



# **KYOGLÉ COUNCIL**

## **ORDINARY COUNCIL MEETING AGENDA**

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

ON MONDAY, 14 SEPTEMBER, 2015

Commencing at 5pm.

**ACTING GENERAL MANAGER: GRAHAM KENNETT**

Dear Councillor,

In accordance with the provisions of the Local Government (General) Regulation 2005, you are hereby notified of the following Ordinary Meeting to be held at the Kyogle Council Chambers, on Monday, 14 September, 2015, at 5pm.

### DECLARATION OF PECUNIARY INTEREST

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

### BUSINESS

- Item 1 Apologies
- Item 2 Opening Prayer
- Item 3 Traditional Lands Acknowledgement
- Item 4 Declaration of Interests
- Item 5 Annual Appointments
- Item 6 Question Time
- Item 7 Public Access
- Item 8 Confirmation of Minutes
- Item 9 Mayoral Minute
- Item 10 Notices of Motion
- Item 11 Questions with Notice from Councillors
- Item 12 Reports from Delegates
- Item 13 Information Reports
- Item 14 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 15 Urgent Business Without Notice
- Item 16 Questions for Next Ordinary Meeting
- Item 17 Confidential Business Paper

GRAHAM KENNETT  
ACTING GENERAL MANAGER

## COUNCIL PRAYER

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

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

AMEN

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

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

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

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

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### DISCLAIMER

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

(GRAHAM KENNETT),  
ACTING 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 14 September 2015**

## **INDEX TO BUSINESS PAPER**

<b>ITEM</b>	<b>PRECIS</b>	<b>PAGE</b>
ITEM 1	APOLOGIES	1
ITEM 2	OPENING PRAYER	1
ITEM 3	TRADITIONAL LANDS ACKNOWLEDGEMENT	1
ITEM 4	DECLARATION OF INTERESTS	1
ITEM 5	ANNUAL APPOINTMENTS	1
5.1	ELECTION OF MAYOR	1
5.2	ELECTION OF DEPUTY MAYOR	5
5.3	COUNCIL COMMITTEES	6
5.4	COUNCIL DELEGATES	7
5.5	COUNCIL MEETING CYCLE	9
ITEM 6	QUESTION TIME	11
ITEM 7	PUBLIC ACCESS	11
	<ul style="list-style-type: none"><li>• John Castledine of Kyogle Lions Club -- Combined Service Clubs fundraiser</li></ul>	
ITEM 8	CONFIRMATION OF MINUTES	11
8.1	CONFIRMATION OF THE MINUTES OF THE 10 AUGUST 2015 ORDINARY MEETING	11
ITEM 9	MAYORAL MINUTE	12
ITEM 10	NOTICES OF MOTION	12
ITEM 11	QUESTIONS WITH NOTICE FROM COUNCILLORS	12
11.1	QUESTIONS FROM THE LAST COUNCIL MEETING	12
ITEM 12	DELEGATES REPORTS	14
12.1	DELEGATES REPORT: COUNCILLOR LINDSAY PASSFIELD -- LEGUME TO WOODENBONG ROAD ALLIANCE UPDATE	14
ITEM 13	INFORMATION PAPERS	15

<b>13.1</b>	<b>COUNCIL RESOLUTIONS REQUIRING ACTION</b>	<b>15</b>
<b>13.2</b>	<b>MONTHLY FINANCE REPORT - AUGUST 2015</b>	<b>16</b>
<b>13.3</b>	<b>WORKS PROGRAM PROGRESS REPORT</b>	<b>18</b>
<b>ITEM 14</b>	<b>GENERAL MANAGER'S REPORT</b>	<b>20</b>
<b>ITEM 14A</b>	<b>TECHNICAL SERVICES REPORT</b>	<b>20</b>
<b>14A.1</b>	<b>MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING</b>	<b>20</b>
<b>14A.2</b>	<b>MINUTES OF LOCAL EMERGENCY MANAGEMENT COMMITTEE</b>	<b>24</b>
<b>ITEM 14B</b>	<b>PLANNING SERVICES REPORT</b>	<b>27</b>
<b>14B.1</b>	<b>DEVELOPMENT APPLICATIONS DETERMINED AND OUTSTANDING FOR THE PERIOD 1 AUGUST 2015 TO 31 AUGUST 2015</b>	<b>27</b>
<b>14B.2</b>	<b>PROPOSED LEP AMENDMENT- ADDITIONAL USES IN RURAL ZONES</b>	<b>29</b>
<b>14B.3</b>	<b>PROPOSED REPEAL OF SEPP 15 RURAL LANDSHARING COMMUNITIES</b>	<b>36</b>
<b>ITEM 14C</b>	<b>ENVIRONMENT SERVICES REPORT</b>	<b>38</b>
<b>ITEM 14D</b>	<b>CORPORATE SERVICES REPORT</b>	<b>38</b>
<b>14D.1</b>	<b>MINUTES INTERNAL AUDIT COMMITTEE</b>	<b>38</b>
<b>ITEM 14E</b>	<b>COMMUNITY SERVICES REPORT</b>	<b>40</b>
<b>ITEM 14F</b>	<b>GENERAL MANAGER'S REPORT</b>	<b>40</b>
<b>14F.1</b>	<b>WOOD ENCOURAGEMENT POLICY</b>	<b>40</b>
<b>ITEM 15</b>	<b>URGENT BUSINESS WITHOUT NOTICE</b>	<b>42</b>
<b>ITEM 16</b>	<b>QUESTIONS FOR NEXT ORDINARY MEETING</b>	<b>42</b>
<b>ITEM 17</b>	<b>CONFIDENTIAL BUSINESS PAPER</b>	<b>42</b>
	<b>APPENDIX / ATTACHMENTS</b>	<b>43</b>

- ITEM 1      APOLOGIES**
- ITEM 2      OPENING PRAYER**
- ITEM 3      TRADITIONAL LANDS ACKNOWLEDGEMENT**
- ITEM 4      DECLARATION OF INTERESTS**

**ITEM 5      ANNUAL APPOINTMENTS**

**5.1 ELECTION OF MAYOR**

**REPORT BY:    GENERAL MANAGER'S OFFICE**  
**CONTACT:     ACTING GENERAL MANAGER GRAHAM KENNETT**

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**Summary/Purpose**

In accordance with Section 227 of the Local Government Act, 1993, the election of Mayor is to be by the Councillors from among their numbers.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Background Information**

Election Procedure

The Election procedure is to be in accordance with Schedule 7 of the Local Government (General) Regulation 2005.

**Part 1 Preliminary**

1. Returning Officer

The General Manager (or a person appointed by the General Manager) is the Returning Officer.

2. Nomination

- (1) A Councillor may be nominated without notice for election as Mayor (or Deputy Mayor).
- (2) The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the Returning Officer.
- (4) The Returning Officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.

### 3. Election

- (1) If only one Councillor is nominated, that Councillor is elected.
- (2) If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the Council Meeting at which the Council resolves on the method of voting.
- (4) In this Clause:  
    “**ballot**” has its normal meaning of secret ballot;  
    “**open voting**” means voting by a show of hands or similar means.

## **Part 2 Ordinary Ballot or Open Voting**

### 4. Application of Part:

This Part applies if the election proceeds by Ordinary Ballot or by Open Voting.

### 5. Marking of Ballot Papers

- (1) If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot papers.
- (2) The formality of a ballot paper under this Part must be determined in accordance with Clause 345(1)(b) and (c) and (5) of this Regulation as if it were a ballot paper referred to in that clause.
- (3) An informal ballot paper must be rejected at the count.

### 6. Count – 2 Candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

### 7. Count – 3 or more Candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

## **Part 3 Preferential Ballot**

### 8. Application of Part

This Part applies if the election proceeds by preferential ballot.



#### 9. Ballot papers and voting

- (1) The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot paper under this Part is to be determined in accordance with Clause 345 (1)(b) and (c) and (5) of this Regulation as if it were a ballot paper referred to in that clause.
- (3) An informal ballot paper must be rejected as the count.

#### 10. Count

- (1) If a Candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the Candidate who has the lowest number of votes and counting each of his or her unexhausted ballot papers to the Candidates remaining in the election next in order of the voter's preference is repeated until one Candidate has received an absolute majority of votes. The latter is elected.
- (4) In this clause, "**absolute majority**", in relation to votes, means a number which is more than one-half of the number of unexhausted formal ballot papers.

#### 11. Tied Candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal -- the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes - the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

### **Part 4 General**

#### 12. Choosing by Lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

#### 13. Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer; and

(b) to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Association of NSW.

Notes:

Council is to determine the method of voting to be preferential ballot, ordinary ballot or open voting. Council has previously utilised the ordinary ballot system.

**Recommendation**

That the Returning Officer (being the Acting General Manager) conduct the election of the Mayor in accordance with Schedule 7 of the Local Government (General) Regulation 2005 and that the election be by ordinary ballot.

## **5.2 ELECTION OF DEPUTY MAYOR**

**REPORT BY: GENERAL MANAGER'S OFFICE**

**CONTACT: ACTING GENERAL MANAGER GRAHAM KENNETT**

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### **Summary/Purpose**

Council needs to determine if it requires a Deputy Mayor and if so, must conduct an election in the same manner as that of the Mayor.

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

- Governance and Community Service

### **Background Information**

As noted with the election of the Mayor, in accordance with Section 227 of the Local Government Act, 1993, the election of Mayor is to be by the Councillors from among their numbers. Section 231 provides for the Deputy Mayor to be elected similarly if Council so determines that a Deputy Mayor is required.

#### **Notes:**

Council is to determine the method of voting to be preferential ballot, ordinary ballot or open voting. Council has previously utilised the ordinary ballot system.

### **Recommendation**

1. That a Deputy Mayor be elected by the Councillors from among their numbers.
2. That the Returning Officer (being the Acting General Manager) conduct the election of the Deputy Mayor in accordance with Schedule 7 of the Local Government (General) Regulation 2005 and that the election be by ordinary ballot.

### 5.3 COUNCIL COMMITTEES

**REPORT BY: GENERAL MANAGER'S OFFICE**

**CONTACT: ACTING GENERAL MANAGER GRAHAM KENNETT**

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#### Summary/Purpose

The purpose of this report is to identify Council Committees and their membership for the upcoming twelve months.

#### Community Strategic Plan Item(s)

- Governance and Community Service

#### Report

A summary of the current Committees and Councillor membership appears below:

Committee	Councillor Member(s)
General Manager's Review Committee	Mayor, Deputy Mayor and one Councillor. (The General Manager has the option of nominating another Councillor).
Traffic Committee	One Councillor.
Internal Audit Committee	One Councillor.
Community Funding Support Committee	Two Councillors.

Council needs to establish the membership of the Committees for the 2015/2016 year.

#### Recommendation

1. That the Council Committees report be received and noted;
2. That following Committee List and Councillor memberships be adopted:

Committee	Councillor Member(s)
General Manager's Review Committee	Mayor Deputy Mayor Councillor
Traffic Committee	Councillor
Internal Audit Committee	Councillor
Community Funding Support Committee	Councillor Councillor

## 5.4 COUNCIL DELEGATES

**REPORT BY: GENERAL MANAGER'S OFFICE**

**CONTACT: ACTING GENERAL MANAGER GRAHAM KENNETT**

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### Summary/Purpose

The purpose of this report is to identify Council Delegates and their membership for the upcoming twelve months.

### Community Strategic Plan Item(s)

- Governance and Community Service

### Report

A summary of the Organisations to which Council has Councillor delegates appears below;

Organisation	Delegate(s)
Australia Day Committee – Kyogle	Councillor Janet Wilson (resigned)
Australia Day Committee –Woodenbong	Councillor Lindsay Passfield
Australia Day Committee – West of the Range	Councillor Michael Reardon
Kyogle Chamber of Commerce	Councillor Robert Dwyer
NSW Rural Fire Service “Service Level Agreement”	Mayor
NOROC (Northern Rivers Regional Organisation of Councils)	Mayor
Legume to Woodenbong Road Alliance	Councillor Lindsay Passfield Councillor Danielle Mulholland
Kyogle Bushfire Management Committee	Councillor Chris Simpson
Far North Coast Weeds County Council <b>Note: This is a remunerated position.</b>	Mayor Alternate: Councillor John Burley
Shires Association of New South Wales “A” Division	Mayor
National Timber Councils Taskforce	Councillor Lindsay Passfield Councillor Robert Dwyer
Police Accountability Community Team (PACT)	Mayor
Area Health Board Community Engagement Committee	Councillor Danielle Mulholland
Kyogle Tidy Towns	Councillor Robert Dwyer
Joint Regional Planning Panel	Mayor Deputy Mayor

## Recommendation

1. That the current Delegates list and memberships be received and noted;
2. That Council adopts the following Delegates List and memberships:

Organisation	Delegate(s)
Australia Day Committee – Kyogle	Councillor
Australia Day Committee –Woodenbong	Councillor
Australia Day Committee – West of the Range	Councillor
Kyogle Chamber of Commerce	Councillor
NSW Rural Fire Service “Service Level Agreement”	Mayor
NOROC (Northern Rivers Regional Organisation of Councils)	Mayor
Legume to Woodenbong Road Alliance	Councillor Councillor
Kyogle Bushfire Management Committee	Councillor
Far North Coast Weeds	Councillor Alternate Councillor
Shires Association of New South Wales “A” Division	Mayor
National Timber Councils Taskforce	Councillor Councillor
Police Accountability Community Team (PACT)	Mayor
Area Health Board Community Engagement Committee	Councillor
Kyogle Tidy Towns	Councillor
Joint Regional Planning Panel	Mayor Deputy Mayor

## 5.5 COUNCIL MEETING CYCLE

**REPORT BY: GENERAL MANAGER'S OFFICE**

**CONTACT: ACTING GENERAL MANAGER GRAHAM KENNETT**

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### Summary/Purpose

The purpose of this report is to identify Council Meeting dates and times for the upcoming twelve month period.

### Background Information

Under the Local Government Act 1993, Council is required to hold at least 10 monthly Ordinary meetings per year.

### Report

Currently, Ordinary Meetings are being held on the second Monday of each month commencing at 5pm with the exception of January where no Ordinary Meeting is held due to the Christmas/New Year holiday period. Accordingly, Council normally has eleven Ordinary Meetings each year. As 2016 is an election year, and the election date is on the Saturday before the normal date for the September meeting, it is proposed not to hold an Ordinary meeting in September 2016.

### Recommendation

That Council adopt the following Ordinary Council meeting dates and times:

<b>Ordinary Meetings</b>
Monday, 12 October 2015, 5pm
Monday, 9 November 2015, 5pm
Monday, 14 December 2015, 5pm
Monday, 8 February 2016, 5pm
Monday, 14 March 2016, 5pm
Monday, 11 April 2016, 5pm
Monday, 9 May 2016, 5pm
Tuesday, 14 June, 2016, 5pm (Monday, 13 June -- Queen's Birthday public holiday)

Monday, 11 July 2016, 5pm
Monday, 8 August 2016, 5pm
Monday, 10 October 2016, 5pm



**ITEM 6 QUESTION TIME**

**ITEM 7 PUBLIC ACCESS**

John Castledine, Kyogle Lions Club re Kyogle Lions, Rotary and Quota Clubs joint fundraiser.

**ITEM 8 CONFIRMATION OF MINUTES**

**8.1 CONFIRMATION OF THE MINUTES OF THE 10 AUGUST 2015 ORDINARY MEETING**

**REPORT BY: GENERAL MANAGER'S OFFICE**

**CONTACT: ACTING GENERAL MANAGER GRAHAM KENNETT**

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**Summary/Purpose**

A copy of the Minutes of the Ordinary Meeting held on 10 August, 2015 is included in the attachments to the business paper.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Recommendation**

That the Minutes of the Ordinary Meeting held on 10 August, 2015 be adopted.

**Attachments**

Minutes of the Ordinary meeting held on 10 August, 2015 (separately attached).

**ITEM 9      MAYORAL MINUTE**

Nil.

**ITEM 10     NOTICES OF MOTION**

Nil.

**ITEM 11     QUESTIONS WITH NOTICE FROM COUNCILLORS**

**11.1 QUESTIONS FROM THE LAST COUNCIL MEETING**

**REPORT BY:   GENERAL MANAGER'S OFFICE**

**CONTACT:     ACTING GENERAL MANAGER GRAHAM KENNETT**

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**Summary/Purpose**

This report presents responses to questions raised at the last Council Meeting.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Report**

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

Cr Maggie Creedy

- How many landfill vouchers were used in the 2014/15 year and what percentage of vouchers issued were used?

*Response*

*The Council's records show that of the 5,134 overall assessments notices that were issued, 2,785 assessments were eligible for a Landfill Management Voucher which entitled the holder to a free disposal of household rubbish at one of the Council's landfill/transfer station facilities. Of these, 691 (i.e. approximately 25% of the total issued) were collected by attendants at the facilities. The voucher entitles up to 300 kilograms of domestic waste to be deposited at any of the facilities.*

Cr John Burley

- Seeking clarification on the development consent for the Sugarbowl Café especially in relation to the disability access.

*Response*

*The Sugarbowl Café was established as a refurbishment of an existing approved café as well as a change of use of an adjoining building (previously used as a shop) for the purposes of a café. The refurbishment did not require development consent as no building work was proposed to be undertaken and the change of use was carried out through a Complying Development Certificate (i.e. Clause 5.3 of Part 5 of the State Environmental Planning Policy Exempt and Complying Development Codes 2008) enables certain change of uses under the Commercial and Industrial Alterations Code to be considered as complying development. This includes the change of premises from a shop to food and drink premises, subject to compliance with specified development requirements.*

*The Access to Buildings-Premises Standards are only triggered when development requires approval for building work. Therefore, the Standards were not triggered for this development.*

*In relation to disabled access, Council's Executive Manager Planning and Environment has made contact with the operators of the business who have advised that they intend to make provision for access for wheelchairs into the restaurant area. Council's Building Inspector will provide advice in relation to the appropriate standards and specifications for such access.*

Cr Lindsay Passfield

- When will the police station at Urbenville be manned?

*Response*

*The Acting General Manager has spoken to the acting Richmond Local Area Commander in relation to this issue and was advised that the proposal put forward by the RLAC is for the position at Urbenville to be relocated to Woodenbong, and for the station at Urbenville to be closed, and the existing police house to be disposed of. The internal process within the NSW Police Force requires a higher level sign off on this proposal before positions can be advertised. The Acting Richmond Local Area Commander advised that they were doing all they could to expedite this process and it was their intention to advertise for the position at Woodenbong as soon as clearance was received.*

**Recommendation**

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

## **ITEM 12 DELEGATES REPORTS**

### **12.1 DELEGATES REPORT: COUNCILLOR LINDSAY PASSFIELD -- LEGUME TO WOODENBONG ROAD ALLIANCE UPDATE**

**REPORT BY: COUNCILLOR LINDSAY PASSFIELD**  
**CONTACT: COUNCILLOR LINDSAY PASSFIELD**

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#### **Summary/Purpose**

The following delegate's report has been provided by Councillor Lindsay Passfield and provides an information update on works to upgrade Mt Lindesay Road.

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

- Roads and Infrastructure
- Village Life
- Economic Development

#### **Report**

Following the recent meeting of the Legume to Woodenbong Road Alliance, I present the attached progress report and briefing paper for Councillors' information.

#### **Recommendation**

That Council receives and notes the report, Delegates Report: Councillors Lindsay Passfield -- Legume to Woodenbong Road Alliance Update.

#### **Attachments**

1. Legume to Woodenbong Road Alliance Progress Report
2. Legume to Woodenbong Road Alliance Briefing Note

## **ITEM 13      INFORMATION PAPERS**

### **13.1 COUNCIL RESOLUTIONS REQUIRING ACTION**

**REPORT BY:    GENERAL MANAGER'S OFFICE**

**CONTACT:     ACTING GENERAL MANAGER GRAHAM KENNETT**

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#### **Summary/Purpose**

This report presents to Council a list of Council resolutions requiring action as at 4 September 2015.

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

- Governance and Community Service.

#### **Report**

Attached to this report is a table detailing resolutions requiring action and their current status.

#### **Recommendation**

That Council receives and notes the report, Council Resolutions Requiring Action.

#### **Attachments**

Council resolutions requiring action as at 4 September 2015 (separately attached).

## 13.2 MONTHLY FINANCE REPORT - AUGUST 2015

**REPORT BY: ADMINISTRATION AND COMMUNITY**

**CONTACT: EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY  
CAROL ONEILL**

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### **Summary/Purpose**

This report presents financial reports to Council for information.

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

- Governance and Community Service

### **Background Information**

#### Legislative Requirements

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

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

### **Report**

The following information is presented for information only.

#### (A) Finance Reports

Summary reports outlining Council's financial position as at 28 August, 2015. The reports presented include:

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

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

## 2. (B) Councillors Travel Expenses Report

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

### **Recommendation**

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

### **Attachments**

1. Finance Reports
2. Report on Councillor Travel

## **13.3 WORKS PROGRAM PROGRESS REPORT**

**REPORT BY: ACTING GENERAL MANAGER**

**CONTACT: ACTING GENERAL MANAGER GRAHAM KENNETT**

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### **Summary/Purpose**

This report provides an update on the progress of Council's Capital Works Program, Plant Replacement Program, Quarry Operations and RMS Ordered Works for the information of Council.

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

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

### **Background Information**

This report is intended to present to Council information on progress of the implementation of the annual works programs across all departments of Council, as well as the performance of the quarry and State Highways operations. The information only report will be presented to Council each month on an ongoing basis.

### **Report**

The report is provided as a separate attachment covering four main areas;

#### **1. Capital Works Progress Program**

This section of the reports shows all capital works projects and provides a brief status report and expenditure year to date for each project, including any external funding which applies.

#### **2. Plant Acquisition and Sales**

This section of the reports shows the plant replacement program and the year to date income and expenditure associated with the program.

#### **3. State Highways Ordered Works**

This section of the reports shows the status of the Ordered Works under the Roads and Maritime Services Road Maintenance Council Contract (RMS RMCC) which is included in the State Highways budget area. The report shows each approved Works Order, a brief status report, and the approved income and expenditure year to date.



#### **4. Quarries Report**

This section of the reports shows the income and expenditure for each of the four operational quarries for the year to date, including stock on hand and a brief description of current activities relating to quarries..

#### **Budget & Financial Aspects**

This report is provided for information only and any budgetary issues that may be identified as a result of these reports will be dealt with during the regular quarterly budget review process.

#### **Recommendation**

That Council receives and notes the report, Works Program Progress Report.

#### **Attachment**

Works Program Progress Report August 2015

**ITEM 14 GENERAL MANAGER'S REPORT**

**ITEM 14A TECHNICAL SERVICES REPORT**

**14A.1 MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING**

**REPORT BY: INFRASTRUCTURE WORKS**

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

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**Summary/Purpose**

The purpose of this report is to advise Council of the Minutes of the Local Traffic Committee Meeting held 19 August 13, 2015.

**Community Strategic Plan Item(s)**

- Roads and Infrastructure

**Report**

*Kyogle Council*

*Unconfirmed Minutes of the Local Traffic Committee Meeting held in the Council Chambers, Stratheden Street, Kyogle, on 19<sup>th</sup> August 2015.*

**PRESENT**

*Jeff Breen (Council), Greg Aitken (RMS), Snr Constable Robert Clark (Police), Ken Smith (Transport Rep & representative for Thomas George MP)*

**IN ATTENDANCE**

*The Personal Assistant to Infrastructure Works*

**MEETING COMMENCEMENT**

*Jeff Breen assumed the Chair in Cllr Chris Simpson's absence.  
The Chair declared the meeting open at 9:04am*

**ITEM 1 APOLOGIES**

*Apologies were received from Councillor Chris Simpson & Thomas George MP*

**ITEM 2 DECLARATION OF INTERESTS**

*Nil*

**ITEM 3 REPORTS**

**3.1 UPDATE ON TEMPORARY ROAD CLOSURES**

*The report Update on Temporary Road Closures was noted and discussed by the Committee*

**3.2 REQUEST FOR STOP SIGN AT BRUXNER HIGHWAY INTERSECTION**

**Committee's Recommendation to Council**

*Moved Ken Smith, seconded Robert Clark*

1. *That a stop sign not be installed at the intersection of Clarence Way (MR150) and Bruxner Highway as the proposal does not meet RMS warrants*
-

2. That Council liaise with RMS re. funding for realignment of intersection of Clarence Way (MR150) and Bruxner Highway

The motion was put to the vote and was CARRIED.

Notes: Council has approached RMS previously re. upgrade of intersection. Intersection needs squaring up to provide better road safety outcome. Greg Aitken advised he will make enquiries regarding funding for realignment. Jeff advised a report will be presented to Council. It was noted the replacement of Minneys Bridge has commenced - once bridge is open, traffic at intersection will increase.

### **3.3 BUS STOPS AND PARKING MATTERS KYOGLE CBD**

#### **Committee's Recommendation to Council**

Moved Greg Aitken, seconded Robert Clark

1. Removal of the bus stop outside the KMI altogether and creation of additional parking, possibly including an additional disabled space
2. Extension of the bus stop in front of O&H Holden to the northern side of their northernmost driveway, thus making it compliant with the AustRoads guidelines
3. Removal of the bus stop on the north east side of the intersection of Summerland Way and Geneva Street altogether, and create additional parking spaces, possibly including another disabled space
4. Consult with bus operators regarding establishment of a new bus stop on the north east corner of Roxy Lane and Anzac Drive intersection on the BP service station frontage
5. Review of proximity of bus parking to pedestrian crossings to provide adequate sight distances for pedestrians and ensure compliance of associated linemarking and signage

The motion was put to the vote and was CARRIED.

### **3.4 NEW LINE MARKING – SUMMERLAND WAY & ANZAC DRIVE**

#### **Committee's Recommendation to Council**

Moved Greg Aitken, seconded Robert Clark

1. Installation of directional signage to rear car park at Visitor Information Centre
2. Removal of left hand turning lane and reinstatement of two car parking spaces in Anzac Drive near the intersection with Summerland Way

The motion was put to the vote and was CARRIED.

### **3.5 TRAFFIC ISSUES - WOODENBONG**

#### **Committee's Recommendation to Council**

Moved Ken Smith, seconded Greg Aitken

1. That Council write to RMS requesting a speed zone review with a view to increasing the length of the Woodenbong village 50km zone as follows;
  - on the Clarence Way to just beyond Golf Course Road
  - on Mt Lindesay Rd. to the top of the hill
2. That Council write to RMS requesting a speed zone review with a proposal to impose an 80kmph speed limit from the Brisbane and Kyogle approaches to the intersection of the Summerland Way and Mt Lindesay Road to Woodenbong and a review of signage around the Summerland Way / Mt Lindesay Road intersection to include directions to Killarney and Warwick

The motion was put to the vote and was CARRIED

### **3.6 RELOCATION OF TAXI RANK – KYOGLE**

#### **Committee's Recommendation to Council**

Moved Greg Aitken, seconded Ken Smith

1. That the recommendation of the Kyogle Public Transport Working Group for relocation of the taxi rank located in Summerland Way to Geneva Street opposite the Exchange Hotel be endorsed

The motion was put to the vote and was CARRIED.

#### **ITEM 4 GENERAL BUSINESS**

The Committee discussed the RMS signage review and the Summerland Way signage design plans Greg Aitken had prepared for Council;

- Kyogle Hospital - Hospital qualifies for advance information signage as 24hr emergency services are available. Signage can be erected at discretion of Council. RMS recommendation is that installation be no more than 600m away from hospital.
- Kyogle Visitor Information Centre - advance information signage could be located further south of Wyangarie Street intersection. Advisory signage for parking and toilets to be erected at information centre. It was noted there is currently a lot of signage located in the area around the information centre.

The Committee discussed reports of near miss incidents at the intersection of Kyogle Road & Fawcetts Plain Road.

#### **Committee's Recommendation to Council**

Moved Ken Smith, seconded Robert Clark

1. Installation of Giveaway sign at intersection of Kyogle Road & Fawcetts Plain Road to improve safety

The motion was put to the vote and was CARRIED.

#### **MEETING CLOSURE**

There being no further business the Chair declared the meeting closed at 10:22 a.m.

#### **Recommendation**

1. That Council receives and notes the report, Minutes of the Local Traffic Committee Meeting.
2. That a stop sign not be installed at the intersection of Clarence Way (MR150) and Bruxner Highway as the proposal does not meet RMS warrants
3. That Council liaise with RMS re. funding for realignment of intersection of Clarence Way (MR150) and Bruxner Highway
4. That the bus stop outside the KMI be removed altogether and additional parking be created at this location, possibly including an additional disabled space
5. That the bus stop in front of O&H Holden be extended to the northern side of their northernmost driveway, thus making it compliant with the AustRoads guidelines
6. That the bus stop on the north east side of the intersection of Summerland Way and Geneva Street be removed altogether, and additional parking spaces be created, possibly including another disabled space
7. That Council consult with bus operators regarding establishment of a new bus stop on the north east corner of Roxy Lane and Anzac Drive intersection on the BP service station frontage

8. That Council review proximity of bus parking to pedestrian crossings to provide adequate sight distances for pedestrians and ensure compliance of associated linemarking and signage
9. That signage be installed at the Visitor Information Centre directing people to rear carpark
10. That removal of left hand turning lane and reinstatement of two car parking spaces in Anzac Drive near the intersection with Summerland Way be carried out
11. That Council write to RMS requesting a speed zone review with a view to increasing the length of the Woodenbong village 50km zone as follows;
  - on the Clarence Way to just beyond Golf Course Road
  - on Mt Lindesay Rd. to the top of the hill
12. That Council write to RMS requesting a speed zone review with a proposal to impose an 80kmph speed limit from the Brisbane and Kyogle approaches to the intersection of the Summerland Way and Mt Lindesay Road to Woodenbong and a review of signage around the Summerland Way / Mt Lindesay Road intersection to include directions to Killarney and Warwick
13. That the recommendation of the Kyogle Public Transport Working Group for relocation of the taxi rank located in Summerland Way to Geneva Street opposite the Exchange Hotel be endorsed
14. That a Giveway sign be installed at intersection of Kyogle Road & Fawcetts Plain Road to improve safety

## 14A.2 MINUTES OF LOCAL EMERGENCY MANAGEMENT COMMITTEE

**REPORT BY: INFRASTRUCTURE WORKS**

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

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### Summary/Purpose

The purpose of this report is to advise Council of the Minutes of the Local Emergency Management Committee Meeting held 19 August 13, 2015.

### Community Strategic Plan Item(s)

- Governance and Community Service

### Report

#### **MINUTES OF LOCAL EMERGENCY MANAGEMENT COMMITTEE**

*Date: Wednesday 19<sup>th</sup> August 2015*

*Venue: Kyogle Council Chambers, 1 Stratheden Street*

*The meeting commenced at 12:02pm.*

*Members present were;*

*Noelle Lynden-Way (Red Cross)*

*Daniel Ainsworth (RFS)*

*Peter Mair REMO*

*Wayne Petitt (SES)*

*Bob Crawford (Fire & Rescue)*

*Ken Smith (Transport)*

*Doug Connors (Police)*

*Jeff Breen (LEMO)*

#### **1. Apologies**

*Mary Mackney (Family & Community Services), Cheryl Ducat (North Coast Area Health), Greg Lewis (Fire & Rescue NSW), Brian Hoffman (SES)*

#### **2. Minutes of Previous Meeting**

*The minutes of the LEMC meeting held 19<sup>th</sup> May 2015 were confirmed*

#### **3. Matters arising from the minutes**

*Lions TT – distribute safety plan to members*

#### **4. Correspondence**

*Peter Mair sent out Emergency Management training calendar with links to training and courses offered through Department of Justice - Police & Emergency Services. Jeff Breen will distribute to LEMC contacts.*

#### **5. Reports from Delegates**

##### Police

- *Lions TT. Change to event format has lessened risk. Resources have been made available for policing during event*
  - *New sergeant for Kyogle – Anthony Smith*
-

### REMO

- Peter Mair – currently REMO for Clarence-Nambucca Region in addition to Richmond-Tweed Region
- Focus on Local EM Plans
- New online system for logging information resulted from the inquiries into the Victorian bushfires and Brisbane flood. The Emergency Management Operating System (EMOS) will provide visibility and situational awareness at regional and state levels and provides a logging tool and contacts list facility at the local level. LEOCON & LEMO have been set up as administrators.
- Not enough numbers to run planned Emergency Operations course in Casino - has been scheduled for March 2016. Will still be held in Coffs Harbour in October

### Fire & Rescue NSW

- see attached Fire and Rescue reports
- Petition circulated to conduct burn-off at base of Fairymount has led to burn off planned for 13<sup>th</sup> September. RFS co-ordinating exercise with great co-operation between RFS and Fire & Rescue agencies.  
(note. Include advice in Council community newsletter)

### State Emergency Services

- Tabulam unit recently involved in search for missing elderly man in south-west corner of Richmond Valley LGA
- Currently working with state comms to remove blackspots in rescue radio network
- Unit and Local appointments upcoming. Will seek endorsement from LEMC.
- Kaylene Jones has been appointed Assistant Commissioner Director Operations East. Scott Hanckel appointed Assistant Commissioner Director Operations West
- Plans underway for upgrade of headquarters in Kyogle

### RFS

- Fire Season commencing 1<sup>st</sup> September. Permits Officer meeting to be held.
- Hazard reduction burns
  - planned hazard reduction burn at base of Fairymount with Fire & Rescue
  - seeking permission from Council for roadside burns
  - planned hazard reduction Toonumbar area on roadside areas
- Digital radio system is working very well. 3 new towers constructed in Kyogle LGA have made big improvement to system

### Red Cross

20 volunteers trained in psychological first aid.

Attended Natural Disaster Resilience Project with CPO run by SES (see item 7.2)

## **6. General Business**

### 1) Review Community Risk Profile

It was agreed to set up a working group with a suggestion to consult with Tweed as Tweed and Kyogle are similar areas with similar risk. Jeff Breen will set up a calendar of meetings allowing 3 hours per meeting with meetings to be held once per month and will forward to members.

- Peter Mair advised that the consequence management guides will require the most work and must be done for all events that are moderate or above. He added there is a possibility that ratings will need to be revisited.

### 2) Community Resilience Proposal

Noelle Lynden-Way (Red Cross) and Nicola Mercer (Kyogle Council CPO) attended a Disaster Resilience Leadership Workshop run by SES in Lismore in May which inspired them to create a program for a Community Disaster Resilience Forum. Ms Lynden-Way presented a proposed program for an event to be held with the aim of informing the community of Kyogle LGA "of the NSW Disaster Plan and the various emergency services that comprise the LEMC". The proposed event provides opportunity for community engagement and potential recruitment opportunities for local emergency service organisations.

- *Jeff Breen advised the forum has the support of Council*
- *Red Cross hoping to engage Kyogle youth in the forum. Noelle Lynden-Way had spoken with Kyogle High School who advised they would be happy to have students cater the event and with Drama in Rural Towns (DIRT), a youth theatre group who agreed to perform sketches*
- *Ms Lynden-Way made the suggestion that if the Kyogle event is successful, there is potential to hold similar forums in Bonalbo, Woodenbong and Tabulam*
- *Opportunity for community engagement*
- *It was agreed to hold the forum on 7<sup>th</sup> October, 2015 starting at 5:30pm*
- *Suggestions made were to have a rolling program and to advertise the times items will be held*
- *The Committee agreed that Kyogle Red Cross and Kyogle Council CPO Nicola Mercer are to be commended for the initiative.*

**7. Next Meeting**

*The next meeting will be held on 2<sup>nd</sup> November at 12noon*

**Recommendation**

That Council receives and notes the report, Minutes of the Local Emergency Management Committee.

**Attachments**

1. Agency Reports to the Local Emergency Management Committee meeting held 19<sup>th</sup> August 2015
2. Proposed program for Community Disaster Resilience Forum



## ITEM 14B PLANNING SERVICES REPORT

### 14B.1 DEVELOPMENT APPLICATIONS DETERMINED AND OUTSTANDING FOR THE PERIOD 1 AUGUST 2015 TO 31 AUGUST 2015

REPORT BY PLANNING AND ENVIRONMENT  
CONTACT EXECUTIVE MANAGER PLANNING AND ENVIRONMENT MANFRED BOLDY

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#### Summary/Purpose

This item presents to Council the Development Applications determined and outstanding for the period 1 August, 2015 to 31 August, 2015.

#### Report

There are two separate listings provided in the attachments to this report;

##### 1. Development Applications Outstanding

This lists all development applications that had not yet been determined at the time this report was prepared. This listing includes any development applications received in the period since the last report. Each development application has been given an "Application Status" in the listing as follows;

- **Recent Lodgement** - those received during the period since the last report
- **Awaiting info from applicant** – Council has requested additional information in order to be able to determine the application
- **Finalising** – applications where a determination has been drafted and is expected to be issued in the period before the next report

##### 2. Development Applications Determined

This lists all development applications that have been determined since the last time this report was prepared.

#### Recommendation

1. That, with the exception of the following items in which Councillors ..... and ..... have declared an interest,
  - Cr..... 14B.1 Development Applications Determined and Outstanding DA.../... - Reason for Declaration -
  - Cr.....14B.1 Development Applications Determined and Outstanding DA.../... - Reason for Declaration -

The information contained in the report Development Applications Determined and Outstanding for the 1 August, 2015 to 31 August, 2015 be received and noted.

2. That the information contained in the report Development Applications Determined and Outstanding for the period 1 August, 2015 to 31 August, 2015 only in relation to DA./... and DA./.... In which Councillors ..... have declared an interest be received and noted.

### **Attachment**

Development applications determined and outstanding August 2015

## **14B.2 PROPOSED LEP AMENDMENT- ADDITIONAL USES IN RURAL ZONES**

**REPORT BY: PLANNING AND ENVIRONMENT**

**CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT MANFRED BOLDY**

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### **Purpose**

This report seeks a Council resolution to prepare a planning proposal to amend the *Kyogle Local Environmental Plan 2012* (KLEP) to permit the development of additional non-residential and non-agricultural land uses in rural zones RU1 and RU2 with the consent of Council.

### **Previous Council Consideration**

There has been no previous formal Council consideration of this matter.

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

This report is consistent with the following actions of the Community Strategic Plan:

- Economic Development
  - 'Foster the development of the tourism industry, within the Council area in order to promote economic growth and improved facilities.'
  - 'Assist and coordinate the ongoing development of Kyogle Council area and enhance and market its capacity as a location for residential opportunities, primary production, industry, commerce, government services and tourism.'
  - 'Capitalise on close proximity to South East Queensland'.
- Environmental and Planning
  - 'Achieve acceptable planning, development and building standards; to protect the environment in accordance with community expectations.'
  - 'The LEP is implemented, monitored and reviewed on an ongoing basis.'

### **Background Information**

The KLEP contains two principal rural zones: RU1 Primary Production and RU2 Rural landscape. Both of these zones permit a limited range of commercial non-agricultural uses. Council staff regularly field enquiries from owners of rural land and prospective purchasers of rural land in the local government area enquiring about the possibility of developing certain types of small-scale commercial non-agricultural uses (i.e. uses that are not defined as 'agriculture' but which may still, in principle, be beneficial to agricultural or other permissible uses in the zones). Many of the intended development types are prohibited in these zones.

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It is considered the limited range of permissible uses in Zone RU1 (and to a lesser extent RU2) may be unduly restricting the development of appropriate and compatible land uses in rural areas of the Kyogle Council local government area.

## Report

### 1. Non-agricultural development in rural areas

Non-agricultural development that is currently permitted with consent within the RU1 and RU2 zones under the KLEP are shown in Column 2 of Table 1. Additional uses, not presently permitted within the respective zones are shown in Column 3 of Table 1. The rationale for the additions is provided in Section 3 of this report.

### 2. Proposed amendments to LEP

It is proposed to make the following amendments to the Land Use Table of the KLEP:

#### A. Zone objectives

Add the following objective to the Objectives of Zone RU1;

*'To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment.'*

#### B. Permitted with consent uses

Introduce a number of additional land uses to the list of uses permitted with consent in Zones RU1 and RU2, as shown in Table 1 below.

**Table 1 - KLEP Current and Proposed Permitted Uses in RU1 and RU2 Zones**

Column 1 ZONE	Column 2 CURRENT PERMITTED NON AGRICULTURAL AND NON RESIDENTIAL USES	Column 3 PROPOSED ADDITIONAL PERMITTED USES
RU1	<ul style="list-style-type: none"> <li>• Airstrips</li> <li>• Boat sheds</li> <li>• Building identification signs</li> <li>• Business identification signs</li> <li>• Cellar door premises</li> <li>• Environmental facilities</li> <li>• Extractive industries</li> <li>• Industrial training facilities</li> <li>• Open cut mining</li> <li>• Recreation areas</li> <li>• Veterinary hospitals</li> <li>• Community facilities</li> <li>• Flood mitigation works</li> <li>• Helipads</li> <li>• Home businesses</li> <li>• Home industries</li> <li>• Water supply systems</li> <li>• Rural industries</li> <li>• Roads</li> <li>• Roadside stalls</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Animal boarding or training establishments</b></li> <li>• <b>Cemeteries</b></li> <li>• <b>Charter and tourism boating facilities</b></li> <li>• <b>Crematoria</b></li> <li>• <b>Education establishment</b></li> <li>• <b>Function centres</b></li> <li>• <b>Information and education facilities</b></li> <li>• <b>Plant nurseries</b></li> <li>• <b>Recreation facilities (outdoor)</b></li> <li>• <b>Restaurants or cafes</b></li> <li>• <b>Rural supplies</b></li> <li>• <b>Timber yard</b></li> </ul>

Column 1 ZONE	Column 2 CURRENT PERMITTED NON AGRICULTURAL AND NON RESIDENTIAL USES	Column 3 PROPOSED ADDITIONAL PERMITTED USES
RU2	<ul style="list-style-type: none"> <li>• Airstrips</li> <li>• Animal boarding or training establishments</li> <li>• Business identification signs</li> <li>• Business retail centre signs</li> <li>• Camping grounds</li> <li>• Cellar door premises</li> <li>• Cemeteries</li> <li>• Charter and tourism boating facilities</li> <li>• Community facilities</li> <li>• Crematoria</li> <li>• Eco tourist facilities</li> <li>• Environmental facilities</li> <li>• Flood mitigation works</li> <li>• Function centres</li> <li>• Home businesses</li> <li>• Home industries</li> <li>• Helipads</li> <li>• Industrial training facilities</li> <li>• Places of public worship</li> <li>• Recreation areas</li> <li>• Recreation facilities (outdoor)</li> <li>• Restaurants or cafes</li> <li>• Roads</li> <li>• Roadside stalls</li> <li>• Rural industries</li> <li>• Veterinary hospitals</li> <li>• Water supply systems</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Education establishment</b></li> <li>• <b>Extractive industry</b></li> <li>• <b>Information and education facilities</b></li> <li>• <b>Plant nurseries</b></li> <li>• <b>Rural supplies</b></li> <li>• <b>Timber yard</b></li> </ul>

It is recognised that by carrying out the changes proposed in this report, the Land Use Tables of Zones RU1 and RU2 will be increasingly similar than is presently the case. While there may be the question of the need for two zones, no changes to the two zones either in terms of their existence or mapping, is proposed at this stage.

While similarities between the respective land uses may appear, the environmental and land use assessment criteria are still considered to be sufficiently different (i.e. including in terms of the zone objectives) to not warrant any changes to the zones in the absence of a more detailed assessment of the zone intentions.

The changes to the LEP proposed in this report involve no mapping changes and therefore require limited staff time to draft and process.

It is recognised that there is an outstanding Council resolution (091213/15) from December 2013 to examine the need for both zones in conjunction with the LEP amendment that will likely be required to be carried out following the conclusion of the E-zone review: it is proposed to examine Zones and Zone mapping at this time.

### 3. Rationale for proposed additional uses

Enquiries fielded by Council's planning staff since the commencement of the KLEP have shown that there is demand for development of small-scale, non-agricultural, commercial land uses in the rural areas that are presently prohibited in Zones RU1 and RU2. It is considered reasonable to provide opportunities for development of certain additional commercial non-agricultural uses for the following reasons:

- 1) Some of these uses are most suited to development in rural areas, for example; *animal boarding or training establishments* and *plant nurseries*.
- 2) Some of these uses are considered to be complementary to agriculture and are considered to offer significant opportunities to broaden the economic activity in rural areas through tourism and visitation, for example; *restaurants or cafes*.
- 3) Parts of the local government area have limited agricultural potential due to steep and undulating terrain: some of this land may be suitable for higher order uses.
- 4) Many areas of the local government area feature or are near significant natural attractions (National Parks, creeks, forests), many areas also feature an attractive rural landscape. It is considered there is demand for facilities to allow visitors and residents to enjoy these attractions and hence to capitalise on these features more through increased visitation and economic activity.
- 5) Potential adverse impacts on existing agriculture businesses or undertakings or impacts on the agricultural potential or viability of rural land can be avoided through ensuring appropriate development guidelines are in place to be used in the assessment of development applications for non-agricultural uses.

Most of these proposed uses are currently permitted with consent in Zone RU1 in the Local Environmental Plans of Richmond Valley, Lismore and Tweed Shire councils.

### 4. Compatibility and suitability of additional proposed uses

The additional uses are generally small scale and involve development or activities that are associated with rural areas (e.g. *plant nurseries*) or the rural landscape and its attractions (eg. *cafes and restaurants*), or are by their nature, most appropriate to be carried out in rural areas (eg. *animal boarding or training establishments, outdoor recreation facilities*). Cemeteries and crematoria are uses that can require significant land area and which are often regarded as being incompatible within denser populated areas – e.g. urban areas.

Educational establishments and information and education facilities can include small specialist facilities for locational training associated with rural and agricultural or environmental management purposes. Some these types of facilities, provided adequate services can be included and general land use compatibility can be assured, in principle, are likely to be better suited to the rural areas and may facilitate greater skill diversification and employment opportunity across the Council's area.

Function centres and restaurants and cafes have the potential of supplementing a more vibrant rural tourism sector for the Kyogle local government area and compliment other rural activity. These uses are already permissible with consent within the RU2 zone.

Timber yards and rural supplies directly compliment rural activities and, subject to compliance with proper controls and demonstrated land use compatibility with adjoining land uses, have the potential of supporting rural activity as well as contributing to the area's economic development.

#### 5. Consistency with State Requirements

The proposal is considered to be consistent with the following environmental planning instruments and State Government planning guidelines:

- State Environmental Planning Policy (Rural Lands) 2008
- DPI Policy 0-104 Maintaining Land for Agricultural Industries
- Section 117 Directions 1.5 and 5.3.
- Far North Coast Regional Strategy
- Kyogle Council Economic Development Policy

#### 6. Development guidelines and risk avoidance

Despite the consistency of the proposal with various planning instruments and policies, introducing non-agricultural land uses into rural areas can carry risks of potential adverse outcomes for agriculture and the new non-agricultural uses. The main risks can include:

- Creating land use conflict (i.e. new non-agricultural uses impacted by existing agricultural operations or vice versa).
- Degradation of rural landscape character.
- Loss of potential or viability of good quality agricultural land.
- Traffic generation and impacts on transport infrastructure.
- Impacts on the natural environment.
- Impacts on residential amenity.

To avoid potential adverse outcomes it will be important to carefully assess the risks associated with proposals at the development application stage to ensure risks do not exist, or that they can be conditioned to be avoided or mitigated. It is proposed that development applications for the additional proposed uses will be assessed against development guidelines in the Kyogle Development Control Plan.

#### 7. Proposed amendments to Kyogle Development Control Plan 2014

Chapter 1 of the Kyogle Development Control Plan 2014 (DCP) includes development guidelines for non-agricultural uses in rural zones as currently permitted under the KLEP. The relevant sections are shown in Attachment 2 of this report. It is intended to review the provisions of Part 4 of Chapter 1 to determine their suitability to apply to the assessment of applications for the new proposed uses. It is considered that the existing provisions are likely to be suitable, given they apply currently to assessment of applications for some of the proposed additional uses (such as *restaurants and cafes* and *outdoor recreation facilities*). If no changes are required, the DCP can be amended simply by listing these uses in the 'Application' section of Part 4.

## 8. Anticipated benefits of the proposal

It is considered there are a number of potential benefits to allowing the development of the proposed additional uses in rural areas:

- Increased tourism and visitation through improving accessibility of attractions and increasing reasons to visit the area.
- Additional economic activity and diversification of the rural economy.
- Increasing the appeal of the LGA for potential investors and buyers.
- Protection of the potential and viability of good quality agricultural land.

### **Budget and Financial Aspects**

The preparation of the proposed planning proposal carries no financial implications for Council. The LEP and DCP amendments will be processed using existing staff resources and budget of the Planning and Environment Department.

### **Options:**

- A. Council resolve to proceed with preparation of the planning proposal to amend the KLEP and amendments to the DCP as proposed in this report.
- B. Council resolve not to proceed with preparation of the planning proposal to amend the KLEP or the amendment to the DCP.
- C. Council resolve to proceed with preparation of the planning proposal to amend the KLEP incorporating some of the proposed additional uses and to prepare relevant amendments to the DCP.

### **Recommendation**

1. That Council receive and note this report.
2. That Council resolve to prepare a planning proposal to amend the Kyogle Local Environmental Plan 2012 to:
  - a. Add the following Objective to the Objectives of Zone RU1;  
*'To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment.'*
  - b. Permit the following uses in Zone RU1 with the consent of Council;  
*Animal boarding or training establishments, Cemeteries, Charter and tourism boating facilities, Crematoria, Educational establishments, Function centres, Helipads, Information and education facilities, Plant nurseries, Recreation facilities (outdoor), Restaurants or cafes, Rural supplies, Timber yards.*
  - c. Permit the following uses in Zone RU2 with the consent of Council;  
*Educational establishments, Extractive industries, Information and education facilities, Plant nurseries, Rural supplies, Timber yards.*
  - d. Make any other necessary amendments to the Kyogle Local Environmental Plan 2012 as identified in this report or required by the Department of Planning and Environment or Parliamentary Counsel.
3. That Council authorise the General Manager to finalise the Planning Proposal and submit the Planning Proposal to the Department of Planning and Environment for review and Gateway Determination.



4. That upon an affirmative Gateway Determination being received from the Department of Planning and Environment, Council staff carry out the procedural steps associated with the progress of the planning proposal, including community consultation.
5. That Council resolve to amend the Kyogle Development Control Plan 2014 by including guidelines relevant to the assessment of the proposed additional permitted uses.
6. That the draft Development Control Plan amendment be publicly notified in conjunction with public notification of the draft Kyogle Local Environmental Plan amendment.
7. That a further report be presented to Council on this matter following the conclusion of community consultation and review of submissions.

**Division:**

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

**Attachments**

1. Existing KLEP Land use table- Zones RU1 and RU2
2. Existing DCP Chapter 1 Part 4 guidelines that apply to non-agricultural uses in Zones RU1 and RU2

**14B.3 PROPOSED REPEAL OF SEPP 15 RURAL LANDSHARING COMMUNITIES**

**REPORT BY: PLANNING AND ENVIRONMENT**  
**CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT MANFRED BOLDY**

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**Purpose**

This report seeks to provide Council with information concerning a proposal by the State Government to repeal *State Environmental Planning Policy 15- Rural Landsharing Communities* and insert the provisions into the Kyogle Local Environmental Plan 2012.

**Previous Council Consideration**

There has been no previous Council consideration of this matter.

**Community Strategic Plan Item(s)**

Environmental and Planning

**Background Information**

*State Environmental Planning Policy 15 Rural Landsharing Communities* (SEPP 15) is an environmental planning instrument that makes the development of rural landsharing communities (RLS), also known as multiple occupancies, permissible with consent in rural Zones.

SEPP 15 also provides development criteria against which Councils are required to assess development applications for RLS.

Recently, as part of a program to reduce the number of environmental planning instruments in NSW, the State Department of Planning and Environment announced the proposed repeal of a number of State Environmental Planning Policies (SEPPs) including SEPP 15.

The Department advised the Council by email on 26 August 2015 that it is proposing to repeal SEPP 15 and at the same time insert its provisions into local environmental plans. The Department has indicated that once inserted Councils would then have the option of reviewing, amending or removing these provisions.

This report is to advise the Council of the proposed changes and the expected opportunity that it will have to make further changes to its Kyogle Local Environmental Plan 2012 (KLEP) after the amendments have been made by the State, should it consider that such further action is required.

## **Report**

SEPP 15 makes development of RLS in Kyogle Council LGA permissible with consent in rural and non-urban zones. SEPP 15 also provides assessment criteria that Council must take into account when assessing an application for a RLS.

The proposal to repeal SEPP 15 and insert its provisions into the KLEP would essentially maintain the current situation regarding permissibility and assessment of RLS applications. The ability for people to apply for RLS development is consistent with the Council's intent of providing for rural housing diversity and to provide a potential contribution to the area's population growth. Proposed RLS development to be included in the KLEP, in principle, is consistent with current forms of such development that can be considered as a result of the SEPP.

## **Budget and Financial Aspects**

This report carries no financial implications.

## **Recommendation**

That the report Proposed Repeal of SEPP 15 Rural Landsharing Communities be received and noted.

## **Division:**

Under Section 375A of the *Local Government Act 1993*, a division is required to be called whenever a planning decision is put at a Council or committee meeting.

## **Attachment**

Proposed rural landsharing community LEP clause

## **ITEM 14C ENVIRONMENT SERVICES REPORT**

Nil.

## **ITEM 14D CORPORATE SERVICES REPORT**

### **14D.1 MINUTES INTERNAL AUDIT COMMITTEE**

**REPORT BY: EXECUTIVE MANAGER CORPORATE AND COMMUNITY SERVICES**  
**CONTACT: CAROL O'NEILL**

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### **Summary/Purpose**

This report presents the confirmed minutes of the Internal Audit Committee Meeting held July 20, 2015.

### **Report**

The minutes of the meeting appear below:

#### **PRESENT**

*Mr Andrew Stevens, Ms Belinda Eggins, Councillor Janet Wilson.*

#### **IN ATTENDANCE**

*Executive Manager Administration and Community, Acting General Manager, Graham Kennett.*

#### **ITEM 1 APOLOGIES**

*Nil*

#### **ITEM 2 OPENING PRAYER**

*Councillor Wilson read the opening prayer.*

#### **ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT**

*Councillor Wilson read the traditional lands acknowledgement.*

#### **ITEM 4 DECLARATION OF INTERESTS**

*Nil.*

*Mr Andrew Stevens, previously elected as Chairperson and took the Chair.*

#### **ITEM 5 REPORTS**

##### **6.1 MINUTES OF THE 15 JUNE 2015 MEETING**

#### **RESOLVED**

*Moved by Andrew Stevens, seconded by Councillor Janet Wilson:*

*That the Minutes of the 15 June 2015 Internal Audit Committee meeting be confirmed.*

*FOR VOTE - Unanimous*

**CARRIED**

##### **6.2 COUNCIL RESOLUTIONS REQUIRING ACTION**

*The Committee noted that this report is no longer required*

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**RESOLVED**

*Moved by Councillor Janet Wilson, seconded by Andrew Stevens:*

*That the report on the Council Resolutions requiring action be received and noted*

**CARRIED**

*FOR VOTE - Unanimous*

**6.3 ANNUAL AUDIT PROGRAM 2015/2016**

*Moved by Andrew Stevens, seconded by Belinda Eggins:*

1. *That the General Manager provide regular reports to the Internal Audit Committee on the progress of*
  - *Kyogle Council Workplace Health & Safety Policy and Management System*
  - *Kyogle Council Risk Management Policy and Management System;*  
*with the report to include the cost of external resources being used.*
  
2. *That the Internal Audit Committee focus on the following areas for review*
  - *Kyogle Council's adopted Policies and management documentation*
  - *Kyogle Council's decision making structures, including focus groups and current committees.*

**CARRIED**

*FOR VOTE – Unanimous*

**6.4 NEXT MEETING DATE**

*Monday, 24<sup>th</sup> August 2015 at 4.00pm.*

**MEETING CLOSURE**

*There being no further business the Chairperson declared the meeting closed at 5.20 pm.*

**Recommendation**

That Council receives and notes the Minutes of the Internal Audit Committee meeting held July 20, 2015.

## **ITEM 14E COMMUNITY SERVICES REPORT**

Nil.

## **ITEM 14F GENERAL MANAGER'S REPORT**

### **14F.1 WOOD ENCOURAGEMENT POLICY**

**REPORT BY: GENERAL MANAGER'S OFFICE**

**CONTACT: ACTING GENERAL MANAGER GRAHAM KENNETT**

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#### **Summary/Purpose**

This report presents information requested by Cr Passfield through a Notice of Motion to the August 2015 Meeting.

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

- Economic Development
- Environmental and Planning

#### **Previous Council Consideration**

At the 10 August 2015 Ordinary meeting of Council it was resolved:

*That Council request the General Manager review the Latrobe City Council's Wood Encouragement Policy and provide a report to the September meeting of Council. This report should include the implications of Kyogle Council adopting a similar policy and recommendations on the way forward.*

#### **Report**

The policy adopted by Latrobe City Council is focussed on the use of timber products in Council buildings as well as the promotion of the use of timber products by others in the municipality.

While Kyogle Council has a more limited level of activity in building construction and fit out, the intent of the policy is still valid. The policy is also of a general nature where there is no real impact or cost implications in adopting such a policy.

The policy indicates more of a preference for wood products, rather than a mandatory use. This provides a clear message of what is preferred, but would allow flexibility in the implementation of any project where wood products may not provide the best outcomes. The policy is more of a guiding principal than a set of rules to be followed.

## **Budget & Financial Aspects**

Nil

## **Recommendation**

1. That Council receives and notes the report, Wood Encouragement Policy.
2. That Council places the draft Wood Encouragement Policy on public display for a period of 28 days and call for submissions from the public.

## **Attachment**

Draft Wood Encouragement Policy.

**ITEM 15 URGENT BUSINESS WITHOUT NOTICE**

**ITEM 16 QUESTIONS FOR NEXT ORDINARY MEETING**

**ITEM 17 CONFIDENTIAL BUSINESS PAPER**

Nil.



APPENDIX / ATTACHMENTS

# KYOGLE COUNCIL



# ATTACHMENTS

## ORDINARY COUNCIL MEETING

ON MONDAY, 14 SEPTEMBER, 2015