



# **KYOGLÉ COUNCIL**

## **COUNCIL MEETING AGENDA**

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

ON MONDAY, 10 NOVEMBER, 2014

Commencing at 5.00 p.m.

**GENERAL MANAGER: ARTHUR PIGGOTT**

Dear Councillor,

In accordance with the provisions of the Local Government (General) Regulation 2005, you are hereby notified of the following Ordinary Meeting to be held at the Kyogle Council Chambers, on Monday, 10 November, 2014, at 5.00 p.m.

#### DECLARATION OF PECUNIARY INTEREST

Councillors and Senior Staff are reminded to consider whether a Pecuniary Interest exists in any matter on the Agenda for this Meeting or raised during the course of the Meeting. The term "Pecuniary Interest" should be extended to include possible "conflicts of interest" and immediately declared prior to discussion of the Agenda item. Where a direct or indirect pecuniary interest exists, the member must refrain from commenting on or voting on the subject matter and must leave the Chamber.

#### BUSINESS

- |         |  |
|---------|--|
| Item 1  | Apologies                              |
| Item 2  | Opening Prayer                         |
| Item 3  | Traditional Lands Acknowledgement      |
| Item 4  | Declaration of Interests               |
| Item 5  | Question Time                          |
| Item 6  | Public Access                          |
| Item 7  | 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            |

ARTHUR PIGGOTT  
GENERAL MANAGER

## COUNCIL PRAYER

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

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

AMEN

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

Note: Council Policy is for the Mayor or Chairperson to lead the Council Meeting in the Prayer at the start of the first Meeting of the day.

**Council acknowledges that this meeting is being held on the Traditional Lands of the Bundjalung people and we acknowledge elders, both past and present.**

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

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### DISCLAIMER

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

(ARTHUR PIGGOTT),  
GENERAL MANAGER.

## **5.7 Question Time (Council Policy)**

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

Each speaker has a maximum allowable time of 5 minutes.

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

The Chair has the right to refuse any question, to refuse to take any further questions from 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 3 November 2014**

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- ITEM 6      PUBLIC ACCESS**
- ITEM 7      CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE 13 OCTOBER 2014 ORDINARY MEETING**

**REPORT BY: GENERAL MANAGER**  
**CONTACT: GENERAL MANAGER ARTHUR PIGGOTT**

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**Summary/Purpose**

A copy of the Minutes for the Ordinary Meeting held on 13 October, 2014 is included in the attachments to the business paper.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Recommendation**

That the Minutes of the Ordinary Meeting held on 13 October, 2014 be adopted.

**Attachments**

1. Minutes of the Ordinary meeting held on 13 October, 2014 (separately attached).

## **7.2 CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY MEETING ON 27 OCTOBER 2014**

**REPORT BY: GENERAL MANAGER**  
**CONTACT: GENERAL MANAGER ARTHUR PIGGOTT**

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### **Summary/Purpose**

A copy of the Minutes for the Extraordinary Meeting held on 27 October, 2014 is included in the attachments to the business paper.

### **Community Strategic Plan Item(s)**

- Governance and Community Service

### **Recommendation**

That the Minutes of the Extraordinary Meeting held on 27 October, 2014 be adopted.

### **Attachments**

1. Minutes of the Extraordinary meeting held on 27 October, 2014 (separately attached).



**ITEM 8      MAYORAL MINUTE**

Nil.

**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**

**CONTACT:     GENERAL MANAGER ARTHUR PIGGOTT**

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**Summary/Purpose**

This report presents responses to questions raised by Councillors 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 Michael Reardon

- Asked if he could be supplied with the number of light vehicles in Council's fleet and what department the light vehicles served.

Response

*The total number of vehicles in Council's light fleet is currently 35. Council's four departments currently has the following number of light vehicles:*

- *Administration & Community            3*
- *Planning & Environment                5*
- *Infrastructure Works                      18*
- *Urban & Assets                            9*

**Recommendation**

That Council receives and notes the report Questions From The Last Council Meeting.

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## **ITEM 11 DELEGATES REPORTS**

Nil.

## **ITEM 12 INFORMATION PAPERS**

### **12.1 COUNCIL RESOLUTIONS REQUIRING ACTION**

**REPORT BY: GENERAL MANAGER**

**CONTACT: GENERAL MANAGER ARTHUR PIGGOT**

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#### **Summary/Purpose**

This report presents to Council a list of Council resolutions requiring action as at 31 October, 2014.

#### **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.

#### **Attachments**

1. Council resolutions requiring action as at 31 October, 2014 (separately attached).

## 12.2 FINANCIAL REPORT -- OCTOBER 2014

**REPORT BY: ADMINISTRATION AND COMMUNITY**

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

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### **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 30 October, 2014. 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.

At the previous Council meeting Councillor Dwyer requested that additional financial information (including graphs) be included in this report. This is still being investigated and developed and a new format will be introduced for 2015.

### **Recommendation**

That Council receives and notes the information contained in the Monthly Financial Report – October 2014.

### **Attachments**

Financial reports.

**ITEM 13 GENERAL MANAGER'S REPORT**

**ITEM 13A TECHNICAL SERVICES REPORT**

**13A.1 LIONS TOURIST TROPHY EVENT**

**REPORT BY: URBAN AND ASSETS**

**CONTACT: EXECUTIVE MANAGER URBAN AND ASSETS GRAHAM KENNETT**

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**Summary/Purpose**

This report is to provide Council with information in relation to the holding of the inaugural Lions Tourist Trophy motorcycle festival event, and the outcomes of the post event debrief process.

**Community Strategic Plan Item(s)**

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

**Background Information**

Event organisers approached Council in December 2013 with the idea of conducting a motorcycle time trial event on the Lions Road to raise funds for improvements for the Lions Road. The event required closing of a section of the Lions Road route in both Queensland and NSW, so motorcycle riders could enjoy a ride along this popular route with no oncoming traffic. Council provided in principal support for the event through a letter of support from the General Manager in December, 2013, and this was followed up by formal Council resolution in February 2014.

The event organisers then commenced consultation with the community and affected residents, and preparation of event management and traffic management documentation. A report was presented to Council in August 2014 detailing the consultation process undertaken. At this meeting Council formally endorsed the holding of the event over the October long weekend.

A series of meetings with Police and other emergency services were then undertaken as part of the event planning process. During these meetings the NSW Police raised concerns in relation to the competitive nature of the event, both the time trial stage on the Lions Road and the Café Racer drag race stage in Ettrick Street. Representatives of the NSW Police advised that it was unlikely that the Police Commissioner would approve the event in that form. With this advice, the event organisers changed the format of the Lions Road stage of the event, such that it was no longer to be treated as a time trial or any form of competitive "race". Formal approval for the event on this basis was issued by Council on September 5, 2014, with the Café Racer stage of the event subject to further approval from NSW Police.

In the weeks leading up to the event, the event organisers experienced difficulties on the QLD side of the border, with the final outcome being that the QLD Police refused to grant permission for the closure of the Running Creek and Innisplain Road sections of the Lions Road stage. This meant the extent of the road closure for this stage of the event had to be reduced to the NSW side of the border. The NSW Police also refused approval for the Café Racer Sprint in Ettrick Street. This stage of the event was relocated to the drag strip operated from the old Casino Airport, with support of Richmond Valley Council and approval from NSW Police.

Despite the setbacks, the event was held over the October long weekend, on Saturday 4<sup>th</sup> and Sunday the 5<sup>th</sup>. The event was very well received by the community, participants and visitors alike, and all reports indicate that the potential economic benefit from the event was realised by local businesses. The press release prepared by Council immediately after the event is included in the attachments to this report.

### **Previous Council Consideration**

At its Ordinary Meeting of February 10, 2014 Council Resolved

*That Council endorses the General Manager's letter of "in principle" support provided to the Lions TT Group on 18 December, 2013.*

AT its Ordinary Meeting of August 11, 2014 Council Resolved;

*That Council endorses the holding of the Lions Tourist Trophy event over the long weekend of October 4 to 6, 2014.*

### **Report**

Immediately after the event arrangements were made for post event debriefings, with a view to ensuring that the planning and consultation for the 2015 event commenced as soon as possible. There were two formal debriefing meetings which took place on October 27, 2014. The first was between representatives of the NSW and QLD Police, and attended by the Executive Manager Urban and Assets. The second was open to all invited stakeholders and emergency services. The minutes from the second meeting are included in the attachments to this report.

#### **1. Tourism and Economic Development Officers Report**

A number of motorcycle enthusiasts visited and stayed in Kyogle for the event giving a significant boost to the local visitor economy. Public behaviour during the event was good with no incidents being reported. One business quoted a 400% increase in normal trade for the weekend.

Organisers assisted with a number of associated events such as a business expo on Geneva Street and music concert coordinated by the Chamber of Commerce in the Amphitheatre. Both venues were well patronised.

The Café Racing event was transferred to Casino Airport Drag Strip which caused an issue of splitting the event. Some feedback indicated that people did not like the event being split around town even from Geneva Street to the Amphitheatre.

Overall the feedback from participants and visitors for the event were very positive for Kyogle with general comments like “Very friendly welcome, great town, great food, great service, we will be back”.

A tent city was arranged on the Showground to cater for the overflow for accommodation. Visitors said the accommodation was comfortable, affordable and the amenities adequate. The Kyogle Rugby Union Club received a donation for erecting and dismantling the tents.

A number of groups of event participators were interviewed during the course of the weekend. Survey data was recorded during these interviews, with data from the survey presented in the table below.

| Home        | Travel | Group #   | Accom     | LTT Info   | Avg Spend        | Nights Stay | Just LTT |
|-------------|--------|-----------|-----------|------------|------------------|-------------|----------|
| Brisbane    | MC     | 2         | Farm Stay | FB         | \$ 50.00         | 2           | yes      |
| Brisbane    | Car    | 2         | C/Park    | Web        | \$ 100.00        | 2           | yes      |
| Nimbin      | Car    | 2         | VFR       | WOM/Paper  | \$ 160.00        | 2           | yes      |
| Sunshine C  | MC     | 1         | no        |            | \$ 60.00         | 1           | yes      |
| Gold Coast  | MC     | 2         | Casino    | Web        | \$ 400.00        | 2           | yes      |
| NR          | MC     | 2         | no        | Web        | \$ 200.00        | 1           | yes      |
| NR          | Car    | 1         | no        | organiser  | \$ 30.00         | 2           | yes      |
| NR          | Car    | 2         | no        | organiser  | \$ 30.00         | 2           | yes      |
| Nambour     | MC     | 10        | Pub       | Web        | \$ 3,000.00      | 3           | yes      |
| Sunshine C  | MC     | 8         | Pub       | Web        | \$ 3,500.00      | 3           | yes      |
| Redland Bay | MC     | 3         | Tent City | WOM        | \$ 900.00        | 2           | yes      |
| Brisbane    | MC     | 10        | VFR       | Trade Show | \$ 2,500.00      | 2           | yes      |
| Sydney      | MC     | 3         | Tent City | FB         | \$ 1,500.00      | 4           | yes      |
| Waterford   | MC     | 4         | RV        | WOM        | \$ 1,200.00      | 2           | yes      |
| Brisbane    | MC     | 3         | Pub       | WOM        | \$ 600.00        | 2           | yes      |
| Dubbo       | MC     | 4         | Tent City | WOM        | \$ 2,500.00      | 3           | yes      |
| Bundaberg   | MC     | 2         | Motel     | Web        | \$ 400.00        | 2           | yes      |
| NR          | MC     | 1         | Tent City | WOM        | \$ 400.00        | 2           | yes      |
| Coffs/Syd   | MC     | 3         | Tent City | Web        | \$ 600.00        | 3           | yes      |
| Brisbane    | MC     | 4         | Rathdowny | FB         | \$ 800.00        | 3           | yes      |
| Gold Coast  | mc     | 4         | Pub       | WOM        | \$ 1,200.00      | 3           | yes      |
|             |        | <b>73</b> |           |            | <b>\$ 20,130</b> |             |          |

The data indicated that each participant in the event had an average spend of \$275 while in Kyogle. If this is extrapolated over the total number of participants for the two days (250), this equates to an overall input to the local economy of around \$68,000 by the participants alone.

Additional information was collected based on general enquiries at the Visitor Information Centre, which was manned by volunteers over the long weekend. The following is a summary of the data obtained through the volunteers working at the Kyogle Visitor Information Centre over the weekend of the event.

| Visitors From      | Locals     | NR    | NSW        | SE QLD | Interstate | International | Nomad | TOTAL  |
|--------------------|------------|-------|------------|--------|------------|---------------|-------|--------|
|                    | 36         | 38    | 40         | 96     | 16         | 4             | 4     | 234    |
| Nature Of Enquiry: | Attraction | Event | Directions | NPWS   | VFR        | Day Trip      | Phone | Retail |
|                    | 33         | 23    | 54         | 20     | 1          | 21            | 19    | 8      |

This data was then used to extrapolate an estimate of the total input to the local economy associated with the event as follows;

### **Formula for Visitor Spend**

|  |  |
|--|--|
| Total number of visitors making enquiries at VIC     | 234  |
| Multiplier to estimate total visitors for the period | 8  |
| Estimate of total visitor numbers;                   | $234 \times 8 = 1,872$                       |
| Assumed spend per visitor during stay                | \$72/person                                  |
| Estimated spend during stay                          | $72 \times 1872 = \$134,784$                 |
| Allowance for overnight stay                         | 35%  |
| Total Estimated economic input                       | $\$134,784 \times 1.35 = \mathbf{\$181,958}$ |

As such, the visitor survey from the Kyogle Visitor Information Centre for the October long weekend indicated that the benefit to the local economy over the weekend as a result of the Lions TT event was in the order of **\$180,000**.

## **2. Planning for the 2015 Event**

Based on the outcomes of the debriefing meetings, the organisers have identified the need to modify the format of the event, specifically the stage of the event associated with the Lions Road. The 2015 event will retain the focus around the Kyogle central business area, with the event to become a broader style of motorcycle festival with a carnival type atmosphere, plenty of entertainment, novelty events and demonstrations centred in the Kyogle Main Street. It has been proposed that the social motorcycle riding aspect be promoted by means of a series of 'Adventure Tours' which involves a motorcycle riding tour guide taking participants on one of a number of scenic rides of their choice throughout the Kyogle LGA and Northern Rivers, starting from Kyogle and returning to Kyogle. This will allow the economic impact of the event to be spread across the other villages within LGA. The event will also include tours on gravel roads as well as bitumen, and open the event up to a variety of motorcycle styles.

The event organisers will present a formal event proposal to Council and the NSW and QLD Police for their consideration and input in the coming weeks. This will ensure that there is an early engagement process, including regular all agency meetings, to ensure that the issues associated with the approvals process for this year's event are not repeated.



## **Budget & Financial Aspects**

The event did not require any expenditure from Councils budget, other than the dedication of staff time from the Executive Manager Urban and Assets and Tourism and Economic Development Officer. The event organisers have advised that there will be a donation made to Council from the proceeds of this year's event. The amount has not been advised at the time of preparing this report.

## **Recommendation**

1. That Council receives and notes the report Lions Tourist Trophy Event.
2. That Council endorses the holding of the 2015 Lions TT Motorcycle Festival.

## **Attachments**

- 1.Lions TT 2014 Post Event Press Release
- 2.Lions TT post Event Debrief Meeting Minutes

## **13A.2            SIMPKINS CREEK RADIO REPEATER**

**REPORT BY:    INFRASTRUCTURE WORKS**

**CONTACT:      EXECUTIVE MANAGER INFRASTRUCTURE WORKS JEFF BREEN**

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### **Summary/Purpose**

The purpose of this report is to inform Council of the negotiations for granting an easement of the site of a proposed telecommunications link on Richmond Range Road.

### **Community Strategic Plan Item(s)**

- Roads and Infrastructure

### **Background Information**

At the March 2014 Ordinary Meeting, Council was advised of a proposal by TransGrid to construct a telecommunications link between Bonshaw and Parrots Nest to provide telemetry control of its electricity network. Council was also advised that legal advice was to be sought and negotiations would be undertaken based on the valuation to settle compensation to Council.

### **Report**

Legal advice was provided which advised Council it could provide an easement to Transgrid for the site that was required to erect the proposed telecommunications link. Site plan attached.

Valuations of the site were sought by Council and Transgrid. The basis of the valuations varied greatly and as a result, the valuations did as well. Council's valuation was a range of \$90,000 to \$125,000; Transgrid's valuation was \$5000. Council's valuation was on an opportunity basis and Transgrid's was on a land value basis. After some lengthy negotiations, Transgrid has agreed, subject to board approval, to pay Kyogle Council \$35,000 plus all professional costs for the granting of the easement. This is considered a fair and equitable outcome which should be accepted by Council.

### **Budget & Financial Aspects**

Income has not been budgeted.

### **Recommendation**

That Council accepts \$35,000 plus professional costs from Transgrid to establish an easement for the erection of a radio repeater on Richmond Range Road

### **Attachments**

Site Plan

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## 13A.3 SALE OF LAND – CHADBURNS QUARRY

REPORT BY: INFRASTRUCTURE WORKS

CONTACT: EXECUTIVE MANAGER INFRASTRUCTURE WORKS JEFF BREEN

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### Summary/Purpose

This report aims to provide information to Council regarding Chadburns Quarry and seeks Council endorsement for the sale of that property.

### Community Strategic Plan Item(s)

- Roads and Infrastructure
- Economic Development
- Environmental and Planning

### Background Information

Development approval for Chadburns Quarry expired on 17 November 2008. Extraction of material had ceased some time prior to this date. An assessment of the potential of the quarry has been undertaken and it is deemed to be uneconomical to recommence operations.

### Report

Chadburns Quarry operated under conditions established by Development Application 1996/121. This development approval had a ten-year life with an annual extraction permitted of 50,500m<sup>3</sup>.

All DA conditions have been or are nearly completed including fencing, signage, rehabilitation and drainage. Some scrap steel remains on site awaiting pick up from a scrap merchant which has been organised. The quarry was the subject of a 2001 report by geotechnical consultants. The report concluded that;

- The cost of production at Chadburns will increase due to an excessive overburden ratio;
- Long term production of quarry products.....is unlikely to be economical.

On this basis, it is recommended that following completion of rehabilitation works, the parcel of land identified as Lot 125 DP 858645 known as Chadburns Quarry be sold. The sale would be subject to;

- A note on the title regarding potential unexploded explosives
- ICAC recommendations that;
  - *Local councils disposing of their own land should:*
    - *consider using a competitive process notwithstanding the absence of a statutory requirement to do so*

- *in the absence of a competitive process, consider at least two valuations based on the land's "highest and best use" and*
- *clearly document reasons for disposing of land at below market price"*
- Section 55 of the Local Government Act

It is recommended that a valuation be sought for the land and tenders be called for the sale of the land.

### **Budget & Financial Aspects**

The income from the sale of the land has not been budgeted for.

### **Recommendation**

1. That Council receives and notes the report Sale of Land - Chadburns Quarry;
2. That Council approves the sale of L 124 DP 858645, Chadburns Quarry;
3. That Council obtain a valuation for the property;
4. That Council offer the land for sale by tender;
5. That a further report be presented to Council outlining the results of the tender.

### **Attachments**

1. Plan of Chadburns Quarry

## **13A.4            REPLACEMENT OF BAGSHAW'S BRIDGE 32-2265, CONNELLS ROAD**

**REPORT BY:    INFRASTRUCTURE WORKS**

**CONTACT:      EXECUTIVE MANAGER INFRASTRUCTURE WORKS JEFF BREEN**

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### **Summary/Purpose**

This report is provided to;

- advise Council of a funding offer from Forestry Corporation;
- request the allocation of funds to allow the construction of the Bagshaws Bridge to be undertaken

### **Community Strategic Plan Item(s)**

- Roads and Infrastructure

### **Background Information**

Prior to the Ordinary Meeting of Council on 13 October 2014, Forestry Corporation made a presentation to Council. Subsequent to this presentation, Forestry Corporation has presented an offer of funding to Council for two projects. The letter of offer is attached to this report.

The projects are the replacement of Bagshaws Bridge on Connells Road and the investigation, design and installation of a bypass route on Needhams Road.

This report deals only with the Connells Road proposal as there has not been sufficient time to explore the Needhams Road proposal.

### **Report**

Bagshaws Bridge on Connells Road is a speed limited bridge. The speed limit was applied at least two years ago as an alternative to a load limit.

The bridge is rated at 3.86 out of 5 at the last inspection. This puts it in a poor condition category. The preferred replacement time for this bridge is 2016 subject to funding availability and is in the top 20 priority replacement bridges.

The existing bridge is 12m long however it is proposed to replace it with a 15m bridge to enable it to be raised above a 1 in 20 year flood level. The cost of the bridge, which will be constructed from galvanised steel and precast concrete deck panels manufactured in our Woodenbong casting yard, is \$220,000.

Forestry Corporation has offered \$90,000 towards the cost leaving \$130,000 for Council to find. This bridge is not subject to any funding applications.

At the Ordinary Meeting of Council on 13 October 2014, it was resolved that Council;

*“Approves the reallocation of \$340,000 from the 2014-15 budget for bridge number 59-13985 Boyles Bridge, Gradys Creek Road to Campbells Bridge replacement.”*

The Boyles Bridge budget allocation was \$550,000 leaving remaining funds at \$210,000. It is proposed that Council allocates \$130,000 of this remaining amount to the construction of Bagshaws Bridge with the allocation of the remaining funds to be subject to a further report to Council.

### **Budget & Financial Aspects**

The project is able to be completed within the current budget allocation.

### **Recommendation**

1. That Council receives and notes the report on Replacement of Bagshaws Bridge 32-2265, Connells Road.
2. That Council accept Forestry Corporation’s contribution of \$90,000 as funding towards the construction of bridge number 32-2265 Bagshaws Bridge, Connells Road
3. That Council approve the construction of bridge number 32-2265, Bagshaws Bridge, Connells Road in the 2014-15 financial year
4. That Council approve the reallocation of \$130,000 from the 2014-15 budget for bridge number 59-13985 Boyles Bridge, Gradys Creek Road to Campbells Bridge replacement.

### **Attachments**

1. Forestry Corporation proposal to contribute to bridge replacement

## **ITEM 13B PLANNING SERVICES REPORT**

### **13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 OCTOBER, 2014 TO 30 OCTOBER, 2014**

**REPORT BY PLANNING AND ENVIRONMENT  
CONTACT EXECUTIVE MANAGER PLANNING AND ENVIRONMENT GREG MEYERS**

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#### **Summary/Purpose**

This item presents to Council the Development Applications received, determined and outstanding for the period 1 October, 2014 to 30 October, 2014.

#### **Report**

Listings attached.

#### **Recommendation**

1. That, with the exception of the following items in which Councillors ..... and ..... have declared an interest,
  - Cr..... 13B.1 Development Applications Received, Determined and Outstanding DA../... - Reason for Declaration -
  - Cr.....13B.1 Development Applications Received, Determined and Outstanding DA../... - Reason for Declaration -

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 October, 2014 to 30 October, 2014 be received and noted.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 October, 2014 to 30 October, 2014 only in relation to DA../... and DA../.... In which Councillors ..... have declared an interest be received and noted.

#### **Attachments**

1. Development applications received October 2014
2. Development applications determined October 2014
3. Development applications outstanding October 2014

**13B.2            AGEING IN PLACE, DISABILITY SERVICES AND RESPITE CARE  
FOCUS GROUP MINUTES FROM MEETING 20 OCTOBER 2014**

**REPORT BY: PLANNING AND ENVIRONMENT  
CONTACT:    EXECEUTIVE MANAGER PLANNING AND ENVIRONMENT GREG  
                 MEYERS**

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**Summary/Purpose**

To present to Council the minutes from the meeting of the Ageing in Place, Disability Services and Respite Care Focus Group held on Monday 20 October 2014

**Community Strategic Plan Item(s)**

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

**Report/Assessment**

A meeting of the Ageing in Place, Disability Services and Respite Care Focus Group was held on 20 October 2014 at 4pm.

The attached minutes are presented for Council noting and endorsement.

The next meeting is scheduled for 4pm Monday 17 November 2014.

**Budget and Financial Aspects**

There is no budgetary impact as a result of the minutes.

**Recommendation**

1. That the minutes from the Ageing in Place, Disability Services and Respite Care Focus Group held on Monday 20 October 2014 be received and noted.
2. That the recommendations outlined in the Minutes be endorsed.

**Attachments**

Minutes from the Ageing in Place, Disability Services and Respite Care Focus Group meeting held on Monday 20 October 2014.



**13B.3 DRAFT RURAL AND RESIDENTIAL LAND ACTIVITIES RIGHT TO FARM POLICY**

**REPORT BY: PLANNING AND ENVIRONMENT**

**CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT GREG MEYERS**

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**Summary/Purpose**

Council regularly deals with complaints associated with genuine and legitimate rural activities which from time to time generate noise, dust and odours. The purpose of this report is to present to Council a Draft Policy to guide and assist landowners, tenants and Council staff in the management of complaints associated with rural activities and pursuits.

**Previous Council Consideration**

This has not previously been presented to the current Council.

**Community Strategic Plan Item(s)**

- Environmental and Planning

**Report/Assessment**

With an increase in the number of complaints regarding nuisance issues in our rural and fringe residential areas, it is considered timely that a Policy is prepared and exhibited to seek community input into the management of such issues as they arise.

The complaints usually relate to noise, dust and odours and are often due to the expectations of landowners who buy or occupy rural lifestyle lots for residential living which happen to be alongside or in areas of working farms, extractive industries and forestry activities. In some instances, it is also to do with the ignorance or lack of awareness on the part of the operator and reluctance to put into place mitigation measures or alternatives to avoid the creation of the nuisance.

More often than not, staff are placed in very difficult and uncomfortable situations where a resolution is not likely and the drain on staff time to deal with the ongoing complaints regarding the same issues.

The Draft Policy is not an attempt to permit poor planning on Council's behalf or to circumvent the rights of any landowner or resident as various forms of legislation are in place such as the Protection of the Environment Operations Act, Pesticides Act, Roads Act, NSW Industrial Noise Policy which provide the operational controls as well as what a normal person would expect in regard to amenity and protection.

The Draft Policy attempts to outline what can be expected in rural locations from genuine rural and agricultural pursuits.

Where an activity is being undertaken which is not a legitimate land use or activity and causing a nuisance whether it be noise, dust or odour or activities are impacting upon the comfort and amenity of a resident which is breaching the legislative controls, limits or guidelines then appropriate regulatory action would be pursued to resolve the nuisance or non-compliance.

Importantly, the Draft Policy aims to inform potential new landowners of what activities are normally associated with rural life and issues which can be expected as a result of those activities in rural areas.

It is proposed that the Draft Policy be exhibited for a period of 30 days with a Public Notice being placed in the Richmond River Express Examiner and also placed on Council's website.

### **Budget and Financial Aspects**

Other than advertisement charges there are no financial impacts associated with the preparation and exhibition of the Draft Policy. It is hoped however that over time with awareness of the policy and associated issues that nuisance complaints may reduce thus freeing up staff time to attend to other functions.

### **Recommendation**

1. That Council receive and note the report on the Draft Rural and Residential Land Activities Right To Farm Policy
2. That subject to any amendments required of Council, the Draft Rural and Residential Land Activities Right To Farm Policy be placed on public exhibition for a period of 30 days with an advertisement being placed in Richmond River Express Examiner and also placed on Council's website.
3. That at the conclusion of the Public Exhibition period a report addressing any submissions received be prepared and presented to Council for further consideration.

### **Attachments**

Draft Rural and Residential Land Activities Right To Farm Policy

**13B.4 FINALISATION OF LEP AMENDMENT NO. 3 - DUAL OCCUPANCIES AND SECONDARY DWELLINGS**  
**REPORT BY: PLANNING AND ENVIRONMENT**  
**CONTACT: SENIOR TOWN PLANNER LACHLAN BLACK**

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### **Purpose**

This report presents the results of community and agency consultation on a proposal to amend the Kyogle Local Environmental Plan 2012 to include provisions to permit the development of dual occupancies and secondary dwellings on land in certain rural and residential zones and to increase the maximum size of secondary dwellings. The report seeks a resolution to make arrangements for the making of the proposed LEP amendment and approval of the associated Development Control Plan provisions.

### **Previous Council Consideration**

At its ordinary meeting of 9 December 2013 Council resolved:

1. *That the report Proposal to Amend Kyogle Local Environmental Plan to Permit*
2. *Detached Dual Occupancies and Secondary Dwellings be received and noted.*
3. *That Council resolve to amend the Kyogle LEP 2012 through the preparation of a planning proposal to:*
4. *permit Dual Occupancies (attached or detached) to be approved in the RU1, RU2 & RU4 Rural Zones and R5 Large Lot Residential Zone with the consent of Council;*
5. *permit Secondary Dwellings to be approved in the RU1, RU2 & RU4 Rural Zones and R1 & R5 Residential Zones with the consent of Council;*
6. *amend clause 5.4(9) of Kyogle Local Environmental Plan to ensure Secondary Dwellings are permissible up to 60% of the size of the Primary Dwelling on the land (currently 43%);*
7. *Make the necessary amendments to the relevant sections identified in this report or required by the Department of Planning and Infrastructure (DoPI) or Parliamentary Counsel (PC), to Kyogle LEP 2012.*
8. *Authorise the General Manager to finalise the Planning Proposal and submit the Planning Proposal to the Department of Planning and Infrastructure for review and Gateway Determination.*
9. *That upon an affirmative Gateway Determination being received from the*
10. *Department of Planning and Infrastructure, Council staff carry out the procedural steps associated with the progress of the planning proposal, including community consultation.*
11. *That a further report be presented to Council on this matter following the conclusion of community consultation and review of submissions.*

Actions relating to points 2, 3 and 4 have been completed; this report is in response to point 5.

### **Community Strategic Plan Item(s)**

- Environmental and Planning

## Background Information

The Kyogle Local Environmental Plan 2012 (LEP) provides that **dual occupancies (attached)** are permitted with consent in rural Zones RU1, RU2 and RU4 and **dual occupancies (detached)** are prohibited. **Dual occupancies (attached and detached)** are prohibited in Zone R5. **Secondary dwellings** are also prohibited in Zones RU1, RU2, RU4, R1 and R5, although they are permitted with consent in Zones R1 and R5 by *State Environmental Planning Policy (Affordable Rental Housing) 2009* subject to certain conditions.

The proposed amendment to the LEP will permit the development of **dual occupancies (attached and detached)** with Council consent in Zones RU1, RU2, RU4 and R5 and the development of **secondary dwellings** with Council consent in Zones RU1, RU2, RU4, R1 and R5.

Clause 5.4(9) of the LEP restricts secondary dwellings to a maximum total floor area (excluding any area used for parking) of 60m<sup>2</sup> or 43% of the floor area of the principal dwelling. The proposed LEP amendment will increase the permissible maximum floor area to 60m<sup>2</sup> or 60% of the floor area of the principal dwelling.

Additional provisions to be added to the Kyogle Development Control Plan 2014 (DCP) have been drafted to provide guidelines for development that will be made permissible by the LEP amendment. The additional provisions are:

- a) Chapter 3 Dwellings- additional section providing guidelines for Secondary dwellings in Zones RU1, RU2 and RU4.
- b) Chapter 3 Dwellings- the existing provisions applying to secondary dwellings in Zones R3 and RU5 have been extended to Zones R1 and R5.
- c) A new chapter, Chapter 10 Dual occupancies, has been drafted that provides guidelines for dual occupancies in urban and rural areas.

## Report

### Gateway Determination

NSW Planning and Infrastructure (P&I) provided a gateway determination on 12 March 2014. P&I were happy for the proposal to proceed subject to consultation with the NSW Rural Fire Service (RFS) and 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.

### RFS consultation

Council sought comment from the RFS on the proposed LEP amendment and DCP provisions. RFS provided comments stating that they had no concerns or issues with the proposal.

### Department of Primary Industries consultation

Department of Primary Industries (DPI) staff contacted Council requesting to be consulted on the proposed LEP amendment. Council staff sent the LEP amendment and associated DCP provisions to DPI for comment. DPI provided comments on 10 September 2014 and raised the following concerns:

- The proposed maximum 200 metre separation distance between dwellings allows an unnecessarily large development footprint and may increase the likelihood of land use conflict.
- The DCP provisions contain no specific guidelines relating to impacts on good quality agricultural land.

DPI recommended that Council amend the DCP provisions to apply a maximum 100 metres separation distance for dwellings and include a specific guideline designed to protect good quality agricultural land.

#### Community consultation

Community consultation on the proposed LEP amendment and associated DCP provisions was undertaken as specified in 5.5.2 of the 'Guide to preparing local environmental plans' and involved the following:

1. Placing a notice in the July 23 2014 edition of the Richmond River Express Examiner.
2. Placing a notice on Council's website.

The period of notification ran from 23 July 2014 to 22 August 2014 being a period of 30 days. One submission was received: the submitter supported the proposed changes.

#### Amendments to proposed DCP provisions

Planning and Environment staff considered the concerns and recommendations made by DPI and reviewed the provisions being applied in adjoining and nearby Councils in an attempt to maintain consistency. The recommended changes are consistent with other Councils in the region and have been incorporated into the draft DCP provisions to maintain consistency and reduce the likelihood of land use conflict and to specifically seek protection of good quality agricultural land.

The DCP provisions for Dual occupancies and Secondary Dwellings in rural Zones now provide the following development guidelines in relation to separation distance between dwellings:

| <b>Performance criteria</b>  | <b>Acceptable solution</b>                                       |
|--|--|
| P5 The dwellings are in reasonable proximity to each other and will not: <ul style="list-style-type: none"> <li>• adversely impact on the agricultural potential or viability of the subject land</li> <li>• increase the potential for land use conflict</li> <li>• impact adversely on environmental values or watercourses</li> </ul> | A5 The two dwellings are located within 100 metres of each other |

The 100 metre maximum separation distance provided by Acceptable Solution A5 is considered to provide a reasonable separation between dwellings (or households) whilst limiting development footprint and potential impacts on agriculture and the environment.

A 100 metre separation distance is consistent with provisions introduced recently by Lismore City Council for detached dual occupancies in rural areas. The associated Performance Criteria P5 provides applicants the option of seeking consent for a greater separation distance where they cannot, or choose not to, meet the 100 metre separation and can demonstrate achievement of the provisions of the Performance Criteria.

The DCP provisions for Dual occupancies in rural Zones now include the following development guidelines in relation to protection of good quality agricultural land:

| Protection of valuable agricultural land   |   |
|--|---|
| P6 The dwellings will not adversely impact the agricultural potential or viability of Regionally Significant Farmland or Class 1, 2 or 3 agricultural land | A6 The dwellings are not sited on land mapped as Regionally Significant Farmland or Class 1, 2 or 3 agricultural land |

The proposed DCP provisions for secondary dwellings in rural Zones do not include a specific guideline relating to protection of good quality agricultural land as the current DCP provisions for dwellings houses in rural Zones do not include such a provision. Assessment of impacts on agricultural land will only be required where a separation distance greater than 100 metres is sought, in accordance with the Performance Criteria relating to separation distance.

## Conclusion

As concerns raised by DPI have been addressed and no public submissions were received objecting to the proposal it is recommended the proposed amendment to Kyogle LEP 2012 and the associated DCP provisions are endorsed and finalised.

## Budget and Financial Aspects

The approval and finalisation of the LEP amendment and DCP provisions carries no financial implications for Council. It is anticipated that once made, the LEP amendment will result in lodgement of additional development applications however, it is anticipated these will be processed using existing staff resources and budget of the Planning and Environment Department.

## Recommendation

1. That Council receive and note this report.
2. That Council reiterate its support for the planning proposal to amend the Kyogle LEP 2012 to permit development of dual occupancies and secondary dwellings on rural and residential properties and to increase the minimum permissible size of secondary dwellings.
3. That pursuant to section 59(1) of the *Environmental Planning and Assessment Act 1979*, Council request Parliamentary Counsel's Office to prepare a draft legal instrument.

4. That upon receiving from Parliamentary Counsel's Office a draft LEP amendment and an Opinion that the plan can be made, Council 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.
5. That pursuant to Part 3 Division 3 Clause 21(1)(b) of the *Environmental Planning and Assessment Regulation 2000* Council approve the associated additions to Kyogle Development Control Plan 2014.
6. That in conjunction with a notice advising commencement of the LEP amendment, public notice of the approval of the DCP provisions be given in the Richmond River Express Examiner, pursuant to Part 3 Division 3 Clause 21(2) of the *Environmental Planning and Assessment Regulation 2000*.

**Options:**

Council could choose not to proceed with finalising the LEP amendment and additional DCP provisions.

**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**

**Appendix 1** Draft LEP amendment

**Appendix 2** Draft DCP provisions for addition to existing Chapter 3 Dwellings  
(Amendments made after public exhibition are shown in Track Changes)

**Appendix 3** Draft DCP provisions being new chapter; Chapter 10 Dual occupancies  
(Amendments made after public exhibition are shown in Track Changes)

## **ITEM 13C ENVIRONMENT SERVICES REPORT**

### **13C.1 EPA FUNDING FOR THE CONSOLIDATION OF LANDFILLS AND ENVIRONMENTAL IMPROVEMENTS**

**REPORT BY: PLANNING AND ENVIRONMENT**

**CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT GREG MEYERS**

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#### **Summary/Purpose**

The purpose of this report is to advise Council that Funding applications are open up to Monday, 8 December, 2014 for two aspects of waste management:

Stream 1 – Landfill Consolidation

Stream 2 – Environmental Improvements

It is proposed to make two applications for the closing of the Woodenbong Landfill under Stream 1 and for the closing of one of either Bonalbo or Mallanganee Transfer Stations and upgrading the other, as well as constructing a Transfer Station at Woodenbong under Stream 2.

#### **Previous Council Consideration**

Council has dealt with and considered reports on the Woodenbong Landfill and the Transfer stations on numerous previous occasions.

#### **Community Strategic Plan Item(s)**

- Waste and Water
- Village Life
- Environmental and Planning

#### **Report/Assessment**

The EPA is calling for applications under the Waste Less Recycle More Initiative – Local Government Waste and Resource Recovery Program. The maximum grant is \$200,000 in each Stream.

It is proposed that Council submits two applications, one under each stream. One to assist with the closing and capping of Woodenbong Landfill under Stream 1 and the second to assist with the establishment of a new Transfer Station at Woodenbong in lieu of the landfill on the landfill site as well as the closing of one of either Bonalbo or Mallanganee Transfer Stations and improvements to the one which remains.

Council's endorsement to proceed with the two applications is sought due to the closing date being 5pm on Monday, 8 December, 2014 which is the date of the December 2014 Council meeting.

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Only preliminary work has been done to date on the applications, but it is expected that the maximum grant is likely to be sought in both Streams. The 30% contribution expected from the Council will include funds already set aside for rehabilitation along with In-kind project management and other In-kind costs.

Copies of the grant guidelines are available for any Councillor or may be viewed on line at <http://www.environment.nsw.gov.au/resources/grants/140719ApGdeLS1.pdf> or <http://www.environment.nsw.gov.au/resources/grants/140702ApGdeLS2.pdf>

### **Budget and Financial Aspects**

Council's required 30% contribution will come from existing budgets and In-kind contributions thereby having no additional impact on the budget.

### **Recommendation**

1. That Council receive and note the report EPA Funding for the Consolidation of Landfills and Environmental Improvements.
2. That Council endorse the preparation and submission of two applications, one under each of the two identified streams noting that Council's 30% contribution will come from existing funds for rehabilitation and In-kind contributions.
3. That copies of the applications be distributed to Councillors once the applications have been submitted noting the closing date of 8 December 2014.

## **ITEM 13D CORPORATE SERVICES REPORT**

### **13D.1 SEPTEMBER 2014 QUARTERLY BUDGET REVIEW**

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#### **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 2 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

Councillors have also been provided with a document showing a report on the budget Management Plan. The document incorporates any adjustments made in previous reports to Council (eg. Revotes)

At the February 2012 Ordinary Meeting Council considered the Minutes of the Internal Audit Committee. One of the recommendations was in relation to the way the Quarterly Budget Review information is presented. Council resolved that:

1. That a written report be submitted with the Quarterly Budget Review when year to date Actuals vary from Original Budget by 10% or more.
2. That all Financial Reports presented to Council show:
  - a. the Original Budget figure as including revotes;
  - b. both Original and amended Budget figures; and
  - c. variances, both by period and cumulative, to Original Budget.

This information has again been incorporated into this review. The documents for this quarterly review have again been presented in an amended format in accordance with this resolution.

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

Conclusion:

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

**Recommendation**

1. That the September 2014, Quarterly Budget/Management Plan Review Statement was received and noted.
2. That Council approve the variation of estimates contained in the table below:

| <b>STATEMENT OF SIGNIFICANT VARIANCES</b>      |                             |                 |
|--|-----------------------------|-----------------|
| <b>SEPTEMBER QUARTER BUDGET REVIEW</b>         |                             |                 |
| <b>DETAILS</b>                                 | <b>QUARTERLY ADJUSTMENT</b> |                 |
|  | <b>INCOME</b>               | <b>EXPENSES</b> |
| Finance - Interest & Sundry Income             | 10,306                      |                 |
| Finance - Revenue Sharing Grant                | (63,262)                    |                 |
| Regional Roads - Operating Costs               |                             | 40,000          |
| Regional Roads - Capital Grants                | (70,500)                    |                 |
| Regional Roads - Capital Expenditure           |                             | (141,000)       |
| Rural Local Roads - Financial Assistance Grant | 52,956                      |                 |
| Rural Local Roads - Flood Damage Grant         | 119,252                     |                 |
| Rural Local Roads - Operating Costs            |                             | (40,000)        |
| Rural Local Roads - Flood Damage Works         |                             | 119,252         |
| Parks & Gardens - Capital Grants               | 39,800                      |                 |
| Parks & Gardens - Improvements                 |                             | 35,000          |
| Stormwater Management - Operating Grants       | 105,060                     |                 |
| Stormwater Management - Operating Costs        |                             | 105,060         |
| Plant Operations - Income                      | 15,000                      |                 |
| Plant Operations - Operating Costs             |                             | 15,000          |
|  |                             |                 |
| <b>Totals</b>                                  | 208,612                     | 133,312         |
|  | <b>Net Adjustment</b>       | <b>75,300</b>   |

### Attachments

1. September 2014 Budget Review (attached separately)

**Summary/Purpose**

This report serves to present Council's Financial Statements for the 2013/2014 year to the public.

**Community Strategic Plan Item(s)**

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

**Background Information**

Relevant sections of the Local Government Act 1993 are:

**419 Presentation of the council's financial reports**

- (1) As soon as practicable after a council receives a copy of the auditor's reports:
  - a) it must fix a date for the meeting at which it proposes to present its audited financial reports, together with the auditor's reports, to the public, and
  - b) it must give public notice of the date so fixed.
  
- (2) The date fixed for the meeting must be at least 7 days after the date on which the notice is given, but not more than 5 weeks after the auditor's reports are given to the council.

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

- (3) The public notice must include:
  - a) a statement that the business of the meeting will include the presentation of the audited financial reports and the auditor's reports, and
  - b) a summary, in the approved form, of the financial reports, and
  - c) a statement to the effect that any person may, in accordance with section 420, make submissions (within the time provided by that section and specified in the statement) to the council with respect to the council's audited financial reports or with respect to the auditor's reports.
- (4) Copies of the council's audited financial reports, together with the auditor's reports, must be kept available at the office of the council for inspection by members of the public on and from the date on which public notice of the holding of the meeting is given and until the day after the meeting (or any postponement of the meeting).

**419 Presentation of the council's financial reports**

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

#### 420 Submissions on financial reports and auditor's reports

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

### **Report**

Council adopted the Financial Statements for the 2013/2014 year and authorised the signing of the Council Statements at the Extraordinary Meeting held 27 October 2014.

The Audit of the financial statements has resulted in Council receiving an "Unqualified" audit report for the year ended 30 June 2014.

Council has nominated 10 November, 2014 as the date on which the Audited Financial Statements will be presented to the public.

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

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

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

To date no submissions were received during the exhibition period.

### **Recommendation**

That in accordance with the Local Government Act 1993, the Audited Financial Reports for the year ended 30 June 2014, and the Independent Audit Reports be presented to the public.

**Attachment**

A hard copy has previously been provided to Councillors. The document is available on the website and a hard copy will be produced for members of the public upon request at Council's Administration Office.

## 13D.3 2013/2014 ANNUAL REPORT

**REPORT BY: ADMINISTRATION AND COMMUNITY**

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

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### **Summary/Purpose**

This report presents the 2013/2014 Annual Report 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 is required to prepare an Annual Report to the community on the achievements and key issues, as prescribed in the Local Government Act.

### **Report**

#### Legislative Requirements

Section 428 of the Local Government Act, states “within 5 months after the end of each year, a council must prepare a report as to its achievements with respect to the objectives and performance targets set out in its management plan for that year.”

The content of the report is prescribed by the Act, with the view of ensuring greater accountability of the Council.

Section 428(3) of the Local Government Act states that “copies of the council’s annual report must be furnished to the Minister and to such other persons and bodies as are required by the regulations to be furnished with the report”.

The Annual Report for Kyogle Council for the 2013/2014 year addresses all the requirements of the Local Government Act and General Regulations. The document also provides additional information on the activities of council over the financial year.

It is proposed that summary details of the Annual Report be included in Council’s Newsletter.



## **Recommendation**

That the Kyogle Council Annual Report for the 2013/2014 reporting period be adopted.

## **Attachments**

A hard copy of the Annual Report will be provided to Councillors as a separate attachment.

To minimise the use of paper a hard copy has not been provided with every public copy of the business paper. The document is available on the website, and copies will be made available to anyone who makes a request at Council's Administration Office.

**Summary/Purpose**

This report seeks a Council resolution to adopt a policy on the Payment of Expenses and Provision of Facilities for Councillors in accordance with the Local Government Act.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Background Information**

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

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

**Report**

The existing policy has been reviewed by staff and the only amendment made was to update the amounts payable for accommodation meals etc. to be in line with current Australian Taxation rates. No other amendments are considered necessary.

**Recommendation**

That Council adopts the attached policy on Payment of Expenses and Provision of Facilities Policy for Councillors.

**Attachments**

1. Payment of Expenses and Provision of Facilities Policy.

**ITEM 13E COMMUNITY SERVICES REPORT**

Nil.

**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**

Nil.

APPENDIX / ATTACHMENTS

# KYOGLE COUNCIL



# ATTACHMENTS

## ORDINARY COUNCIL MEETING

ON MONDAY, 10 NOVEMBER, 2014