEMENT OF BANK BALANCES AS AT
31-Oct-09

FUND	CLOSING BANK BALANCE 31-Oct-09	INVESTMENT BALANCE 31-Oct-09
GENERAL FUND		
UNRESTRICTED	(2,114,385.16)	3,200,000.00
INTERNALLY RESTRICTED	362,000.00	3,500,000.00
STATE HIGHWAYS	1,458,211.03	
QUARRIES	148,283.63	
PLANT	2,868,454.46	
EXTERNALLY RESTRICTED	213,650.80	700,000.00
	2,936,214.76	7,400,000.00
RESTRICTED		
WATER SUPPLIES	(328,969.87)	500,000.00
SEWERAGE SYSTEMS	556,411.50	
DOMESTIC WASTE	468,886.21	
ORDINARY TRUST	53,334.21	
	749,662.05	500,000.00
CONSOLIDATED FUNDS	3,685,876.81	7,900,000.00

KYOGLE COUNCIL

SUMMARY OF INVESTMENTS AS AT 31/10/09

	BANK	TYPE	TERM	AMOUNT	RATE P.A.	DUE DATE
1	CITIBANK	TERM DEPOSIT	34 DAYS	1,000,000.00	4.30%	November 9, 2009
2	COMMONWEALTH	TERM DEPOSIT	30 DAYS	3,000,000.00	3.72%	November 25, 2009
3	SUNCORP METWAY	TERM DEPOSIT	30 DAYS	1,000,000.00	4.80%	November 27, 2009
4	SUNCORP METWAY	TERM DEPOSIT	30 DAYS	400,000.00	4.10%	November 27, 2009
5	BANKWEST	TERM DEPOSIT	62 DAYS	1,500,000.00	4.10%	December 7, 2009
6	BANKWEST	TERM DEPOSIT	116 DAYS	1,000,000.00	4.40%	January 19, 2010
				7,900,000.00		

PRESENTED TO COUNCIL ON NOVEMBER 16, 2009

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
OCTOBER

COUNCILLOR NAME	KLMS CLAIMED		CURRENT KM RATE	AMT REIMBURSED	
	MONTH	YTD		MONTH	YTD
E Bennett	0	4,456	0.73	0.00	3,252.88
R. Brown	0	0	0.73	0.00	0.00
T. Cooper	588	1,372	0.73	429.24	1,001.56
R. Dwyer	0	0	0.73	0.00	0.00
J. O'Reilly	0	320	0.73	0.00	233.60
R. Leadbeatter	0	0	0.73	0.00	0.00
L. Passfield	0	1,639	0.73	0.00	1,196.47
J. Wilson	0	0	0.73	0.00	0.00
L. Zito	0	240	0.73	0.00	175.20
Total	**588**	**8,027**		**429.24**	**5,859.71**

Notes

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