



KYOGLÉ COUNCIL

COUNCIL MEETING AGENDA

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

ON MONDAY, 11 AUGUST, 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, 11 August, 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

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 August 2014

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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

Chris Lahrs, Yulgilbar Station -- Minneys Creek Bridge closure

Evelyn Edwards, Minneys Creek community -- Minneys Creek Bridge closure

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF THE MINUTES OF THE 14 JULY, 2014 ORDINARY MEETING

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

Summary/Purpose

A copy of the Minutes for the Ordinary Meeting held on 14 July, 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 14 July, 2014 be adopted.

Attachments

1. Minutes of the Ordinary meeting held on 14 July, 2014 (separately attached).
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ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

**9.1 NOTICE OF MOTION -- COUNCILLOR DANIELLE MULHOLLAND SISTER CITY
LINK**

**REPORT BY: GENERAL MANAGER'S OFFICE
CONTACT: COUNCILLOR DANIELLE MULHOLLAND**

Summary/Purpose

This item presents to Council a Notice of Motion received from Councillor Danielle Mulholland for the Ordinary meeting to be held on 11 August, 2014.

Community Strategic Plan Item(s)

- Governance and Community Service
- Village Life

Report

A copy of the Notice of Motion follows;



NOTICE OF MOTION

KYOGLE COUNCIL RECEIVED
31 JUL 2014
Doc. No. 441316

I Councillor Danielle Mulholland hereby give notice that at the next Ordinary Meeting of Council I will move;

That Council invite members of the Japanese Local Government Centre to workshop the opportunities around developing a sister city with Yamanouchi.

Signed:

Date:31/07/14.....

Councillor comments:

Yamanouchi has a population of approximately 14,000 people. Most of Yamanouchi's area is covered by forests and the forest is a designated National Park, UNESCO Biosphere Reserve as well as UNESCO Eco-Park for ecology and environment education. Kyogle is also covered by national parks and state forests and is known as the Gateway to the Rainforest, and we have the Border Ranges National Park designated as a UNESCO world heritage site.

I think that both councils will be able to do people-to-people (e.g. residents, students, researcher) exchange to experience the commonality of what both councils have, learn from each other, how councils can act for environmental protection and how councils can use their spectacular natural environment for education or tourism.

Both councils will be able to enjoy their differences as well. Kyogle's people will be able to ski in Yamanouchi in winter and Yamanouchi's will enjoy the beach, swimming and surfing near Kyogle, being only an hour or two to beaches. Both councils' residents can enjoy activities that they can't do in their hometown. It will become topical, because both councils connect with their commonality and difference.

The benefits of a sister city are potentially student exchange, tourism and research. By inviting the group to workshop with us, we are making no commitments but simply listening to what they have to say. They are happy to come to us at no cost and are available to attend a workshop on 8 September, 2014, if Council is agreeable.

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 OFFICER

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
- Village Life
- Economic Development

Report

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

Councillor Robert Dwyer

- Could the details of the economic benefits or otherwise flowing out of the activities of the Tourism Economic Development Officer be, as previously requested, provided to the next council meeting?

Response

The economic benefits or otherwise of activities undertaken by the Tourism Economic Development Officer as presented to the 10 June Ordinary meeting of Council could be estimated. However, this exercise would take a significant amount of time and resources. It is therefore considered that a Council resolution should be required in order to tie up these resources.

Councillor John Burley

- The North Coast Ageing Symposium at Coffs Harbour was told that Kyogle is losing 24% of its population of people aged 65 years and over. Can Council provide some details on the movement of this age group out of the town and the effect it is having on the community.

Response

The calculation undertaken to arrive at this estimate is outlined below. The period this calculation refers to is 2001 to 2006 census period, and refers to the people 65+ in all 12 LGAs from Port Macquarie to Tweed Heads.

By using five year age groups the numbers of people all moved up 1 group in the 2006 Census (i.e. so the number 60+ in the 2001 Census became the starting point for 65+ in 2006). The in-migration 2006 Census data by 5 year age group shows how many had moved into the area. The ABS then took off deaths by age group between 2001 and 2006 and came to a number per age group of how many should have been in each region. They then looked at the number per age group in the 2006 Census and calculated how many less there were than the expected number.

For Kyogle there should have been 1,774 in the 65 + group; there were however only 1,412 which equates to a loss of 362 or 20.41%. From the ABS out-migration data it was possible to account for 232 of them (i.e. regions showing in-,migration of people in the 2006 Census who said that their place of residence in 2001 was Kyogle. That left 130 unaccounted for. Some of those unaccounted would be older people who moved away and then died elsewhere, or who may have moved in with family and were not recorded in the 2006 Census, or (lots of possibilities but all hypothetical).

The identification of impacts associated with the outward migration of the 65+ age bracket is difficult to determine. As the figures used to determine the 24% outward migration was between the 2001 and 2006 census figures, it would be necessary to undertake the same exercise with the 2006 and 2011 census figures to determine if this migration has continued.

Whilst there is anecdotal evidence to suggest that businesses are feeling the pinch at the moment, it is difficult to draw any association with the identified outward migration of our over 65 residents. It is also noted that investment and additions have been undertaken by one of the local medical professionals which is aimed at providing additional allied health services to the area which may not have been available during the 2001 – 2006 period.

Notwithstanding, this investigation should be referred to the Focus Group – Ageing in Place, Disability Services and Respite for attention and action.

Councillor Chris Simpson

- Asked, on behalf of Elva Jones, if Council could undertake some maintenance work on the monument on the northern corner of Collins Creek Road intersection at New Park, and perhaps look at putting a fence around the monument.

Response

A Customer Action Request was created following the meeting, and works have been undertaken since to mow the area around the monument. Due to the location of the monument, and issues with the alignment of the intersection of Summerland Way and Collins Creek Road, the installation of a fence is not practical. There is also no safe place for vehicles to pull up to allow people to get out and view the monument. This could be addressed if improvements were to be made to the intersection, but there are no such works planned at this point in time. The vegetation maintenance around the monument has been placed on the regular program of vegetation control.

- Does Council have a dry weather program in place to clean the drains in urban streets?

Response

Council officers regularly inspect drainage infrastructure in urban areas as part of routine inspections, both in dry weather and during wet weather, as well as following up requests received from the public. Maintenance requirements are identified and actioned where they can be carried out without the need for heavy plant, including items such as cleaning around inlet structures and build up around pipes in open drainage system. Other maintenance works are recorded and prioritised for action within the available budget. The budget available is not sufficient to implement an ongoing regular program of periodic maintenance, regardless of the weather.

Recommendation

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

ITEM 11 DELEGATES REPORTS

11.1 DELEGATES REPORT -- NATIONAL TIMBER COUNCILS' ASSOCIATION

REPORT BY: COUNCILLOR LINDSAY PASSFIELD
CONTACT: COUNCILLOR LINDSAY PASSFIELD

Summary/Purpose

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

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Economic Development

Report

Over the last 20 years a large amount of agricultural land in the Kyogle Local Government Area has been planted with Eucalyptus trees. Unfortunately the potential value of these plantations seems very limited, especially the white gum (Dunnii) species. A recent development has potential to improve this situation.

A private landholder in the Woodenbong area has begun operations to harvest plantation trees for chipping and export from the Port of Brisbane. At this stage, there does not appear to be much profit in this process, the main aim being to return the land to food production. If successful, this small operation may be expanded to become a fairly significant industry providing jobs and economic activity for many years to come.

When these plantations were first established, it was estimated that 1.5 million tonnes per annum of woodchip would be produced from 2015. Poor silviculture, poor management, and low prices on the international market have undermined the potential value of plantations and the early return of this land to food production now seems the best option.

Accordingly, I strongly support the harvesting operation as a positive development in creating economic benefits now and enhanced food production into the future.

Recommendation

That Council receives and notes the delegates report provided by Councillor Lindsay Passfield in respect of the National Timber Councils' Association.

Attachments

National Timber Councils' Association newsletter dated 24 July, 2014.

11.2 DELEGATES REPORT -- DOWNS TO RIVERS ACTION COMMITTEE

REPORT BY: COUNCILLOR LINDSAY PASSFIELD
CONTACT: COUNCILLOR LINDSAY PASSFIELD

Summary/Purpose

The following delegate's report in respect of the Downs to Rivers Action Committee has been provided by Councillor Lindsay Passfield for the information of Councillors.

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Economic Development

Report

NSW Minister for Roads and Freight Duncan Gay and the Member for Lismore Thomas George announced \$2.38 million for upgrade works on Mt Lindesay Road at Lismore on 22 July, 2014 (media release attached).

The Minister noted the importance of this road to economic activity in the Northern Rivers and complimented the authors of the funding submission on their work.

Whilst any funding is very much appreciated, it should be noted that this announcement is less than 10% of the money required for the minimum upgrade of Mt Lindesay Road.

The Minister indicated that he is seeking a matching contribution from the Federal Government, and that more funds may be forthcoming from the State.

Recommendation

That Council receives and notes the delegates report provided by Councillor Lindsay Passfield in respect of the Downs To Rivers Action Committee.

Attachments

Media release from NSW Minister for Roads and Freight Duncan Gay and Member for Lismore Thomas George.

11.3 DELEGATES REPORT -- SUMMERLAND WAY PROMOTIONAL COMMITTEE

REPORT BY: COUNCILLOR LINDSAY PASSFIELD
CONTACT: COUNCILLOR LINDSAY PASSFIELD

Summary/Purpose

The following delegate's report in respect of the final meeting of the Summerland Way Promotional Committee held at Kyogle on Friday, 25 July, 2014, has been provided by Councillor Lindsay Passfield for the information of Councillors.

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Economic Development

Report

The Summerland Way Promotional Committee has been disbanded by resolution of its member Councils.

This committee was originally established in 1976 to lobby for Federal and State funding to upgrade the inland route from Coffs Harbour to Brisbane as an alternative route to the Pacific Highway for tourism and freight.

The committee's domestic objectives have largely been achieved, resulting in the vastly improved standard of this highway, particularly to the north of Kyogle. In broad terms, there has been about \$112 million of capital works between Grafton and the Queensland border, and nearly \$400 million north of the border and on the approaches to Brisbane.

Strategically, work is close to commencing on the new dedicated road bridge over the Clarence River at Grafton, but the East of Mt Lindesay deviation and bypasses for Casino, Kyogle, and Beaudesert remain outstanding.

An ongoing, concerted campaign by Federal, State and Local Governments and road authorities will be required to bring these projects to fruition. This will be spearheaded via bi-annual meetings involving all major stakeholders to be organised by the Federal Member for Page Kevin Hogan.

The Summerland Way Promotional Committee wishes to thank all who contributed to its achievements and particularly acknowledges its patrons:

- Mr Jack Hurley OAM, late of Kyogle;
- Mr Les Watson, late of Woodenbong;
- Mr Col McIntyre, late of Rathdowney);
- Mrs Shirley Adams OAM, of Grafton;
- Mr Leo Lane, of Casino.

Recommendation

That Council receives and notes the delegates report provided by Councillor Lindsay Passfield in respect of the Summerland Way Promotional Committee.

ITEM 12 INFORMATION PAPERS

12.1 COUNCIL RESOLUTIONS REQUIRING ACTION

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

Summary/Purpose

This report presents to Council a list of Council resolutions requiring action as at 31 July, 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

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

12.2 FINANCIAL REPORT -- JULY 2014

REPORT BY: ADMINISTRATION AND COMMUNITY

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

Summary/Purpose

This report presents financial reports to Council for information.

Community Strategic Plan Item(s)

- Governance and Community Service

Background Information

Legislative Requirements

Clause 212 of the Local Government (General) Regulation 2005 states that:

- (1) The responsible accounting officer of a council:
 - (a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:
 - (i) if only one ordinary meeting of the council is held in a month, at that meeting, or
 - (ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and
 - (b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.
- (2) The report must be made up to the last day of the month immediately preceding the meeting.

Report

The following information is presented for information only.

(A) Finance Reports

Summary reports outlining Council's financial position as at 31 July, 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.

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 – July 2014.

Attachments

1. Councillors Travel
2. 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

Summary/Purpose

This report is to provide Council with information relating to the proposed Lions Tourist Trophy event.

Community Strategic Plan Item(s)

- Village Life
- Economic Development

Background Information

Council was approached late in 2013 by the event organisers to float the proposal to hold a motorcycle riding event on the Lions Road and a Café Racer Sprint event in the Kyogle township. The organisers attended a workshop with Councillors and Council staff on December 16, 2013 to present their proposal to Council. The General Manager issued a letter on December 18, 2013 providing the organisers with confirmation that Council had provided “in principal” support for the event. A similar letter confirming “in principal” support was also provided by the Scenic Rim Regional Council in QLD, on February 5, 2014. The organisers attended a second workshop with Councillors and Council staff on February 10, 2014.

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.

Report

Following the receipt of in principal support from the two Councils, the event organisers commenced the preliminary planning for the event, in the lead up to undertaking further consultation with the affected residents. The location for the proposed Café Racer Sprint event was identified as Ettrick Street in Kyogle, with the starting point at the intersection of Ettrick and Geneva Streets, and the finishing point at the intersection of Ettrick and Plant Streets. The remaining length of Ettrick Street would need to be closed to allow for deceleration and marshalling. The organisers also proposed an industry park in the main street of Kyogle.

Once these locations were identified, the organisers prepared a media release to communicate the status of the event. This media release was provided to Councillors in the lead up to the March 10, 2014 Ordinary Council meeting. The organisers through Casey Stringfellow and Mark Luxford then presented the information to Council formally during Public Access at the March Ordinary Meeting of Council. The media release was made public immediately following the meeting, and also made available via a link on Council's web site, and through Council's newsletter.

Council was contacted in early April by the Westpac Life Saver Rescue Helicopter operators, who expressed a desire to be involved in the event, both at an operational level, and for their own promotional and fund raising exercises. They were referred to the event organisers.

Council facilitated a key stakeholder meeting on April 8, 2014 which involved the event organisers, the local Lions Club, Council staff, the Showground Trust, and the Kyogle Chamber of Commerce. The focus of these meetings was to discuss the event plan, consultation process, and to identify additional stakeholder groups for ongoing consultation during the event planning process.

During the initial stages of this consultation, the issues associated with the closure of both the main street (Summerland Way between Wyangarie Street and Geneva Street) at the same time as a closure of Ettrick Street was not practical, particularly with respect to the through traffic on the Summerland Way. The proposed industry fair was then relocated to Geneva and Bloore Streets. The times for the proposed road closures was the most critical point to be resolved before the organisers embarked on the formal consultation process with the affected residents. The proposed times were discussed, and then referred to the Scenic Rim Regional Council and Queensland Main Roads for their acceptance, prior to communicating these with the residents and broader consultation. The event organisers were also to work closely with the Showground Trust in order to finalise the arrangements for a "tent city" style of accommodation at the Showground, and with the Chamber of Commerce to organise a music event showcasing local talent at the Amphitheatre site as an ancillary activity during the Saturday and Sunday of the long weekend.

The key stakeholders met again on May 15, 2014 to review the progress to date. At this meeting the draft road closures extent and duration were presented, and draft letters to the affected residents were presented for review and comment. The event organisers were provided with details of the affected properties and local media contacts. The information presented was referred to NSW Police Force for their initial review and advice on approvals required for the proposed event. The event organisers also identified that they were proposing to hold a "Founders Ride" event on the weekend of July 6-7. Arrangements were made with the Lions Club representatives to cater for the event when the riders arrived at the Kyogle Amphitheatre Park destination point.

The letter drop to affected residents was undertaken in mid June, with the visits to individual properties commencing in late June. Copies of the letters distributed during this process are included in the attachments to this report. This communication with affected residents and businesses also included contact details for Council staff in the event that people had objections they wished to raise, or if they were not satisfied that their concerns had been addressed by the event organisers.

Several individuals took the opportunity to contact Council to discuss the event, with all but one of those being in support of the event. The event organisers have allowed themselves some flexibility to ensure that they can address any issues raised during this consultation process.

The Lions TT Founders Ride was held on Saturday July 6, 2014 with over 200 riders involved in the event. The riders were catered for at the Amphitheatre Park by the local Lions and Rotary clubs, as well as other local businesses. This event involved the riders travelling the route of the proposed Lions TT event, under normal traffic conditions. This has been identified as possibly the largest group ride on record in either QLD or NSW. There were no incidents during this event.

Council has forwarded information in relation to the proposed event to the Local Emergency Management Committee representatives. No objections or issues of concern that had not been either addressed, or where in the process of being addressed, by the organisers were raised.

1. Objections Raised

Council has received objections to the proposed event from three separate individuals. The first is not in the areas affected by the proposed road closures or event, and the objection is extended to motor sport events of all kind. The second is in the vicinity of the event in the town area, but not directly affected by the road closures. Again, the objection is primarily on the basis of being opposed to any kind of motor sport, but a number of issues in relation to the effect of the proposed road closures and event on other individuals, groups and organisations were identified by this objector. This information has been referred to the organisers to consider and address in their targeted consultation and event preparation. The third lives in close proximity to the proposed Café Racer Sprint event, and is directly affected by the road closures. The event organisers have attempted to address this individual's concerns by covering the costs of a weekend away, but the individual has advised that it was not her intention to have the impact of the event on her mitigated in this way, but to see the event did not proceed.

Councillors have been provided with copies of these objections where the individual involved has requested as such. In order to avoid identifying these individuals in a public document, their individual objections have not been included in the attachments to this report. No other objections to the event have been received by Council.

2. Support for the Event

Council has received numerous communications supporting the event. These range from formal letters of support, such as that received from the Kyogle and District Chamber of Commerce, to phone calls and verbal expressions of support for the event and the concept more generally. The level of support for the event, both for the initial event, and as an ongoing annual event has been very high within the local community and from interest groups from outside the area.

There have been a number of organisations and individuals from the local area, the region, and interstate, who have been seeking confirmation that the event is going to proceed.

The main issue at present for all involved, from local businesses through to potential participants in the event, is the lack of assurance that the event is going to proceed.

Local accommodation providers have advised that they are either booked out completely, or close to being booked out, and are concerned that if the event does not proceed these bookings will not be realised. Local businesses need to start making arrangements for the event, and the lack of assurance that the event will proceed is a major concern for them. This is also the case for the planning of ancillary activities around the event.

There appears to be strong support for the holding of the Lions TT event, both locally and from outside the area. The proposed event is unique, strongly focussed around Kyogle, and there should be economic benefits to Kyogle, Woodenbong and Rathdowny in QLD. It is expected that these benefits will extend beyond the period of the event itself, and will present benefits of repeat and recurrent visits to the area, particularly if the event becomes an annual occurrence. The proposed date for the event is drawing near, and all involved need some assurance as to whether the event will be proceeding. Formal approval for the event would be issued by staff under their normal delegations, and is subject to a similar approval from the NSW Police Force. However, staff are seeking a resolution of Council that provides an endorsement of the event, prior to considering issuing a formal approval. It is for this reason that it is recommended that Council endorse the holding of the Lions Tourist Trophy event over the long weekend of October 4 to 6, 2014.

Budget & Financial Aspects

The event organisers have not requested any financial assistance from Council. The approval for the event does not attract any application fee; however the event organisers will be charged fees to cover the costs of advertising the proposed road closures associated with the event.

Council's Infrastructure Works Department has advised that a pothole patching run and roadside vegetation control along the Lions Road and Gradys Creek Road sections would be undertaken in the first half of September 2014, as part of routine maintenance works.

The event organisers have proposed that any profit made from the event will be returned to the Councils on either side of the border to help fund improvements to the roads used in the event. There are no estimates available at this stage as to what, if any, revenue this would provide to Council.

Recommendation

1. That Council receives and notes the report on the Lions Tourist Trophy Event.
2. That Council endorses the holding of the Lions Tourist Trophy event over the long weekend of October 4 to 6, 2014.

Attachments

1. Copy of consultation letters to residents, and associated maps.
2. Copy of letter of support from Kyogle Chamber of Commerce
3. Lions Tourist Trophy Event Management Plan (initial draft) August 2014

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 JULY 2014 TO 31 JULY 2014

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

Summary/Purpose

This item presents to Council the Development Applications received, determined and outstanding for the period 1 July, 2014 to 31 July, 2014.

Report

Listings attached.

Recommendation

1. That, with the exception of the following items in which Councillors and have declared an interest,
 - Cr..... 10B.1 Development Applications Received, Determined and Outstanding DA../... - Reason for Declaration -
 - Cr.....10B.1 Development Applications Received, Determined and Outstanding DA../... - Reason for Declaration -

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 July, 2014 to 31 July, 2014 be received and noted.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 July, 2014 to 31 July, 2014 only in relation to DA../... and DA../.... In which Councillors have declared an interest be received and noted.

Attachments

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

13B.2 DEVELOPMENT APPLICATIONS 2008/122 SUPERMARKET AND SPECIALTY SHOPS & 2010/107 CARPARK OUTSTANDING MATTERS

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

Summary/Purpose

A number of matters remain outstanding with the two above developments since the opening of the Supermarket.

The proponents are co-operating with Council as they work through the remaining matters. However, the proponents are seeking Council's acceptance that condition 18 of DA 2008/122 and condition 25 of DA 2010/107 relating to monetary maintenance bonds does not now need to be paid due to the passage of time exceeding the required 6 months as stipulated in the conditions.

Previous Council Consideration

Council originally determined Development Application 2008/122 at its 23 June 2008 meeting.

A S96 was then considered at its 24 July 2011 meeting regarding a review of Section 94 contributions.

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Environmental and Planning

Report/Assessment

The proponents of the two Development Applications 2008/122 – Supermarket and Specialty Shops and 2010/107 – Carpark, are endeavouring to finalise all outstanding matters associated with these two DA's.

In particular conditions #18 (DA2008/122) and #25 (DA2010/107) which are outlined below.

DA2008/122

18. A maintenance period shall apply to all construction carried out in relation to the development where the ownership of the asset is to pass to Council. The maintenance period shall extend from the release of the Final Occupation Certificate for a period of six months. Within that time the developer is responsible for any omissions or defects.

At the end of the maintenance period Council will inspect the asset and any work found not conforming to the plans and specifications shall be the responsibility of the developer to rectify. The maintenance bond shall be returned at the completion of the maintenance period and subsequent approval by Council.

Construction (contract) price Bond

up to \$50,000 - 10% of contract price (minimum bond \$1,000)
over \$50,000 \$5,000 plus 5% of balance over \$50,000

DA2010/107

(25) A maintenance period shall apply to all construction carried out on development where the ownership of the asset is to pass to Council. The maintenance period shall extend from the completion of the construction and subsequent approval by Council, for six months. Within that time the developer is responsible for any omissions or defects. At the end of the maintenance period Council will inspect the asset and any work found not conforming to the plans and specifications shall be the responsibility of the developer to rectify. The maintenance bond shall be returned at the completion of the maintenance period and subsequent defect free approval by Council.

Construction (contract) price Bond

up to \$50,000 - 10% of contract price (minimum bond \$1,000)
over \$50,000 \$5,000 plus 5% of balance over \$50,000

To date, neither Bond has been paid and the proponents maintain that whilst a Final Occupation Certificate has not been issued, the passage of time since the works were completed far exceed the nominated six months in both Conditions for which the monetary bond was to remain.

The collective value of the bonds is estimated at around \$40 - 50,000.

Notwithstanding, it should also be noted that Council has only just (past two weeks) received the Works as Executed Plans for all the Engineering and Civil works completed in relation to the development. Council's Engineering staff are currently reviewing these WAE plans.

If Council was to accept that no monetary bond is now required, it should be conditional upon a comprehensive inspection being undertaken and the works are in satisfactory condition.

Budget and Financial Aspects

There are no budget impacts for Council provided Council is satisfied that the completed works are of an acceptable condition.

Recommendation

1. That Council receive and note the report Development Applications 2008/122 Supermarket and Specialty Shops & 2010/107 Carpark Outstanding Matters.

2. That Council's Executive Manager of Infrastructure Works and Executive Manager Urban & Assets inspect the civil and engineering works and subject to them being satisfied that the works are of acceptable condition, then Council accept that the monetary maintenance bond as required by condition 18 of DA 2008/122 and condition 25 of DA 2010/107 not be required in this instance.

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.

ITEM 13C ENVIRONMENT SERVICES REPORT

13C.1 RECENT CONVICTION OF AN AFTERLEE ROAD RESIDENT BY THE OFFICE OF WATER

REPORT BY: PLANNING AND ENVIRONMENT

CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT GREG MEYERS

Summary/Purpose

This is an information report to inform Council of a recent conviction of a Kyogle resident by the Office of Water for non-compliance with a Stop Work Notice and failure to take preventative action to protect the water source and riparian land.

This particular landowner has previously (unsuccessfully) taken action in the Land and Environment Court against Council.

Community Strategic Plan Item(s)

- Governance and Community Service
- Waste and Water
- Environmental and Planning

Report/Assessment

As recently reported in the local press, an Afterlee Road resident has been convicted and fined for undertaken works within a watercourse consisting of a concrete crossing of Cob O Corn Creek west of the town of Kyogle.

The resident is well known to Council having been the subject of a Land and Environment Court matter for the deemed refusal of a Development Application lodged with Council. This action was unsuccessful and costs have been awarded in Council's favour.

As a result, the individual has been guilty of undertaking development without the prior consent of Council.

In this recent matter, it is noted that a \$40,000 fine and costs of \$11,000 were recorded against the landowner. In addition, orders were made against the landowner to remove the structure, remediate the site and undertake the re-planting of vegetation (see attached Office of Water media release).

Council is currently pursuing debt recovery processes with this particular landowner.

Recommendation

That Council receives and notes the report on the recent conviction of an Afterlee Road resident by the Office of Water.

Attachment

Office of Water media release

ITEM 13D CORPORATE SERVICES REPORT

13D.1 REVIEW OF DELIVERY PROGRAM AND OPERATIONAL PLAN

REPORT BY: CORPORATE AND COMMUNITY

CONTACT: EXECUTIVE MANAGER CORPORATE AND COMMUNITY CAROL O'NEILL

Summary/Purpose

This report presents the six monthly review of the Delivery Plan and Operational Plan to Council for information.

Community Strategic Plan Item(s)

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

Background Information

Under the Integrated Planning and Reporting requirements, Section 404(5) of the Local Government Act states as follows:

Delivery Program

"The general manager must ensure that regular progress reports are provided to council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months"

Report

The review information is included as a separate attachment to this report and provides an overview of all the programs included in the Delivery Program and the Operational Plan.

Recommendation

That Council receives and notes the 30 June 2014 review of the Delivery Program and Operational Plan.

Attachments

1. Delivery/Operational Program Report as at 30 June 2014 – separate attachment
-

REPORT BY: CORPORATE AND COMMUNITY

CONTACT: EXECUTIVE MANAGER CORPORATE AND COMMUNITY CAROL O'NEILL

Summary/Purpose

This report arises out of the statutory requirement to conduct a review of budget performance and a review against targets identified in the Management Plan 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 requires the General Manager to report to Council on the extent which performance targets set by the Management Plan have been achieved during that quarter.

Report

This quarter sees the continuation of the revised reporting format, the Quarterly Budget Review Statement for NSW Local Government issued by the Division of Local Government NSW Department of Premier and Cabinet.

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 as well as other additional information. This will include;

- A 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 combined budget and 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 about 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 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 Council received and notes the report June 2014, Quarterly Budget/Delivery Plan Review.
2. That the funds identified as revotes in the June 2014 budget review and shown in the attached table be incorporated into the 2014/2015 budget.

Attachments

1. June 2014 Budget Review Statement (separate attachment)
2. Table showing revotes to be included in the 2014/2015 budget (separate attachment)

ITEM 13E COMMUNITY SERVICES REPORT

Nil.

ITEM 13F GENERAL MANAGER'S REPORT

13F.1 FINANCIAL MANAGEMENT POLICY REVIEW

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

Summary/Purpose

This report advises Council of the outcome from the public exhibition of the revised Financial Management Policy.

Community Strategic Plan Item(s)

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

Previous Council Consideration

Council considered a report on the review of the Financial Management Policy at its Ordinary meeting held on 14 July, 2014 where Council resolved to:

- 1. Receive and note the report Financial Management Policy Review;*
- 2. That Council adopts the revised Draft Financial Management Policy as amended (reinstate 5 (h) Roads and Bridges target balance as a minimum \$1 million) for public display for two weeks.*

Report

The revised Draft Financial Management Policy was placed on public exhibition from 23 July 2014 to 5 August 2014 and written submissions were received up until close of business (4pm) on Tuesday, 5 August, 2014.

An advertisement inviting public comment appeared in the Richmond River Express Examiner on 23 July, 2014, and items advising that Council had adopted the draft policy for public display and comment were posted on Council's website, Facebook page and Twitter account.

No submissions have been received at the time of writing this report. If there are any submissions received subsequent to the preparation of this report, details of those submissions will be provided separately.

Recommendation

1. That Council receives and notes the report Financial Management Policy Review.
2. That Council adopts the revised draft Financial Management Policy.

13F.2 UNION PICNIC DAY 2014

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

Summary/Purpose

This report provides Council with information and seeks Council's adoption of a date for the Union Picnic Day in accordance with the relevant employee Award.

Community Strategic Plan Item(s)

- Governance and Community Service

Background Information

Clause 18B (Holidays) of the Local Government (State) Award provides:

- (i) Union Picnic Day shall for the purposes of this award be regarded as a holiday for employees who are financial members of the union(s). The Union Picnic Day shall be on such day as is agreed between the council and the union(s).
- (ii) The union(s) shall advise the council of financial members as at the time of the Union Picnic Day. Such advice must be given at least two weeks prior to the Union Picnic Day.
- (iii) Employees who are not financial members of the union(s) and who *are* required to work on Union Picnic Day, shall be paid ordinary pay for their normal working day.
- (iv) Employees who are not financial members of the union(s) and who are not required to work on Union Picnic Day, may apply to council to take annual leave, time off in lieu of overtime, leave without pay, such other leave as may be approved by council, or may be required by council to make up time.

Report

Council has received a request for the Picnic Day holiday to be on Tuesday 4 November, 2014.

It is recommended that this date be approved in accordance with the Award provisions.

Recommendation

That Council designate Tuesday 4 November, 2014 as the Union Picnic Day holiday.

13F.3 ACTING GENERAL MANAGER

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

Summary/Purpose

The purpose of this report is to request Council to appoint staff to the position of Acting General Manager whilst the General Manager is on a period of planned leave.

Background Information

Section 334 of the Local Government Act provides that:

(1) A council must appoint a person to be its general manager. The person must not be a body corporate.

Report

The General Manager will be on leave from 18 August, 2014 to 2 September, 2014 inclusive.

It will therefore be necessary to appoint an Acting General Manager for this period.

Recommendation

That Mr Greg Meyers be appointed as Acting General Manager for the period from 18 August, 2014 to 2 September, 2014 inclusive.

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

ITEM 16 CONFIDENTIAL BUSINESS PAPER

Nil.