



KYOGLE COUNCIL

COUNCIL MEETING AGENDA

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

ON MONDAY 13 MARCH 2017

Commencing at 5pm.

GENERAL MANAGER: GRAHAM KENNETT

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 13 March 2017 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 Assets and Infrastructure Services
 - B Planning and Environment
 - C General Manager's Section
- Item 14 Urgent Business Without Notice
- Item 15 Questions for Next Ordinary Meeting
- Item 16 Confidential Business Paper

GRAHAM KENNETT
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.

(GRAHAM KENNETT),
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 13 March 2017

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- 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

7.1 CONFIRMATION OF THE MINUTES OF THE 13 FEBRUARY 2017 ORDINARY COUNCIL MEETING

REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: GENERAL MANAGER

Summary/Purpose

A copy of the Minutes of the Ordinary Meeting held on 13 February 2017 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 13 February 2017.

Attachments

Minutes of the Ordinary Meeting held on 13 February 2017

7.2 CONFIRMATION OF THE MINUTES OF THE 1 MARCH 2017 EXTRAORDINARY COUNCIL MEETING

REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: GENERAL MANAGER

Summary/Purpose

A copy of the Minutes of the Extraordinary Meeting held on 1 March 2017 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 Extraordinary Meeting held on 1 March 2017.

Attachments

Minutes of the Extraordinary Meeting held on 1 March 2017

ITEM 8 MAYORAL MINUTE

8.1 MAYORAL MINUTE - BUISNESS LEADERS FORUM 2017

REPORT BY: KYOGLE COUNCIL MAYOR

CONTACT: DIRECTOR PLANNING AND ENVIRONMENT

Summary/Purpose

The following Mayor Minute is to recognise the Council's Business Leaders' Forum held on 6 March 2017 and to thank the participants who attended.

Community Strategic Plan Item(s)

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

Report

The Forum was attended by the Federal Member for Page Kevin Hogan MP, State Member for Lismore Thomas George MP and more than 50 invited business leaders, government agency representatives, Councillors and Council staff.

Guest speakers gave presentations regarding the macro-economic effects large urban centres like Brisbane, Gold Coast and South East Queensland on potential business activity and opportunities within the Kyogle LGA, factors to consider in aiming for international trade of goods (notably agricultural products) and key issues associated with planning for effective economic and community development.

Much of the day was focused on participation of attendees through a series of panel discussions which highlighted existing business achievements, strengths and potential opportunities and priorities for further consideration. Agriculture and its role in the area's history, its character and expected ongoing contribution to local (and regional) economic development was a recurring theme. The area's strong history and culture of cooperative approaches as one of its cornerstones to business and strengths was also noted by the participants.

The Forum also reaffirmed the Council's recognition of the importance of strategic infrastructure in supporting existing business activity and facilitating growth – notably with respect to local road and bridge networks as well as regional road infrastructure.

The latter includes road freight linkages to the Brisbane West Wellcamp Airport and the Southern Downs in Queensland and the Bromelton State Development Area near Beaudesert in South East Queensland. Maintaining strong connections with the Gold Coast (as well as Far North Coast coastal locations) was also reaffirmed as being important for future tourist development opportunities within the Kyogle LGA.

The Forum gave an opportunity to recognise the talent and commitment that already exists within the Kyogle LGA. The strong positive nature of the discussion that took place and ideas generated to date, gives solid confidence that the area is well equipped to recalibrate its economic development planning priorities to more closely align with contemporary opportunities while maintaining its underlying values about protecting and enhancing its natural and rural environments, its culture, diverse lifestyles and making the Kyogle LGA a place of choice.

The Forum represents a series of a number of further discussions with individual groups that are planned by Council's staff before the ideas are further reported to the Council with specific actions in mind. These are expected to focus on Council's need to revise its Economic Development Strategy and Local Growth Management Strategy – both of which are now out of date.

As Mayor, I would also like to express Council's appreciation to the people involved in the preparation and holding of the Forum, and thank a few of the key people and organisations including:

- Kyogle Cinema (Forum venue)
- Gateway Fine Foods (catering)
- NSW Industry (financial support)
- Regional Development Australia-Northern Rivers (financial support)
- The Honourable Member for Page, Kevin Hogan MP
- The Honourable Member for Lismore, Thomas George MP
- Guest speakers – Mark Courtney (Macroplan Demasi), Gabrielle Oriel (NSW Industry; Austrade) and Dr Jim Cavaye (University of Southern Queensland)
- Various attendees who participated on panel discussion sessions
- Invited participants who made the discussions possible
- Councillors for showing support to attendees

Recommendation

That Council receives and notes the report, Mayoral Minute - Business Leaders Forum 2017.

ITEM 9 NOTICES OF MOTION

Nil.

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM THE LAST COUNCIL MEETING

REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: GENERAL MANAGER

Summary/Purpose

This report presents a response to questions raised by Councillors at the last Ordinary Council Meeting.

Community Strategic Plan Item(s)

- Governance and Community Service

Report

The following questions were raised at the last Council Meeting. The responses have been included.

Councillor Kylie Thomas

- *When will the residents on Gradys Creek be notified on the change to the bridge works program?*

Response: An update has been prepared and will be circulated to residents via e-mail list and by post in early March.

Councillor Robert Dwyer

- *When will the damaged garden beds in the main street be repaired?*

Response: The Facilities Maintenance staff will be attending to these repairs once the Bonalbo barbecue shelters and Tabulam skate park projects are completed. Work is expected to commence in late March 2017.

Councillor Danielle Mulholland

- *How is it that Lismore City Council was able to extend pool hours during the heatwave, but not Kyogle Council?*

Response: At present Council does not have sufficient staff to be able to cover extended hours at all locations. The extension of hours would require further budgeting and recruiting extra staff to cover the shifts. The pools are currently running on minimum staff levels. This is due to very little interest in the positions when advertised.

Council advertised for staff three times in the lead up to the season and has recruited two staff during the season. Council has found that it is hard to engage and retain pool staff due to the fact that the positions are casual and the hours are often outside normal working hours. This is to be further discussed during the upcoming budget process for 2017/18.

Recommendation

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

ITEM 11 DELEGATES REPORTS

11.1 DELEGATES REPORT: COUNCILLOR EARLE GRUNDY - WEST OF THE RANGE AUSTRALIA DAY COMMITTEE

REPORT BY: COUNCILLOR EARLE GRUNDY

CONTACT: GENERAL MANAGER

Summary/Purpose

The following delegates report has been provided by Councillor Earle Grundy in relation to the West of the Range Australia Day Committee and the 2017 West of the Range Australia Day celebrations.

Community Strategic Plan Item(s)

- Governance and Community Service
- Village Life

Report

The West of the Range Australia Day Committee was reformed on 14 December 2016. The committee is made up of: Chairman, Cr Earle Gundy; Secretary/Treasurer, Marilyn Grundy; Public Relations/Liaison Officer, Tom Cooper; Committee, Jan Mills, Elizabeth Johnston, and Narelle Gotting.

The Committee operates as a Section 355 Committee of Kyogle Council to conduct Australia Day celebrations in the areas of Bonalbo, Old Bonalbo, Tabulam and Mallanganee.

Due to the late formation of the Committee, it was decided to hold the ceremony at the Bonalbo Bowling and Recreation Club. The Council pool was next door and was opened early (10am) and all activities were easily accessible and close. The Golf Club held an Ambrose event and the Bowls Club held a barefoot bowls competition. There was also a free sausage sizzle and bottles of water were given out.

There were 11 nominations in the four Australia Day award categories. The West of the Range Citizen of the Year was Duncan Robertson. Local chemist Sharon Bird delivered the Australia Day address.

More than 250 attended the Australia Day activities, with most packing the club rooms for the official ceremony. A highlight of the day was the singing of the National Anthem with a current and a former resident leading the singing.

Australia Day 2017 exceeded the Committee's expectations, with many people saying that the air conditioning in the club was a major drawcard.

Many people expressed the hope Australia Day would be held there again in 2018. The extension of the pool's opening hours also was very popular.

A meeting was held on 14 February to complete Australia Day matters for 2017 and the Committee will make its records available to Council shortly.

Recommendation

That Council receives and notes the delegates report provided by Cr Earle Grundy on the West of the Range Australia Day Committee.

ITEM 12 INFORMATION PAPERS

12.1 MONTHLY FINANCE REPORT

REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: MANAGER FINANCIAL SERVICES

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 February 2017. The reports presented include:

- Rates Statement and Graph
-

- Statement of Bank Balances
- Summary of Investments

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

(B) Councillors Travel Expenses Report

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

Recommendation

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

Attachment

Combined Financial Report

12.2 WORKS PROGRAM PROGRESS REPORT

REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: MANAGER FINANCIAL SERVICES

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
- Agriculture
- Village Life
- Visitor Attractions

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 Report

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 February 2017.

Attachment

Works Program Progress Report February 2017.

ITEM 13 GENERAL MANAGER'S REPORT

ITEM 13A ASSETS AND INFRASTRUCTURE SERVICES REPORT

13A.1 SUBMISSIONS RECEIVED ON NAMING OF NEW BRIDGE ON DUCK CREEK ROAD

REPORT BY: ASSETS AND INFRASTRUCTURE WORKS

CONTACT: ACTING DIRECTOR ASSETS AND INFRASTRUCTURE WORKS

Summary/Purpose

This purpose of this report is to advise Council of the submissions received in relation to the naming of a new bridge on Duck Creek Road

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Village Life

Background Information

Council has constructed a new bridge on Duck Creek Road, 9.7km from Clarence Way. The original timber bridge was replaced by a concrete and steel structure, built with funding received through the Federal Government's Bridge Renewal Program. With construction complete, it was suggested that Council formally name the new bridge.

Roads, bridges and places are given names to assist in identification of a property or location and this is of particular importance in cases of emergency.

Previous Council Consideration

At the ordinary meeting of 13 February 2017, Council resolved to call for submissions from the public;

"on the proposed naming of the new bridge on Duck Creek Road at chainage 9.7km as "Browns Bridge" and that a further report be brought to Council on submissions received."

Report

The proposal was advertised in the *Richmond River Express Examiner* on 22 July 2017 with submissions closing on 3 March 2017. The *Richmond River Express Examiner* also ran a short article on Council's call for submissions in the 1 March 2017 edition of the paper.

Ten submissions were received by Council. Nine of the submissions proposed the name "McKees Bridge" after the original selectors of land adjoining the bridge site, and one submission proposed the name "Browns Bridge", one of the names that has been

informally used for the bridge by local residents. Copies of the submissions received are attached to this report.

Budget & Financial Aspects

Once a name for the bridge is finalised, signs will be purchased and erected. These are minor items covered by Council's current operational budget allocations.

Recommendation

That Council:

1. Receives and notes the report, Submissions Received on Naming of New Bridge on Duck Creek Road.
2. Formally adopt the name "McKees Bridge" for the newly constructed bridge located 9.7km from Clarence Way on Duck Creek Road.

Attachments

Submissions received on naming of bridge

ITEM 13B PLANNING AND ENVIRONMENTAL SERVICES REPORT

13B.1 FINALISATION OF LEP AMENDMENT NO. 10- PLANNING PROPOSAL TO PERMIT CARAVAN PARKS IN ZONES RU1 AND RU2 AND ASSOCIATED DEVELOPMENT CONTROL PLAN PROVISIONS

REPORT BY: PLANNING AND ENVIRONMENTAL SERVICES
CONTACT: DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Summary/Purpose

This report presents the results of community and State government agency consultation on a proposal to amend the Kyogle Local Environmental Plan (LEP) 2012 to permit development of caravan parks in Zones RU1 and RU2 with the consent of Council as well as an associated amendment to the Kyogle Development Control Plan 2014 (KDCP). The report seeks a resolution to make arrangements for the making of the proposed LEP amendment and finalisation of the KDCP amendment.

Community Strategic Plan

The recommendations of this report are consistent with the following Community Strategic Plan 2016-2026 Strategies:

- *Enable and promote access to our world heritage areas, National Parks, visitor facilities and services (Visitor Attraction, pg. 33)*

Previous Council Consideration

At its Ordinary meeting of 11 July 2016 Council resolved:

110716/14 RESOLVED

That Council:

- 1. Receives and notes the report on the proposed amendment of the KLEP and KDCP to permit development of caravan parks with the consent of Council on rural zoned land.*
- 2. Amends the KLEP through the preparation of a Planning Proposal in accordance with section 55 of the Environmental Planning and Assessment Act 1979 (EPAA) to include 'caravan parks' as development that is permissible with consent in Zones RU1 and RU2.*
- 3. Authorise the General Manager to finalise the Planning Proposal consistent with the contents of the report to Council and submit the Planning Proposal to the Department of Planning and Environment (the Department) for review and Gateway Determination.*

4. On receipt of a Gateway Determination to proceed with the LEP amendment, authorise the General Manager to make any necessary changes to the Planning Proposal in accordance with the requirements of the Department and proceed with the LEP amendment process in accordance with the provisions of Part 3 Division 4 of the EPAA including community and agency consultation.
5. Prepare an amendment to the KDCP in accordance with the provisions of Part 3 Division 6 of the EPAA to add 'caravan parks' to the applicable development types in Part 4 of Chapter 1 Non-residential development in Zones RU1, RU2, RU3 and RU4.
6. Conduct the public exhibition of the draft KDCP in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.
7. Review the draft KDCP in light of any submissions made during public exhibition.
8. Be presented with a further report following the conclusion of the public consultation stage and consideration of any submissions received for the LEP and DCP amendments.

Background Information

The proposed amendment to the KLEP will permit the development of **caravan parks** in Zones RU1 Primary Production and RU2 Rural Landscape with the consent of Council. The proposed amendment to the Kyogle Development Control Plan 2014 is to add 'caravan parks' to the list of applicable development types that are covered by the existing guidelines in Chapter 1, Part 4 of the KDCP being 'Non-residential development in Zones RU1, RU2 and RU4'.

The intent of the amendment is to facilitate the development of additional tourist accommodation facilities in rural areas. The intent is not to facilitate the development of caravan parks for the purpose of long term residential accommodation as rural areas are not considered to be a desirable location for residential development of this nature. *State Environmental Planning Policy 21- Caravan Parks* (SEPP 21) provides a statutory mechanism for Council to mandate the use of caravan parks for short term accommodation only. If the LEP Amendment is made, SEPP 21 will apply to the assessment of development applications for caravan parks. Clause 8(3) of SEPP 21 allows a determining authority to require that a caravan park is not utilised for long term residence.

Report

Gateway Determination

On 27 July 2016 a planning proposal consistent with Council Resolution 110716/14 was submitted to the NSW Department of Planning and Environment (DP&E) for Gateway Determination. On 11 August 2016 DP&E issued a Gateway Determination stating that the proposal should proceed subject to;

- consultation with the NSW Rural Fire Service (RFS) and;
- consultation with the community.

The Minister also delegated plan making powers to Council, meaning that Council can liaise directly with Parliamentary Counsel's Office to arrange making of the plan amendment. The Gateway Determination is included at Attachment 1 of this report.

State agency consultation

Council sought comment from the RFS on the proposed LEP amendment. RFS provided comment on 16 November 2016 stating that it had no objection to the proposal.

Community consultation

Community consultation was undertaken as specified in 5.5.2 of the 'Guide to preparing local environmental plans' and involved:

- i. Placing a notice in the 26 October 2016 edition of the *Richmond River Express Examiner*.
- ii. Placing a notice on Council's website.

The period of notification ran from 26 October 2016 to 25 November 2016 being a period of 30 days. No submissions were received.

Conclusion

As RFS raised no objection with the proposed LEP amendment and no submissions were received from the public, it is recommended the proposed amendment to the KLEP is endorsed and finalised as detailed in the planning proposal at Attachment 3 of this report.

As no objections were received in relation to the proposed KDCP amendment, it is recommended the amendment is endorsed and finalised as per the proposed amendment included at Attachment 4 of this report.

Budget & Financial Aspects

There are no additional budget implications for the proposed amendment to the KLEP or KDCP. The work is to be wholly undertaken through the use of existing staff resources and budget allocations.

Recommendation

That Council:

1. Support the planning proposal to amend the Kyogle Local Environmental Plan 2012 to permit the development of caravan parks in Zones RU1 Primary Production and RU2 Rural Landscape with the consent of Council.
2. Pursuant to section 59(1) of the *Environmental Planning and Assessment Act 1979*, request Parliamentary Counsel's Office to prepare a draft legal instrument.
3. Upon receiving from Parliamentary Counsel's Office a draft instrument and an Opinion that the plan can be made, exercise its delegation and Council's delegate make the plan and request NSW Planning and Environment to carry out notification of the making of the plan.
4. Place a notice advising commencement of the LEP amendment in the *Richmond River Express Examiner*.

5. Pursuant to Part 3 Division 3 Clause 21(1)(b) of the *Environmental Planning and Assessment Regulation 2000*, approve the associated amendments to the Kyogle Development Control Plan 2014 as detailed in Attachment 4 of this report.
6. Place a notice advising approval and commencement of the DCP provisions in the *Richmond River Express Examiner*, pursuant to Part 3 Division 3 Clause 21(2) of the *Environmental Planning and Assessment Regulation 2000*.

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

- I. Gateway Determination
- II. RFS comments
- III. Final Planning Proposal
- IV. Amendment to Kyogle Development Control Plan 2014

ITEM 13C GENERAL MANAGER'S REPORT

13C.1 2017 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

REPORT BY: GENERAL MANAGER'S DEPARTMENT

CONTACT: GENERAL MANAGER

Summary/Purpose

The purpose of this report is to advise Council of the upcoming National General Assembly (NGA) of Local Government and to seek from Council suggested motions that may be eligible for inclusion in the NGA business paper that would then be discussed and debated at the conference.

Community Strategic Plan Item(s)

- Governance and Community Service

Background Information

The NGA of Local Government is being held from 18 to 21 June 2017 in Canberra. The theme for this year's NGA is *Building Tomorrow's Communities*. The NGA theme aims to examine how councils can work in partnership with the Australian Government in particular to meet the current and future needs of local communities.

Report

The NGA is Council's opportunity to contribute to the development of national local government policy and currently the Australian Local Government Association (ALGA) Board is calling for motions for the 2017 NGA.

To assist councils in preparing motions, a discussion paper has been prepared by the ALGA and is attached to this report. For Council to be eligible to have its motions included in the NGA business papers, motions must be consistent with the following principles:

1. Be relevant to the work of local government nationally
2. Be consistent with the themes of the Assembly
3. Complement or build on the policy objectives of your state and territory local government association
4. Propose a clear action and outcome, and
5. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions submitted will be reviewed by the National General Assembly Committee as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA business papers.

When reviewing motions, the Committee considers the importance and relevance of the issue to local government. Please note that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state/territory local government association, and will not be included in the business papers.

Through the review process, minor edits may be made to motions to ensure they can be included in the business papers. These edits will change the motion to call for action, for example to "call on the Australian Government" to do something, to ensure relevance to local government nationally by removing state specific references, or to ensure the wording is consistent with current conventions such as referring to the Australian Government instead of the Federal Government.

To assist in facilitating efficient and effective debate, motions that cover similar matters will appear grouped together in the business papers and the matter will be debated only once with the lead or strategic motion being that which is debated.

Motions that are agreed to at the National General Assembly become resolutions. These resolutions are then considered by the ALGA Board when setting national local government policy, when the Board is making representations to the Australian Government at Ministerial Councils, during meetings and in ALGA publications. The ALGA Board is not bound by any resolution passed at the NGA.

Motions are to be submitted online and should be received by no later than 11.59pm on Friday, 21 April 2017. All proposed motions from Council need to be adopted by Council. As previously stated, this is a great opportunity for Council to contribute to the development of national local government policy.

Recommendation

That Council:

1. Receive motions from Councillors by close of business on Thursday, 30 March 2017 to allow inclusion in Council's April Council meeting agenda and that the motions fall under the following principles:
 - Be relevant to the work of local government nationally
 - Be consistent with the themes of the Assembly
 - Complement or build on the policy objectives of your state and territory local government association
 - Propose a clear action and outcome, and
 - Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
2. Adopt the motions proposed to be included in the National General Assembly Business Papers at the April Council Meeting.
3. Nominate the Mayor and another Councillor to attend and represent Kyogle Council at the 2017 National General Assembly of Local Government to be held from 18 to 21 June 2017 in Canberra.

Attachments

ALGA Call for Motions Discussion Paper (distributed to Councillors only)

13C.2 BRANDING AND PHOTOGRAPHIC COMPETITIONS

REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: GENERAL MANAGER

Summary/Purpose

The purpose of this report is to select the winners and placegetters in Council's branding and photographic competitions.

Community Strategic Plan Item(s)

- Governance and Community Service
- Economic Development

Background Information

As part of its 2016/2017 delivery program, Council allocated \$345,000 for a branding exercise and village and LGA signage upgrades. In order to progress the branding exercise, Council initiated the branding and photographic competitions last December to provide community input to the initial phase of the project.

Council offered \$4,000 in prizemoney in a community-wide competition to find a new brand for use on signage, promotional material, Council letter heads and documents, and products associated with the Kyogle LGA. The new brand is not intended to replace Council's crest/logo. Rather, the new brand will be a unique representation of the whole of the Kyogle local government.

Entries in the competition were required to produce:

- A graphic design representing the brand for the whole LGA;
- Suitable slogans or catch phrases for the LGA (up to three);
- Two key symbols/emblems for each of the villages of Wiangaree, Cawongla, Grevillia, Old Grevillia, Woodenbong, Old Bonalbo, Bonalbo, Tabulam, Mallanganee and Mummulgum and the township of Kyogle
- An explanation of the meaning behind each brand proposal, each slogan proposal and each village symbol/emblem and the linkage to Council's Community Strategic Plan.

The competition offered a cash prize of \$2,500 to the winner, \$1,000 to the first runner-up and \$500 to the second runner-up \$500.

The photographic competition was run at the same time as the branding competition with the aim of producing a new set of photographs for the LGA to be used in Council publications and on the Council's website and social media platforms as required.

The photographic competition offered cash prizes totalling \$1,500 in the following categories linked to the Council's Community Strategic Plan.

- Best overall entry (\$500 first place prizemoney)
- Best Village Life entry (\$200)
- Best Governance and Community entry (\$200)
- Best Ageing in Place, Disability Services and Respite Care entry (\$200)
- Best Agriculture entry (\$200)
- Best Visitor Attraction entry (\$200)

Entries in the two competitions opened on 1 December 2016 and closed at 4pm on 31 January 2017.

Report

Ten entries were received in the branding competition, from the following individuals;

- Graeme Love (Council employee)
- Victoria Lynn
- Jasmine Phillips
- Emily Cobb
- Anthony Zammitt
- Rebecca Kocass
- Michael Rogowski
- Richie Rankin
- Krystal Finch
- Rebecca O'Meara

Councillors considered the 10 entries at a workshop on Monday 27 February 2017. A poll of Councillors on the best of the three eligible entries (only three entries satisfied all four components of the competition brief) returned the following result:

- 1st Jasmine Phillips
- 2nd Rebecca O'Meara
- 3rd Rebecca Kocass

Eleven photographers submitted a total of 142 entries in the photographic competition. Entries were received in each category.

Councillors considered all 142 photographs at a workshop on Monday 27 February 2017. Councillors identified, by way of red stickers, their individual selections for each of the six categories in the competition. The votes for each of the photographs were collated after the workshop, with the following results:

- Best Village Life entry - Sandy Kelly



- Best Governance and Community Service entry - Sandy Kelly



- Best Ageing in Place, Disability Services and Respite Care entry - Krystal Finch



- Best Agriculture entry - Bec Sneath



- Best Visitor Attraction entry - Margaret Rollings



- Best overall entry - Bec Sneath



Once Council decides the winners of the competitions, the framework for the new brand will be determined and a design brief will be prepared. A graphic artist will then be engaged to complete the final branding design.

Budget & Financial Aspects

Of the \$345,000 allocated for the branding exercise and village and LGA signage upgrades project, \$25,000 was set aside for the branding exercise. Total prizemoney for the two competitions is \$5,500. This will leave Council with \$19,500 to complete the branding exercise.

Recommendation

That Council:

1. Receives and notes the report, *Branding and Photographic Competitions*.
2. Confirms the winners and placegetters of the branding competition are:
 - 1st Jasmine Phillips
 - 2nd Rebecca O'Meara
 - 3rd Rebecca Kocass
3. Confirms the winners of the six categories of the photographic competition are:
 - Best Village Life entry - Sandy Kelly
 - Best Governance and Community Service entry - Sandy Kelly
 - Best Ageing in Place, Disability Services and Respite Care entry - Krystal Finch
 - Best Agriculture entry - Bec Sneath
 - Best Visitor Attraction entry - Margaret Rollings
 - Best overall entry - Bec Sneath

Attachments

- I. Jasmine Phillips Branding Competition entry
- II. Rebecca O'Meara's Branding Competition entry
- III. Rebecca Kocass Branding Competition entry

REPORT BY: OFFICE OF THE GENERAL MANAGER
CONTACT: MANAGER CORPORATE SERVICES

Summary/Purpose

To provide a report on Council's 355 Committees in accordance with Council Resolution 130217/04 that Council:

- 1. Management review existing and prospective Section 355 Committees of Council against the advice provided in the circular of August 2016 and Council's Risk Management Plan to ascertain whether Section 355 classification is appropriate in these applications;*
- 2. Be provided with a report on this review at the 13 March 2017 Ordinary meeting.*

Community Strategic Plan Item(s)

- Governance and Community Service

Background

At the 13 February 2017 Ordinary Meeting of Council, the above motion was resolved. In discussing the motion, concern was voiced that compliance procedures associated with 355 Committees may inadvertently discourage volunteerism.

History/Precedent

On 21 December 2000, Council's HR and Risk Manager in an email to the Director of Planning Environment and Community Services, copying in the then General Manager Ken Davies, wrote the following;

I have received advice from (Council's Insurers) today relating to liability coverage for Australia Day activities as being arranged by Aust Day Committees.

His advice was:

For the Aust Day activities to be covered by Council's Public Liability Insurance, the Australia Day Committees would need to be Delegated Committees of Council.

I have provided this information to the General Manager, who has requested I forward you this information and also request that you provide report for Extraordinary Meeting of Council (sic) to be held in January 2001 prior to Australia Day for the purpose of making both Australia Day Committees Delegated Committees of Council.

On 16 January 2001, Kyogle Council held an Extraordinary Meeting for the purpose of making the Kyogle and West of the Range Australia Day Committees "Delegated Committees of Council."

The report presented to the Extraordinary Meeting contained the following background:

A request has been received by Council from the West of the Range Australia Day Committee to be included under Council's Public Liability Insurance Policy for activities carried out in conjunction with Australia Day Celebrations. The inclusion under Council's Public Liability Insurance Policy will save the Committee a significant amount in insurance costs.

The Extraordinary Meeting of 16 January 2001 resolved the following:

C40003 160101(03) Australia Day Committees – Kyogle and West of the Range.

Resolved: (D. Liska/L. Passfield)

That Council pursuant to Sections 355 and 377 of the Local Government Act 1993, appoint the Kyogle Australia Day Committee and the West of the Range Australia Day Committee as Delegated Committees of Council.

Report

Office of Local Government Circular 16-24 dated 15 August 2016 contains the following:

Section 355 committees

What's new or changing?

- *Councils are encouraged to review the operations of committees established under section 355 of the Local Government Act 1993 (the Act).*

Key points

- *There have been several recent cases of section 355 committees failing to meet basic governance and accounting standards. This creates significant and ongoing risks for councils.*
- *Where councils delegate functions to section 355 committees, including the expenditure of council funds, it is important that the activities of these committees remain transparent and subject to critical oversight.*
- *Committees should be able to demonstrate clear links with the goals of the council's Delivery Program, while meeting required standards of governance.*
- *Following the upcoming local government elections, councils are encouraged to review the operations of all section 355 committees to ensure they continue to be fit for purpose, and their functions and expenditures align with the goals of the incoming council's Delivery Program.*

Councils Enterprise Risk Management Policy states the following;

Section 8 B (C) (iv) of the Local Government Act 1993 (the Act) requires Councils to apply the principles of sound financial management including sound risk management practices.

Risk exists in all aspects of Council's business. The level of risk that Council faces at any one time is the combination of the likelihood of an event occurring and the consequences if it happened.

In accordance with the Local Government Act 1993, 355 Committees are established to carry out Council functions. Currently Kyogle Council has the following s. 355 Committees:

- **Fairymount Festival Committee**

This committee organises and administers the Fairymount Festival providing tourism and economic opportunities in line with the Community Strategic Plan and would not currently be able to operate without Council's assistance.

The Committee receives in-kind support only.

- **Kyogle, Woodenbong and the West of the Range Australia Day Committees**

These committees provide awareness in the community of the Australia Day Awards, generate nominations and encourage participation at the Australia Day Awards ceremony.

The Committees receive a cash grant from Council.

- **Youth Advisory Committee**

This committee works to include young people in policy processes, presenting their views to Council while ensuring young people have a voice in the LGA.

Council makes a small cash allocation available to the committee.

Risks

The following risks have been identified;

- 1.Failure to meet basic governance and accounting standards.
- 2.Inappropriate nomination processes.
- 3.Inappropriate judging processes.
- 4.Inappropriate meeting procedures.
- 5.Lack of capacity of committee membership.
- 6.Conflict of interest.
- 7.Declining volunteerism resulting from arduous reporting procedures.
- 8.Declining volunteerism resulting from ceased Council financial support.
- 9.Declining volunteerism resulting from committees' inability to secure insurance coverage.
- 10.General lack of accountability, transparency and governance.

Mitigation

In order to mitigate the above risks, comply with Council's risk policy obligations and comply with the Office for Local Government Circular referenced above, Charters were drafted for each section 355 Committee of Council.

This in turn created concern, particularly from the Woodenbong Australia Day Committee, that compliance was arduous and an impediment to participation.

Is Section 355 classification appropriate in these applications?

As evidenced above, in 2000/01 the importance of insurance coverage for Australia Day Committees was identified. It was deemed at the time, and remains a valid consideration today, that the committees were unable to afford insurance coverage resulting in the Committees themselves requesting they be “delegated committees of Council,” also known as section 355 Committees.

In 2016, Council identified an identical need for the Fairymount Festival.

It is unlikely that current section 355 Committees of Council would be in a position to procure insurance as independent bodies. It is likely that volunteerism and events would be at risk without appropriate insurance coverage.

Committees receive funds from Council. It is a tenant of good governance that bodies receiving ratepayer funds meet transparent governance and accounting standards.

As outlined above, the Office for Local Government Circular identifies *failing to meet basic governance and accounting standards as a significant and ongoing risk for councils.*

Also outlined above and a salient feature of Council’s Enterprise Risk Management Policy, *Section 8 B (C) (iv) of the Local Government Act 1993 (the Act) requires Councils to apply the principles of sound financial management including sound risk management practices.*

Procedures and processes for the acquittal of Council funds will apply to all recipients of grants regardless of section 355 status, therefore it is not regarded as a relevant impediment to volunteerism.

The Youth Advisory Committee was enacted by Council for consultative, policy development and training purposes and should continue as a s.355 Committee in order to meet its objectives.

Conclusion

Management has reviewed existing section 355 Committees of Council against the advice provided in the circular of August 2016 and Council’s Risk Management Plan and concluded that section 355 classification remains appropriate in these applications.

Committee Charters have been revised in consultation with Councillor Passfield to address concerns.

Four templates have been drafted to facilitate the good governance requirements suggested by the Office of Local Government, dictated by the Local Government Act, 1993 and Council’s Enterprise Risk Management Policy that are user friendly and minimize “red tape.”

They are;

- Agenda (standard items)
- Australia Day Committees' nomination and award processes
- Finance and Acquittal (basic governance and accounting standards)
- Notification of Office Bearers

See attachments.

Recommendation

That Council:

1. Note the report, *Review of Section 355 Committees*.
2. Adopt the revised Charter for Council's section 355 Australia Day Committees.
3. Adopt the inclusion of the following governance templates for the Fairymount Festival and Youth Advisory section 355 Committee Charters:
 - a. Agenda
 - b. Finance and Acquittal
 - c. Notification of Office Bearers

Attachments

1. Revised Australia Day Committee's charter (including templates)
2. Agenda template
3. Finance and Acquittal template
4. Notification of Office Bearers template

13C.4 SUMMERLAND WAY PROMOTIONAL COMMITTEE

REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: GENERAL MANAGER

Summary/Purpose

This report is to advise Council of the responses received in relation to a Council resolution to re-establish the Summerland Way Promotional Committee.

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Economic Development

Background Information

The Summerland Way Promotional Committee (SWPC) was established in 1976 and played a vital role in securing State and Federal funding for the upgrade of the Summerland Way. The committee was wound up in June 2014 because the Pacific Highway duplication project was a higher priority into the foreseeable future.

Previous Council Consideration

At its Ordinary Meeting of 14 November 2016 Council resolved;

“That Council re-establishes the Summerland Way Promotional Committee (SWPC) with the same membership as when it was disbanded.”

Report

Following Council's resolution, formal correspondence was sent to the General Managers and Mayors of Richmond Valley Council, Lismore City Council, Clarence Valley Council, Southern Downs Regional Council, and Scenic Rim Regional Council. A copy of the correspondence was also sent to the offices of the State and Federal MPs Thomas George and Kevin Hogan, and the CEO of RDA Northern Rivers.

Their responses are separately attached to this report.

Given the responses received, there appears to be little interest in the re-establishment of the Summerland Way Promotional Committee. However, there is a willingness to work together on regional issues at a broader scale, which will still allow for the issues and opportunities associated with the Summerland Way to be considered by the relevant stakeholders at a regional level.

Budget & Financial Aspects

There are no budget implications in relation to this matter.

Recommendation

That Council receives and notes the report, Summerland Way Promotional Committee.

Attachments

- I. Council's letter of 24 November 2016
- II. Letters of reply received

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

ITEM 16 CONFIDENTIAL BUSINESS PAPER

16.1 TENDER FOR THE CONSTRUCTION OF THE NEW KYOGLE MUSEUM AND ASSOCIATED WORKS - TENDER NUMBER RFT-10008061

**REPORT BY: GENERAL MANAGERS OFFICE
CONTACT: GENERAL MANAGER**

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

KYOGLE COUNCIL



ATTACHMENTS

ORDINARY COUNCIL MEETING

ON MONDAY 13 MARCH 2017