



KYOGLE COUNCIL

COUNCIL MEETING AGENDA

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

ON MONDAY 12 AUGUST 2013

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 12 August 2013, 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 12 August 2013

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ITEM 1 APOLOGIES

ITEM 2 OPENING PRAYER

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

ITEM 4 DECLARATION OF INTERESTS

Nil.

ITEM 5 QUESTION TIME

Nil.

ITEM 6 PUBLIC ACCESS

A request for public access has been received from:

- Harmony Walsh in regard to Coal Seam Gas

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF 8 JULY 2013 MINUTES OF ORDINARY COUNCIL MEETING

Summary/Purpose

A copy of the Minutes for the Ordinary Meeting held on 8 July, 2013 are 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 8 July, 2013 be adopted.

Attachments

1. Minutes of the Ordinary Meeting held on 8 July, 2013 (separately attached).
-

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

**9.1 NOTICE OF MOTION - COUNCILLOR DANIELLE MULHOLLAND COUNCIL
FEES AND CHARGES**

Summary/Purpose

This item presents to Council a Notice of Motion received from Councillor Danielle Mulholland for the Ordinary meeting to be held on 12 August 2013.

Community Strategic Plan Item(s)

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

Report

A copy of the Notice of Motion follows:



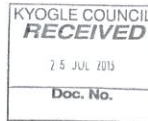
NOTICE OF MOTION

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

That Council provide 28 days of notice in accordance with s610F (3) of the *Local Government Act 1993* (LGA) in relation to its intention to withdraw the fees and charges associated with the lease/use of footpath area including alfresco footpath dining. S610E(1) LGA.

Signed:

.....
.....



Date:

.....
25/07/13

Councillor comments:

As requested, the Chamber of Commerce has developed alternatives to the fees and charges associated with the display of A-frames and footpath dining. The proposal is attached.

Small businesses in many rural communities are currently experiencing significant sustainability challenges. The display of products and alfresco dining will provide the main street with a more vibrant appeal to tourists and locals alike. Council must work in partnership with the Chamber of Commerce to promote and encourage increased trade and economic development opportunities for the benefit of the whole community. Smart growth strategies can help rural communities achieve their goals for growth and development while maintaining their distinctive rural character.

Staff Comment

The level of income expected to be received from this fee is not expected to be significant in terms of Council's overall income (estimated to be around \$2,000 to \$5,000). The fee is also not considered to be a huge impost on those businesses affected (\$40 to \$160 per annum).

In order to manage Council's risk, Council staff wish to ensure that:

- A formal register is kept which identifies those shop owners that have approval to utilise the footpath and to what extent.
- Businesses obtain and maintain the appropriate Public Liability insurance.
- Regulations and approvals clearly identify what use is permitted by each type of business.
- Enforcement of the policy is able to be carried out.

This will involve some cost to Council.

Council needs to decide whether this service is to be a user pays system (where the businesses that generate/cause the cost to be incurred are required to pay for/contribute towards that cost) or whether the service is considered to be of a benefit to the economic development of the LGA and therefore should be covered by the community as a whole.

Recommendation

For Council determination.

Attachments

1. Chamber of Commerce proposal in relation to fees and charges associated with lease/use of footpath.

9.2 NOTICE OF MOTION -- COUNCILLOR JANET WILSON PERTUSSIS VACCINATIONS

Summary/Purpose

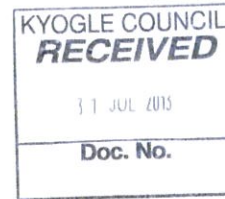
This item presents to Council a Notice of Motion received from Councillor Janet Wilson for the Ordinary meeting to be held on 12 August 2013.

Community Strategic Plan Item(s)

- Governance and Community Service
- Village Life

Report

A copy of the Notice of Motion follows:



NOTICE OF MOTION

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

That Council contact the NSW Health Minister, Ms Jillian Skinner and NSW Minister for the North Coast, Mr Don Page along with Mr Thomas George, the member for the seat of Lismore and the Australian Minister for Health and Medical Research, the Hon. Tanya Plibersek to voice our objection to the winding back of Pertussis (whooping cough) vaccination opportunities for mothers and families, particularly in the Northern Rivers of NSW (July 11 2013), to maintain and improve on previous vaccination regimes in our region.

Signed: Janet Wilson

Date: 31/7/13

Councillor comments:

NSW Health are no longer subsidising the free whooping cough vaccine for new mothers via GP's. This is the press release issued by NSW Health on Friday: http://www0.health.nsw.gov.au/news/2013/20130711_00.html Instead they are looking to target mothers pre-conception or in their third trimester. This approach is causing great concern across the region because of our low vaccination rates and recent deaths and life threatening attacks of babies exposed to whooping cough.

I am sure we are all aware from recent media coverage that the Northern Rivers has the lowest vaccination rates in the whole of Australia and indeed lower than some developing countries. Please see this link: <http://www.nhpa.gov.au/internet/nhpa/publishing.nsf/Content/Child-immunisation-rates-Postcode-level-data-NSW-2011-12>

On a national level, Senator di Natale has expressed concern about misinformation and scaremongering, as this is preventing a lot of people from vaccinating their children. Senator di Natale's webpage regarding this here: <http://richard-di-natale.greenmpa.org.au/content/news-stories/1610000-and-public-health>
And Bob Brown's support for vaccination here: <http://www.northernstar.com.au/news/former-green-leader-chapman-view-on-1044502/>

Young families in the Northern Rivers must be encouraged and given the choice and opportunity to keep their children and our community of children safe from this serious disease which is all too common in our region. Council support for the retention and promotion of free vaccination for whooping cough is being sought by parents whose children have been affected by this preventable illness. Other councils have been asked to support this campaign and Ballina Council has recently resolved to provide letters of support.

Staff Comment

This issue is currently being considered by a number of Councils in our region with Ballina unanimously resolving on 25 July, 2013:

That Council contact the NSW Health Minister, Ms Jillian Skinner and NSW Minister for the North Coast, Mr Don Page along with The Australian Minister for Health and Medical Research, the Hon. Tanya Plibersek to voice our objection to the winding back of Pertussis (whooping cough) vaccination opportunities for mothers and families, particularly in the Northern Rivers of NSW (11 July 2013). Previous vaccination regimes must be maintained in our region.

It is also believed that Lismore City Council will be considering a similar motion at its next meeting

Recommendation

For Council determination.

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM LAST COUNCIL MEETING

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

Report

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

Councillor John Burley

1. Has the report on the Toonumbar Road been completed as Council needs to know what standard of road has to be built.

Response

Investigation works have been undertaken on the Toonumbar Road pavement and results are recently to hand. The results indicate that the pavement has 50 to 80 mm of reasonable base course with an average of 0.5m of plastic sub base overlaying a moist, highly plastic sub grade.

This outcome is worse than anticipated given the performance of the existing pavement albeit under relatively light traffic loads. A pavement design has not been undertaken as yet. Drainage and alignment issues are yet to be assessed. A design report, including cost estimate will be completed by October 2013.

Councillor Maggie Creedy

1. Has the Kyogle Community Cinema and the Woodenbong Cinema received their allocation of \$10,000 and \$5,000 respectively to help with their purchases of digital projectors and if not, why not?

Response

Payment has not yet been made. Letters have been sent to both organisations providing information that an allocation has been made in the 2013/2014 donations budget (\$10,000 for Kyogle, \$5,000 for Woodenbong). The correspondence advised that when they have raised the balance of the funds required for the projectors, the Council contribution would be paid.

Recommendation

That the report on Questions from Last Council Meeting be received and noted.

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

12.1 FINANCIAL REPORT JULY 2013

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, 2013. 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 the information contained in the Monthly Finance Report – July 2013 be received and noted.

Attachments

1. Councillors Travel
2. Financial reports

12.2 RESPONSE TO QUESTIONS FROM MR PHIL GOME - ORDINARY MEETING 8 JULY 2013

Summary/Purpose

During Question Time at the Ordinary meeting of 8 July, 2013, Mr Phil Gome asked a series of questions in regard to Council's policy for determining a Section 94 Contributions Plan. In accordance with Council's resolution 240613/27 the questions and the response provided by the General Manager are reported in the business paper.

Community Strategic Plan Item(s)

- Governance and Community Service

Previous Council Consideration

Council resolved at it 24 June 2013 meeting:

That any questions requiring more than a simple answer or questions received in writing be preferably taken on notice and answered in writing. Both questions and answers are to be included in the business paper.

Report

Following are the questions asked by Mr Gome and the responses provided to him by the General Manager.

QUESTION 1

Does Council have a consistent single Policy, Procedure or formula for determining a Section 94 Contributions Plan, or whether a S94 Contribution Plan is in fact required, or a Voluntary Planning Agreement, when assessing ALL Development Applications? If not why not?

RESPONSE

Yes.

All development applications are assessed against a range of legislative criteria, guidelines and development controls. If a particular type of development triggers the requirement for a contribution under an adopted Contributions Plan, then the contribution requirement is applied as a condition of consent. If a type of development does not trigger a S94 requirement or there is no relevant S94 plan adopted, then there is no contribution applicable.

A Section 94 Plan cannot be prepared once a Development Application has been lodged and then applied retrospectively.

Further, if a specific piece or component of infrastructure requires upgrading or replacement due to the impact of one specific development, then a specific condition of consent may be imposed, provided it meets the "Reasonableness" criteria. The preparation of a specific S94 Plan for a single piece or component of infrastructure by a single development is unlikely to meet the "Reasonableness" criteria.

The process of preparing, exhibiting and adopting a section 94 plan is quite lengthy and expensive with plans taking approximately 12 months from start to finish and costing approximately \$40,000+.

A Voluntary Planning Agreement (VPA) cannot be imposed by a Council and can only be proposed by a developer. It can be in lieu of Contributions under a S94 Plan or can be in addition to a contribution, but it is up to the developer to voluntarily put this forward for Council consideration. If Council supports the proposal, the VPA must be publicly advertised in conjunction with the proposed development.

QUESTION 2

Council acknowledged that it knew of the Development Application for the Cedar Point Quarry in October 2009 (Council Correspondence to Planning NSW dated 26th October 2009).

The JRPP made its determination in 21st June 2012, some 31 months from the time when Council were aware of the Cedar Point Quarry Development Application.

At the July 23rd 2012 Council meeting, in answer to a question regarding why there was no Section 94 Contribution Plan or Voluntary Planning Agreement in place for the Cedar Point Bridge, "The General Manager advised that Council did not have the current resources to put a Section 94 plan in place".

In the period since October 2009, when, how and by whom was it determined that Council did not have the current resources to put a Section 94 Contributions Plan or Voluntary Planning Agreement in place for the Cedar Point Bridge before the determination of the Cedar Point Quarry on 21st June 2012?

RESPONSE

The correspondence in October 2009 related to a proposal to develop a quarry. Council regularly discusses requirements with potential applicants for proposed developments. Many of these proposals do not proceed to lodgement of a Development Application.

In this case, the development application was eventually lodged on 5 October 2010.

Council had at that time only just recently adopted (in April 2009) its "Section 94 Development Contributions Plan 2008 – Residential, Rural Residential & Heavy Haulage Development" which came into force in May 2009.

This policy was prepared by consultants and involved input and comment from staff, Councillors and the community and included measures (Heavy Haulage contributions) to redeem the cost of accelerated depreciation of its road infrastructure from undertakings which include heavy haulage vehicles as part of the business activity.

No determination was made in the period between the proposal for the quarry and the lodgement of the DA that Council did not have the current resources to put a Section 94 Contributions Plan or Voluntary Planning Agreement in place.

As the period between the notification of the proposed quarry and the actual lodgement of the development application would have provided Council with less than 12 months to prepare, exhibit and adopt a S94 plan which would have cost \$40,000+ (for which there was no budget allocation), the General Manager's comment from the meeting of 23 July, 2012 would appear to be correct.

It should be noted that this Council has resolved on 13 May, 2013, that a report be brought back to Council on the process and timeframe for a comprehensive review of all of its Section 94 Contribution Plans.

QUESTION 3

It is important to note the following:

1. The Cedar Point Bridge is a weight restricted, single lane bridge built in 1938 i.e. 38 years old.
2. The Cedar Point Quarry has been approved to allow 80 trucks per day, five and a half days per week for the next 40 years.
3. Council Administration had knowledge of the development application since October 2009, i.e. 31 months.
4. The 2013 T-Corp report on pages 36 and 37 outlines the purpose of Section 94 Contributions.

How does Council Administration justify to Councillors, Ratepayers and Developers who have paid, and who will pay Section 94 Contributions for Council infrastructure, or who have or will enter Voluntary Planning Agreements with Council, that it has acted with due diligence, fairness, equity and with the best long term interests of all ratepayers, when it failed to develop a Section 94 Contributions Plan for the Cedar Point Bridge or enter a Voluntary Planning Agreement with the proponents of the Cedar Point Quarry?

RESPONSE:

All adopted Contributions Plans are only adopted after public consultation and consideration of any submissions made in regard to the exhibited document.

A Section 94 Contribution Plan may identify several ways a developer may satisfy a contribution:

- The dedication of land*
- A monetary contribution*
- A material benefit*
- A combination of some or all of the above.*

S94 Contribution Plans must demonstrate the connection (Nexus) between the development and need for a contribution.

The legislation generally provides that a contribution can only be applied to the "capital funding of facilities", with the only exception being for "ongoing maintenance of roads where heavy vehicular traffic movements arises directly from a specific development such as mining".

The process/procedure for the application of a contribution is defined within a Contributions Plan which can relate to such quantifiable triggers as number of additional lots created in a subdivision, number of addition residential units proposed, value of car park spaces where a development is unable to provide the required number of onsite carparks, or the quantity of materials extracted and exported from a mining site etc. There are other means of applying a contribution for public open space, stormwater improvements and many other matters, but the formula and calculations must be clearly defined in the plan, as does the means of any annual increases such as CPI.

Any Developer required to make a contribution under an adopted S94 Plan through a condition of Development Consent can rest assured that Council has acted diligently, fairly, equitably and reasonably as required and specified in the relevant Contributions Plan and the relevant legislation.

Recommendation

That Council receive and note the response provided by the General Manager to Mr Phillip Gome in regard to his questions at the 8 July 2013 ordinary Council Meeting.

12.3 RESPONSE TO QUESTIONS FROM MR PETER J ELLEM -- ORDINARY MEETING 8 JULY 2013

Summary/Purpose

During Question Time at the Ordinary meeting of 8 July, 2013, Mr Peter J Ellem asked a series of questions in regard to Council's decision not to proceed with an independent assessment of the TCorp Report on Kyogle Council. In accordance with Council's resolution 240613/27, the questions and the response provided by the General Manager are reported in the business paper.

Community Strategic Plan Item(s)

- Governance and Community Service

Previous Council Consideration

Council resolved at its 24 June 2013 meeting:

That any questions requiring more than a simple answer or questions received in writing be preferably taken on notice and answered in writing. Both questions and answers are to be included in the business paper.

Report

Following are the questions asked by Mr Ellem and the responses provided to him by the General Manager.

Question 1

How is it possible for Council to overrule a resolution that was passed unanimously by Councillors?

Response

The resolution passed by Council on 13 May, 2013 was:

That the General Manager request a quote from Council's auditor's (Thomas, Noble and Russell) for an independent assessment of the TCorp Report on Kyogle Council and a comparison with that of Richmond Valley and Lismore Councils.

This resolution has been complied with. The decision not to proceed with an independent assessment is not contrary to this resolution.

Question 2

Who made the decision that Council would not continue with the resolution and what were the reasons for that decision?

Response

This question was not asked at the Council meeting following the response provided to question 1 and (as noted above) the resolution was actioned.

Question 3

In the TCorp report on pages 4, 6, 17, 19, 20, 23 and 27, it is clearly stated that Council's LTFFP Statement of Cash Flow information was not supplied by Council to TCorp staff for the purposes of this report. Does Council Records Management System contain information not provided to TCorp staff so that the ensuing report generated was based on full provision of information and not flawed by estimations?

Response

The LTFFP prepared by Council and provided to TCorp does contain details of cash flows. However, it is apparent from the report, that they require this information in a specific format which was not available at the time.

When requested by TCorp, staff provided or prepared additional reports to assist them with their study.

It is hoped that TCorp will revise and update these reports on a regular basis and a Statement of Cash Flows in the format they require will be able to be provided to them if this occurs.

Recommendation

That Council receive and note the response provided by the General Manager to Mr Peter J Ellem in regard to his questions at the 8 July 2013 ordinary Council Meeting.

12.4 COUNCIL RESOLUTIONS REQUIRING ACTIONS

Summary/Purpose

This report presents to Council a list of Council resolutions requiring action as at 31 July, 2013.

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 the Council Resolutions Requiring Action report be received and noted.

Attachments

1. Council resolutions requiring action as at 31 July, 2013 (separately attached).

ITEM 13 GENERAL MANAGER 'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

13A.1 SPEED REVIEW - KYOGLE ROAD (MR141)

Summary/Purpose

To inform Council of the RMS change to the speed limits on MR141 - Kyogle to intersection with MR142 (Lismore to Murwillumbah Road).

Community Strategic Plan Item(s)

- Roads and Infrastructure

Background Information

MR141 was identified as requiring a speed zone review following an RMS review of MR142 in 2011. Both roads are similar in regard to function, road side development and road and traffic characteristics.

Both roads should have a consistent approach to speed zoning.

As the RMS has determined that a change in speed limits is to occur, Council is obliged to effect this change.

Report

The proposed reduction in the speed limit for Kyogle Road was presented to the July meeting of the Local Traffic Committee by the RMS for information. The Committee considered that Council should be advised in detail of the proposed change and reasons and processes that support it.

The attached report from RMS explains in detail the process and recommended action by RMS.

The main issues to highlight are;

- A reduction in the speed limit will result in a consistent speed limit of 80kph on Kyogle Road through to Murwillumbah.
- There are 18 intersections in the 100km/h zone between Kyogle and the Tweed Shire Council boundary.
- Sight distance at most intersections and accesses is below that required for the prevailing 100km/h speed limit
- Crash analysis demonstrates a high number of single vehicle speed related crashes

- A traffic analysis indicates that it currently takes 18.4 minutes to travel from Kyogle to the intersection with the Lismore Murwillumbah Road (MR142). If the existing 100km/h sections were reduced to 80km/h and a 50km/h zone introduced adjacent to Barkers Vale Public School it is calculated to take an extra 3.9 minutes to travel the same 30.1km length.
- Letters to Council from Barkers Vale Public School P&C Association (5 August 2010) and the Lillyfield community (28 March 2011) have requested the installation of a 50km/h zone at this location.

Of particular note is the crash data.

Crash data for MR141 for the period 2007 to 2012 showed that there were a total of 62 crashes.

This included two fatal crashes, 38 injury crashes and 11 non-casualty crashes. The data also showed that: 31 crashes (50%) identified speed as a contributing factor, 46 (74%) were off-road or out of control on straight or curve, and 50 crashes (80%) were single vehicle crashes. This suggests that motorists are travelling too fast for the road environment though not necessarily speeding.

RMS Recommendations

- That the existing 100km/h speed limit be reduced to 80km/h from: 180m north of Fawcetts Plains Road to:theTweed Shire Council boundary 250 south of Cawongla Road, Cawongla
This is a total distance of 11.2km
- That the existing 50km/h zone at Cawongla be retained from: 250m south of Cawongla Road, Cawongla to: 500m north of Cawongla Road, Cawongla
This is a total distance of 800m
- That a new 50km/h zone be installed at Barkers Vale from: 360m south of Barkers Vale Public School access to: 460m north of the Barkers Vale Public School access
- That the existing 40km/h school zone adjacent to Barkers Vale Public School be reduced in length and the existing signposting be rationalised in consultation with Council.

Budget & Financial Aspects

There are no immediate budget implications arising from this report.

The Roads and Maritime Services recommended that a light be installed at the Barkers Vale pedestrian refuge. This work would need to be assessed, a cost estimated and approval by Council required prior to any expenditure occurring.

Recommendation

That Council receives and notes the Speed Review – Kyogle Road report

Attachments

1. RMS Briefing Report

Summary/Purpose

This report addresses questions by Cr Robert Dwyer with respect to works carried out on Campbells Bridge. The report also provides further information on the condition of the bridge.

Community Strategic Plan Item(s)

- Roads and Infrastructure

Background Information

Cr Dwyer requested information on expenditure and works on Campbells Bridge at the May 2013 Council meeting.

Condition ratings are summarised as follows:

- CR1 = Poor
- CR2 = Better than poor
- CR3 = Fair
- CR4 = Better than fair
- CR5 = Good

Report

1. Campbells Bridge is located on Lynches Creek, Bridge No 79-8529
2. The bridge has had significant maintenance over recent years and is rated as being condition rating (CR3).
3. Components
 - Abutments -- Northern; timber in poor condition, two headstocks need replacing in next 18 months
 - Southern; concrete and steel piles, recently replaced (CR5)
 - Girders – Some timber girders have been replaced with steel (CR1). Timber girders CR 2 to 3
 - Corbels – timber CR3
 - Piles – all timber, some spliced (ie upper portion of pile replaced) CR 2 to 3
 - Cross heads and Braces – Timber, CR 2 to 3
 - Decking and Kerbs – timber CR 2 to 3
4. In early February 2013 the southern abutment sustained damage from flood waters on the upstream side. This work was repaired with flood damage funding provided through RMS. Work was completed in May 2013 and entailed the supply and installation of new steel abutment piles, supply and installation of new timber headstock and supply and installation of precast concrete gravel boards and wing sheeting. Works were completed consistent with flood damage funding received.

5. A subsequent high rainfall event resulted in scouring of the upstream, southern abutment and the wing was extended under routine maintenance as the event did not qualify for flood damage funding.
6. The February flooding has caused a realignment of the water course which has resulted in water being directed towards the southern abutment. This was the cause of the post-May abutment erosion.
7. The stream realignment issue was forwarded to the Department of Primary Industries and a response from the Fisheries Conservation Manager (North) was received in June 2013.
8. Given the advice contained in the DPI letter and the likely cost of further consultation and work, no further action is proposed to realign the stream.

Budget & Financial Aspects

Not applicable if no further work is to be undertaken.

Recommendation

That Council receive and note the report.

Attachments

1. Department of Primary Industries correspondence, 20 June 2013

Summary/Purpose

This report is to advise on quarry operations and budget to July 17, 2013. It is being presented to Council's ordinary meeting as the July Technical Services Committee meeting was cancelled.

Community Strategic Plan Item(s)

- Roads and Infrastructure

Report

Crushing has now been completed Medhursts' Quarry for the construction works on the Clarence Way and Tabulam Rd.

Material is currently being used out of Griffiths Pit for maintenance work.

Budget & Financial Aspects

The following is a summary of the quarries budget for 2012/13 at 30 June, 2013:

<u>MILLERS</u>	Budget	YTD	
SALES	310,650	312,243	Approximately 5,570t remains stockpiled on site
COST OF SALES	<u>273,880</u>	<u>275,284</u>	
NET PROFIT / (LOSS)	<u>36,770</u>	<u>36,959</u>	

<u>MEDHURSTS</u>			
SALES	80,680	211,646	Approximately 6,920t remains stockpiled on site
COST OF SALES	<u>60,260</u>	<u>158,079</u>	
NET PROFIT / (LOSS)	<u>20,420</u>	<u>53,567</u>	

<u>GRIFFITHS</u>			
SALES	120,000	132,189	Approximately 100t remains stockpiled on site
COST OF SALES	<u>90,250</u>	<u>99,417</u>	
NET PROFIT / (LOSS)	<u>29,750</u>	<u>32,772</u>	

<u>LLOYDS</u>			
SALES	40,000	6,312	Approximately 3,000t remains stockpiled on site
COST OF SALES	<u>30,000</u>	<u>4,734</u>	
NET PROFIT / (LOSS)	<u>10,000</u>	<u>1,578</u>	

SUMMARY

SALES	551,330	662,390
COST OF SALES	<u>454,390</u>	<u>537,514</u>
NET PROFIT / (LOSS)	<u>96,940</u>	<u>124,876</u>

Recommendation

That the quarries report be received and noted.

Note: Due to end of financial year, time has not been available to action Councillor Dwyer's request to have figures from previous year for comparison. This should be available in the next report.

Summary/Purpose

This report provides an update on the works program up to June 30, 2013 and is being presented to Council's ordinary meeting as the July Technical Services Committee meeting was cancelled.

Community Strategic Plan Item(s)

- Roads and Infrastructure

ReportMaintenance and Construction Works

The east of the range maintenance grading crew is working on Williams Road and will continue grading in the area. The second of the two east of the range grading crews is working on Webbs Road and Hillyards Road before moving to Wiangaree Back Road. The west of the range maintenance grading crew has completed its work in the Woodenbong area and is currently working on Yabbra Road and will continue work in the Old Bonalbo area.

Construction works are nearing completion on the Repair project on the Clarence Way south of Bonalbo. Construction works on the Tabulam Road project are complete.

Jetpatching is currently underway on the state highways and will then move onto rural roads. Pothole repair has been undertaken on Mount Lindesay Road and is underway on the Clarence Way heading south, as well as potholes on rural roads in the Bonalbo area.

Slashing is underway on Summerland Way followed by slope mowing. West of the range slashing has been completed on Theresa Creek, Bingeabeebra and Culmaran Creek Roads.

Construction is complete on the Hootons Road Bridge. Work has commenced on a new bridge on Goanna Creek Road. Footpath works on Anzac Drive are continuing.

Flood damage restoration works have been completed on the Williams Road landslip. The landslip on the Clarence Way in the Yabbra Scrub has traffic down to one lane. Works are now due to commence on this site.

Customer Action Requests

See separate attached report on Customer Action Requests (CAR) received for the period June 1, 2013 to June 30, 2013.

Budget & Financial Aspects

The financial performance summary is provided below;

FINANCIAL PERFORMANCE MAJOR WORKS				
JUNE				
RMS WORKS	BUDGET	EXPENDITURE	% COMPLETE	COMMENTS
MR 141 - RESEALS	50,000	50,000	100%	Undertaken during Heavy Patching Works
MR 141 - BSP TAVENERS EAST	674,000	690,919	90%	In progress
MR 361 - RECONSTRUCT CONNELLS RD TO URB	350,000	70,453	20%	In Progress
MR 361 - RECONSTRUCT MEDHURSTS SOUTH	259,000	266,058	100%	Completed
MR 544 - REHABILITATION	109,515	109,755	100%	Completed
	1,442,515	1,187,185		
COUNCIL WORKS				
FLOOD RESTORATION ROADS - DEC 2010	625,961	718,531	100%	Completed
FLOOD RESTORATION ROADS - JAN 2012	904,575	416,236	50%	Final Schedule of Works issued by RMS. Restoration Works Ongoing
FLOOD RESTORATION ROADS - JAN 2013	0	676,604	20%	Emergency works completed, urgent restoration works in progress, claim submitted to RMS in May awaiting assessment
OXBOW RD IMPROVEMENTS	206,207	206,207	100%	Completed
LIONS RD BORDER LOOP LOOKOUT	590,275	553,375	90%	Final seal and line marking to be completed
RECONSTRUCT TABULAM RD	200,000	196,919	100%	Completed
RECONSTRUCT HORSESHOE CK RD	95,550	95,550	100%	Completed
RECONSTRUCT WIANGAREE BACK RD	135,292	135,292	100%	Completed
RESEALS	125,000	106,427	100%	Completed
SELF HELP IMPROVEMENTS	70,000	182	20%	Projects now approved, undertaking planning for Lillian Rock Rd project
GOANNA CK RD IMPROVEMENTS	65,000	64,575	100%	Completed
GRADYS CREEK HELCORE CULVERT	64,694	64,694	100%	Completed
GRADYS CK BRIDGE 59 - 1056	120,000	145,132	100%	Completed
GRADYS CK BRIDGE 59 - 13985	100,000	0	0%	Design in progress
GHINNI GHI BRIDGE 57 - 7819	136,087	137,147	100%	Completed
BLACKWOOD LANE REPLACE BRIDGE 21-164	157,264	157,274	100%	Completed
PADDYS FLAT RD - GIRDERS BRIDGE 134-43531	131,057	131,057	100%	Completed
HOOTENS RD TIMBER BRIDGE TO PIPES 247-11650	195,000	196,794	100%	Completed
TUNGLEBUNG CK RD BRIDGE TO PIPES 131-225	50,000	21,175	10%	Design Completed, pipes purchased, construction ready
TUNGLEBUNG CK RD BRIDGE TO PIPES 131-10315	50,000	7,523	10%	Design Completed, pipes purchased, construction ready
THERESA CK RD UPGRADE CAUSEWAYS	60,000	0	0%	Design and investigation works in progress
HOOTENS RD TIMBER TO CONCRETE 247-12836	215,000	357,106	100%	Completed
JOYCES RD TIMBER BRIDGE TO PIPES 160-490	80,000	10,810	10%	Design Completed, pipes purchased, construction ready
GOANNA CK RD TIMBER TO CONCRETE 319-582	180,000	46,113	5%	In Progress
COLLINS VALLEY BRIDGE 35-2432	378,335	17,938	10%	Out to tender, Tender period closes 23 April 2013.
REHAB SANDILANDS ST MALLANGANEE	178,100	178,386	100%	Completed
CYCLEWAY - BOORABEE ST TO MOTEL	54,042	54,042	100%	Completed
RECONSTRUCT GENEVA ST TO IRWIN ST	83,849	0	5%	Design at draft stage
	5,251,288	4,695,089		
	6,693,803	5,882,274		

Recommendation

That the Works Report be received and noted.

Attachments

1. Financial performance summary
2. Customer Requests for the period.

Summary/Purpose

This report is to provide Council with the results of advertising for public submissions regarding proposals for naming of a bridge on Findon Creek Road and a pedestrian railway underpass off Ettrick Street.

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Village Life

Previous Council Consideration

At the Ordinary Council Meeting of April 4, 2013 it was resolved;

“That Council advertise and call for submissions for the proposed naming of the Kyogle pedestrian underpass to the “WK (Bill) Grove Pedestrian Way”.

And at the ordinary Council meeting of May 13, 2013 it was resolved;

“That the proposal to name the Canberra Bridge “Bert Rayner Bridge” be advertised for public comment or submissions for a period of 30 days and that a further report be brought to Council on submissions received.”

Report

An advertisement including both proposals and inviting public submissions was published in the Richmond River Express Examiner on May 29, 2013. Council also prepared a media release and this was published in the same issue of the newspaper.

The advertising period closed on June 28, 2013 and no submissions were received on either proposal.

Recommendation

1. That the pedestrian underpass under the railway line near Anzac Drive and Ettrick Street Kyogle be named “WK (Bill) Grove Pedestrian Way”.
2. That the bridge currently known as Canberra Bridge be named “Bert Rayner Bridge”.

Summary/Purpose

This report is to provide the Committee with information on the operations of the Urban and Assets Department.

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Village Life
- Waste & Water

Background Information

The new organisational structure adopted by Council in 2012 created four new Departments. The Urban and Assets Department is responsible for Water and Sewerage, Urban Stormwater and Flood Management, Swimming Pools, Cemeteries, Parks and Gardens and Facilities Maintenance.

Report**1. Water and Sewerage**

The three sewerage systems continue to operate without any major issues. The three water supplies continue to operate without any major issues, however there have been a number of recent dirty water incidents in Kyogle. These are due to the heavy rains and the poor quality of the water in the Richmond River, which the water treatment plant cannot cope with. The Kyogle Water Supply Augmentation detailed design process is progressing, with the consultants having submitted the 50% design documentation in July for review. The house next to the water treatment plant in Kyogle is now on the market with all local real estate agencies listing the property.

2. Stormwater and Flood Management

The design for the Junction and Curtois Street drainage improvements is nearing completion with the design consultants having submitted an 80% design in July. This will now be used to undertake consultation with the affected property owners, before being finalised. The final design will then be used to determine the scope and extent of the staging of the works based on the budget allocation for the project. Unspent funds from this project in the 2012/13 budget will be subject to revotes at Council's August meeting.

The levee bank and flood spillway design is almost completed, with the design consultants submitting their 90% design in July. The alignment of the levee bank through the properties in McDougal Street has been surveyed and pegged out so that final consultation with the affected land owners can be undertaken in order to create the necessary easements.

A separate confidential report will be presented to Council's August meeting in relation to this matter seeking the resolutions of Council necessary for the acquisition of the easements.

The levee bank and spillway construction works are programmed over the next two financial years. Based on the final design, there is sufficient scope for the construction works to be undertaken in separable stages, within the budget allocations in each financial year. Once the land matters briefly discussed above are resolved, the first two stages of construction could commence, being the drainage structures and modifications to Anzac Drive on the eastern side of the railway line.

Stormwater system improvements at the railway underpass near the intersection of Anzac Drive and Walters Street have been completed in conjunction with footpath works in the same area.

The Natural Disaster Events of January and February this year caused some damage to stormwater infrastructure in Kyogle, and a claim for \$207,087 has been lodged with NSW Public Works for assessment. The claim has not yet been approved.

The works at the Kyogle Bowling Club are at 90% completion, however the ongoing wet weather has delayed completion of the works due to issues with access to the site. The contractors are ready to complete the works as soon as the weather allows.

3. Swimming Pools

Maintenance and repairs are being undertaken across the three pools in preparation for next season. At Council's July meeting additional capital funds were allocated to make improvements to the chemical storage and dosing equipment at the three pools, with \$150,000 allocated for the Bonalbo and Woodenbong Pools, and \$20,000 for the Kyogle Pool which is subject to a revote from the 2012/13 budget. These works are to be undertaken in the coming months with the goal of being completed before the next regular pool season, but provision will be made in the construction process to ensure the pools can remain operational whilst works are being completed and avoid any delays in opening times.

4. Cemeteries, Parks and Gardens

Council has commenced the construction of a new garden at the Kyogle Cemetery, which is being done in conjunction with the RSL as part of the Anzac Centenary celebrations in 2014. The roses from the main street gardens will be relocated to this new garden over the coming weeks.

Council staff have met with representatives from the Chamber of Commerce, Tidy Towns and the Garden Club to discuss the replanting of the gardens in the main street, and all present supported the continuation of the Gateway to the Rainforest theme through these garden beds. The garden beds will be repaired and replanted over the coming weeks as the roses are progressively relocated to the new garden at the cemetery.

The construction of the carpark at Anzac Park is in progress, with works expected to be completed in three to four weeks, weather permitting.

5. Facilities Maintenance

Facilities maintenance operations continue without any major issues. The street cleaning machine used in the Kyogle main street area is due for replacement this financial year. Staff have some concern about the existing plant item not being the most suitable for the job, and it is intended to trial other options such as the use of a high pressure cleaner for the footpaths and surrounding areas.

The consultant undertaking the energy audits of the Library, Administration Building, Kyogle Depot, and Kyogle Pool has completed the site inspections and is expected to submit a draft audit report before the end of July.

There has been an injection of funds towards the Kyogle Memorial Hall, to provide a lift and to reinstate the entrance way. The process has begun with a design layout being finalised in consultation with Council's Planning and Environment staff, the Art Gallery Co-ordinator, and representatives from the Historical Society and Tidy Towns. The next step will be to have a heritage report prepared, then the detailed structural plans and specifications so that a Development Application can be submitted and approved before calling tenders for the construction work early in 2014.

Budget & Financial Aspects

There are no matters that affect the budget other than revotes from the 2012/13 financial year that will be presented to Council's August meeting for consideration.

Recommendation

That the Urban and Assets Report be received and noted.

Summary/Purpose

This report presents the minutes of the Local Traffic Committee Meeting held July 9, 2013

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Village Life

Report

The minutes of the meeting appear below;

**Kyogle Council
Unconfirmed Minutes of the Traffic Committee Meeting held in the Council
Administration Building, Stratheden Street, Kyogle, on July 9, 2013.**

PRESENT

Jeff Breen (Kyogle Council), Clr C Simpson (Kyogle Council), Thomas George MP (Member for Lismore), Ian Shanahan (RMS), Sgt Aaron Reid (NSW Police).

IN ATTENDANCE

Clr M Reardon (Kyogle Council), Jacqueline Horder (Kyogle Council)

MEETING COMMENCEMENT

The Chair (Jeff Breen) declared the meeting open at 10:00am

ITEM 1 APOLOGIES

An apology was received from Frank Smallman (RMS). Ian Shanahan was attending the meeting in his place.

ITEM 2 OPENING PRAYER

The Chair read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

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

ITEM 4 DECLARATION OF INTERESTS

Nil

ITEM 5 REPORTS

5.1 GARDNER LANE PARKING RESTRICTIONS

Committee's Recommendation

That relocation of the bus route from Gardner Lane and installation of a bus shelter at a pick up spot in Curtois Street be investigated in consultation with the school bus operator and that a report be presented to the Committee for concurrence.

The motion was put to the vote and was CARRIED unanimously.

5.2 PERMANENT SPEED ZONE IN FRONT OF BARKERSVALE SCHOOL

Committee's Recommendation

1. That the "Permanent Speed Zone in Front of Barkersvale School" report be received and noted.
2. That Council consider installation of street lighting at the pedestrian refuge in front of Barkersvale Public School on Kyogle Road.
3. That a report on the proposed reduction of speed limits on Kyogle Road be presented to Council's August Ordinary Meeting

The motion was put to the vote and was CARRIED unanimously.

5.3 CHANGE OF GIVE WAY SIGN TO STOP SIGN AT THE INTERSECTION OF WALTERS ST AND ANZAC DRIVE

Committee's Recommendation

1. That the replacement of the existing Give Way sign at the intersection of Walters Street and Anzac Drive with a Stop sign be approved.
2. That Council investigate the alignment of the intersection of Anzac Drive and Walters Street with a view to giving visual preference to Anzac Drive

The motion was put to the vote and was CARRIED unanimously

5.4 REQUEST FOR GIVE WAY SIGN AT INTERSECTION OF ROXY LANE AND ANZAC DRIVE

Committee's Recommendation

That no action be taken.

The motion was put to the vote and was CARRIED unanimously.

5.5 MALLANGANEE BUS SHELTER

That the proposed relocation of the Mallanganee bus stop including installation of a bus shelter in Mallanganee Park be approved.

The motion was put to the vote and was CARRIED unanimously.

ITEM 6 GENERAL BUSINESS

Committee's Recommendation

1. That a request be made to the RMS for a review of the speed zone near the intersection of Mount Lindesay Road and Summerland Way with a view to extension of the nearby 80km/h zone.

The motion was put to the vote and was CARRIED unanimously.

2. That Council in consultation with the Police, review egress from the IGA car park onto the Summerland Way with a view to removing the break in the median strip

The motion was put to the vote and was CARRIED unanimously.

MEETING CLOSURE

There being no further business the Chair declared the meeting closed at 11:06am.

Recommendation

1. That relocation of the bus route from Gardner Lane and installation of a bus shelter at a pick up spot in Curtois Street be investigated in consultation with the school bus operator and that a report be presented to the Committee for concurrence.
2. That Council consider installation of street lighting at the pedestrian refuge in front of Barkersvale Public School on Kyogle Road.
3. That the replacement of the existing Give Way sign at the intersection of Walters Street and Anzac Drive with a Stop sign be approved.
4. That Council investigate the alignment of the intersection of Anzac Drive and Walters Street with a view to giving visual preference to Anzac Drive
5. That the proposed relocation of the Mallanganee bus stop including installation of a bus shelter in Mallanganee Park be approved.
6. That a request be made to the RMS for a review of the speed zone near the intersection of Mount Lindesay Road and Summerland Way with a view to extension of the nearby 80km/h zone.
7. That Council in consultation with the Police, review egress from the IGA car park onto the Summerland Way with a view to removing the break in the median strip

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED & OUTSTANDING FOR THE PERIOD 1 JULY 2013 TO 31 JULY 2013

Report

2007/161

Property: Lot 1 DP 529272 Fairy Mount Parish, Rous County
Address: Kyogle Rd Kyogle
Applicant/Owner: Newton Denny Chapelle / GF & CJ Rogers
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting applicant's response to Council's letter

2010/58

Property: Lot 1 DP 17828 Fairy Mount Parish, Rous County.
Address: Greer St Kyogle
Applicant/Owner: GM Project Development & Management / C Viel & RC Endres
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting additional information

2011/20

Property: Lot 13 DP 1081723 Fairy Mount Parish, Rous County.
Address: Kyogle Rd Homeleigh
Applicant/Owner: Coastline Building Certification / PJ & SJ Owen
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Awaiting additional information

2011/181

Property: Lot 51 DP 755719 Loadstone Parish, Rous County.
Address: Gradys Creek Road Gradys Creek
Applicant/Owner: Newton Denny Chapelle / SM Sherman
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting applicant's response to Council's letter

2012/39

Property: Lot 1 DP 122685 Boorabee Parish, Rous County.
Address: Taveners Road Little Back Creek
Applicant/Owner: MG Hughes
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Awaiting additional information from applicant

2012/43

Property: Lot 2 DP 709493 Capeen Parish, Rous County.
Address: Duck Creek Road Duck Creek
Applicant/Owner: Riordans Consulting Surveyors / SR Barrett

Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting response to information request

2012/53

Property: Lot 1 DP 1132969 Hanging Rock Parish, Rous County.
Address: Lofts Pinnacle Road Lillian Rock
Applicant/Owner: Newton Denny Chapelle / TJ & LR Morris & NW & P Shedden
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting applicant's response to Council's letter

2012/69

Property: Lot 13 DP 1013228 Fairy Mount Parish, Rous County.
Address: Green Pigeon Road Green Pigeon
Applicant/Owner: PC & WL Poussart
Proposal: Ecotourism / Health Retreat
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2012/70

Property: Lot 2 DP 263202 Jiggi Parish, Rous County.
Address: Oxbow Road Cawongla
Applicant/Owner: L Trantino & DM Trantino
Proposal: Multiple Occupancy
Received: Referred To DMP For Comment
Status: Meeting held with applicant; awaiting additional information

2012/76

Property: Lot 3 Sec 4 DP 759111 Donaldson Parish, Rous County.
Address: Lindsay Street Woodenbong
Applicant/Owner: LK Whitford & GR English / KL Whitford
Proposal: Bed & breakfast accommodation
Received: Referred To DMP For Comment
Status: Awaiting additional information from Applicant

2012/79

Property: Lot 101 DP 781824 Fairy Mount Parish, Rous County.
Address: Stratheden Street Kyogle
Applicant/Owner: Bettina Pty Ltd / TE Calleja
Proposal: Change of use
Received: Referred To DMP For Comment
Status: Awaiting additional information from Applicant

2013/2

Property: Lot 1334 DP 793186 Hanging Rock Parish, Rous County.
Address: Williams Road Lillian Rock
Applicant/Owner: Newton Denny Chapelle / HP Byrne
Proposal: Multiple Occupancy
Received: Referred To DMP For Comment
Status: Awaiting additional information from Applicant

2013/4

Property: Lot 101 DP 1113957 Capeen Parish, Buller County.

Address: Clarence Way Bean Creek
Applicant/Owner: Riordans Consulting Surveyors / RS Pierce
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting additional information from Applicant

2013/6

Property: Lot 20 DP 755744 Toonumbar Parish, Rous County.
Address: Crossleys Road Afterlee
Applicant/Owner: Riordans Consulting Surveyors / BK Perry
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting RFS Comments

2013/7

Property: Lot 2 DP 298392 Ettrick Parish, Rous County.
Address: Afterlee Road Afterlee
Applicant/Owner: C Moore
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Awaiting additional information from Applicant

2013/9

Property: Lot 1 DP 572171 Geneva Parish, Rous County.
Address: Daleys Lane Geneva
Applicant/Owner: Newton Denny Chapelle / GB, RJ & RA Daley
Proposal: Subdivision
Received: Referred to DMP For Comment
Status: Awaiting applicant's response to Council's letter

2013/10

Property: Lot 92 DP 755706 Ettrick Parish, Rous County.
Address: Brown Knob Road, Eden Creek
Applicant/Owner: Newton Denny Chapelle / R & JJ Hibbens
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting applicant's response to Council's letter

2013/11

Property: Lot 11 DP 1105782 Runnymede Parish, Rous County.
Address: 13174 Summerland Way, Kyogle
Applicant/Owner: Riordans Consulting Surveyors / CA & KA Woosley & DB Page
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2013/12

Property: Lot 312 DP 1115305 Peacock Parish, Buller County.
Address: Peacock Creek Road, Gorge Creek
Applicant/Owner: GJ Faulks / Faulks Holdings Pty Ltd
Proposal: Private Cemetery and Boundary Adjustment
Received: Referred To DMP For Comment
Status: Awaiting applicant's response to further additional info request

2013/14

Property: Lot 1 DP 358872 Roseberry Parish, Rous County.
Address: Summerland Way, Grevillia
Applicant/Owner: LW Hoffman / Ladeb Pty Ltd
Proposal: Replacement of Service Station & Dwelling
Received: Referred To DMP For Comment
Status: Awaiting applicant's response to Council's letter

2013/15

Property: Lot 21 DP 846492 Jiggi Parish, Rous County.
Address: Cawongla Road, Cawongla
Applicant/Owner: A Gautsch / A & G Gautsch-Rutter
Proposal: Bed & Breakfast Accommodation
Received: Referred To DMP For Comment
Status: Awaiting response from Applicant

2013/16

Property: Lot 2 DP 210310 Hanging Rock Parish, Rous County.
Address: Lilly Pilly Lane, Barkers Vale
Applicant/Owner: GM Louttit / GM Louttit
Proposal: Dwelling Additions
Received: Referred To DMP For Comment
Status: Awaiting assessment of additional information

2013/22

Property: Lot 5 Sec 1 DP 759111 Donaldson Parish, Rous County.
Address: Unumgar Street Woodenbong
Applicant/Owner: FI Goldthorpe
Proposal: Shed
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2013/24

Property: Lot 10 DP 1139796 Runnymede Parish, Rous County.
Address: Summerland Way Kyogle
Applicant/Owner: EM Signs Victoria Pty Ltd / SJ Hauser & BJ Norton
Proposal: Advertising structure
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2013/27

Property: Lot 24 DP 661658 Black Camp Parish, Rous County.
Address: Larsson Road Tunglebung
Applicant/Owner: Newton Denny Chapelle / Snowy Mountains Forests Pty Ltd
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2013/29

Property: Lot 100 DP 755711 Hanging Rock Parish, Rous County.
Address: Williams Road Wadeville
Applicant/Owner: RP Coakes
Proposal: Dwelling

Received: Referred To DMP For Comment
Status: Approved subject to conditions

2013/31

Property: Lot 290 DP 4517 Fairy Mount Parish, Rous County.
Address: Bloore Street Kyogle
Applicant/Owner: DE, LM, LM & ND Petherbridge
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2013/32

Property: Lot 1 DP 203514 Fairy Mount Parish, Rous County.
Address: Short Street Kyogle
Applicant/Owner: MJ & KG Howlett
Proposal: Carports
Received: Referred To DMP For Comment
Status: Withdrawn

2013/33

Property: Lot 222 DP 4517 Fairy Mount Parish, Rous County.
Address: Campbell Road Kyogle
Applicant/Owner: Stephen P McElroy & Associates P/L / AG & SM Prideaux
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting applicant's response to Council's letter

2013/34

Property: Lot 1 DP 622829 Fairy Mount Parish, Rous County.
Address: Kyogle Road Little Back Creek
Applicant/Owner: Stephen Fletcher & Associates / RJ Alcorn
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2013/35

Property: Lot 2 DP 32852 Fairy Mount Parish, Rous County.
Address: Campbell Road Kyogle
Applicant/Owner: Richmond Valley Building Design / MJ Trouw
Proposal: Double Garage
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2013/36

Property: Lot 5 DP 1162964 Boorabee Parish, Rous County.
Address: Lindsay Road Larnook
Applicant/Owner: B Schragai
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2013/37

Property: Lot 11 DP 1080689 Fairy Mount Parish, Rous County.
Address: Gardner Lane Kyogle

Applicant/Owner: ME & JL Deacon
Proposal: Sheds
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2013/38

Property: Lot 2 Sec 9 DP 759111 Donaldson Parish, Rous County.
Address: Dalmorton Street Woodenbong
Applicant/Owner: TR Newman / TR Newman & KB House
Proposal: Shed
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2013/39

Property: Lot 1DP 123774 Queebun Parish, Rous County.
Address: Sextonville Road Doubtful Creek
Applicant/Owner: Unique Building Solutions / BR Maloney & RL Chapman
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2013/40

Property: Lot 1 DP 1159100 Runnymede Parish, Rous County.
Address: Summerland Way Kyogle
Applicant/Owner: McKid Medical / Kyogle Memorial Hospital
Proposal: Medical Centre refurbishment
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2013/41

Property: Lot 1DP 14550 Fairy Mount Parish, Rous County.
Address: Wyangarie Street Kyogle
Applicant/Owner: Stephen P McElroy & Associates Pty Ltd / GK Duley
Proposal: Sheds
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2013/42

Property: Lot 56DP 1121658 Boorabee Parish, Rous County.
Address: Boorabee Creek Road Boorabee Park
Applicant/Owner: MJ Barron / A Duncan & MJ Barron
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2013/43

Property: Lot 10 DP 1172403 Fairy Mount Parish, Rous County.
Address: Howard Court Kyogle
Applicant/Owner: Perry Homes (Aust) Pty Ltd / JL Newbold & DK McBride
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2013/44

Property: Lot 13 Sec C DP 6798 Queebun Parish, Rous County.

Address: Summerland Way Kyogle
Applicant/Owner: MW Donnelley / MW & SC Donnelley
Proposal: Change of use – dwelling to serviced apartment
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2013/45

Property: Lot 152 DP 812491 Donaldson Parish, Rous County.
Address: Lindsay Creek Road Woodenbong
Applicant/Owner: KJ Wernowski / JK & V Wernowski
Proposal: Dwelling additions
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2013/46

Property: Lot 15 DP 1088683 Wiangaree Parish, Rous County.
Address: 1181 Collins Creek Road Collins Creek
Applicant/Owner: CM Pike / CM Pike & GD Van Rensen
Proposal: Studio
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2013/47

Property: Lot 313 DP 260861 Geneva Parish, Rous County.
Address: Mountain View Place Geneva
Applicant/Owner: JJ Kelly & JJ Burns
Proposal: Shed
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2013/48

Property: Lot 11 DP 1116232 Fairy Mount Parish, Rous County.
Address: Fawcetts Plain Road Fawcetts Plain
Applicant/Owner: We Build-Um Pty Ltd / RP & MG Sabol
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

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 2013 to 31 July 2013 be received and noted.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 July to 31 July 2013 only in relation to DA../... and DA../.... In which Councillors have declared an interest be received and noted.

Summary/Purpose

This report is to inform the Council of the broad tasks currently required to be completed within the Planning and Environment department and to seek confirmation and endorsement of the priorities for progression.

Previous Council Consideration

Council has previously dealt with and resolved to proceed with a number of projects identified in the plan. These previous decisions/dates are identified in the Works Program.

Community Strategic Plan Item(s)

- Environmental and Planning

Background Information

With the numerous and competing tasks for completion within the Planning and Environment Department it is necessary to implement a Works Program to ensure focus is maintained on high priority projects whilst at the same time, not lose sight of other tasks or projects to be completed. The Works Program is in addition to the controlling and time consuming day to day activities of the Planning and Environment Department.

Report

The number of Strategic & Statutory Town Planning and Waste Management projects and tasks has increased over the past 12 months or so, due to the time and staff resources associated with the development and adoption of the Kyogle Local Environmental Plan 2012, EPA requirements, the Organisational Review and subsequent restructure and the period of time with reduced staffing.

In an attempt to ensure the available resources are allocated to the relevant projects and tasks, it is necessary to prepare and implement a guiding and prioritised Works Program (Draft Works Program attached) that best addresses the needs of Council and the community as well as allocating the finite staff resources to complete the identified projects and tasks in a timely and coordinated manner.

The subsequent priorities have been determined based on the following criteria:

- Statutory/Legislative requirements;
- Potential liability and costs against Council (deemed refusals of DA's);
- Areas where efficiencies can be achieved (deletion of duplication/process);
- Opportunities for increased/improved income for Council;
- Facilitation of community investment/confidence; and,
- Best Practice.

Other than projects SP1, TP1, W1 & W2 (as per the Draft Works Program) which are prioritised 1-3, the remaining projects can be re-prioritised if the Committee and Council consider alternative priorities need to be applied, or if Council considers other projects need to be included and allocated a priority.

Through discussions with staff and applying the demands from the day to day operational duties and tasks, Council's requirement for staff to reduce their accumulated leave and the current staffing resources, temporary assistance will be required to achieve the timely completion of the projects identified in the Works Program. A consultant Town Planner will be utilised for 20 hours per week from Monday 15 July up to 20 September 2013 initially, to concentrate on processing the outstanding DA's, which in turn, will provide the opportunity for the Senior Town Planner to concentrate on the DCP and the Executive Manager to progress a Waste Management Strategy to bring together all the specific tasks and projects on the books within the waste management area.

Budget and Financial Aspects

The current budget provides an allocation of funds for consultants which will cover this initial period. However, a further report will be presented to Council in conjunction with the end of year (2012/2013) budget review for the possibility of revoting any unexpended Planning and Environment salary budget due to the long periods of reduced staffing in this department.

Recommendation

1. That the Draft Planning & Environment Works Program report be received and noted.
2. That the allocation of Priorities against each of the identified projects be endorsed.
3. That the prioritised Draft Planning & Environment Works Program be endorsed.

Attachments

Draft Planning & Environment Works Program

Summary/Purpose

With the enactment of the Swimming Pools Amendment Act 2012, a number of actions are required of the State Government, Council and the community.

One of the requirements for Council is to develop a Swimming Pool Inspection Management Plan in conjunction with its community by 29 October 2013. This report is the first step toward preparing its Management Plan.

Community Strategic Plan Item(s)

- Governance and Community Service
- Environmental and Planning

Background Information

Following a comprehensive review of existing legislation and standards relating to swimming pools and spas in NSW, a number of sweeping changes were proposed and have been carried through in the Swimming Pools Amendment Act 2012.

The Act requires a number of things of the State Government, Council and the community with the staged implementation of the Act.

- The State Government through the Division of Local Government has developed a state-wide online register to enable landowners to register their pools. The register was meant to be fully operational by 29 April, however numerous issues were encountered, but it is now fully functional and operational.
- Landowners of properties which have a swimming pool or spa are required to register their swimming pool or spa through the online register by 29 October 2013.
- Each Local Council is required to
 1. Develop and implement a swimming pool inspection program/management plan in consultation with the community (due 29 October 2013);
 2. Report annually (via Council's Annual Report) on the number of pool inspections undertaken and the level of compliance with the requirements;

3. Inspect pools associated with tourist and visitor accommodation and multi-occupancy developments at least every three years (due 29 April 2014);
4. At the request of a pool owner, inspect pools prior to sale or lease;
5. Issue a compliance certificate after an inspection which finds a pool barrier compliant with the requirements of the legislation. Compliance certificates are valid for three years.

In addition

- A swimming pool subject to an occupation certificate is exempt from an inspection program for three years from the date of issue of the occupation certificate.
- Councils may inspect any swimming pool that is subject to a complaint to the council.
- Council powers of entry will be consistent with the Local Government Act 1993.
- Councils may charge a fee for each inspection undertaken (up to a maximum of \$150 for the first inspection and \$100 for one re-inspection resulting from the first inspection).

Report

With NSW continuing to have a large number of drownings or near drownings in backyard swimming pools, the NSW Coroner made numerous recommendations for a comprehensive review of existing legislation within NSW covering swimming pools and spas to minimise the risk for the most vulnerable age group, being the 2-5 year olds.

Extensive community and industry consultation was undertaken during 2011 and 2012 with the Swimming Pools Act being amended with the introduction of a range of staged actions and requirements to better control and regulate barriers associated with swimming pools and spas.

The new requirements extend beyond just the regulation and installation of barriers, to include a more robust registration, inspection and certification process, mandatory three-yearly inspections for "high risk" pools and spas (tourist, visitor and multi-occupancy developments), packaging and labelling requirements, ongoing maintenance responsibilities for swimming pool and spa barriers, certificates of compliance for rental properties attached to leases and significant increases in fines and penalties for non-compliance.

Council has and will continue to publicise the new registration requirements and proposes to assist the community by holding free registration days at Bonalbo, Tabulam, Woodenbong and Kyogle during August 2013.

There appears to be some hesitation by landowners throughout the state, who may have installed a pool or spa without an approval of their local Council and are not proceeding to register their pool in fear of action by their Council. Whilst, the installation of some pools may have been completed without an approval, the maximum penalty for someone not registering is \$2,200.

It is intended to outline how Council proposes to deal with unauthorised Swimming Pools in the Swimming Pool Inspection Management Plan. It is hoped that this will allay some concern and encourage landowners to ensure they register their pool or spa.

Attached is the Draft Kyogle Swimming Pool Inspection Management Plan for the Committee's consideration. The draft Plan proposes that inspections and certification of pools and spas are undertaken by Council's existing staff without the need to contract in additional labour. The draft Plan proposes that all pools and spas are inspected once every three years or as requested.

Budget and Financial Aspects

The 2013/14 budget identifies an estimated income of \$20,000 from inspection fees.

Recommendation

1. That the report on the Swimming Pool Pools Amendment Act 2012 and the Draft Kyogle Swimming Pool Inspection Management Plan be received and noted.
2. That the Draft Kyogle Swimming Pool Inspection Management Plan be placed on public exhibition for a period of 30 days and copies be distributed to the usual location throughout the local government area.

Attachments

Draft Kyogle Swimming Pool Inspection Management Plan

Summary/Purpose

As required by the Local Government Act 1993, this report provides Council the opportunity to review the Policies administered through its Planning and Environment section. This report seeks to exhibit the reviewed Draft Local Approval Policies for public comment. The policies have been updated to reflect amended legislation but otherwise remain substantially the same as the current policies.

Previous Council Consideration

Council last considered these items at its 17 August 2009 meeting when it resolved as follows:

170809/ 17 RESOLVED

Moved Councillor Robert Dwyer, seconded Councillor Lynette Zito

- 1. That the report on the review of Planning and Environmental Services Policies be received and noted.*
- 2. That the amended Policy entitled Temporary Accommodation be adopted.*
- 3. That the amended Policy entitled Cemeteries and Burials be adopted.*

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

- Governance and Community Service
- Environmental and Planning

Background Information

Chapter 7 of the Local Government Act 1993 provides Council the power to regulate and outlines the process and procedure to carryout Regulatory Functions.

In particular, Part 3 of Chapter 7 outlines the process for adoption and review of Local Policies concerning Approvals and Orders. Local Approval Policies (LAP's) or Local Order Policies (LOP's) must;

LAP's:

Specify the circumstances when an approval is required;

Identify the criteria it will take into consideration before determining an application;

Other matters specific to an approval;

LOP's:

Identify the criteria Council will take into consideration before issuing an Order under Section 124 of the Act.

An LAP or LOP must be publicly exhibited. Council must take into consideration any matter arising during or through the exhibition and consideration of submissions and must publicly advise of its adoption and commencement date.

An LAP or LOP is automatically revoked 12 months after the declaration of the poll for the local election unless, Council has reviewed and/or amended the document, and if determined that the amendments are sufficient to warrant public exhibition in accordance with Clause 160 of the Act, has done so and considered the submissions, if any, before determining to continue with the LAP or LOP.

LOCAL POLICIES:

In addition to LAP's and LOP's, Council has a suite of Policies which guide management and the operations of Council. These need to be reviewed also and it is proposed that some of these Policies which assist with the operations of the Planning and Environment section are also presented for review.

POLICY TITLE	LAST REVIEWED	COMMENTS/CHANGES
<i>LOCAL APPROVALS POLICIES (LAP)</i>		
Temporary Accommodation	17 August 2009	This LAP has been reviewed and updated to current and amended Legislation. The section relating to Primitive Camping Ground has been deleted as it is covered by Section 68 of the Local Government Act. <i>RECOMMENDATION:</i> That the updated LAP – Temporary Accommodation be endorsed for exhibition.
Cemeteries and Burials	17 August 2009	This LAP has been reviewed and updated as required. <i>RECOMMENDATION:</i> That the updated LAP – Cemeteries and Burials be endorsed for exhibition.
Amusement Devices	17 August 2009	The Installation of an Amusement Device is controlled through Section 68 of the Local Government Act. A S68 Approval is one component as compliance with a range of other pieces of Legislation is also required. <i>RECOMMENDATION:</i> That this LAP be revoked and replaced with a Fact Sheet to assist an applicant to make an application as required and necessary.
Dance Parties	17 August 2009	Following amendments to the Local Government Act, land use activities such as Dance Parties or Places of Public Entertainment on private land now fall under a land use approval under the Environmental Planning and Assessment Act. However, the

		LAP does provide some guidance and has been reviewed and updated. <i>RECOMMENDATION:</i> That the updated LAP – Dance Parties be endorsed for exhibition.
LOCAL ORDERS POLICIES (LOP)		
Animal Ownership and Straying Animals	17 August 2009	This LOP includes a range of processes and procedures as well repeating information contained in the relevant Acts. The LOP has been altered and amended to remove the repetition and those processes and procedures covered by the Enforcement Policy. <i>RECOMMENDATION:</i> That the altered and updated LOP – Animal Ownership be endorsed for exhibition.
POLICY TITLE	LAST REVIEWED	COMMENTS/CHANGES
General	17 August 2009	This is an older LOP and is a repeat of what the Orders provisions of the Local Government Act already state. The Enforcement Policy is an updated version of the processes and procedures and considered a more effective Policy. <i>RECOMMENDATION:</i> That this LOP be revoked as the Enforcement Policy provides the necessary guidance for staff to deal with all regulatory matters.
POLICIES		
Development Management Panel	19 February 2007	The Development Management Panel (DMP) is a representative group of Council professional staff from the Engineering, Planning, Building and Environmental Health disciplines who individually and collectively consider Development Applications submitted to Kyogle Council for determination. The function and purpose of the DMP has been under review and the changes made to the Policy reflect the review to make the DMP more efficient in its process to consider and determine applications. <i>RECOMMENDATION:</i> That the updated Development Management Panel Policy be endorsed for exhibition.
Enforcement Policy	17 August 2009	This Policy has been reviewed and updated accordingly. Specific reference to various legislation has been deleted from Clause 13 as these often change and new legislation or requirements are delegated to Council by higher Government. This Policy outlines the circumstances,

		<p>processes and procedures to be followed for all forms of enforcement or regulatory actions by Council.</p> <p><i>RECOMMENDATION:</i> That the updated Enforcement Policy be endorsed for exhibition.</p>
Removal or Impounding of Livestock from a Public Place	17 November 2006	<p>This Policy includes very detailed Standard Operating Procedures and it is considered that these be removed from the Policy. It does duplicate some areas covered in the LOP Animal Ownership. It is proposed that this Policy remain until it comprehensively reviewed.</p> <p><i>RECOMMENDATION:</i> That the Removal or Impounding of Livestock from a Public Place be remain but be comprehensively reviewed.</p>

Prior to exhibition the Draft documents will be standardised in the current format and Template.

Budget and Financial Aspects

The costs for advertising will be within the budget allocation for advertising and exhibition.

Recommendation

1. That Council receive and note the report on the Review of Policies – Planning & Environment Section
2. That Council endorse and exhibit in accordance with section 160 of the Local Government Act the updated Draft Local Approvals Policies, Draft Local Orders Policies and Draft Local Policies for a period of not less than 28 days and receive submissions for 42 days after the date the draft local policies were placed on exhibition:
 - Draft Local Approvals Policy – Temporary Accommodation;
 - Draft Local Approvals Policy – Cemeteries and Burials;
 - Draft Local Approvals Policy – Dance Parties;
 - Draft Local Orders Policy - Animal Ownership;
 - Draft Local Policy - Enforcement Policy
 - Draft Local Policy - Development Management Panel Policy
3. That Council revoke the following Local Policies and advertise its decision to revoke them in accordance with section 166 of the Local Government Act
 - Local Approvals Policy – Amusement Devices
 - Local Orders Policy - General

4. That Council retain for comprehensive review the Local Policy - Removal or Impounding of Livestock from a Public Place.
5. That at the conclusion of the exhibition and submission period a report addressing any and all submissions received be presented to Council prior to it making its final decisions in regard to the Local Policies

Attachments

Copies of each of the above mentioned Policies that have been reviewed are **circularised** separately with the relevant "tracked changes" to identify the proposed changes.

Note

At the Ordinary meeting held on 12 November, 2012, Council resolved:

That Council pro-actively engages relevant industries, community groups or other identified stakeholders on any policy publicly available for comment.

That the identification of those groups mentioned within the above recommendation be identified by Councillors with advice from Council staff when the policy is recommended to be placed on public display.

Summary/Purpose

At the 24 June meeting of Council, questions were raised as to the requirements for telecommunication (NBN specifically) installations in new subdivisions.

This report provides a response to those questions.

Previous Council Consideration

At the 24 June 2013 meeting the following questions were asked.

Councillor Janet Wilson

- 1. Has Council made provision for NBN cabling in new subdivisions.*
- 2. Could information re provision of broadband cabling in new subdivisions be placed on Council's website.*

Councillor Lindsay Passfield

- 1. Will broadband cabling be a condition of Development Applications.*

Community Strategic Plan Item(s)

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

Background Information

In 2009 the Federal Government announced the National Broadband Network (NBN) policy, providing the basis for access to highspeed internet services across Australia.

The NBN would consist of Fibre Optic cabling, Wireless and other means to make services available for as many consumers as possible.

To ensure the provisioning of the necessary infrastructure such as pipes and pits in new developments the Federal Government established a Policy and prepared specifications for the installation of the infrastructure.

The "Fibre in new Developments Policy" was updated and from 1 January 2011 the following apply:

- *NBN Co will install fibre into new developments of 100 premises (dwellings / units) or more, released over a three year period, which have received Stage Five approval (relating to civil works) after 1 January 2011, within the NBN fibre footprint;*

- *developers are responsible for designing and installing pit and pipe infrastructure to NBN Co specifications and NBN Co will be responsible for designing and installing fibre infrastructure;*
- *new developments with less than 100 premises (dwellings / units) which have received Stage Five approval (relating to civil works) after 1 January 2011, need to apply for telecommunications infrastructure from Telstra or another telecommunications provider; and*
- *estates of developers who applied for services from Telstra prior to 1 January 2011 are classified in the Minister's policy statement as pre-existing developments. Telstra is responsible for providing telecommunications infrastructure and services in these developments.*

A full copy of the Fibre in New Developments Policy is attached as is the Fact Sheet: New Developments.

Investigations are underway to provide a link on Council's website to the NBN Co webpage which will provide access to the relevant Policies and Fact Sheets.

The standard condition of development consent will continue to be applied to all new developments within Kyogle Council which requires:

Telephone services must be provided to each proposed lot and a Telecommunications Infrastructure Provisioning Confirmation certificate from Telstra Australia must be supplied to Council prior to the issue of the Subdivision Certificate.

In the event that Council approves a development which will exceed 100 lots/dwellings over a three year period then the above standard condition will be amended to reflect the requirements of the federal Government's "Fibre in New Developments" Policy.

Budget and Financial Aspects

There is no budget or financial implication for Council regarding this report

Recommendation

That the report Installation of Telecommunication Requirements for New Developments & Subdivisions be received and noted.

Attachments

Fibre in New Developments
Fact Sheet: New Developments

ITEM 13C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 13D CORPORATE SERVICES REPORT

Nil.

ITEM 13E COMMUNITY SERVICES REPORT

Nil.

ITEM 13F GENERAL MANAGER'S REPORT

13F.1 CODE OF CONDUCT REVIEW PANEL MEMBERSHIP

Summary/Purpose

This Report seeks a Council resolution in relation to membership of its Conduct Review Panel.

Community Strategic Plan Item(s)

- Governance and Community Service

Background Information

Council must by resolution establish a panel of conduct reviewers.

Council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers.

The panel of conduct reviewers is to be established following a public expression of interest process.

A person is not eligible to be a member of the panel of conduct reviewers if they are:

- a) a councillor, or
- b) a nominee for election as a councillor, or
- c) an administrator, or
- d) an employee of a council, or
- e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or

- f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
- g) a person who has a conviction for an indictable offence that is not an expired conviction.

A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.

A panel of conduct reviewers is to have a term of up to four years.

Council may terminate the panel of conduct reviewers at any time by resolution.

Previous Council Consideration

At its meeting of 11 February, 2013, Council resolved:

That Council appoint the following members of the Conduct Review Committee up to and including 31 December 2016.

- Ms. Pat Anderson
- Mr. Dallas Franklin
- Mr. Geoff McNamara
- Mr Gary Faulks
- Mr Collin Cooper

Report

A regional wide Expression of Interest process for has recently been coordinated through NOROC and has followed the requirements established within the Code of Conduct Procedures. As a result of the Expression of Interest, 48 submissions were received and these submissions were evaluated by the Complaints Coordinators from local councils with a preferred membership of the panel of conduct reviewers being determined.

While investigations can be undertaken as a single conduct reviewer or a panel of three members, a view was taken through the evaluation process that all submitters who met the eligibility criteria would be put forward as members of the panel, which gives the ability for council to choose members from a cross section of the preferred submitters.

The following listing in no apparent order is the preferred composition of the panel of conduct reviewers:

<u>Nominee</u>	<u>Organisation</u>	<u>Locality</u>
Michael L Enders	Michael L Enders	Woolgoolga
Peter Brown	Peter Brown	Baulkham Hills
Bruce Clarke	Allygroup Consulting	Sydney
Emma Broomfield	Locale Consulting	Woolgoolga
Sharon Lee	Complete Community Consulting P/I	Toombul QLD
Mitchell Morley	In Consult	Sydney

Shane White	Pinnacle Integrity	Copacabana
Belinda Nolan	Pinnacle Integrity	Copacabana
Alison Cripps	Cripps Consulting	Lane Cove
Brent James Stephens	Consult HR	Mooloolaba QLD
Kathy Thane	Train Reaction P/L	Balmain
Peter Mulhall	Investigation Associations Aust	Liverpool
Gary Faulks	Gary Faulks	Ballina
Lloyd Graham	Lloyd Graham	Frenchs Forest
Peta Tumpsey	Tress Cox Lawyers	
Kath Roach	SINC Solutions	Glebe
Joanne Browne	Joanne Browne	Wavell Heights
Greg Wright	Wright Associates	Picton

Council now has the option of adding some or all of the above individuals (with the exception of Mr. Gary Faulks of Ballina has already been appointed to Council's Conduct Review Panel) to its existing Conduct Review Panel.

As there is not a limit to the number of panel members able to be appointed by Council, the above individuals have emerged from a thorough regional selection process and no costs are incurred unless the individuals are called upon to deal with a complaint, it is recommended that they be added to the existing Panel membership.

Recommendation

That the following members be appointed and added to the existing Conduct Review Panel up to and including 31 December 2016:

<u>Nominee</u>	<u>Organisation</u>	<u>Locality</u>
Michael L Enders	Michael L Enders	Woolgoolga
Peter Brown	Peter Brown	Baulkham Hills
Bruce Clarke	Allygroup Consulting	Sydney
Emma Broomfield	Locale Consulting	Woolgoolga
	Complete Community	
Sharon Lee	Consulting P/I	Toombul QLD
Mitchell Morley	In Consult	Sydney
Shane White	Pinnacle Integrity	Copacabana
Belinda Nolan	Pinnacle Integrity	Copacabana
Alison Cripps	Cripps Consulting	Lane Cove
Brent James Stephens	Consult HR	Mooloolaba QLD
Kathy Thane	Train Reaction P/L	Balmain
Peter Mulhall	Investigation Associations Aust	Liverpool
Gary Faulks	Gary Faulks	Ballina
Lloyd Graham	Lloyd Graham	Frenchs Forest
Peta Tumpsey	Tress Cox Lawyers	
Kath Roach	SINC Solutions	Glebe
Joanne Browne	Joanne Browne	Wavell Heights
Greg Wright	Wright Associates	Picton

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

ITEM 16 CONFIDENTIAL BUSINESS PAPER

16.1 OFFER OF LAND FOR PURCHASE BY COUNCIL CONFIDENTIAL

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(b) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (b) the personal hardship of any resident or ratepayer

16.2 KYOGLE FLOOD MODIFICATION MEASURES - LAND MATTERS

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage

CONFIDENTIAL

**16.3 TENDERS FOR CONTRACT 1301112 - COLLINS VALLEY BRIDGE
REPLACEMENT**

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature