



KYOGLÉ COUNCIL

COUNCIL MEETING AGENDA

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

ON MONDAY, 11 MAY, 2015

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, 11 May, 2015, 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

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.

(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 11 May 2015

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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 ORDINARY MEETING HELD 13
APRIL 2015**

REPORT BY: GENERAL MANAGER'S OFFICE
CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

Summary/Purpose

A copy of the Minutes for the Ordinary Meeting held on 13 April 2015 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 April 2015 be adopted.

Attachments

1. Minutes of the Ordinary meeting held on 13 April 2015 (separately attached).
-

7.2 CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY MEETING HELD 20 APRIL 2015

REPORT BY: GENERAL MANAGER'S OFFICE
CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

Summary/Purpose

A copy of the Minutes for the Extraordinary Meeting held on 20 April 2015 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 20 April 2015 be adopted.

Attachments

1. Minutes of the Extraordinary meeting held on 20 April 2015 (separately attached).

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

**9.1 NOTICE OF MOTION - CR MICHAEL REARDON; REPORT ON
ACTIVE/INACTIVE HALLS, BUILDINGS AND PROPERTIES**

**REPORT BY: GENERAL MANAGER'S OFFICER
CONTACT: COUNCILLOR MICHAEL REARDON**

Summary/Purpose

This item presents to Council a Notice of Motion received from Councillor Michael Reardon for the Ordinary meeting to be held on 11 May, 2015.

Community Strategic Plan Item(s)

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

Notice of Motion

A copy of the Notice of Motion is attached as follows;



NOTICE OF MOTION

I, Councillor Michael Reardon, hereby give notice that at the next Ordinary Meeting of Council I will move;

That Council compile a current report of active and inactive halls, buildings and vacant lands in the LGA.

In that report:

1. Council land/building and lot size,
2. Crown Reserve land/building and lot size; and
3. Private land/building and lot size,

The Report should indicate to Councillors what would be involved in returning these respective properties back to freehold lots with a development entitlement.

Signed:


.....

Date:

4-5-2015
.....

Councillor comments:

Recommendation

Not required. Outlined in Notice of Motion.

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM THE LAST COUNCIL MEETING

REPORT BY: GENERAL MANAGER'S OFFICE

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

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 Robert Dwyer:

- Can Council please explain how a one business in the main street -- The Lolly Shop -- was compelled to put in a disabled access when it opened although it didn't seem to have a problem with access. Yet another business -- The Sugar Bowl -- which appeared to have a much more significant access issue was allowed to open with no disabled access.

Response

The Disability (Access to Premises- Buildings) Standards 2010 is a national standard that requires non-discriminatory access to buildings, facilities and services for persons with a disability. The requirement for development to comply with the Premises Standards is triggered where a development application is made for carrying out building work, including new buildings and additions or modifications to existing buildings. A development application for development or planning approval (including a change of use of premises) that does not involve building work will not trigger requirement to meet the Premises Standard.

Accordingly, in regard to recently established businesses;

- *The Lolly Shop was approved through a Complying Development Certificate for Change of Use and Internal building alterations (involving building and plumbing work). Therefore, there was a requirement to comply with Premises Standard and install a ramp to facilitate access for persons with a disability.*
 - *The Tattoo Shop was approved through a Development Consent for Change of Use of premises, no building work was proposed or undertaken. Therefore, no requirement to comply with Premises Standard.*
-

- *Sugar Bowl- Establishment of this business only required Development Consent for a Change of Use of the former dress shop. The other part of the premises already had development consent as a Café and the only works carried out were a refurbishment of the existing premises. Therefore, no requirement to comply with Premises Standard.*

Council staff are aware of public dissatisfaction regarding the accessibility at Sugar Bowl and have passed these concerns on to the owner/operator. The operator has stated she is prepared to voluntarily put in measures to achieve improved disabled access and Council staff will work with the operator to achieve an improved outcome.

Cr Ross Brown

- *Could Council be given an update on discussions with the residents of Runnymede Road regarding the self-help application for road sealing and if we could be given a time frame for when the issue is going to be progressed?*

Response

See report to this Council meeting.

Cr Ross Brown

- *Can Council have an update on the timeframe in regards to the quarry application to go before the Joint Regional Planning Panel particularly in relation to Councillors being able to have input on the application. My concern is that the JRPP will make the decision, but that decision with the conditions will come back to this council to approve. So effectively, we will be approving something we won't have had any opportunity to have input to.*

Response

Joint Regional Planning Panels were introduced in 2009 to strengthen decision making on development applications for regionally significant development. When a Joint Regional Planning Panel is a determining authority for a development application, the JRPP decides the application, not Council. The JRPP decision is made on the basis of an assessment and recommendation prepared by Council staff. Joint Regional Planning Panels consist of three State appointed panel members and two Council appointed members. Kyogle Council's current Northern Joint Regional Planning Panel members are both Councillors. Given Council staff have assessed the application and made a recommendation to the JRPP, and given Kyogle Council's JRPP members are both Councillors, it is considered that any decision made by the Northern JRPP should reflect the interests of Council and its constituents.

The JRPP determination meeting on DA 2014-27 was originally scheduled for 15 April. In accordance with the JRPP Operational Procedures, once Council's assessing officer had submitted the assessment report and recommendation to the JRPP it was forwarded to the elected Council for their information and consideration as to whether to make a submission to the Panel. The assessment report was submitted to the JRPP on 31 March, Councillors received the assessment report and accompanying documents the next day on 1 April. The timing of submission of the report and the date of the JRPP determination meeting did not allow the elected Council to consider the matter at a scheduled Council meeting before the deadline for submission to the Panel.

However, if there was sufficient concern over the assessment and recommendation, Councillors could have called an extraordinary meeting to seek a resolution to make a submission to the Panel. Any Councillor can also register to address the Panel at a determination meeting.

On 9 April the JRPP rescheduled the determination meeting for DA 2014-27 to 6 May.

Cr Lindsay Passfield

- Does Council have any record of an agreement between Council and the owners of Boyd's Pit? Advice from a resident of Lynches Creek Road is that as part of the agreement Council was to provide pipes for two sections of road and bitumen for a steep section of the road around the pit in return for gravel supplies. The pipes had been supplied, but to date no bitumen.

Response

A search of records reveals two relevant documents; Gravel Pit Agreement dated 26 July 2011 and Notice of Amendment Determination dated 9 August 2011.

The Gravel Pit Agreement refers to;

- *Closure of a redundant public road and transfer to the owner – this is still being processed and is nearing completion.*
- *Clearing and cleaning of a dam – this has been done*
- *Installation of sediment controls – this has been done*

There is no reference to sealing any road.

The Amended Determination and accompanying Conditions of Consent make no reference to sealing of any road.

Recommendation

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

ITEM 11 DELEGATES REPORTS

11.1 DELEGATE'S REPORT -- NATIONAL TIMBER COUNCILS' ASSOCIATION CONFERENCE

REPORT BY: COUNCILLOR LINDSAY PASSFIELD
CONTACT: COUNCILLOR LINDSAY PASSFIELD

Summary/Purpose

The following delegate's report in respect of National Timber Councils' Association (NTCA) Conference has been provided by Councillor Lindsay Passfield or the information of Councillors.

Community Strategic Plan Item(s)

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

Report

The NTCA held its second conference on 29-30 April, 2015 in Melbourne. This event was addressed by senior representatives from all aspects of the timber industry, politics, conservation and associated stakeholders. The event program and list of attendees are attached.

Cr Passfield was invited to make a presentation on Kyogle Council's timber bridge predicament. This was both appropriate and timely given Kyogle Council's key role in initiating the Federal Bridge Renewal Program through the NTCA, the fact that this Council did not receive any round one funding, and as a follow up to the recent meeting between the Mayor and Executive Manager Infrastructure Works with Minister Warren Truss to resolve impediments to future funding for our council.

The Kyogle Council presentation outlined the historical context of the local timber industry, the scope of the bridge issue for Council, achievements to date and initiatives underway. It also highlighted the inability of Council to provide adequate infrastructure from its own resources to enable the timber industry to function in a number of areas.

In separate individual discussions with Senator Richard Colbeck, Parliamentary Secretary for Agriculture, and Senator Ricky Muir, a former timber worker, Councillor Passfield requested support to ensure funding criteria and priorities were changed to enable Kyogle Council to get a fair allocation in future rounds. This verbal request was also handed to each of the Senators as a note attached to Council's current Bridges Briefing Paper.

Overall, the conference provided Council with a great opportunity to network and continue the lobbying process aimed at resolving our bridge issue.

Recommendation

1. That Council receives and notes the delegate's report, National Timber Councils' Association conference.

Attachments

1. NTCA Conference program and list of attendees.

ITEM 12 INFORMATION PAPERS

12.1 COUNCIL RESOLUTIONS REQUIRING ACTION

REPORT BY: GENERAL MANAGER'S OFFICE

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

Summary/Purpose

This report presents to Council a list of Council resolutions requiring action as at 30 April 2015.

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

Council resolutions requiring action as at 30 April 2015 (separately attached).

12.2 FINANCIAL REPORT - APRIL 2015

**REPORT BY: ADMINISTRATION AND COMMUNITY
CONTACT: ACTING EXECUTIVE MANAGER ADMINISTRATION AND
COMMUNITY JOHN WATKINS**

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 April 2015. The reports presented include:

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

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

2. (B) Councillors Travel Expenses Report

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

Recommendation

That Council receives and notes the information contained in the Monthly Financial Report – April 2015.

Attachments

1. Financial Reports
2. Councillors Travel

ITEM 13 GENERAL MANAGER'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

13A.1 KYOGLE BILLYCART BONANZA 2015

REPORT BY: INFRASTRUCTURE WORKS

CONTACT: INFRASTRUCTURE WORKS ENGINEER DERRYN NIX

Summary/Purpose

This report presents a submission from the Kyogle Association for Christian Education Inc seeking Council's support for the running of the Kyogle Billycart Bonanza.

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Village Life

Report

The Kyogle Association for Christian Education is proposing to hold the Kyogle Billycart Derby on September 6, 2015. The Kyogle Association for Christian Education submitted a letter to Council requesting support for the event to be run along the same lines as 2014. The event will be conducted in Stratheden Street as it was last year and will require a closure of Stratheden Street from 35m east of the Groom Street intersection through to the Library, Summerland Way for approximately 100m south of the intersection with Stratheden Street, and Groom Street 75m each side of the intersection with Stratheden Street from 7am to 4pm.

There appear to be no issues with the proposed road closure for the event. Approval of the event is an operational process subject to consultation with NSW Police and other agencies which will be done through the Local Emergency Management Committee. The proposal has been considered by the Local Traffic Committee and no objections were raised subject to provision of an appropriate Traffic Control Plan.

Budget & Financial Aspects

The Kyogle Association for Christian Life has requested that Council provide road barriers and road closure signage and manage road closures for the event and give use of any portable shade facilities Council has available. It is estimated that the cost for Council to provide this support to the event would be \$3,500. It is proposed to fund the costs from the Kyogle Urban Streets budget for the 2015 event.

If the event is successful, consideration of including an allocation in the donations budget for future events will be done as part of the annual budget process.

Recommendation

1. That Council receives and notes the report, Kyogle Billycart Bonanza.
2. That Council agree in principal to the holding of the 2015 Kyogle Billycart Bonanza
3. That Council provides up to \$3,500 of support related to traffic control services for the event

Attachments

1. Submission from the Kyogle Association for Christian Education dated February 16, 2015.

13A.2 CAMPBELLS BRIDGE, SEXTONVILLE ROAD

REPORT BY: INFRASTRUCTURE WORKS

CONTACT: EXECUTIVE MANAGER INFRASTRUCTURE WORKS JEFF BREEN

Summary/Purpose

This report is provided to give council information on the expenditure incurred during the construction of Campbells Bridge on Sextonville Road.

Community Strategic Plan Item(s)

- Roads and Infrastructure

Previous Council Consideration

At the Ordinary Meeting of Council of October 13, 2014 Council resolved to allocate \$340,000 for the construction of Campbell's Bridge as a test bridge for the 13 ADF surplus bridges purchased from Sell and Parker.

Report

The replacement of Campbells Bridge on Sextonville Rd with an ADF surplus steel modular bridge has recently been completed. Expenditure on the project as of March 26, 2015 is \$559,054 with an estimated \$5,000 in expenses to come for fencing, delineation and miscellaneous expenses. The project is \$219,054 over the original budget of \$340,000. Roadwork for the approaches is to be incorporated into the Sextonville road rehabilitation works.

A conservative approach was taken when constructing this bridge. It was the first one of its type undertaken by Kyogle Council and as such all operations were undertaken in such a way to minimise any potential operational risk. This included the abutment design and the selection of plant to carry out the work.

The following issues arose during construction:

- Pile driving expenses were larger than budgeted for. The extent of piling and timeframes were as expected, however hire rates were higher than budgeted for (\$50,000 for pile driving alone).
- Timeframes for construction of abutment and assembly times were greater than the original estimate and this is reflected in the over expenditure. This was in part due to the reinforcing steel for the abutments being at times bent incorrectly and reworks being required.
- Change of plan in the method of launching. Originally it was planned to manoeuvre the structure into place with cranes only. During the planning stage this had to be revised to launch the structure on rollers. Two issues arose from this. Firstly it wasn't possible to place the landing rollers as per the construction manual and cranes that are usually unnecessary were required during the launching phase.

Secondly due to the extra launching distance it was felt that extra cantilever weight would be required in the form of deck units. This caused the structure to be too heavy for the cranes later in the process when lowering the structure into place and further time was lost removing the deck units to lower the weight.

To address these issues a review was undertaken by project staff, management and the consulting bridge engineer on March 12, 2015. The following is a list of proposed changes to take place on future structures:

- The design consultant is currently undertaking a review of the abutment configuration based on discussions held. This redesign will reduce abutment construction times and the quantity of reinforcing steel and concrete required.
- It is proposed to negotiate the dry hire of a piling rig to substantially lower costs for piling on all future works. Council has staff with the skills and experience to undertake this task, however we have not previously had access to the equipment.
- Launch rollers are to be situated in front of each abutment so that the structure can be launched without the need for large cranes on site during launching. This will reduce by half the hours that cranes are required on site. Cranes will then only be required to lower the structure into place.

This was the first time council staff have constructed a bridge of this style and whilst this inexperience did contribute to some delays, staff did an excellent job in construction and also in finding opportunities to refine the process in the future. Further efficiency is likely to be found from the staff having had experience in the construction.

It is anticipated that a reduction in cost of the order of \$100,000 will be realised with a combination of savings due to experience, redesign and plant utilised.

Construction Rates for Other Bridges

| Bridge | Road | Type | Dimensions | Rate (/m2) |
|------------------------------|-------------------|------------------------|------------|------------|
| Campbells Bridge | Sextonville Rd | ADF Steel Modular | 30x8m | \$2,350 |
| Collins Valley Bridge (2013) | Collins Valley Rd | Precast Concrete | 26x5m | \$3,846 |
| Jerrys Ck Bridge (2013) | Williams Rd | Council Steel/Concrete | 15x5m | \$2,980 |

The rates of recently constructed bridges shown in the above table show the final rate of \$2350/m2 for the construction of Campbells Bridge represents excellent value for money. It is envisaged with the experience gained and lessons learned during construction of this bridge the rate per m2 for the remaining 12 ADF surplus bridges will be of the order of \$2000/m2 where no central pier is required.

Budget & Financial Aspects

All other completed projects within the bridges capital works area have come in under budget by approximately \$120,000 to date. Reallocation of funds in this area will be brought before Council as part of the quarterly budget review.

Recommendation

1. That Council receives and notes the report, Campbells Bridge, Sextonville Road.

13A.3 SELF HELP REQUEST - RUNNYMEDE ROAD

REPORT BY: INFRASTRUCTURE WORKS

CONTACT: EXECUTIVE MANAGER INFRASTRUCTURE WORKS JEFF BREEN

Summary/Purpose

A council resolution is required, as per TS-6 Self Help Program Policy, with regards to an application by Mr and Mrs Howlett for the sealing of a section of Runnymede Road adjacent to their property.

Background Information

An application was received from Mr and Mrs Howlett for the sealing of a section of gravel road adjacent to their property on Runnymede Road, Kyogle. A formal estimate for the work was provided by Council on 8 April 2015 and an acceptance was received on 25 April 2015.

Community Strategic Plan Item(s)

- Roads and Infrastructure

Report

The Self Help Program provides for, amongst other things, residents to apply for the sealing of the road adjacent to their properties, mainly to reduce dust nuisance.

The Self Help Program is validated by policy TS-6 SELF HELP PROGRAM POLICY which was reviewed by Council in April 2015.

The objectives of this policy are;

1. to recognise and support the contribution the community can make by providing funds to support Council's expenditure on upgrading of Council's assets within the roads network, and
2. to set guidelines for community contribution towards upgrading of roads and associated infrastructure.

The policy allows for works on Council's road networks which may include road works, footpaths, etc.

Applications are to be made and approved in the financial year preceding the undertaking of works.

When these works are agreed and undertaken, isolated sealed sections of road can be created. These isolated sealed sections may cause issues with the maintenance of the sealed section and the remaining gravel road.

The sealed section may be neglected and not maintained (there is evidence of this on existing isolated sealed sections) because of the locations not being near other sealed roads and therefore not easily included on a maintenance circuit.

The maintenance of the gravel section may be less productive with interruption to the continuity of grading and requiring the road roller to be floated over that section.

These issues must be considered before agreeing to a Self Help Program request.

The cost to meet the applicant's request is \$30,000 of which Council will be liable for \$15,000 with the balance paid by the Howletts. The work involves the sealing of 100 metres of Runnymede Road which continues on from a section sealed in 2012/13 under the Self Help Program.

Budget & Financial Aspects

An expenditure of \$30,000 with an income of \$15,000 would be required to be budgeted for the 2015/16 financial year.

Recommendation

1. That Council receives and notes the report, Self Help Request - Runnymede Road.
2. That Council resolves not to agree to allocate funds in the 2015/16 budget to contribute to the cost of sealing a section of road adjacent to Mr and Mrs Howlett's property in Runnymede Road, Kyogle

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 APRIL TO 30 APRIL, 2015

**REPORT BY PLANNING AND ENVIRONMENT
CONTACT ACTING EXECUTIVE MANAGER PLANNING AND ENVIRONMENT
LACHLAN BLACK**

Summary/Purpose

This item presents to Council the Development Applications received, determined and outstanding for the period 1 April to 30 April, 2015.

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 1 April to 30 April, 2015 be received and noted.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 April to 30 April, 2015 only in relation to DA../... and DA../.... In which Councillors have declared an interest be received and noted.

Attachments

1. Development applications received April 2015
2. Development applications determined April 2015
3. Development applications outstanding April 2015

13B.2 DETERMINATION OF DEVELOPMENT APPLICATION 2015-12

REPORT BY: PLANNING AND ENVIRONMENT

**CONTACT: ACTING EXECUTIVE MANAGER PLANNING AND ENVIRONMENT
LACHLAN BLACK**

Summary and Purpose

This report presents to Council a recommendation for determination of development application 2015-12 to re-establish the use of premises located at 20 Bloore Street, Kyogle as a dwelling house. The property is owned by Kyogle Council and the applicant is the Executive Manager Urban and Assets. Council's Development Management Panel Policy requires any development application lodged by Kyogle Council to be determined by the elected Council.

Previous Council Consideration

No previous Council consideration of this matter.

Community Strategic Plan Item(s)

- Environmental and Planning

Background

The premises has not been used as a dwelling house for at least 10 years and in that time has been used for other purposes including a medical centre and records storage facility. Development consent is required to re-establish the use of the premises as a dwelling house.

Council resolved at its Ordinary meeting of 9 March 2015 to accept an offer of purchase of the property and authorised the General Manager to enter into a contract for sale. The subsequent contract of sale includes a condition that consent is obtained to use the premises as a dwelling house. Consequently, an application was lodged by the Executive Manager Urban and Assets seeking development consent to re-establish use of the premises as a dwelling house.

Report

1. PROPOSED DEVELOPMENT

The proposed development is for the re-establishment of the original use of the building as a dwelling. The application does not propose any physical works to be undertaken to the building or site.

2. SITE DESCRIPTION AND PLANNING PROVISIONS

- LEP Land Use Zone: B4 Mixed Use
- Overlays: Heritage Item No. I028 – Kyogle Methodist Parsonage (former)

The site is a regular shaped allotment with frontage to Bloore St to the east and Ettrick St to the west. The site has a total site area of 948m². The site is connected to all services. Situated in the south east corner of the site is the heritage listed former Kyogle Methodist Parsonage, no other buildings exist on the site.

Immediately adjoining the site to the north is the heritage listed Kyogle Water Filtration Plant and to the south is the Uniting Church. The surrounding area is characterised by a mix of residential and commercial uses and community facilities.

3. ASSESSMENT AGAINST SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

1. Matters for consideration—general

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

(a) the provisions of:

(i) any environmental planning instrument, and

Kyogle Local Environmental Plan 2012- Part 2 Permitted or Prohibited Development

Part 2 contains the objectives for the B4 Mixed Use Zone and stipulates permissibility. A 'dwelling house' is a prohibited use in the B4 Zone. As the property is listed in Schedule 5 of the LEP as a Heritage item, the applicant is relying on clause 5.10(10) Conservation incentives of the LEP to gain permissibility. This is discussed further under Part 5.

Zone B4 Mixed Use- Objectives

Zone B4 has the following Objectives:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To facilitate creative industries of a social or cultural nature.

The Statement of Environmental Effects (SEE) accompanying the application provides the following assessment against the objectives of Zone B4:

- a) The existing building has been used as a residential dwelling at this location for over 90 years without any adverse impacts either by or on the adjoining land uses, and as such has proved to be compatible with a mixture of surrounding and adjoining land uses.
- b) The immediate vicinity of the site already contains a wide range of land uses such as churches and a church hall, water treatment plant, cinema, mechanical repairer, residential premises, public library, maintenance depot, government administration building, commercial premises, seniors centre, and is not saturated or overly represented by residential premises.
- c) The building is accessible and in close proximity to existing footpath and cycleway networks.
- d) The site provides opportunities for future home occupations (permissible without consent in B4 zones) due to its location and available free space.
- e) The preservation and retention of this historic building contributes to both the visual and the cultural value of the streetscape.

- f) There are a number of premises that operate outside the normal 9:00am to 5:00pm Monday to Friday range, including the churches, church halls, cinema, water treatment plant, library, farmers markets, bottle shop etc. The vast majority of these activities have been occurring for many years now, and with a number of residential premises in close proximity, without issue. The residential premises have proven to be compatible with the existing land uses surrounding the site.
- g) The water treatment plant site has potential for mechanical noise at any time of day or night associated with the pumping equipment to the north east of the building, which has been in place since the late 1930's. The existing dwelling is approximately 28m from the pumping equipment, with three 200mm thick concrete walls and a 500kl tank of water between the pumping equipment and the dwelling. There are two other dwellings within 33m of the pumping equipment, with a single 200mm thick concrete wall between them and the pumping equipment. There are no records of any noise complaints or nuisance associated with this pumping equipment.

The application is considered to meet the objectives of Zone B4.

Clause 5.10 Heritage conservation

The application is consistent with the Heritage Conservation Objectives. Clause 5.10 objective (1)(b) is of most relevance, and reads:

The objectives of this clause are as follows:

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

The application will result in no change to the building or its setting, only its use. Having the building used as a dwelling will bring it back to its original use, and importantly, ensure its ongoing maintenance and conservation into the future. This also relates to clause 5.10(4) (Effect of proposed development on heritage significance) as the impacts on the heritage significance of the building will only be positive. Any future building works, that are not otherwise exempt, will require further Council approval.

Permissibility and consideration of the application is made possible by clause 5.10(10) Conservation incentives, which states:

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*

- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

The proposal satisfies all the 'conservation incentives' criteria listed in the above clause and no issues are raised.

North Coast Regional Environmental Plan

The North Coast Regional Environmental Plan (NCREP) is a deemed State Environmental Planning Policy and applies to all land within the Kyogle LGA. The plan serves to establish regional objectives for the future planning and development of land within the North Coast, and specifies regional policies for the control of development within the region, including considerations for heritage items (Division 3).

The proposal is consistent with the aims, objectives and controls within the NCREP. The discussion under Part 5 of the LEP above is relevant.

Of note, clause 36(2)(d), requires Council to consider whether the item (building) constitutes a danger to users or occupiers. An assessment by Council's Building Inspector has identified a need for some maintenance to the building, such as ensuring the dwelling is securely positioned onto its stumps, and it is proposed to include this requirement as a condition of consent.

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

(iii) any development control plan, and Kyogle Development Control Plan 2014

The DCP does not include a Chapter relevant to a dwelling house in the B4 Mixed Use zone. The SEE however addresses Part 4 of Chapter 3 which relates to dwelling houses in Zones R1, R3, R5, RE2, and RU5. Although not technically applicable, the assessment within the SEE against Part 4 of Chapter 3 does highlight that the existing building which has been used for most of its existence as a dwelling, is well suited to be re-established as a dwelling.

DCP 2014- Chapter 6 Public Notification of Development Applications

Chapter 6 contains guidelines for public notification of development applications. Notification is required to adjoining and nearby owners for a 'change of use of premises'. Accordingly, owners of adjoining properties were notified of the application. The period for making public submissions was from 20 March to 2 April 2015. No submissions were received.

DCP 2014- Chapter 8 Off-street Car Parking

Chapter 8 nominates a requirement of two car parking spaces per dwelling. The rear of the site provides ample opportunities for car parking and suitable vehicular access to the site exists. The proposal meets all the relevant aims, objectives and development guidelines in relation to Chapter 8.

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

Not applicable.

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

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

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

Not applicable.

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

The development is not expected to have any unreasonable impacts on the natural and built environment, or the social and economic environments in the locality, as discussed previously.

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

The site and building is considered suitable for use as a dwelling house. As mentioned previously, the building was originally constructed as a dwelling and used for this purpose for over 90 years. It is only recently that the building was used for other commercial purposes. The application demonstrates that the proposal meets the zone objectives and performs well against the heritage clauses within the LEP, including clause 5.10(10) (Heritage incentives), which allows Council to consider the proposal, even though a dwelling house is ordinarily prohibited in the B4 Zone.

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

Nearby and adjoining owners were notified in accordance with the provisions of DCP 2014. No submissions were received.

(e) the public interest.

The proposed use of the premises is in the public interest as it will assist to ensure the long term conservation of the heritage item, which is currently vacant.

4. CONCLUSION

1. The application has been assessed against the relevant provisions in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* and has been found to comply.
2. It is recommended that the application be approved subject to the conditions of consent included in Attachment 1.

Budget and Financial Aspects

This recommendations contained in this report have no financial implications.

Recommendations

1. That Council receive and note the report Determination of Development Application 2015-12.
2. That pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 development application 2015-12 for use of premises at 20 Bloore Street, Kyogle for a dwelling be determined by way of granting consent subject to the conditions contained in Attachment 1 of this report.
3. That a development consent notice be prepared and provided to the applicant.

Division:

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

Attachments

Attachment 1- Draft conditions of development consent

ITEM 13C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 13D CORPORATE SERVICES REPORT

13D.1 MARCH 2015 QUARTERLY BUDGET REVIEW

REPORT BY: ADMINISTRATION AND COMMUNITY

**CONTACT: ACTING EXECUTIVE MANAGER ADMINISTRATION AND
COMMUNITY JOHN WATKINS**

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 March 2015 Quarterly Budget/Management Plan Review Statement was received and noted.
2. That Council approve the variation of estimates contained in the table below:

| STATEMENT OF SIGNIFICANT VARIANCES | | |
|---|-----------------------------|--------------------|
| MARCH QUARTER BUDGET REVIEW | | |
| DETAILS | QUARTERLY ADJUSTMENT | |
| | INCOME | EXPENSES |
| Economic Development - Futures Funds | | (8,600) |
| Administration - Donations | | 8,600 |
| Libraries - Income | (2,006) | |
| Libraries - Contributions | | (13,405) |
| Commercial Waste - Gate Fees | (40,000) | |
| Commercial Waste - Operating Grants | (48,750) | |
| Commercial Waste - Operating Costs | | (110,000) |
| Commercial Waste - Capital Grants | (97,264) | |
| Commercial Waste - Improvements | | (27,264) |
| Bridges - Capital Grants | (1,120,000) | |
| Bridges - Construction | | (2,240,000) |
| Totals | (1,308,020) | (2,390,669) |
| | Net Adjustment | \$1,082,649 |

Attachments

1. March 2015 Budget Review (attached separately)

13D.2 INTERNAL AUDIT COMMITTEE - APPOINTMENT B EGGINS MAY 2015

REPORT BY: GENERAL MANAGER'S OFFICE
CONTACT: ARTHUR PIGGOTT

Summary/Purpose

This report is in response to part of a Council resolution from the March 2015 meeting regarding advertising for a new community representative on the Kyogle Internal Audit Committee.

Community Strategic Plan Item(s)

- Governance and Community Service

Report

The vacant position for a community representative on the Internal Audit Committee was advertised through the Council Newsletter in March/April 2015 and received two applications. One applicant was requested to provide further information with Council receiving no reply to this request. The other application was received from Ms Belinda Eggins who has been subsequently interviewed and deemed well qualified and suitable for membership of the Committee. Ms Eggins has a background in financial compliance and law and currently runs her own business consulting to law firms.

Also as a result of the Council's March 2015 resolution, Mr Andrew Stevens has accepted the offer of an extension on his membership of the Committee to December 2016.

Recommendation

1. That Council receives and notes the report on the vacant community representative appointment to the Internal Audit Committee.
2. That Council confirms the appointment of Ms Belinda Eggins, to the vacant community representative position on the Kyogle Internal Audit Committee, for a period of two years.

13D.3 MINUTES OF THE GATEWAY TO THE RAINFOREST RESERVE TRUST

**REPORT BY: ADMINISTRATION AND COMMUNITY
CONTACT: ACTING EXECUTIVE MANAGER ADMINISTRATION AND
COMMUNITY JOHN WATKINS**

Summary/Purpose

This report presents the minutes of the most recent meeting of the Gateway to the Rainforest Reserve Trust.

Community Strategic Plan Item(s)

- Governance and Community Service

Report

The meeting of the Gateway to the Rainforest Reserve Trust was held on 13 April 2015. The minutes of the meeting are shown below:

Unconfirmed Minutes of the Gateway to the Rainforest Reserve Trust Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday, 13 April, 2015.

PRESENT

Cr Danielle Mulholland (Mayor in the Chair), Cr Janet Wilson, Cr John Burley, Cr Robert Dwyer, Cr Lindsay Passfield, Cr Michael Reardon and Cr Maggie Creedy (arrived later in the meeting).

IN ATTENDANCE

The General Manager, the Acting Executive Manager Administration and Community, Executive Manager Urban and Assets, the Personal Assistant to the General Manager and Administration and Community.

MEETING COMMENCEMENT

The Mayor declared the meeting open at 4.33pm.

ITEM 1 APOLOGIES

Apologies were received from Councillor Maggie Creedy, Councillor Ross Brown and Councillor Chris Simpson.

RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

That the apologies be received.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown, Chris Simpson, Maggie Creedy

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

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

ITEM 4 DECLARATION OF INTERESTS

Nil

ITEM 4.1 CONFIRMATION OF THE MINUTES OF GTTR RESERVE TRUST MEETING 9 FEBRUARY, 2015

RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor John Burley:

That the minutes of Gateway to the Rainforest Reserve Trust Meeting held on 9 February 2015 be adopted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown, Chris Simpson, Maggie Creedy

ITEM 5 REPORTS

5.1 GTTR TRUST - RESERVE DETAILS APRIL 2015

RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Michael Reardon:

That the Trust receive and note the information in the report, Reserve Details - GTTR Trust Reserves.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown, Chris Simpson, Maggie Creedy

5.2 WOODENBONG SPORTSGROUND RES R81500 REPORT TO GTTR APRIL 2015

RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Robert Dwyer:

That the Trust endorse Council's actions in requesting Crown Lands that Reserve R81500 be placed under the control of the Gateway to the Rainforest Reserve Trust.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown, Chris Simpson, Maggie Creedy

5.3 CAWONGLA COMMUNITY RESERVE TRUST (CROWN RESERVE 91529)

Moved by Councillor Lindsay Passfield, seconded by Councillor Michael Reardon:

That The Trust receive and note the report, Cawongla Community Reserve Trust (Crown Reserve 91529).

Cr Lindsay Passfield foreshadowed a motion:

That Council refers all enquiries from the Trustees of Crown Reserve 91529 to Crown Lands advising that Council has no interest in being involved in the management of this reserve.

RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Michael Reardon:

That The Trust receive and note the report, Cawongla Community Reserve Trust (Crown Reserve 91529).

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown, Chris Simpson, Maggie Creedy

Cr Maggie Creedy arrived at the meeting at 4.43pm.

RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Michael Reardon:

The Trust recommends that Council refer all enquiries from the Trustees of Crown Reserve 91529 to Crown Lands advising that Council has no interest in being involved in the management of this reserve.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown, Chris Simpson

5.4 COMMUNITY BASED ADVISORY COMMITTEE (CBAC) APPLICATION

RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Michael Reardon:

- 1. That the GTTR Reserve Trust appoints Mrs Lynne Parker to the Community Based Advisory Committee for a two-year period commencing 13 April 2015.*
- 2. That GTRR Trust contact all community trusts in the Kyogle LGA to explain its purpose and relationship to established community trusts and seek further nominations for the CBAC*

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown, Chris Simpson

1. 5.5 PUBLIC RESERVES MANAGEMENT FUND 2015/2016

RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Janet Wilson:

That the Trust receive and note the information in the report Public Reserves Management Fund 2015/2016.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown, Chris Simpson

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 4.47 p.m.

Recommendation

1. That Council receive and note the Minutes of the Gateway to the Rainforest Reserve Trust.
2. That Council refer all enquiries from the Trustees of Crown Reserve 91529 to Crown Lands advising that Council has no interest in being involved in the management of this reserve.

ITEM 13E COMMUNITY SERVICES REPORT

Nil.

ITEM 13F GENERAL MANAGER'S REPORT

13F.1 MERGER BUSINESS STUDY

REPORT BY: GENERAL MANAGER'S OFFICE

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

Summary/Purpose

This report provides Council with an update in relation to action to date on a previous resolution of Council.

Community Strategic Plan Item(s)

- Governance and Community Service

Previous Council Consideration

At the Extraordinary Council Meeting held on 20 April, 2015, Council resolved:

That Council supports the preparation of a business case in accordance with the methodology as outlined in the proposal submitted by Grant Thornton for the following merger options:

- Kyogle and Lismore
- Kyogle and Richmond Valley
- Kyogle, Lismore and Richmond Valley

That Council requests financial assistance from the NSW Office of Local Government for the preparation of the business case.

That the Councils identified in the merger options listed above be asked to support the preparation of a business case and financially contribute to each option they are identified in.

Report

Responses from neighbouring Councils

In relation to the third part of the above resolution, neighbouring Councils have been notified of the above resolution and the following responses have been received:

Lismore Council

As you know, LCC has resolved to complete the template for a stand alone council under FFF and believe we have the scale and capacity to be financially sustainable.

While we appreciated the opportunity to examine issues in our recent workshops with KJA and Kyogle Councillors to ensure we have as much information as we can, should a merger be forced upon us in the future, LCC does not wish to merge with Kyogle or to pursue the preparation of a business case for a merger with Kyogle.

Therefore we decline your Council's request from your meeting last night to support the preparation of a business case for a merger or financially contribute to a business case on any merger option including the option of a three way merger with Kyogle and Richmond Valley.

LCC wishes you and your Council well as you embark on community consultation and the preparation of the Rural Council template.

Richmond Valley Council
Council has already agreed :-

- 1. To stand alone as a Council, complete template 2 and demonstrate our own scale and capacity as well as meet the appropriate ratios through our renewed LTFP*
- 2. To not consider a merger with Lismore under any circumstances*
- 3. To only consider a business case on a possible merger with Kyogle AFTER the results of all of our Fit For the Future submissions are known and not before.*

Council has already completed its LTFP, Delivery Plan and 2015/16 Management Plan and will advertise these shortly. It has no interest in doing any further work at this time except to complete our submission based on this information.

Request for financial assistance from the NSW Office of Local Government for the preparation of the business case

In response to Council's request, the NSW Office of Local Government has provided the following information in writing:

The NSW Government will cover up to half the cost of preparing the business case, with the potential merger partners sharing the remaining cost. It is up to partner councils to procure a provider from the Merger Business Case Panel and manage the merger business case process.

To be eligible to access Government funding, partner councils must:

- a. Agree, by resolution of each council, to investigate and fund the merger business case for the proposed merger option.*
- b. Complete a Request for Quote document (using a template document provided by the OLG) and submit to the OLG.*
- c. Seek quotations from at least three Panel members (open invitations to tender are not required).*
- d. Outline how the group of councils intends to distribute the remaining 50% of the cost of the merger business case (on a percentage split basis).*
- e. Provide a copy of the final report to the OLG prior to payment of the final invoice.*

There is no obligation to pursue a merger following the preparation of a business case.

Becoming Fit for the Future is a process. Some councils will take longer than others to achieve their goals.

The important thing is that your council has a sound and credible plan to improve its situation. This plan could include structural change, such as merging with other councils, or it could include a strategy for consistent performance improvement. It is up to each council to decide the best approach, based on the Independent Local Government Review Panel's recommendations, the guidance material provided and your council's own assessment.

The submissions will be assessed by an Independent Expert Panel, who will make recommendations to the Minister for Local Government.

Councils who have demonstrated that they are currently Fit for the Future, or have a credible plan to achieve this goal, will have access to a range of specific Fit for the Future benefits to support them to provide improved services and infrastructure to their communities, including:

- access to a State borrowing facility to fund local infrastructure, with potential savings to NSW councils of up to \$600 million in interest payments;*
- more flexibility with procurement and simplified reporting; and*
- access to a streamlined IPART process for setting rates.*
- \$4 million Innovation Fund to assist small rural councils develop new ways of working.*

Analysis of responses

It can be concluded from the above responses that Kyogle Council will not be eligible for financial assistance from the NSW Office of Local Government for the preparation of a business case as proposed in the resolution adopted on 20 April, 2015.

Should Council wish to proceed with the preparation of such a business case it would therefore need to do so on the understanding that it will be responsible for the full cost of the study and that it will not receive any assistance whatsoever from the other councils (i.e. only publicly available information on the other councils will be able to be used by the consultants).

Should council wish to defer the preparation of the business case until after results of all of the Fit For the Future submissions are known, the offer of funding from the Office of NSW Local Government will have expired. It appears from the above responses that Lismore City Council would still not be interested in such a study, however Richmond Valley Council may consider contributing to the study in so far as it relates to a possible merger between our two Councils but not towards any other proposals.

Budget & Financial Aspects

There are no funds in the current budget specifically identified for the preparation of a merger business case.

Recommendation

That Council receives and notes the report on Merger Business Study.

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

ITEM 16 CONFIDENTIAL BUSINESS PAPER

Nil.