



KYOGLÉ COUNCIL

COUNCIL MEETING AGENDA

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

ON MONDAY, 9 MAY 2016

Commencing at 5pm

GENERAL MANAGER: DAVID TUXFORD

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, 9 May 2016 at 5pm.

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 Confirmation of Minutes
- Item 8 Mayoral Minute
- Item 9 Notices of Motion
- Item 10 Questions with Notice from Councillors
- Item 11 Reports from Delegates
- Item 12 Information Reports
- Item 13 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 14 Urgent Business Without Notice
- Item 15 Questions for Next Ordinary Meeting
- Item 16 Confidential Business Paper

DAVID TUXFORD
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

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 and we acknowledge elders, both past and present.

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

DISCLAIMER

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

(DAVID TUXFORD),
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 an individual or to cut short 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.

The General Manager, in consultation with the Mayor will consider each application for public access on its merit.

Residents will not be granted more than one public access request each calendar year (except where the subsequent request(s) directly relate to an item on the agenda for the meeting at which public access is requested).

No more than two speakers for a subject will be permitted at any meeting.

If granted Public Access by the General Manager, the individual resident will be allowed five (5) minutes to address Council with an extension of five (5) minutes for Councillors to direct questions to the speaker.

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.

COUNCIL MEETING AGENDA

Monday 9 May 2016

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- ITEM 7 CONFIRMATION OF MINUTES**

7.1 CONFIRMATION OF THE MINUTES OF THE 11 APRIL 2016 ORDINARY MEETING

REPORT BY: GENERAL MANAGER'S OFFICE
CONTACT: GENERAL MANAGER DAVID TUXFORD

Summary/Purpose

A copy of the Minutes of the Ordinary Meeting held on 11 April 2016 is included in the attachments to the business paper.

Community Strategic Plan

Item(s)

- Governance and Community Service

Recommendation

That Council adopt the Minutes of the Ordinary Meeting held on 11 April 2016.

Attachment

Minutes of the Ordinary meeting held on 11 April 2016

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

**9.1 NOTICE OF MOTION - COUNCILLOR MAGGIE CREEDY; ADVERTISING AT
KYOGLE COMMUNITY CINEMA**

**REPORT BY: GENERAL MANAGER'S OFFICE
CONTACT: GENERAL MANAGER DAVID TUXFORD**

Summary/Purpose

This item presents to Council a Notice of Motion received from Councillor Maggie Creedy for the Ordinary meeting to be held on 9 May 2016.

Community Strategic Plan Item(s)

- Governance and Community Service

Report

A copy of the Notice of Motion follows;



NOTICE OF MOTION

I Councillor ...Maggie Creedy.....
hereby give notice that at the next Ordinary Meeting of
Council I will move;

That Kyogle Council commences advertising at the Kyogle
Community Cinema (before every film session) & continues to do
so for a minimum period of twelve months.

Signed: *MSCreedy*

Date: *30.4.16*

Councillor comments:

Kyogle Cinema advertising has the potential to reach more than 10,000
people per year for an approximate cost of \$1,200.00 per annum.

The Kyogle Community Cinema is run by a small dedicated group of local
people who provide an invaluable service to our community. By advertising in
the cinema the council would be supporting, in a small way, a very worthwhile
local non-profit facility that is a great social asset.

Council has identified that it has a problem engaging with the community &
disseminating information about the council & the LGA. This form of
advertising could help reach a wider range of people in the LGA with the
potential to engage the many school aged & younger adults who attend the
cinema.

This is a win win scenario. The cinema gains extra advertising revenue & the
council acquires a new means of informing the community & promoting the
council & LGA & its many projects & activities.

Staff comment

The Kyogle Community Cinema advises that an advertisement run at the cinema for a 12
month period has the potential to reach more than 10,000 people. The cinema itself
creates the ads, with the creation of the ad included in the screen price.

The Kyogle Community Cinema would screen the ad before every film session for the
duration of the ad contract. The cinema says it does not ad cycle clients. Screenings
week-to-week revolve around variables such as movie lengths, blockbuster screenings,
holiday periods and distributor policies.

Screen announcements will commence playing no earlier than the advertised start time
for each movie session.

The cinema offers three ad styles.

A 15 sec still slide with default backing music.

A 20 sec still slide with professional voiceover and optional music backing.

A 30 sec ad utilising multiple slides complete with professional voiceover and optional music backing.

Cost

The cost for the different ad styles are as follows:

Duration	Screening Period	Price/Wk
15 sec slide	13 weeks	\$17 a week
	26 weeks	\$16 a week
	52 weeks	\$14 a week
20 sec slide with a voice over	13 weeks	\$21 a week
	26 weeks	\$20 a week
	52 weeks	\$18 a week
30 sec multi slide transition with voice over	13 weeks	\$25 a week
	26 weeks	\$24 a week
	52 weeks	\$22 a week

Short media runs are priced at the 13 week rate. Prices do not include GST.

The number of times the ad can be changed is subject to negotiation and may change the price scale. But as an indication, Kyogle Real Estate which currently advertises with the cinema changes its ad every three months. The cinema has advised it would be willing to change a Council ad every month.

Recommendation

Not required. Outlined in the Notice of Motion.

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM THE LAST COUNCIL MEETING

REPORT BY: GENERAL MANAGER'S OFFICE

CONTACT: GENERAL MANAGER DAVID TUXFORD

Summary/Purpose

This report presents responses to questions raised at the last Council Meeting.

Community Strategic Plan Item(s)

- Governance and Community Service

Report

Following are questions raised at the last Council Meeting along with responses:

Councillor Maggie Creedy:

- *When will the Easter banner be removed from the main street of Kyogle?*

Response:

The banner has since been changed and the Easter message removed. The change was delayed to allow for co-ordination with the erection of the Anzac Day banners made by Kyogle High School, so as to avoid additional establishment and equipment hire and the costs associated with these.

Councillor Lindsay Passfield:

- *The Woodenbong and Bonalbo Pools were closed over the Easter Break while Kyogle was open. Can Council look at a facility to extend the use of the pools, weather permitting, in consultation with employees?*

Response:

The closing and opening times of the three pool complexes have been reasonably consistent over recent years. The pools at Bonalbo and Woodenbong have historically closed just before the Easter long weekend for many years. Last year the closing dates were extended to allow all three pools to remain open over the long weekend, however patronage was poor at all three pools. The current balance of opening and closing dates has provided the best outcomes achievable within the budget available. The cost of staying open gets higher as the season goes on, due to the overall reduction in patronage, which also leads to the gate and kiosk incomes dropping off. This cost is also higher on public holidays due to staff costs. The dates are also subject to review as the end of the season comes closer, which involves a review of matters such as patronage, performance against budget, pool temperatures and of course the weather.

This will always continue to be the case, and whenever the opportunity presents itself that would allow any of the pools to remain open for longer, this would be done subject to the constraints outlined.

- *Can Council look at providing a pedestrian crossing for adults and children crossing Anzac Drive from the park to the underpass on the western side of the Kyogle railway line?*

Response:

This matter has been previously considered by Council's Traffic Committee, and the advice from the RMS is that this street does not meet the criteria for the installation of a pedestrian crossing, and one cannot be put in place without the approval of the Traffic Committee. The option of a pedestrian refuge was also considered, however the geometry of the intersection did not allow installation of a pedestrian refuge without a major redesign and expansion of the intersection due to the turning requirements for trucks and buses. The new works to extend the footpath along the levee bank alignment has also provided an additional pathway to the Summerland Way without the need to cross Anzac Drive, which allows some of the pedestrian traffic an alternative route that does not require the crossing of Anzac Drive.

Councillor Michael Reardon:

- *Can Council look at reinstating the main light at the Kyogle swimming pool with another light that is more energy efficient such as an LED light?*

Response:

Council has already investigated the reinstatement of the lights at the Kyogle swimming pool. The lights in question were removed due to concerns over the structural integrity of the mounting arms at the top of the light pole, not associated with the energy efficiency of the lights. The pole structure itself is in good condition, but works need to be undertaken to modify the mounting arms at the top of the pole to ensure structural integrity. This is a costly exercise primarily due to the need for working at height on the existing structure, which does not have adequate access for such works as constructed. The lights were taken down and remain in storage at the facility. These were in working order when removed, and are considered suitable to be reinstated if and when the required structural repairs are undertaken. At this point there appears to be no demand or requirement for the lights. However, in a few years' time as other priority projects are completed, or if the need for the lights changes, this project will be considered again.

- *What is happening with the piggery venture in wetland on Studders Lane at Cedar Point?*

Response:

The Council has arranged for an independent audit inspection of the piggery at Hillyards Road for the purposes of monitoring environmental compliance and identification of any matters that may constitute a need to obtain development consent or other approvals from the Council. The audit inspection is scheduled for 27 April 2016. An inspection is also planned for Studders Lane.

It is anticipated that this will occur shortly after the inspection of the Hillyards Road piggery. Council is awaiting the return of the owner from overseas to confirm an inspection time. A report is expected to be provided by 18 May 2016 which Council will then consider and use as a basis for any further action.

The Council has already written to the Studders Lane piggery advising that the use requires development consent and that depending on the scale of the operation and its proximity to a waterbody, it may constitute designated development. The Council is awaiting clarification from the piggery regarding the timing for the lodgement of an application. The audit is partly intended to help expedite this matter for the Council and assist in clarifying its further position in the matter, which may include the issuing of Orders where any required action is not undertaken voluntarily within a reasonable timeframe. To date, the Council has taken a cooperative approach with piggery owners.

Councillor Danielle Mulholland:

- *Can Council be provided with a report on the status of the Kyogle caravan park?*

Response:

This matter was discussed at the 26 April Councillor Workshop and further information will be provided to Councillors as it becomes available.

- *Can the staff look into the feasibility and effectiveness of steaming weeds as opposed to the chemical control of weeds?*

Response:

Thermal control of weeds has been available for many years, however it is not generally suitable for broad scale roadside type work. Further investigation is underway with a request for a pilot program as a test for the efficiency and effectiveness of the process.

Recommendation

That Council receives and notes the report, Questions from the Last Council Meeting.

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

12.1 COUNCIL RESOLUTIONS REQUIRING ACTION

REPORT BY: GENERAL MANAGER'S OFFICE
CONTACT: GENERAL MANAGER DAVID TUXFORD

Summary/Purpose

This report presents to Council a list of Council resolutions requiring action as at 29 April 2016.

Community Strategic Plan Item(s)

- Governance and Community Service.

Report

Attached to this report is a table detailing resolutions requiring action and their current status.

Recommendation

That Council receives and notes the report, Council Resolutions Requiring Action.

Attachment

Council resolutions requiring action as at 29 April 2016.

12.2 MONTHLY FINANCE REPORT

REPORT BY: ADMINISTRATION AND COMMUNITY

**CONTACT: EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY
CAROL O'NEILL**

Summary/Purpose

This report presents financial reports to Council for information.

Community Strategic Plan Item(s)

- Governance and Community Service

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.

(A) Finance Reports

Summary reports outlining Council's financial position as at 28 April, 2016. The reports presented include:

- Rates Statement and Graph
- Statement of Bank Balances
- Summary of Investments

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

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 Council receives and notes the information contained in the Monthly Financial Report.

Attachments

1. Finance Reports
2. Report on Councillor Travel

12.3 WORKS PROGRAM PROGRESS REPORT

**REPORT BY: ADMINISTRATION AND COMMUNITY
CONTACT: ACTING EXECUTIVE MANAGER ADMINISTRATION AND
COMMUNITY GLENN ROSE**

Summary/Purpose

This report provides an update on the progress of Council's Capital Works Program, Plant Replacement Program, Quarry Operations and RMS Ordered Works for the information of Council.

Community Strategic Plan Item(s)

- Governance and Community Service
- Roads and Infrastructure
- Village Life
- Economic Development

Background Information

This report is intended to present to Council information on progress of the implementation of the annual works programs across all departments of Council, as well as the performance of the quarry and State Highways operations.

Report

The report is provided as a separate attachment covering four main areas;

1. Capital Works Progress Program

This section of the reports shows all capital works projects and provides a brief status report and expenditure year to date for each project, including any external funding which applies.

2. Plant Acquisition and Sales

This section of the reports shows the plant replacement program and the year to date income and expenditure associated with the program.

3. State Highways Ordered Works

This section of the reports shows the status of the Ordered Works under the Roads and Maritime Road Maintenance Council Contract (RMS RMCC) which is included in the State Highways budget area. The report shows each approved Works Order and the approved income and expenditure year to date.

4. Quarries Report

This section of the reports shows the income and expenditure for each of the four operational quarries for the year to date, including stock on hand and a brief description of current activities relating to quarries.

Budget & Financial Aspects

This report is provided for information only and any budgetary issues that may be identified as a result of these reports will be dealt with during the regular quarterly budget review process.

Recommendation

That Council receives and notes the information contained in the Works Program Progress Report April 2016.

Attachment

Works Program Progress Report April 2016

ITEM 13 GENERAL MANAGER'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

Nil.

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS DETERMINED AND OUTSTANDING FOR THE PERIOD 1 APRIL 2016 TO 27 APRIL 2016

**REPORT BY: PLANNING AND ENVIRONMENTAL
CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT MANFRED BOLDY**

Summary/Purpose

This item presents to Council the Development Applications determined and outstanding for the period 1 April 2016 to 27 April 2016.

Report

There are two separate listings provided in the attachments to this report;

1. Development Applications Outstanding

This lists all development applications that had not yet been determined at the time this report was prepared. This listing includes any development applications received in the period since the last report. Each development application has been given an "Application Status" in the listing as follows;

- **Recent Lodgement** - those received during the period since the last report
- **Awaiting info from applicant** – Council has requested additional information in order to be able to determine the application
- **Finalising** – applications where a determination has been drafted and is expected to be issued in the period before the next report

2. Development Applications Determined

This lists all development applications that have been determined since the last time this report was prepared.

Recommendation

That Council:

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

- Cr..... 13B.1 Development Applications
Determined and Outstanding DA../... - Reason for Declaration -
- Cr.....13B.1 Development Applications
Determined and Outstanding DA../... - Reason for Declaration -

Receive and note the information contained in the report Development Applications Determined and Outstanding for the 1 April 2016 to 27 April 2016.

2. Receive and note the information contained in the report Development Applications Determined and Outstanding for the period 1 April 2016 to 27 April 2016 only in relation to DA../... and DA../.... In which Councillors have declared an interest.

Attachments

Development applications determined and outstanding April 2016

13B.2 DEVELOPMENT APPLICATION 2016-11 KYOGLE MUSEUM BUILDING PROPOSAL

**REPORT BY: PLANNING AND ENVIRONMENT
CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT MANFRED BOLDY**

Summary/Purpose

The purpose of this report is an assessment of the proposal in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EPAA) and to provide a recommendation for determination to the Council for the proposed construction of a museum building on Council land as part of a partnership between the Kyogle District Historical Society Inc. and the Kyogle Council.

Community Strategic Plan Item(s)

- Governance and Community Service
- Village Life
- Environmental and Planning

Background Information

The Council has considered planning outcomes for the area around the Civic Centre and library on numerous occasions over the past five years and longer. Its 2011 consideration of the locality culminated in the preparation of a masterplan that recognised the area as a 'Civic Hub' which included a concept for a number of existing and proposed buildings, including a new museum. This proposal was dealt with by the Council as a development application matter which was approved subject to conditions. The DA did not proceed and since then, the original concept has been modified on a number of occasions culminating in the present proposal before the Council.

The current proposal before the Council was lodged on the basis of being located next to the library along Roxy Lane. The proposal, as lodged, deviates substantially from the original concept for the area and also comes at a time when the Council is increasingly mindful of the potential importance of effective place-making and 'village life' enhancement as reflected in its draft Community Strategic Plan.

While the development is, in principle, able to meet most 'technical compliance' requirements, it has the potential to prejudice long term planning outcomes for, and is expected to significantly alter, the character of the location. While the Council's *Kyogle Local Environmental Plan 2014* (KLEP) does not provide any clear specification regarding local planning outcomes for the site or even the broader local centre of Kyogle as a whole, the architectural design and characteristics of the proposal in the context of its proposed location between the library and the Kyogle Memorial Institute Hall (KMI) is not considered in keeping with at least one of the zone objectives for the centre. The development as proposed also has the potential to compromise effective longer term urban planning for the location as a community hub or civic area for the community.

The planning concerns raised above have also been raised in a submission to the Council as a result of the public notification period. Talks were held with the applicant regarding an alternative location for the proposed hall with some minor modifications to the proposed design which would include the works shed situated to the immediate north of the library. The alternate plan was also considered at a Councillor Workshop on 26 April 2016 to gauge the council's likely response, as landowner and as a Public Private Partnership (PPP) party to the project, for a modified application to be presented for assessment. Note that it was necessary for the applicant to obtain and provide additional landowner's consent for the revised proposal and propose an alternative site as a result of discussion that came out of the earlier DA assessment. A revised concept and landowner's consent has subsequently been provided.

While the design of the proposed museum would be similar, its architectural context would be different and the revised location would significantly enhance the overall completion of the locality as a civic area with scope for further integration of surrounding streetscapes and access as part of future urban design ('place-making') projects.

This report assesses the planning implications of the original proposal and revised concept and makes a recommendation for the museum to be built on the site of the existing Council works shed which is used by its parks and gardens crew for work required to be carried out in the town of Kyogle and its surrounds. The proposal will require renovation and additions to the existing building in keeping with the design intent of the original proposal.

General details regarding the development proposal include the following:

DA No:	2016/11
Date Received:	4 February 2016
Applicant:	Kyogle and District Historical Society Inc.
Landowner:	Kyogle Council
Property:	Lot 268, Lot 269 and Lot 270, DP4517
Address:	4 Stratheden Street Kyogle NSW 2474
Tenure:	Freehold
Zone:	B2 Local Centre under KLEP
Proposal:	Construction of new museum building, being an 'information and education facility' under the KLEP

Report

1. SITE DESCRIPTION AND PLANNING PROVISIONS

- Zone: B2 Local Centre

Overlays: None.

Lots 268, 269 and 270 are each approximately 760m² in area and presently accommodate the Council library, Council works shed, car parking and open space. The lots front a section of Stratheden Street which has been closed to traffic and now accommodates a civic plaza or mall. The western boundary of Lots 268 fronts onto Bloore Street. The eastern boundary of Lot 270 adjoins Roxy Lane and the northern boundary of all lots adjoins a residential property.

The area surrounding the subject site accommodates a mix of land uses. Land on the southern side of Stratheden Street accommodates the Kyogle Council administration building, a private residence and commercial properties; land on the eastern side of Roxy Lane accommodates the Kyogle Memorial Institute hall and commercial development fronting Summerland Way. Land on the western side of Bloore Street consists of mainly community uses.

The subject site represents the only civic space area for the community and visitors that is situated directly within the heart of the Kyogle local centre. It is strategically located around a number of existing public and other community buildings (eg church facilities). The open space characteristics help in effectively binding the facilities together as well as contributing to the amenity of the location.

The location is characterised by the presence of a wide section of Stratheden Street joining with Roxy Lane which provides a large space for a range of place-making and public space options as part of any future urban design exercise for the local centre. An earlier place-making attempt was undertaken by the Council for the land surrounding the road space. This proposed a masterplan for a range of buildings including courtyard areas and space for a gallery/museum. The proposed 'Cultural Hub' that resulted formed a part of a development application that was formally considered and approved, subject to conditions, by the Council in 2011.

The Council has recognised the importance of place-making through a range of strategies and actions in its draft Community Strategic Plan as key actions for its villages and centres.

The site of the original proposal included in the DA which is situated to the east of the library is likely to be of considerable significance to the overall options that may be available for future place-making projects in the location by the community.

The original proposed location is considered to be a key area for community focus used for community gathering, including market activities, and provides aesthetic character to the location through its landscaping and relationship with the surrounding buildings. Relocation of the proposed museum to the site of the works shed would not only preserve the open space area next to the library but would also provide:

- Rejuvenation to the location through the creation of an effectively new building for public use and enjoyment
- Enhanced streetscape to Bloore Street
- More effective integration of the affected lots as a community precinct
- A more efficient exhibition and storage space for the KDHS, providing greater cultural and historical exposure and access for interested community
- Enhanced and more compatible land use for the adjoining residential property
- Greater public activation of the overall area

2. PROPOSED DEVELOPMENT

The original proposed development included the construction of a building for the purpose of a museum. The building has been proposed to be constructed from a mix of recycled timber (ie from existing country halls that are to be demolished), metal roof and either wood or compressed fibre board weatherboard cladding. The building is intended to reflect the design of a country hall and includes spaces for meetings, exhibitions, administration and storage.

The proposed museum is to reflect the importance of timber to the area in its construction and design. While there is intent to use recycled timber from existing rural halls, it is noted that lead contamination issues are likely to make this impracticable for cladding material and instead the building is proposed to be clad in a compressed fibre board with a profile to emulate timber weather boards where recycled timber boards cannot be used. Floor joists and floor boards are expected to be recycled from the existing halls.

Details of the proposed development are shown in the development application details in **Attachment 1** which also includes a Statement of Environmental Effects in accordance with the requirements of the EPAA.

Following the public notification period and assessment by Council, further discussions were held with the applicant and Council (as a partner in the project) regarding the suitability of the site and the proposed development's potential effects on the future civic planning for the area. This resulted in the identification of a revised preferred location, being the site of the existing Council's works shed.

The intention for the use of the works shed site would be to gut the building and remove the cladding and roof material. The existing standing frame would then be incorporated into the proposed museum building.

Apart from the revised location, minor modifications have been identified for the building which includes mirror-reversal of the external side elevations, likely minor amendments to access ramps to facilitate better access that accounts for the topography of the site and its relationship to car parking areas and the library, and revised rear loading access to the building. Mirror reversal of the side elevations would result in the row of smaller high level windows being located adjacent to the boundary with the existing timber residence.

The revised elevations would afford a greater level of privacy to the adjoining residence while also providing for a more activated elevation design along the publicly viewable frontage between the proposed museum building and the library. The proposed modifications are considered minor and do not significantly change the overall design intent of the building.

3. ASSESSMENT

Section 79C Evaluation- Environmental Planning and Assessment Act 1979

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
- (i) any environmental planning instrument, and

Kyogle Local Environmental Plan 2012

Zone B2 Local Centre

The proposed development is defined as an *Information and Education Facility*. *Information and education facilities* are permitted with consent in Zone B2. The following are the objectives of Zone B2:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To protect and enhance the vitality and architectural, aesthetic and historic character of the Kyogle local centre.*
- *To ensure that the local centre is the main focus for commercial and retail activity and that commercial development in other business or industrial zones does not compromise the role or diminish the viability of the local centre.*

The proposal is generally consistent with the first objective and is not inconsistent with the second, third or fifth objectives of the zone. The architectural, aesthetic and historical character of the Kyogle local centre is not properly defined in the KLEP or KDCP. Architecturally, most of the surrounding buildings are a mix of substantially masonry, some brick with timber and other material additions. This is particularly the case for the larger commercial buildings of the area, including to the east of the library. Some older dwellings in the locality do utilise timber finishes as is the case for the dwelling immediately to the north of the works shed.

The architecture of the proposed museum reflects country hall architecture which is not generally indicative of the site to the east of the library, where this contrast is considered to be the greatest. This contrast would be further accentuated by the relatively steep slope to the north which would make the eastern and (rear) northern elevations very prominent.

The Council's works shed on the other hand is situated on a less steep slope, has less visual prominence due to the topography of the site and its location relative to the other parts of the affected lots.

The proposed building would be less contrasting with others in the area and would provide more of a transition between the existing timber dwelling to the north and the remainder of the 'precinct'.

The works shed footprint is almost identical to the main footprint of the halls that the museum is, to a large extent, to be modelled on. The building, in this location would also have better street access for visitors as well as more practicable access to car parking and for loading of materials, including exhibition pieces and other historical artefacts.

The KLEP makes general objective statements regarding the intent for architecture in the B2 Local Centre Zone but provides no real guidance regarding the interpretation or application of such an objective.

Location of the proposed museum building in the general architectural form proposed would ensure that the integration of a largely 'timber-style' building with surrounding commercial and civic masonry buildings as well as timber dwellings can be more effectively achieved in keeping with the zone objectives of the KLEP. This would not be the case for the original proposed location to the east of the library which would result in far greater contrast between building styles.

Clause 6.4 Essential services

Clause 6.4 states that consent must not be granted to development unless the consent authority is satisfied that essential services for the development are available or that adequate arrangements have been made to make them available when required. Water, electricity, sewage disposal and stormwater drainage are available or arrangements can be made for their supply. Vehicular access is also acceptable. The revised location using the works shed site provides far superior vehicle access to the building and would also have the added benefit of helping to complete the overall car parking and its functionality for the area.

The proposed development is expected to generate some demand for car parking. The application proposes to provide no car parking and is intended to rely on existing car parking in the vicinity of the development. The Infrastructure Works Department has advised that based on the nature and floor area of the development three car parking spaces should be provided. This is based on a revised, discounted rate of one space per 40 m² of floor area that was proposed as applicable by the Council in its 2011 consideration of the Cultural Hub proposal. It is considered that adequate additional formal car parking can be provided in the immediate vicinity to the proposed museum in conjunction with the Council.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved),

There are currently no draft instruments affecting the site that have been the subject of community consultation.

(iii) any development control plan, and

Kyogle Development Control Plan 2014

Chapter 6 Public Notification of Development Applications

Chapter 6 does not specifically list notification requirements for applications for information and education facilities. However, Section 2 of Chapter 6 states that for development not specifically listed in Table C6.1, Council will determine the appropriate level of notification having regard to the nature, scale or location of the proposal. Given the subject site is a significant piece of public land, notification of the application to adjoining owners and in a local newspaper was deemed to be required.

Adjoining owners were notified of the proposal and a public notice was placed in the Richmond River Express Examiner; the period for making submissions was 21 days.

One submission was received. Submitter issues and Council's response are tabled in section 3(d) below. The proposed relocation of the development to the works shed site was further notified to the adjoining dwelling owner to the north of the site who has not objected to the proposed location of the museum on the site.

Chapter 8 Off-Street Car Parking

Table C8.1 of Chapter 8 does not specifically identify parking requirements for an *information and education facility*. The Infrastructure Works Department has advised that due to the nature of the development and its traffic generating potential, it is considered reasonable that the development should provide one car parking space per 100m² of floor area in line with other low traffic generating development. This figure equates to a requirement for three car parks when rounded up.

Given the proposal cannot meet Acceptable Solution A1.1 the proposal is assessed against Performance Criteria P1 which states 'sufficient car parking spaces are provided on site to service the development and the development will not create an unreasonable demand for on-street parking'.

Council's engineers have advised that existing car parking along Roxy Lane has been provided by the Council in response to demand generated by an earlier supermarket located near to the Kyogle Memorial Institute Hall. This car parking is still well used even though the supermarket has relocated to the new IGA premises. The development does not meet P1 for the original proposed site. Some additional car parking may be possible with a re-design of car parking to the rear of the works shed site and possibly along Bloore Street.

Given that the development proposal constitutes a PPP, it would be possible for the Council to provide alternative additional car parking facilities for the proposal. This is a matter that can be finalised subject to more detail design as part of the Construction Certificate stage for the development.

(iii) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

Not applicable.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

(v) any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)),

that apply to the land to which the development application relates,

Not applicable.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The development is expected to have potential detrimental impacts on the social, economic and built environment characteristics of the area, if situated immediately to the east of the library.

This includes the loss of public open space and the removal of amenity trees. Positive social impacts on the locality are likely to result from the development's ability to help preserve and tell the story of the history of the area.

Potential negative social impacts are likely to arise due to the loss of an area of prominent public open space. Potential negative effects for the local centre may arise through poor location of the proposed museum to the east of the library, resulting in poor integration of the precinct and loss of urban amenity. This is likely to have a detrimental effect on adjoining businesses compared to if the museum is situated on the works shed site – ie resulting in much more effective overall design integration, increased precinct functionality and urban attractiveness. Overall, the proposed museum on the works shed site is expected to enhance the locality of the area in terms of built environment, social and economic characteristics.

(c) the suitability of the site for the development,

The site to the east of the library is not considered suitable for the development due to social, economic and built environment grounds as already discussed in this report. The site of the proposed development presently functions as public open space and the development will result in the loss of this public space. The location of the proposed museum onto the site of the Council's works shed is regarded as a more acceptable solution.

(d) any submissions made in accordance with this Act or the regulations,

One submission was received from a community member. The submitter objected to the proposed development proposed to be located to the east of the library. The submitter concerns and Council's response are tabled below:

Issue raised	Response
Development will occupy and detract from valuable public open space.	The land is not classified as 'community land' and is not a public park. However, the land essentially functions as a public park and many community members would perceive the space as public open space. The development will result in the loss of a significant area of this land.
A better site for the development would be where the existing Council works shed behind the library is located.	This report outlines detailed reasons in support of the submission.
Development will result in the loss of significant trees.	The footprint of the proposed building will require the removal of four significant trees which currently provide shade and amenity to this area of open space and the existing car parking. Loss of these trees may be mitigated by planting additional trees in the remaining part of the 'plaza' or replacement of existing

Issue raised	Response
	<p>trees that are not growing vigorously or providing good shade.</p> <p>Loss of trees will not be a significant issue if the proposed development is to be situated on the site of the works shed where no loss of trees is expected to occur.</p>
<p>Suggest the proposal should be re-designed to be accommodated in the existing works shed.</p>	<p>This submission is supported by this report. It is considered that design modifications referred to in the report are sufficient to account for the submission and would be consistent with the overall intent and requirements of the KLEP and KDCP.</p>
<p>Proposed development is intended for the use by only one community group. Development should be designed and built as a multi-purpose facility.</p>	<p>Development of a multi-purpose community facility is likely to be a more valuable and equitable use of a public building. Practicable considerations are likely to dictate that only an individual user is likely to be able to use the intended building at any one time. The applicant has not proposed any multiple use of the building at this time. It is expected to be fully occupied by historical artefacts and memorabilia with no practicable likelihood of any surplus space for any other user.</p> <p>While the building is expected to remain a public building (ie ultimately owned by Council), its design does not necessarily preclude any alternative use in the future, if the KDHS (or any other organisation) no longer wish to use the building for museum purposes.</p>

(e) the public interest.

Generally, the development of a museum for the display of historic artefacts and the telling of history is regarded as a potentially effective way to preserve the history and heritage of the area.

The original proposed location of the development to the east of the library would occupy part of what is essentially a pre-eminent public space in the town centre. This would result in the loss of this public open space and the amenity it provides and is not considered to be in the overall public interest.

The location of the museum proposal onto the site of the works shed would result in the overall precinct to reach a level of finalisation with preservation of the open space amenity preserved and enhanced, while also providing an additional cultural and educational focus for the centre.

Section 94 of the Environmental Planning and Assessment Act 1979

The development will not generate significant additional traffic and therefore Council's Section 94 plan for Urban and Rural Roads, 2009 is not applicable. The development is not residential development and therefore Council's Section 94 contributions plan for Residential Rural Residential and Heavy Haulage Development, 2008 is not applicable.

Section 64 of the Local Government Act

The development will generate additional demand on the water, stormwater and sewerage networks and therefore charges will apply in accordance with Council's Development Servicing Plan 1, 2011. Existing credits are expected to apply for the works shed which may result in no additional costs being applicable compared to the original proposed site where no such 'credits' would have applied.

Apart from ensuring that adequate infrastructure can be provided, the location of the proposal to the site of the works shed is also expected to result in costs savings for the overall project compared to the location of the building to the east of the library.

Building Code of Australia matters

Section F2.3 of the BCA stipulates requirements for toilets for the different types of building classes. The proposed building equates to a Class 9b building under the BCA. Generally Class 9b buildings should provide separate toilets for male and female staff other than where the employees are to be of the same sex. Disabled toilet access is also to be provided. Concessions can be given where there are no more than two employees of different sex and separate toilets for the public need not be provided where there are likely to be less than 100 visitors.

The proposed building is to be a Council building for public purposes. This may include alternative public uses in the future. The Council should ensure that it not only provides an adequate level of sanitation service to its public buildings but also demonstrates compliance with all relevant standards to a high level.

The proposed building should have a minimum of two toilets, either both with disabled access or one regular toilet each for male and female usage and one disabled unisex toilet.

4. CONCLUSION

The proposed development is as much a strategic planning consideration for the Council as it is a matter for assessment under the EPAA. The KLEP follows the Standard Planning Instrument format that is prescribed by the State Government. While provision, in principle, exists for structure plans and stronger strategic planning criteria to be included in the instrument, the Council has not included such detailed provisions in its KLEP at this stage.

The KLEP does provide some guidance regarding architectural and built design requirements for local centres that, on the assessment provided in this report conclude that the proposed museum, in the architectural form proposed, would not be suitable for the location to the east of the library as originally proposed and should not be supported unless substantial redesign is proposed which provides for more less contrasting architectural design and more effective integration of other building and features in the location including courtyard areas as an 'offset' for loss of trees and open space.

The location of the proposed museum to the site of the works shed is considered a much preferred alternative which would result in far greater compliance with the requirements of the KLEP while maintaining the overall design intent of the original proposal. Use of the works shed site would result in more effective integration of buildings and completion of the overall urban design and amenity of the precinct. This would not only provide for a valuable new social asset for the community in the form of the proposed museum but also provide a strong precinct building platform for further place-making integration for the overall local centre and should be supported by the Council.

The proposed location of the museum to the site of the works shed, consistent with the public submission that was received and the assessment provided by this report is recommended for approval subject to conditions contained in **Attachment 2**.

Recommendation

That Council:

1. Receives and notes the report, Development Application 2016-11 Kyogle Museum Building Proposal.
2. Approves the development application for a museum to be located on Lot 268, Lot 269 and Lot 270, DP4517, Stratheden Street, Kyogle, based on the revised concept plan from the applicant depicting the proposed museum on the site of the Kyogle Council works shed, in keeping with the original design intent as submitted with the development application on 4 February 2016 and in accordance with recommended conditions of development consent contained in Attachment 2.
3. Prepare and provide to the applicant a development consent notice.
4. Advise the Kyogle and District Historical Society of its decision and invite the society to liaise with the Council to finalise a suitable revised concept plan that depicts the indicative site layout for the revised museum within the footprint of the existing works shed and in keeping with the original architectural design concept

Division

Under section 375A of the *Local Government Act 1993*, a division is required to be called to record that manner in which all councillors have voted whenever a planning decision is to be made in relation to a development application, planning instrument or development control plan. The section of the Act applies to a Council decision regarding the matter referred to in this report.

Attachments

1. Development Application material
2. Proposed Conditions of Development Approval

13B.3 DETERMINATION OF DEVELOPMENT APPLICATION 2016-25

REPORT BY: PLANNING AND ENVIRONMENT
CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT
MANFRED BOLDY

Summary/Purpose

This report aims to present to Council a recommendation for determination of a development application for the construction of carports at the rear of the Council administration building, 1 Stratheden Street, Kyogle.

Community Strategic Plan Item(s)

- Environmental and Planning

Background Information

Council received Development Application No. 2016/25 on 12 April 2016 for the construction of carports.

Report

DA No:	2016-25
Date received:	12 April 2016
Applicant:	Kyogle Council
Owner:	Kyogle Council
Property:	Lots 282 & 283 DP 4517
Zone:	B2
Locality:	1 Stratheden Street, Kyogle
Proposal:	Construction of carports

This report details assessment of the application which has been undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Site Description & Planning Provisions

- Zone: B2
- Overlays: Nil

The site is situated at the rear of 1 Stratheden Street with entrance from Bloore Street.

Legislative Requirements:

Council is required when assessing and determining any development application to have full regard to the provisions of the *EP&A Act* including the objects as contained in Section 5 and the heads of consideration as contained in Section 79C.

Agency Referral

The development application was not referred to any government agencies.

Notification to Adjacent Property Owners

Letters were sent to the owners of neighbouring properties advising of lodgement of the development application and notifying them of their capacity to inspect the plans and supporting documents and make written submissions about the application. No objections were received.

Kyogle Local Environmental Plan 2012

There are no exemptions that apply to the proposal under the *Kyogle Local Environmental Plan 2012 (KLEP)* or any other environmental planning instrument. There are no specific development controls that apply under the *Kyogle Local Environmental Plan 2012 (KLEP)*. The proposal is minor in nature and consistent with the overall intent of the *Kyogle Local Environmental Plan 2012 (KLEP)*.

Kyogle Development Control Plan 2014

There are no specific development controls that apply to the proposal under the *Kyogle Development Control Plan 2014 (KDCP)*. The proposal is consistent with the overall intent of the KDCP.

Recommendation

That Council:

1. Receives and notes the report, Determination of Development Application 2016-25.
2. Pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, development application 2015-12 for use of premises at 1 Stratheden Street, Kyogle for a carport be determined by way of granting consent subject to the conditions contained in Attachment 2 of this report.
3. Prepare and provide to the applicant a development consent notice.

Division:

Under Section 735A of the *Local Government Act 1993*, a division is required to be called whenever a planning decision is put at a Council or Committee meeting.

Attachments

Attachment 1- Submitted plans for DA 2016-25

Attachment 2- Draft conditions of development consent

13B.4 DRAFT NORTH COAST REGIONAL PLAN

REPORT BY: PLANNING AND ENVIRONMENT

CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT MANFRED BOLDY

Summary/Purpose

The draft North Coast Regional Plan (draft NCRP) was released for public consultation by the New South Wales Minister for Planning in March 2016. The formal public consultation period closes on 2 June 2016. The Department of Planning and Environment (DPE) is coordinating the public consultation which has included one-on-one consultations with individual councils in the region. The DPE met with the Kyogle Council General Manager and Executive Manager Planning and Environment on 19 April 2016.

This report outlines some of the key issues affecting Kyogle Council and the region, notably from the perspective of a rural hinterland council. The comments included in the report are based on an assessment of the draft NCRP by Council staff and discussion between NOROC councils including Kyogle Council, respective mayors, general managers and officers as well as general discussions with Kyogle Council staff, councillors and community representatives.

This report summarises the key points and recommendations with a more detailed description of the key issues and recommendations included in **Attachment 1** to this report.

Community Strategic Plan Item(s)

- Governance and Community Service
- Village Life
- Environmental and Planning

Background Information

The draft NCRP applies to 13 councils in the region, including Kyogle Council. The draft plan extends over a much larger area than previous regional plans affecting Kyogle and surrounding councils. It has a planning horizon of 20 years (ie to 2036) and is expected to result in a population increase of 97,000 people to 645,000 people. Ninety five percent of the population increase is expected to be from people aged 65 years of age or older (ie substantially retirees).

The majority of the people are expected to live along the coastal strip, notably in the larger centres of Tweed, Coffs Harbour and Port Macquarie each of which has received the new status of 'regional city'. Lismore and Ballina, within the Far North Coast sub-region, are defined as 'regional centres'. The rest, including Kyogle and Casino, are referred to as 'towns'. Small villages such as Woodenbong, Bonalbo, Tabulam and other similar sized towns are not depicted or recognised as centres on the draft NCRP maps.

The draft NCRP consists of a general vision, without providing any clear differentiation of the region from others. Five key goals are defined to achieve the vision, being:

Goal 1 – A natural environment, and Aboriginal and historical heritage that is protected, and landscapes that are productive;

Goal 2 – Focus growth opportunities to create a great place to live and work;

Goal 3 – Housing choice, with homes that meet the needs of changing communities;

Goal 4 – A prosperous economy with services and infrastructure; and

Goal 5 – Improved transport connectivity and freight networks,

Directions and actions are defined for each of the key goals. The draft NCRP states that it has been based on a range of background research and consultation with stakeholders. This has included consultation with councils and their officers. Discussions at a NOROC Planners Group level and past and previous employees with the Kyogle Council has indicated that this consultation did not necessarily include any initial development of preferred planning concepts, preferred outcomes or implementation frameworks. This also applies to any separate consideration of rural hinterland issues or any specific involvement from Kyogle Council.

While many of the matters contained in the draft plan may largely appear to be set firm by DPE, the department has indicated to the Council that it is interested in hearing from Kyogle Council and others about where it may be able to reinforce the draft NCRP in terms of outcomes that address contemporary rural development issues notably for hinterland areas.

The Council's Mayor and General Manager have, informally, indicated support for a joint submission of similarly rural affected NOROC councils, including Lismore City Council being the largest regional centre affecting the Kyogle area. This follows discussions with Lismore and Richmond Valley councils at NOROC meetings.

This report considers a range of issues that are not just reflective of Kyogle's situation, but also includes reference to other adjoining rural councils and Lismore City.

Report

This report is generally supportive of the draft NCRP concept including many of the growth statements and recommendations that affect the coastal councils. Recommended improvements to the plan are intended to strengthen the overall implementation of the plan and create greater value for rural councils, with a particular focus on Kyogle Council.

The key areas of the draft plan recommended for change/improvement relate to the following matters:

- 1) Contemporary economic issues affecting market opportunities for rural produce and the effect on agri-business – notably the likely land use effects potentially resulting from new international free trade agreements.
- 2) The likely effect on NSW Far North Coast growth from an expanding South East Queensland Region (SEQ), notably in relation to rural hinterland expansion potential.

- 3) New improved transport corridors within the region to better facilitate agribusiness expansion potential within the region, notably to nearby SEQ state development areas, export air and sea transport nodes (eg Brisbane West Wellcamp Airport at Toowoomba, Gold Coast Airport and Port of Brisbane) – this specifically includes consideration of the Summerland Way and Mount Lindesay Highway as an important transport route for the future over the life of the plan.
- 4) The importance of strong centres across the region for growth and prosperity across the rural hinterland regions, notably for the case of Lismore, in addition to the consideration of the three city centres.
- 5) Land use implications for the ageing population including more detailed guidance and recommendation, including for smaller centres and the rural areas, commensurate with the high percentage (90%) of growth expected from people over 65 years of age.
- 6) Appropriate land uses that are consistent with the vision and potential for the area – notably in regard to ensuring that there is no ambiguity over preferred land uses and that they are consistent with an overall vision for the region – eg with respect to coal seam gas (CSG).
- 7) An ongoing governance framework that provides for effective and truly collaborative representation from affected councils in terms of elected members as well as technical officers in support of their councils.
- 8) Format and presentation considerations to provide for potential greater overall community ownership of the plan.

Attachment 1 provides a more detailed explanation of the issues and recommended changes in terms of overall issues considered important to the long term land use planning and economic development of the Kyogle local government area and specific matters identified within the Directions and Actions sections of the draft Plan.

Recommendation

That Council:

1. Finalise and send a written submission on the draft North Coast Regional Plan to the Department of Planning and Environment, based on and including the contents of this report and associated attachment.
2. Prepare a further joint submission on the draft North Coast Regional Plan to the Department of Planning and Environment with Lismore City Council and Richmond Valley Council addressing cross-local government issues more specifically affecting hinterland rural councils within the Far North Coast sub-region, generally consistent with the contents of this report.

Division

Under section 375A of the *Local Government Act 1993*, a division is required to be called to record that manner in which all councillors have voted whenever a planning decision is to be made in relation to a development application, planning instrument or development control plan. The section of the Act applies to a Council decision regarding the matter referred to in this report.

Attachments

Detailed Response to draft North Coast Regional Plan

ITEM 13C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 13D CORPORATE SERVICES REPORT

13D.1 QUARTERLY BUDGET REVIEW -- MARCH 2016

REPORT BY: ADMINISTRATION AND COMMUNITY

**CONTACT: EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY
CAROL O'NEILL**

Summary/Purpose

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

Community Strategic Plan Item(s)

- Governance and Community Service
- Roads and Infrastructure
- Village Life
- Economic Development
- Environmental and Planning
- Waste & Water

Background Information

Legislative Requirements

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

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

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

Report

A quarterly budget review should act as a barometer of council's financial health during the year. It needs to adequately disclose council's overall financial position, provide sufficient information to enable informed decision making while ensuring transparency in decision making. It is also a means by which councillors can ensure that council remains on track to meet its objectives, targets and outcomes as set out in its management plan/operational plan.

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

The budget review documentation provided to Council will consist of a combination of the new Quarterly Budget Review Statement (QBRS) as issued by the DLG. This will include;

Statement by the responsible accounting officer on council's financial position at the end of the year based on the information in the QBRS;

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

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

Replacement of stolen excavator:

Council's Plant Number 29 Kubota Excavator was stolen on 1 March 2016 from a job site at Cawongla. It is considered necessary to replace the plant item for the following reasons.

1. Council is currently dry hiring a machine at a cost of \$400/day.
2. Council's excavator performs a wide variety of duties across several Council departments essential to the daily operation of Council including:
 - Drainage maintenance and repair
 - Timber and concrete bridge construction and repairs
 - Replacement of urban footpaths and kerb and gutter
 - RMCC roadwork
 - Flood and disaster clean ups
 - On call sewerage and water mains breaks

Prior to the theft, Plant 29 had a high utilisation rate in both the 2014/15 and the current financial year. The plant utilisation hours, income and expenditure appear below.

Financial Year	2014-2015	2015-(1/3/16)(Part Year)
Hire Hours	1,068	806
Income	\$58,740.00	\$44,908.00
Expenditure	\$8,668.00	\$6,161.00
Nett	\$50,072.00	\$38,747.00

Conclusion:

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

Recommendation

That Council:

1. Receives and notes the March 2016 Quarterly Budget Review Statement.
2. Approves the variation of estimates contained in the table below:

STATEMENT OF SIGNIFICANT VARIANCES

MARCH QUARTER BUDGET REVIEW

DETAILS	QUARTERLY ADJUSTMENT	
	INCOME	EXPENSES
Administration - Computer Equipment		(83,194)
Finance - Loan Interest		(304,229)
Finance - Loan Income	(10,000,000)	
Finance - Loan Repayments		(752,215)
Pre Schools - Improvements		(15,000)
Community Buildings - Construction		(255,195)
Town Planning - Revenue	18,171	
Environmental Health - Revenue	15,719	
Regulatory Control - Revenue	(26,765)	
Commercial Waste Management - Revenue	(28,110)	
Commercial Waste Management - Waste Depots Expenses		(19,462)
Commercial Waste Management - Improvements		(475,000)
Regional Roads - Flood Damage Grant	4,670	
Regional Roads - Flood Damage Works		3,620
Regional Roads - Capital Grants	(132,911)	
Regional Roads - Construction		82,696
Urban Local Roads - Construction		(43,382)
Rural Local Roads - Flood Damage Grant	250,000	
Rural Local Roads - Flood Damage Works		248,750
Rural Local Roads - Capital Grants	(915,000)	
Rural Local Roads - Construction		(1,571,292)
Bridges - Maintenance		130,000
Bridges - Capital Grants	(943,328)	
Bridges - Construction		(2,223,022)
Public Cemeteries - Improvements		(5,000)
Stormwater Management - Revenue	68,386	
Stormwater Management - Capital Grants	116,447	
Stormwater Management - Construction		239,203
Quarries - Revenue	95,367	
Quarries - Expenses		96,686
Plant Operations - Sales	49,000	
Plant Operations - Purchases		95,000
Water Fund - Other Income	154,919	
Water Fund - Construction		154,919
Totals	(11,273,435)	(4,696,117)
	Net Adjustment	(6,577,318)

Attachments

March 2016 Budget Review

13D.2 DRAFT 2016/2017 OPERATIONAL PLAN

REPORT BY: ADMINISTRATION AND COMMUNITY

**CONTACT: EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY
CAROL O'NEILL**

Summary/Purpose

This report presents the 2016/2020 Draft Delivery Program and the 2016/2017 Draft Operational Plan for adoption and placing on public exhibition.

Community Strategic Plan Item(s)

- Governance and Community Service
- Roads and Infrastructure
- Village Life
- Economic Development
- Environmental and Planning
- Waste & Water

Background Information

In 2009 the Division of Local Government released the Integrated Planning and Reporting Framework for all Councils in NSW.

Report

The Delivery Program directly addresses the objectives and strategies of the Community Strategic Plan (CSP), identifying the principal activities Council will undertake in response within resources available.

The Operational Plan includes a Statement of Revenue Policy, estimated income and expenditure, statement of rates and charges, proposed fees and charges and a statement of proposed borrowings.

The 2016/2020 Draft Delivery Program and the 2016/2017 Operational Plan contains figures for the next four years.

This budget has been prepared after analysis and public consultation as part of the formulation of strategies to meet the Fit for the Future criteria and adoption of the Long Term Financial Plan (LTFP). 2016/2017 is the second year of the IPART approved Special rate Variation (SRV).

Council's adopted LTFP is the main driver towards Kyogle Council's sustainability into the future. The revision of Council's IP&R documentation, and the Financial Management Policy, has been part of this process and these are reflected in the funding of Council's infrastructure backlog.

The 2016/2017 Budget has been prepared to correlate with the adopted LTFP.

The majority of Fees and Charges for 2016/2017 have been indexed by 3% in line with the assumptions included in the LTFP and rounded off for practical purposes.

Public Exhibition/Consultation

Section 404 of the Local Government Act requires the document to be on public exhibition for at least 28 days. Comments from the community during the draft exhibition period are required to be considered by Council prior to the endorsement of the final Program/Plan.

The 2016/2020 Draft Delivery Program and the 2016/2017 Operational Plan, will be placed on Council's website and hard copies will be located at various libraries, general stores and public locations throughout the Council area to allow as many people as possible to read the draft document.

Advertisements will be placed in the Express Examiner, Council's Newsletter, and Council's website advising that the Delivery Program and Operational Plan are on display and calling for submissions. Copies will be forwarded to various groups within the Community e.g., Progress Groups and Chamber of Commerce. Hard copies will also be available at the various locations around the LGA where business papers are available for collection.

There are no formal public meetings scheduled this year. It is proposed to conduct an information session as suggested at the 26 April 2016 Councillor Workshop. This will be held on 25 May 2016 from 2pm to 7pm in the Council Chambers and staff and Councillors will be in attendance to answer questions and provide information to residents. It will be an informal session where people come and ask about the parts of the Delivery Program and Operational Plan that are relevant to them. The information session will be advertised in the Richmond River Express Examiner, the Council newsletter and on the Council's website and Facebook page.

The closing date for submissions will be 13 June 2016. The final document will be considered by Council at an Extraordinary meeting to be held on 27 June 2016. All submissions received will be provided to Councillors for their consideration.

Recommendation

That Council:

1. Receives and notes the report on the Draft Delivery Program 2016/2020 and the Draft Operational Plan 2016/2017.
2. Place the Draft Delivery Program 2016/2020 and the Draft Operational Plan 2016/2017 (including Financial Estimates and Fees and Charges), on public exhibition for a 28 day period, in accordance with Section 405 of the Local Government Act 1993, closing 13 June 2016 and seek submissions from the community on its content.

3. Conduct an information session on the 25 May 2016, 2pm to 7pm at the Council Chambers on the Draft Delivery Program 2016/2020 and the Draft Operational Plan 2016/2017 (including Financial Estimates and Fees and Charges).
4. Advertise the information session in the Richmond River Express Examiner, the Council newsletter and on Council's website and Facebook page.

Attachments

1. Draft Delivery Program 2016/2020 and the Draft Operational Plan 2016/2017
2. Draft 2016/2017 Fees and Charges

ITEM 13E COMMUNITY SERVICES REPORT

13E.1 COMMUNITY STRATEGIC PLAN

REPORT BY: ADMINISTRATION AND COMMUNITY

**CONTACT: EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY
CAROL O'NEILL**

Summary/Purpose

This report presents the draft Community Strategic Plan (CSP) to Council for adoption.

Community Strategic Plan Item(s)

- Governance and Community Service
- Roads and Infrastructure
- Village Life
- Economic Development
- Environmental and Planning
- Waste & Water

Background Information

Council, in partnership with the community Focus Groups, has been involved in a review of the CSP.

The CSP is the highest level plan that Council will prepare. The purpose of the plan is to identify the community's main priorities and aspirations for the future and to plan strategies for achieving these goals. In doing this, the planning process will consider the issues and pressures that may affect the community and the level of resources that will realistically be available to achieve its aims and aspirations.

The Local Government Act requires the plan to:

- Have a long-term focus, with a minimum of 10 years.
- Address the key issues of social, environmental and economic sustainability as well as civic leadership
- Be delivered as a partnership between Council, state agencies, community groups and individuals.
- Consider the State Plan and any relevant State or Regional draft plans and strategies.
- Have regard for an adopted community engagement strategy, showing how the Council will communicate with and consult its community to develop a draft plan.
- Provide for a resourcing strategy that describes how community assets will be used in the future, how the Council workforce will be managed to deliver the desired plan outcomes and a financial plan to show how the plan will be funded.
- Give consideration to the expected levels of service expressed by the community.

- Include a community vision statement, strategic objectives and strategies for achieving the objectives.
- Identify assessment methods for determining whether the objectives are being achieved.
- Outline how progress in implementing the plan will be measured and monitored.
- Provide for the Council to progressively report to the community on progress and achievements.

The current review of the CSP has involved the input of five Focus Groups that cover the following strategic areas:

- Governance and Community
- Agriculture
- Village Life
- Visitor Attraction
- Ageing in Place, Disability Services and Respite Care

Report

The Draft CSP was presented to the Extraordinary Meeting of Council held on 26 October, 2015 for adoption for the purposes of public exhibition. At this meeting the document was received and noted and there was discussion that the document required further review and some re-wording.

The document was then reviewed, and refined and distributed to councillors for comment. The revised document was adopted in February by Council and placing on Public Exhibition.

The extended exhibition period closed on 22 April, 2016.

During the period of public exhibition a program of community engagement was undertaken.

A series of “roadshows” were conducted at Cawongla, Wiangaree, Grevillia, Woodenbong, Old Bonalbo, Bonalbo, Tabulam, Mallanganee and Kyogle.

Public meetings were also held as follows:

- Woodenbong, Tuesday, 5 April 2016 at the Woodenbong Community Hall Supper Room commencing 6 pm.
- Bonalbo, Thursday, 7 April 2016 at the Bonalbo Community Hall, commencing 6pm.
- Kyogle, Wednesday, 13 April 2016 at the Kyogle Memorial Institute (KMI) Supper Room commencing 6 pm.

A summary of the points raised at the roadshows and public meetings appears below:

- Need to develop Village Plans of Management
- Important to improve road links to West of the Range
- Load limited bridges need to be given the highest priority
- Accommodation for works associated with the Blueberry Farm is very important
- Need to promote the features of the area to attract visitors

- Caravan Parks throughout the area need improving
- Would be great to see industry established in the area. Lack of jobs is a problem especially for young people
- Would like to see the quality of road maintenance improved.
- Issues with some people believing that not all the actions identified in the plan are Councils core business
- Council needs to build trust amongst the community. Need better strategies to engage the community
- Desire to see sewerage issues in the village improved
- Support remaining as a stand-alone Council
- Want to see balance between preserving the natural environment and agricultural growth
- Could Council allow more rural residential land to be available to be developed, particularly in the Woodenbong area
- Need to take advantage of the growth in South East Queensland and lobby for better transport connections

Submissions

There were three submissions received during the exhibition period which are included in the attachments.

1. Evelyn Edwards: Would like to see it acknowledged in the CSP that three of the biggest agricultural industries on the North Coast are located west of the range .

Staff comment:

Council recognises the valuable contribution of rural industry in the Tabulam vicinity. Changes have been made to the draft CSP to reflect this; page 6, Table 1 additional opportunity added; page 8 additional point added in relation to those local roads where major rural industries are located; Page 8 the rural industries nominated in the submission have been added to the text under "Agriculture" paragraph 5.

In relation to the upgrade of MR150, Clarence Way south of the Bruxner Highway, to a sealed road, it should be noted that this project was considered during the development of the LTFP and it was deemed that this project is currently beyond the financial capacity of council. Work such as this is addressed in a number of areas of the draft CSP which identifies the need to provide adequate infrastructure to service our communities and support industries.

The upgrade of MR 150 was costed in the LTFP at \$5.25M for the full 15km, and \$1.75M for the first 5km. Council has allocated significantly more funds in the long term financial plan for the upgrading of roads within the LGA. More highly trafficked roads such as Kyogle Road, Mt Lindesay Road, Bentley Road, etc are currently higher priorities.

Work on these roads is progressing well and as works are completed, and external grant funding is realised, it may be within Council's capacity at some point in the future to upgrade roads such as the unsealed section of MR150.

2. Graeme Gibson: Suggests that the Governance and Community Strategies and Actions should relate directly to and use the language of Council's Community Engagement Policy.

Staff comment:

Change made to the draft CSP Actions A2 and C2 of the Governance and Community Strategies and Actions on page 16 to reflect this submission.

3. Terry Moody: Provided views on the approach and basic framework of the CSP.

Staff comment:

Changes made to the draft CSP; Page 2 last two paragraphs changed to reinforce that the document presents the communities vision rather than that of Council. Note that the performance measures will be developed for inclusion in the Operational Plan and Delivery Program once the CSP is formally adopted, based on those contained in the adopted CSP. This will include establishing baselines and methods of measuring performance against the SCP objectives where required. The remaining comments are focused on a new draft being prepared based on the "Imagine Lismore" suite of documents, and there is no intention to undertake such a process at this point.

Recommendation

That Council:

- 1.Receives and notes Community Strategic Plan report.
- 2.Adopt the Draft Community Strategic Plan.

Attachments

1. Submissions received (3)
2. Draft Community Strategic Plan V3– separate attachment for Councillors

ITEM 13F GENERAL MANAGER'S REPORT

Nil.

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

ITEM 16 CONFIDENTIAL BUSINESS PAPER

16.1 TENDER RVC/KC322.16 BITUMEN SURFACING

REPORT BY: INFRASTRUCTURE WORKS

CONTACT: DERRYN NIX

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) 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

16.2 TENDER RVC/KC324.16 SUPPLY AND LAY ASPHALT

REPORT BY: INFRASTRUCTURE WORKS

CONTACT: DERRYN NIX

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) 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
-

16.3 TENDER RVC-KC323.16 PAVEMENT STABILISATION

REPORT BY: INFRASTRUCTURE WORKS
CONTACT: DERRYN NIX

Reason for Confidentiality

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- (d) commercial information of a confidential nature

APPENDIX / ATTACHMENTS

KYOGLE COUNCIL



ATTACHMENTS

ORDINARY COUNCIL MEETING

ON MONDAY 9 MAY 2016