



# **KYOGLÉ COUNCIL**

## **ORDINARY COUNCIL MEETING**

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

ON MONDAY 17 MAY 2010

Commencing at 3.30 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 **17 May 2010**, at 3.30 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 Deputations
- Item 8 Questions with Notice from Councillors
- Item 9 Matters Determined without Further Debate
- Item 10 Confirmation of Minutes
- Item 11 Mayoral Minute
- Item 12 Notices of Motion
- Item 13 Reports from Delegates
- Item 14 Information Reports
- Item 15 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 16 Urgent Business Without Notice
- Item 17 Confidential Business Paper

ARTHUR PIGGOTT  
GENERAL MANAGER

## COUNCIL PRAYER

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

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

AMEN

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

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

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

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

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### DISCLAIMER

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

(ARTHUR PIGGOTT),  
GENERAL MANAGER.

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

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

Each speaker has a maximum allowable time of 5 minutes.

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

The Chair has the right to refuse any question, to refuse to take any further questions from an individual or to end 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.

If granted Public Access by the General Manager, the individual resident will be allowed five (5) minutes to address Council with an extension for Councillors to direct questions to the speaker. No more than two speakers for a subject will be permitted. Five (5) minutes is allocated for Council's response.

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.

### **5.9 Deputations to Council (Council Policy)**

Applications in writing, stating the subject matter to be discussed for Deputations to address Council on a particular subject may be made to the General Manager at least seven (7) days prior to the meeting.

Details of Scheduled deputations are to be included in the Business Paper; Deputations are allowed twenty (20) minutes to address Council and twenty (20) minutes for questions and answers. (Resolution 29/11/93-[007]).

# ORDINARY COUNCIL MEETING

Monday 17 May 2010

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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**

Nil.

**ITEM 7 DEPUTATIONS**

Nil.

**ITEM 8 QUESTIONS WITH NOTICE FROM COUNCILLORS**

Nil.



## **ITEM 9 MATTERS DETERMINED WITHOUT FURTHER DEBATE**

### **9.1 MATTERS DETERMINED WITHOUT DEBATE**

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#### **Summary/Purpose**

This report seeks Council determination of those items that do not require further debate.

#### **Report**

This item allows Council to determine those matters that will be adopted “en globo” and assist in Council meetings operating smoothly and avoid undue delays where Councillors agree with the staff recommendations.

Upon the moving of this motion, the Mayor will then invite Councillors to call the item numbers of any report(s) which they wish to be excluded from the general resolution and considered separately.

#### **Recommendation**

1. That Council identify those matters to be dealt with by the exception method.
2. That the remaining matters be adopted.

## **ITEM 10 CONFIRMATION OF MINUTES**

### **10.1 CONFIRMATION OF ORDINARY MINUTES**

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#### **Summary/Purpose**

A copy of the Minutes for the Ordinary Meeting held on 19 April 2010 is included in the attachments to the business paper.

#### **Recommendation**

That the Minutes of the Ordinary Meeting held 19 April 2010 be adopted.

#### **Attachments**

1. Minutes of the Ordinary meeting held 19 April 2010.

### **10.2 CONFIRMATION OF EXTRAORDINARY MINUTES**

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#### **Summary/Purpose**

A copy of the Minutes for the Extraordinary Meeting held on 27 April 2010 is included in the attachments to the business paper.

#### **Recommendation**

That the Minutes of the Extraordinary Meeting held 27 April 2010 be adopted.

#### **Attachments**

1. Minutes of the Extraordinary meeting held 27 April 2010.

**ITEM 11            MAYORAL MINUTE**

Nil.

**ITEM 12            NOTICES OF MOTION**

**12.1 NOTICE OF MOTION; CLR JANET WILSON - IMPROVING CONDITIONS FOR THE HEARING IMPAIRED**

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**Summary/Purpose**

This item presents to Council a Notice of Motion received from Councillor Janet Wilson for the Ordinary meeting to be held on 19 April 2010 and subsequently deferred at that meeting.

**Report**

The Notice of Motion is as follows;

To support Council's compliance with the Anti discrimination Act and to demonstrate respect for my needs as a deaf councillor and those of the deaf and hearing impaired residents attending meetings of council, I move the following:

1. That all council meetings, irrespective of venue, be set up with the transportable hearing and sound system which council already owns.
2. That the projection screen be operating in good working order.
3. That, as far as practicable, environmental sounds that are intrusive and disabling to the deaf and hearing impaired, be managed to maximise the opportunities for participation.
4. That the code of meeting practice be amended to allow the minute taker to have a modern recording facility attached to the computer to assist with speed, accuracy and to improve OH&S by reducing stress on the minute taker and to support visual prompts for the deaf and hearing impaired..
5. That councillors who are deaf and /or hearing impaired be advised prior to meetings of council in alternative venues to the Kyogle township chamber, of the arrangements that will be made to ensure that the layout of the venue maximises the opportunities for participation.
6. That council provide training for staff and councillors about meeting the needs of the deaf and hearing impaired to support participation in council activities.
7. That council support the items 1 to 6 by providing training for all staff involved in the management and administration of council meetings and activities with the appropriate technical training to ensure that all equipment and technology is in good working order so that the deaf and hearing impaired can participate fully in the activities of council.

**Recommendation**

For Council's determination.

**12.2 NOTICE OF MOTION; COUNCILLOR LINDSAY PASSFIELD - RECREATION  
DIRT BIKE RIDING ON CROWN LANDS**

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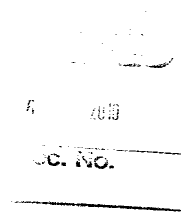
**Summary/Purpose**

This item presents to Council a Notice of Motion received from Councillor Lindsay Passfield for Ordinary meeting to be held 17 May 2010.

**Report**

The Notice of Motion is as follows;

## NOTICE OF MOTION



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

1. That Council requests State Forest NSW to convene a meeting of stakeholders to establish a system of regulation and enforcement for recreation dirt bike riding on Crown Lands in Kyogle Local Government Area.
2. That as a minimum this meeting should involve Kyogle Council, NSW National Parks, NSW Lands Department, and Indigenous Representatives, Local Landcare Groups, Progress Associations, Tourism operators and Dirt Bike Australia.

Signed:

Date:

6 May 2010

Note:

1. The Notice of Motion must be signed and delivered to the General Manager before 12 noon on the Tuesday preceding the meeting.
2. Notice of Motion of Rescission must be signed by three members (Clause 25(c)) and must be delivered to the General Manager before the close of the meeting if it is intended to prevent a motion being acted upon.

### Recommendation

For Council's determination.

**ITEM 13            DELEGATES REPORTS**

**13.1 DELEGATES REPORT; COUNCILLOR LINDSAY PASSFIELD SWPC & DTRAC  
MEETINGS HELD IN SYDNEY 22 APRIL 2010**

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**Summary/Purpose**

This report presents to Council a Delegates report from Councillor Lindsay Passfield in relation to a visit to Sydney on 22 April 2010, and the various meetings and discussions held.

**Report**

A copy of the report appears on the following pages;

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**DELEGATES REPORT**  
**VISIT TO SYDNEY 22 April 2010**

**Background**

Regional Development in the Northern Rivers of NSW, Darling Downs and Southeast Queensland has been hampered for many years by inadequate road infrastructure connecting these regions. Two organisations which have been trying to address these issues are the Summerland Way Promotional Committee (SWPC) and the Downs to Rivers Action Committee (DTRAC). Additionally and more recently the Cunningham Rail Consortium has been advocating a rail link between Warwick and Brisbane via Killarney, Woodenbong and Rathdowney as part of the proposed Melbourne to Brisbane inland railway.

**Summerland Way Promotional Committee**

The Summerland Way Promotional Committee was established in 1976 and has been reasonably successful in drawing attention to, and funding for, the upgrade of this route from Coffs Harbour to Brisbane. The Summerland Way has tremendous potential as an alternate heavy vehicle route, being far more direct than the Pacific Highway. Recent planning and development of the Bromelton Intermodal Freight Centre near Beaudesert, and the high volume of traffic on the Pacific Highway between Brisbane and Grafton, have focussed attention on the Summerland Way. Additionally, population growth projections for the Northern Rivers region provide increased justification for the upgrade of his vital infrastructure.

**Downs to Rivers Action Committee**

The DTRAC was formed in 1996 to emulate and complement the lobbying activities of the SWPC to upgrade the road linking the Summerland Way near Woodenbong to the New England and Cunningham Highways at Warwick. This road carries large numbers of cattle, pigs, and a great volume of grain and retail merchandise from the Darling Downs to the Northern Rivers for value adding, sustaining employment and economic activity in both regions.

**Cunningham Rail Consortium**

In 2000 a group of Southern Darling Downs Stakeholders formed the Cunningham Rail Consortium (CRC) to lobby for the planned Melbourne to Brisbane Rail line to run via Warwick, Killarney and Woodenbong to join the standard gauge Sydney Brisbane line at Rathdowney.

**Trans Regional Amalgamated Infrastructure Network. (TRAIN)**

In 2005 David Cooke recognised the potential to combine the objectives of SWPC, DTRAC and CRC to create a nation building suite of projects which could attract funding from the Federal Government. Since the formation of TRAIN all local and regional Councils affected by the projects have been involved in many meetings and lobbying opportunities. Hosting a visit by the Chair Catherine King MP, and members of the Federal Joint Standing Committee on infrastructure, Regional development and Local Government in conjunction with a DTRAC meeting at Legume in 2009 was a significant milestone in this process.

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Strong support from Federal politicians both sides of the State Border, Brett Regeusse (Forde) and Janelle Saffin (Page), and very effective lobbying by David Cooke resulted in the opportunity to visit the following key people in Sydney on 22 April 2010:

- Llew Russell – Shipping Australia
- Michael Deegan – CEO Infrastructure Australia
- Heather Ridout – Chair of Board Infrastructure Australia
- Simon Hunter – NSW Transport and Infrastructure

The visit delegation comprised:

- David Cooke – Director Nation Building Australia
- Ron Bellingham – Mayor Southern Downs Regional Council
- Lindsay Passfield – Councillor Kyogle Council, Chair SWPC, Past Chair DTRAC
- Andrew Symmonds – Eureka Funds Management
- Hal Morris – CEO Queensland Logistics Council (Simon Hunter visit only)

### **Shipping Australia**

#### **Llew Russell**

The delegation outlined the strategic benefits for the transport industry and the potential for accelerated regional development if the TRAIN suite of projects are pursued, and requested Llew Russell's support in ongoing efforts to secure Infrastructure Australia funding.

### **Infrastructure Australia**

#### **Michael Deegan**

Ron Bellingham apprised Michael Deegan of the importance of the Downs to Rivers Way to the Darling Downs' economy, constraints on the Cunningham and Warrego Highways, and the potential to better connect the Darling Downs to the Northern Rivers and in so doing provide an option for Pacific Highway Traffic to completely bypass Brisbane by travelling, from Grafton to Warwick / Toowoomba and rejoining the National Highway north of Brisbane.

Lindsay Passfield emphasised the benefits to existing industries in the Northern Rivers which rely on raw product from the Darling Downs. Additionally he advised Michael Deegan that the Summerland Way / Downs to Rivers Way provides an extremely reliable (virtually flood free), and potentially much more efficient connection between Brisbane (Bromelton) and the New England / Cunningham Highways at Warwick.

Michael Deegan gave the delegation a very good hearing; he acknowledged the nation building potential of the TRAIN concept but narrowed the discussion down to prioritising two main enabling projects:

- a. East of Mt Lindesay Deviation, and
- b. Upgrade of Downs to Rivers Way from the Summerland Way to the Queensland Border near Killarney.

The cross - border issues involved in these projects better fit funding criteria. Michael Deegan advised that our meeting and the information we provided constituted a formal submission. He also pointed out the huge number of other submissions to be considered and their total cost: competition is extremely tight and only a small number of very meritorious projects will be funded.



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### **Heather Ridout**

Heather Ridout, CEO of Australian Industry Group (AIG) and Chair of the Infrastructure Australia Board, was accompanied by the AIG Director Public Policy Dr Peter Burn for our meeting. The delegation repeated the information given to Michael Deegan and again received a very good hearing. We were advised that our submission would be considered by the IA Board in the near future.

### **NSW Transport and Infrastructure**

#### **Simon Hunter**

Discussions with Simon Hunter the Acting Director Freight Strategy, and Simon Hemli the Manager Investment attraction, covered the same ground as with earlier meetings but also included the road classification issue. This resulted in Simon Hunter requesting all relevant information from Kyogle Council and Tenterfield Shire Council, and from NOROC in relation to the mooted Integrated Regional Transport Plan, to feed into the State Transport Strategy which is currently being drafted. These gentlemen appeared genuinely interested in the TRAIN concept but not overly optimistic about the potential for IA funding.

#### **Reception**

#### **Lord Tony Berkely**

Shortly after this round of meetings we attended a reception for the British Rail guru Lord Tony Berkely. A number of people from the earlier meetings also attended this function which gave our delegation the opportunity to further explain the merits of our projects in a social setting.

#### **Conclusion**

The visit to Sydney arranged by David Cooke was an excellent opportunity to lobby for Federal funding of SWPC and DTRAC Projects from IA, and to seek support from other agencies. Delegates received a warm reception, a very good hearing and engaged in realistic and direct discussions at the highest level. The expectation now is that the two key cross border projects within the greater TRAIN suite of nation building projects will be considered for IA funding in the near future.

  
**Clr Lindsay Passfield**  
**Kyogle Council**

### **Recommendation**

That the Delegates Report Councillor Lindsay Passfield, outlining meetings held in Sydney on 22 April 2010, be received and noted.

## 13.2 DEPUTY MAYOR ATTENDANCES

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### Summary/Purpose

The following summarises the Deputy Mayor Attendances for the period 1 April 2010, through to 30 April 2010.

### Report

Date	Attendance
22/04/10	Doubtful Creek Public School Anzac Day Ceremony
23/04/10	Kyogle High School Anzac Day Ceremony
28/04/10	Quota 63 <sup>rd</sup> Installation Dinner
29/04/10	National Green Jobs Corps Launch

### Recommendation

That the Deputy Mayor Attendances report for the period 1 April 2010 through 30 April 2010 be received and noted.

## **ITEM 14            INFORMATION PAPERS**

### **14.1 MULTIPLE OCCUPANCIES IN KYOGLE LOCAL GOVERNMENT AREA**

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#### **Summary/Purpose**

The purpose of this report is to provide Council with information which provides a range of benefits and disadvantages of the establishment and ongoing development of this form of land use within the Kyogle Local Government Area.

#### **Strategic Plan Link(s)**

Environment and Pastoral

#### **Background Information**

Since 1984, Council has processed a total of 33 applications for the conduct and establishment of Multiple Occupancies throughout a range of locations within its area of jurisdiction. A total of 248 sites have been approved, ranging from as low as 2 to as high as 40 within a single parcel of land, with 187 dwellings having been commenced/established during this time.

State Environmental Planning Policy No. 15 – Rural Landsharing Communities, which was gazetted on 9 April, 1998, is the primary document for preparing and determining applications for this form of land use, outlines the formula for assessing the numbers of dwellings which can be established on a defined area of land.

#### **Previous Council Consideration**

At its Ordinary Meeting held on 15 March, 2010 Council resolved:

“That a report be provided to Council in relation to Multiple Occupancies, including the pros and cons.”

#### **Report**

##### Legislative Provisions

Under the provisions of the Kyogle Interim Development Order and Terania Interim Development Order, a development application for a Multiple Occupancy use of a rural parcel is able to be considered as a use which can be established with the consent approval of Council. In addition, the establishment of the use must comply with the provisions of State Environmental Planning Policy 15 – Rural Landsharing Communities.

The LEP 19 which has rezoned land for rural residential purposes in 12 preferred areas throughout the Kyogle Local Government Area has also identified locations within which Multiple Occupancies are able to establish with the consent approval of Council.

## BENEFITS (PROS)

The aims of the State Environmental Planning Policy No. 15 – Rural Landsharing Communities include some of the benefits of this form of land use, as follows:-

- (b) to enable:
  - (i) people to collectively own a single allotment of land and use it as their principal place of residence, and
  - (ii) the erection of multiple dwellings on the allotment and the sharing of facilities and resources to collectively manage the allotment, and
  - (iii) the pooling of resources, particularly where low incomes are involved, to economically develop a wide range of communal rural living opportunities, including the construction of low cost buildings, and
- (c) to facilitate development, preferably in a clustered style:
  - (i) in a manner that both protects the environment and does not create a demand for the unreasonable or uneconomic provision of public amenities or public services by the State or Commonwealth governments.

The benefits of these types of land use are predominantly enjoyed by the residents within the sites, whereby they are established on a share basis, thereby theoretically providing a reduction in the amount invested for the quantity of land set aside for the approval of each dwelling within the parcel.

It is also possible that there would be added security within the overall site due to the number of residents located on site to watch over otherwise vacant dwellings at various times.

## DISADVANTAGES (OR CONS)

### Residents

From the residents' perspective, due to the restrictions in terms of the community shares divided within the ownership of the land, the means of transferring these shares by sale could be somewhat restrictive, due to the structure of the body which presides over the operations of the community.

Similarly, the undertaking of more intensive agricultural or other activities may be restricted due to the proximity of other dwellings within the site as compared to a 40 hectare parcel with only one dwelling.

The development of an MO establishes standards for development that are less than those imposed on a subdivision that would create the same number of dwelling entitlements, having particular regard to road construction (conversely this can have a benefit in that it lends itself to affordable housing).

MOs are generally established on marginal land in remote areas which do not have ready access to services including hospitals and education.

MOs are essentially a residential land use on rural land. This can contribute to land use conflict with adjoining agricultural uses.

MOs require a common ownership of land and then a legal arrangement among members concerning rights to occupy a particular site. These internal agreements can be less secure than legal title.

In the late '90s and early 2000's, Byron Shire Council has received proposals from nineteen of the thirty-seven MOs in Byron Shire to convert MOs to community.

## Council

### Contributions

From the perspective of Council, a site containing 40 approved dwellings places far more pressure on the upkeep of an external road providing access to such developments with an increase in the number of potential traffic movements to and from such a development.

As defined in Table 1 – Estimated Traffic Generation for Rural Land Uses – residential and agriculture, within the Kyogle Council Section 94 Contribution Plan a multiple occupancy dwelling is calculated to be 0.5 equivalent tenement when it is very isolated with poor quality access to Kyogle or the nearest regional arterial road and up to 0.75 equivalent tenement when less than 5 kilometres to Kyogle or the nearest regional arterial road. These calculations have applied since December 2001. It is noted that only one consent has been granted since 2001 for such land use resulting in an amount of \$3245 being imposed for each equivalent tenement (12.2 ), totalling \$39,589.

Prior to this time a calculation of between \$1600 and \$1900 per additional dwelling and a public reserve levy of between \$80 and \$200 per additional dwelling was imposed by Council in the conditions of approval pertaining to the consent approvals issued. These amounts are generally comparative to those imposed on a conventional rural subdivision.

### Rates

Whether there are 3 or 40 dwellings in operation on a parcel which has been approved as a Multiple Occupancy, Council is able to collect only one rates payment per annum which is based on the valuation provided by the Valuer General. The levy is issued to the Secretary of each Multiple Occupancy who then determines the basis of the share of the overall rate levy to be paid by each of the respective occupants living on or who own shares in the subject parcel. If the land has an area of 40 hectares or under the base levy is calculated on a rural residential use, unless a viable agricultural production/activity is established and justified so that a rate levy on farmland is actioned.

In summary, it is estimated that of the 30 Multiple Occupancies in operation where 187 dwellings have been known to have commenced, a total of 157 additional dwellings are operational which could otherwise have generated their own individual rate levies, but due to the approval circumstances of the Multiple Occupancies, are included within the 30 rate notices issued to the Secretaries of each of the Multiple Occupancies.

## Conclusion

It is considered that whilst there was an accelerated level of interest and establishment of the Multiple Occupancies containing 12 or more dwellings during the period between 1984 – 2000, the level of enquiry for this scale of Multiple Occupancy since that time has levelled out to a point where predominantly, the enquiries relating to the establishment of this form of land use are generally for smaller numbers of 3 to 4 dwellings, usually for family members. Enquiry for the establishment of larger Multiple Occupancies remains steady however and the SEPP 15 - Rural Landsharing Communities provides for opportunities for this type of land use/residential activity to establish in accordance with the provisions in the SEPP, which prevail over an LEP.

## Recommendation

1. That the report *Multiple Occupancies Kyogle Local Government Area* be received and noted.

## 14.2 MONTHLY FINANCIAL REPORT - APRIL

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### Summary/Purpose

This report serves to advise Council of matters of interest not requiring a determination by Council and/or not affecting Council Policy.

### 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.

### **1. (A) Finance Reports**

Summary reports outlining Council's financial position as at 29 April, 2010. The reports presented include:

- Rates Statement
- 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 Monthly Finance Report – April be received and noted.

## **Attachments**

1. Financial Reports
2. Councillors Travel

**ITEM 15            GENERAL MANAGER 'S REPORT**

**ITEM 15A         TECHNICAL SERVICES REPORT**

**15A.1             WORKS COMMITTEE MEETING - MAY**

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**Summary/Purpose**

This report presents the minutes of the Works Committee Meeting held May 10, 2010.

**Report**

The minutes of the meeting appear below:

**Kyogle Council  
Unconfirmed Minutes of the Works Committee Meeting held in the Council  
Chambers, Stratheden Street, Kyogle, on May 10, 2010.**

**PRESENT**

Cr. J. O'Reilly, Cr. L. Zito (Chair), Cr. R. Dwyer and Cr. T. Cooper. Cr. R. Brown entered the meeting at 2:45 p.m.

**IN ATTENDANCE**

The General Manager, the Director of Technical Services, the Works Manager, the Plant & Depot Coordinator and the Personal Assistant to Technical Services.

**MEETING COMMENCEMENT**

The Chair declared the meeting open at 3:30pm

**ITEM 1 APOLOGIES**

An apology was received from Cr. R. Brown advising that he would arrive late at the meeting.

Moved Councillor John O'Reilly, seconded Councillor Tom Cooper.

That the apology be accepted.

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

**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.

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## **ITEM 4 DECLARATION OF INTERESTS**

Nil

## **ITEM 5 REPORTS**

### **Item-5.1 RURAL AND URBAN WORKS REPORT**

#### **Committee's Recommendation**

Moved Councillor Robert Dwyer, seconded Councillor John O'Reilly.

That the Rural and Urban Works program report be received and noted.

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

### **Item-5.2 REGIONAL ROAD WORKS REPORT**

#### **Committee's Recommendation**

Moved Councillor Robert Dwyer, seconded Councillor John O'Reilly.

That the Regional Road Works report be received and noted.

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

### **Item-5.3 STATE ROAD WORKS REPORT**

#### **Committee's Recommendation**

Moved Councillor Robert Dwyer, seconded Councillor John O'Reilly.

That the State Road Works report be received and noted.

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

### **Item-5.4 PLANT BUDGET REPORT - APRIL**

#### **Committee's Recommendation**

Moved Councillor John O'Reilly, seconded Councillor Tom Cooper.

That the Plant Budget Report be received and noted.

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

### **Item-5.5 QUARRIES REPORT**

#### **Committee's Recommendation**

Moved Councillor Robert Dwyer, seconded Councillor John O'Reilly.

That the Quarries Report be received and noted.

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

### **Item-5.6 FINANCIAL PERFORMANCE MAJOR WORKS - APRIL 2010**

**Committee's Recommendation**

Moved Councillor Tom Cooper, seconded Councillor Robert Dwyer.

That the Financial Performance Major Works report be received and noted.

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 3:03p.m.

**Recommendation**

That the minutes of the Works Committee Meeting held May 10, 2010 be received and noted.

**15A.2 STATE WATER CORPORATION WEIR REVIEWS**

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**Summary/Purpose**

This report is to advise Council of a review being conducted by State Water Corporation of unregulated weirs in the Kyogle Council area.

**Strategic Plan Link(s)**

Waste and Water

**Report**

Correspondence has been received from State Water Corporation advising of a review of unregulated weirs owned by the Corporation.

Three weirs being investigated in the Kyogle Local Government area are'

Sextonville Weir – Doubtful Creek

Cob O Corn Creek Weir – Cob o Corn Creek

Fawcetts Creek Weir 3 – Fawcetts Creek.

Council has been requested to advise if it perceives a use for the weirs, what the use is, and whether Council would assume ownership of the structures based upon this use.

A copy of the correspondence received is included in the attachments to the business paper.

None of the weirs being reviewed are used by Council. They appear to be of benefit to adjoining landowners only, who may use the water for stock or domestic water supply and may rely on the stored water during low rainfall periods.

Council does not have the resources or expertise to manage or maintain these weirs and it is noted that no mention of financial or technical assistance has been offered to assist Council should it choose to assume ownership.

### **Recommendation**

That State Water Corporation be advised that Council does not perceive any use for Council's purposes of the Sextonville, Cob O Corn or Fawcetts Creek weirs and does not wish to assume ownership of the weirs.

### **Attachments**

1. Letter from State Water Corporation

**ITEM 15B PLANNING SERVICES REPORT**

**15B.1 DEVELOPMENT APPLICATIONS RECEIVED, OUTSTANDING & DETERMINED FOR THE PERIOD APRIL 1, 2010 TO APRIL 30, 2010**

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**Report**

06/81

Property: L 97 DP 755751 Warrazambil Parish, Rous County  
Address: Lynches Creek Road Lynchs Creek  
Applicant/Owner: Shane McDaniel Hickey / S & J Hickey  
Proposal: Piggery Shed  
Received: Referred To DMP For Comment  
Status: Applicant to advise

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2006/159

Property: Lot 2 DP 123265 Boorabee Parish, Rous County  
Address: Mulvena Road, Larnook  
Applicant/Owner: Tony Michael Boyd / Comdox No.203 Pty Ltd  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Applicant to advise

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2006/187

Property: Lot 612 DP 1043412 Boorabee Parish, Rous County  
Address: Boorabee Road, Boorabee Park  
Applicant/Owner: Simon Peter Van Oorde / SP Van Oorde  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Refused

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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: Applicant to advise

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2007/176

Property: Lot 77 DP 755723 Mummulgum Parish, Rous County  
Address: Bruxner Highway Mummulgum  
Applicant/Owner: P N Van Mourik / WJ & PN Van Mourik  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Applicant to advise

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2007/188

Property: Lot 32 DP 1047834 Queebun Parish, Rous County  
Address: Carruthers Rd Doubtful Creek  
Applicant/Owner: John Joseph Hession / Tasmanian Plantation Pty Ltd

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Proposal:	Subdivision
Received:	Referred to Department of Lands & RFS for Comment
Status:	Consultant to advise
<hr/>	
2008/17	
Property:	Lot 1 DP 527983 Sandilands Parish, Drake County
Address:	Bruxner Hwy Sandilands
Applicant/Owner:	Enviro Link Consulting / SH & KA Larsson
Proposal:	Industrial Facility -Soyabean Processing Facility
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comment
<hr/>	
2008/87	
Property:	Lot 1 DP 820659 Peacock Parish, Buller County
Address:	Station Road, Bonalbo
Applicant/Owner:	Newton Denny Chapelle / GT & DL Jarrett & Tasmanian Plantations P/L
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Applicant to advise
<hr/>	
2008/88	
Property:	Lot 54 DP 751074 Peacock Parish, Buller County
Address:	Station Road, Gorge Creek
Applicant/Owner:	Newton Denny Chapelle / GT & DL Jarrett & Tasmanian Plantations P/L
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Applicant to advise
<hr/>	
2008/125	
Property:	Lot 101 DP 881876 Fairy Mount Parish, Rous County
Address:	Green Pigeon Rd Green Pigeon
Applicant/Owner:	Allan Clarke / The Secretary, Green Pigeon Pty Ltd
Proposal:	4 Commercial Sheds
Received:	Referred To DMP For Comment
Status:	Applicant to advise
<hr/>	
2009/6	
Property:	Lot 3 DP 1122813 Boomi Parish, Buller County
Address:	Boomi Creek Rd Boomi Creek
Applicant/Owner:	Enviro Link Consulting / DP & GJ Stace
Proposal:	Subdivision
Received:	Referred To RFS For Comment
Status:	Applicant to advise
<hr/>	
2009/18	
Property:	Lot 2 DP 810222 Wiangarie Parish, Rous County
Address:	Summerland Way, New Park
Applicant/Owner:	Newton Denny Chapelle / PA, CL, & LJ Bordin & ER Smith
Proposal:	Subdivision
Received:	Referred To DMP for Comment
Status:	Applicant to advise
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2009/32	
Property:	Lot 157 DP 781822 Fairy Mount Parish, Rous County

Address: Irwin St Kyogle  
Applicant/Owner: Enviro Link Consulting / SA Hoffman  
Proposal: Strata  
Received: Referred To DMP For Comment  
Status: Applicant to advise

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2009/34

Property: Lot 5 DP 843729 Roseberry Parish, Rous County  
Address: Roseberry Creek Rd Roseberry Creek  
Applicant/Owner: LandPartners / Currey Family Holdings P/L & KGC Nominees P/L  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Applicant to advise

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2009/46

Property: Lot 7 DP 759111 Donaldson Parish, Rous County  
Address: Macpherson St Woodenbong  
Applicant/Owner: Enviro Link Consulting / Jasmine Blue Pty Ltd  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Applicant to advise

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2009/126

Property: Lot 13 DP 834450 Wiangarie Parish, Rous County.  
Address: Collins Creek Rd Fawcetts Plain  
Applicant/Owner: Brendan Neil Pratt / BN Pratt & FM Farrah  
Proposal: Spray Booth  
Received: Referred To DMP For Comment  
Status: Applicant to advise

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2010/12

Property: Lot 3 DP 21237 Fairy Mount Parish, Rous County.  
Address: Wyndham St Kyogle  
Applicant/Owner: Rodney Nardi / R Nardi  
Proposal: Dwelling and Retaining Walls  
Received: Referred To DMP for Comment  
Status: Awaiting DMP Comments

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2010/39

Property: Lot 855 DP 803944 Loadstone Parish, Rous County.  
Address: Cedargetters Rd Gradys Creek  
Applicant/Owner: Danielle Sandra Mulholland-Eaton  
Proposal: Multiple Occupancy  
Received: Referred To DMP For Comment  
Status: Applicant to advise

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2010/56

Property: Lot 24 DP 661658 Black Camp Parish, Drake County.  
Address: Larsson Rd Tunglebung  
Applicant/Owner: Newton Denny Chapelle / Bioforest Limited  
Proposal: Subdivision By Boundary Adjustment  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2010/58

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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: Applicant to advise

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2010/59

Property: Lot 78 DP 6317 Fairy Mount Parish, Rous County.  
Address: Gardner Lane Kyogle  
Applicant/Owner: Landpartners / MM Pethers  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Applicant to advise

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2010/74

Property: Lot 1 DP 1113095 Fairy Mount Parish, Rous County.  
Address: Summerland Way Kyogle  
Applicant/Owner: Scott Wayne Lynch / SW Lynch & TA Mettam  
Proposal: Retaining Wall  
Received: Referred To DMP For Comment  
Status: Applicant to advise

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2010/80

Property: Lot 5 DP 1122813 Boomi Parish, Buller County.  
Address: Boomi Creek Rd Boomi Creek  
Applicant/Owner: Glenda Joy Stace / DP & GJ Stace  
Proposal: Tourist Cabin  
Received: Referred To DMP For Comment  
Status: Applicant to advise

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2010/88

Property: Lot 77 DP 751059 Donaldson Parish, Buller County.  
Address: Recreational Road off Lindsay Creek Rd Woodenbong  
Applicant/Owner: Dean Jeffery / WG Jeffery  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting Applicant's Comments

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2010/89

Property: Lot 235 DP 783866 Fairy Mount Parish, Rous County.  
Address: Anzac Dr Kyogle  
Applicant/Owner: Tidy Towns / Kyogle Council  
Proposal: Advertising Sign  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2010/93

Property: Lot 1 DP 759088 Wiangarie Parish, Rous County.  
Address: Worendo Street, Wiangaree  
Applicant/Owner: L Young / L Young & TA Faulks  
Proposal: Change Of Use From Church To Health  
Received: Referred To DMP For Comment  
Status: Applicant to advise

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2010/95

Property: Lot 7002 DP 96390 Sandilands Parish, Drake County.  
Address: Bruxner Hwy Mallanganee  
Applicant/Owner: West of the Range Pony Club / NSW Dept of Lands  
Proposal: Storage Shed  
Received: Referred To DMP For Comment  
Status: Awaiting Applicant's Comments

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2010/97

Property: Lot 55A DP 6317 Fairy Mount Parish, Rous County.  
Address: Gardner Lane, Kyogle  
Applicant/Owner: N Worldon / N & K Worldon  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2010/98

Property: Lot 223 DP 832402 Sherwood Parish, Rous County.  
Address: Imbreys Road Grevillia  
Applicant/Owner: Geoffrey Eric Smith / GE Smith  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting Applicant's Comments

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2010/99

Property: Lot 13 DP 1139552 Warrazambil Parish, Rous County.  
Address: Green Pigeon Rd Green Pigeon  
Applicant/Owner: Richmond John Matthews / RJ & LR Matthews  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2010/100

Property: Lot 13 DP 1083528 Langwell Parish, Rous County.  
Address: Riches Road Ettrick  
Applicant/Owner: DS Freeman  
Proposal: Relocated dwelling  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2010/101

Property: Lot 1 DP 622829 Fairy Mount Parish, Rous County.  
Address: Kyogle Rd Little Back Creek  
Applicant/Owner: Robert Joseph Alcorn / RJ Alcorn  
Proposal: Dwelling Additions  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2010/103

Property: Lot 29 DP 6798 Runnymede Parish, Rous County.  
Address: Boorabee St Kyogle  
Applicant/Owner: Dallas Craig Frazier / MG Brown & DC Frazier  
Proposal: Dwelling Additions  
Received: Referred To DMP For Comment

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Status:	Approved subject to conditions
2010/104	
Property:	Lot 14 DP 20701 Tabulam Parish, Drake County.
Address	Bruxner Hwy Tabulam
Applicant/Owner:	Mr RJ & Mr KJ Kelly
Proposal:	Bottle Shop
Received:	Referred To DMP For Comment
Status:	Awaiting Applicant's Comments
2010/106	
Property:	Lot 32 DP 607359 Dyraaba Parish, Rous County.
Address	Theresa Creek Road, Theresa Creek
Applicant/Owner:	Joshua Hamilton Moore / JH & JR Moore
Proposal:	Existing Extended Dwelling And Shed
Received:	Referred To DMP For Comment
Status:	Awaiting Applicant's Comments
2010/107	
Property:	Lot 1 DP 305744 Fairy Mount Parish, Rous County.
Address	Anzac Dr Kyogle
Applicant/Owner:	Stephen P McElroy / Ritchies Stores Pty Ltd
Proposal:	Carpark
Received:	Referred To DMP For Comment
Status:	Awaiting Applicant's Comments
2010/108	
Property:	Lot 13 DP 1036751 Cougal Parish, Rous County.
Address	Brindle Creek Rd Loadstone
Applicant/Owner:	Merlene May Webster / EF & MM Webster
Proposal:	Subdivision Sepp 1 Variation
Received:	Referred To DMP For Comment
Status:	Awaiting Dept of Planning Comments
2010/109	
Property:	Lot 15 DP 1040001 Warrazambil Parish, Rous County.
Address	Collins Creek Rd Collins Creek
Applicant/Owner:	Gary Peter Gilliland / GP & SK Gilliland
Proposal:	Dwelling & Dwelling Demolition
Received:	Referred To DMP For Comment
Status:	Awaiting Applicant's Comments
2010/110	
Property:	Lot 11 DP 1091119 Fairy Mount Parish, Rous County.
Address	Fawcetts Plain Rd Fawcetts Plain
Applicant/Owner:	Matthew James Brown / MJ Brown
Proposal:	Dwelling Demolition And Alterations
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
2010/111	
Property:	Lot 10 DP 1132977 Fairy Mount Parish, Rous County.
Address	Killaloe Rd Green Pigeon
Applicant/Owner:	David James Orr / DJ Orr & SL Patten
Proposal:	Driveway
Received:	Referred To DMP For Comment

Status:	Awaiting DMP Comments
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2010/112	
Property:	Lot 1 DP 101306 Wiangarie Parish, Rous County.
Address	Collins Creek Road
Applicant/Owner:	JW Passfield / JH Lyons
Proposal:	Dwelling additions
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2010/113	
Property:	Lot 12 DP 1058287 Fairy Mount Parish, Rous County.
Address	Andrew St Kyogle
Applicant/Owner:	Graeme Alexander Johnston / GA & WL Johnston
Proposal:	Commercial Additions
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2010/114	
Property:	Lot 155 DP 755713 Jiggi Parish, Rous County.
Address	Kyogle Road, Cawongla
Applicant/Owner:	DG Riley / DG & DM Riley
Proposal:	Commercial Additions
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2010/115	
Property:	Lot 4 DP 4973 Fairy Mount Parish, Rous County.
Address	Norton St Kyogle
Applicant/Owner:	Kyogle Council
Proposal:	Sheds Demolition
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2010/116	
Property:	Lot 2 DP 252632 Runnymede Parish, Rous County.
Address	77 Highfield Rd Kyogle
Applicant/Owner:	Carol Frances Marriott
Proposal:	Extensions, Carport & Shed
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 April 1, 2010 to April 30, 2010 be received and noted.

2. That the information contained in the report Development April 1, 2010 to April 30, 2010 only in relation to DA../... and DA../.... In which Councillors ..... have declared an interest be received and noted.

## **15B.2 PLANNING & ENVIRONMENT COMMITTEE MINUTES - MAY 3, 2010**

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### **Summary/Purpose**

This report presents the minutes of the Planning & Environment Committee meeting held on May 3, 2010.

### **Report**

A copy of the minutes appear below.

#### **Kyogle Council**

#### **Unconfirmed Minutes of the Planning & Environment Committee Meeting held in the Council Chambers, Stratheden Street, Kyogle, on May 3, 2010.**

#### **PRESENT**

Cr. R. Brown, (Mayor in the Chair), Cr. E. Bennett and Cr. R. Leadbeatter.

#### **IN ATTENDANCE**

The General Manager, the Director of Planning & Environmental Services, the Senior Town Planner, the Manager Asset Services and the Personal Assistant to Planning & Environmental Services.

#### **MEETING COMMENCEMENT**

The Mayor declared the meeting open at 11.05am.

#### **ITEM 1 APOLOGIES**

Nil

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

The Mayor read the opening prayer.

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

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

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

o The General Manager

Reason for Declaration

Item 5.2 Sister involved with preparation of rezoning application

## **ITEM 5 REPORTS**

### **Item-5.1 PROPOSED INDUSTRIAL DEVELOPMENT SUBDIVISION AT 13171/13174 SUMMERLAND WAY**

The Mayor ruled to adjourn the meeting at 11.06am.

Stephen Fletcher of Stephen Fletcher & Associates joined the meeting at 11.06am to address the committee about the submission of the proposed industrial development subdivision application and querying whether formal advertising of the development will be required, given the extensive process of the rezoning application and the fact that the proposal is in accord with principles of the rezoning application.

The Director of Technical Services joined the meeting at 11.07am.

The Director of Planning & Environmental Services joined the meeting at 11.11am.

#### **Committee's Recommendation**

Moved Councillor Ernie Bennett, seconded Councillor Robert Leadbeatter.

1. That the report be received and noted.
2. That the Committee uphold the request and determine that there be no requirement to publicly advertise the development application for subdivision of land situated at 13171/13174 Summerland Way, Kyogle for industrial land uses.

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

### **Item-5.2 DEVELOPMENT APPLICATION 2009/35 - MAYFIELD ESTATE**

The General Manager left the meeting at 11.16am.

The delegation of staff from Newton Denny Chapelle and the Mayfield Partnership joined the meeting at 11.18am.

The delegation addressed the committee requesting that item 42 of the development consent be deferred from stage 1a1 to stage 1a3 due to budgetary constraints.

The Mayor adjourned meeting at 11.43am to permit discussion with technical staff.

The delegation rejoined the meeting at 11.58am.

#### **Committee's Recommendation**

Moved Councillor Ernie Bennett, seconded Councillor Robert Leadbeatter

1. That condition 11 be amended to remove the Section 94 roads contributions from stage 1a1 and 1a2 totalling \$129,360.

The motion was put the vote and was CARRIED unanimously.

## **MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 12.03pm.

## **Recommendation**

1. That the report *Planning & Environment Committee Minutes - May 3, 2010* be received and noted.
2. That the Committee uphold the request and determine that there be no requirement to publicly advertise the development application for subdivision of land situated at 13171/13174 Summerland Way, Kyogle for industrial land uses.
3. That condition 11 be amended to remove the Section 94 roads contributions from stage 1a1 and 1a2 totalling \$129,360.

Note:

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. Addendum Report - Mayfield Estate.

## **15B.3 HERITAGE REVIEW & LOCAL ENVIRONMENTAL PLAN 18**

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### **Summary/Purpose**

This report:

- presents to Council a summary of the submissions received during the public exhibition period of the Kyogle Local Government Area Heritage Review 2009 and the draft Kyogle Local Environmental Plan 18 - Heritage Provisions;
- submits a report from Jane Gardiner, heritage advisor, on the legitimacy of the submissions received;
- makes recommendations on the adoption and maintenance of the heritage studies undertaken in the Local Government Area; and
- advises on matters undertaken and matters required to be undertaken in order to further the creation of LEP 18.

### **Previous Council Considerations**

The previous considerations by Council are chronologically described below.

#### *Ordinary Meeting, 21 August 2000*

At this meeting Council resolved "that Council adopts the Kyogle Heritage Study as amended in June 2000 and advertise accordingly."

#### *Ordinary Meeting, 15 August 2005*

1. "Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, Council resolves to prepare a Draft Local Environmental Plan amendment to insert a Heritage Provisions generally in accordance with the Standard Heritage Clauses listed by the NSW Heritage Office within Interim Development Order No 1 - Shire of Kyogle and Interim Development Order No 1 - Shire of Terania.
2. "That Council advise the Director General of the Department of Infrastructure, Planning and Natural Resources of the decision to prepare a draft local environmental plan.
3. "That following the public exhibition of the Draft Local Environmental Plan and review of all public and government agency submissions a further report is presented to Council to adopt the Local Environmental Plan Amendment."

*Ordinary Meeting, 15 June 2009*

At this meeting it was resolved by Council "that Council proceeds with the creation of Draft LEP 18."

*Ordinary Meeting 21 September 2009*

On 21 September 2009 Kyogle Council at its ordinary meeting resolved that, "In relation to the initial heritage listing of private dwellings, this should be on a voluntary basis."

*Ordinary Meeting 16 November 2009*

In response to the item "Heritage Review & Local Environmental Plan 18" presented to the Ordinary Meeting, 16 November 2009, interests were declared by Councillors and the item was unable to be considered due to the lack of a quorum.

*Ordinary Meeting, 15 February 2010*

1. That Council adopt the draft heritage study compiled by Jane Gardiner, August 2009 and entitled *Kyogle Local Government Area Heritage Review 2009*.
2. That Council notifies potential heritage item owners and the wider community about the heritage study and undertakes a public exhibition and consultation process for draft LEP 18 Draft A and the *Kyogle Local Government Area Heritage Review 2009*.

## **Report**

At the Ordinary Meeting of Council held on 15 February 2010 it was resolved that the Kyogle Local Government Area Heritage Review 2009 and Draft Local Environmental Plan 18 be adopted for the purpose of public exhibition. This exhibition was undertaken between 22 March 2010 and 22 April 2010 and involved the display of relevant documentation at twelve (12) venues within the Local Government Area; namely Bonalbo Post Office, Cawongla Store, Grevillia Post Office, Kyogle Council Office, Kyogle Library, Mallanganee Post Office, Mummulgum Store, Old Bonalbo Post Office, Tabulam Post Office, Wadeville Store, Wiangaree Post Office/Store and Woodenbong Post Office.

The exhibition was undertaken in accordance with Part 3 of the *Environmental Planning and Assessment Act 1979* and involved hard copy displays of documents at each abovementioned venue, including:

- *Draft LEP 18*
- *Godden Mackay Kyogle Shire Heritage Study, Volume 1*
- *Godden Mackay Kyogle Shire Heritage Study, Volume 2*
- *Kyogle Local Government Area Heritage Review 2009*
- *Kyogle Local Government Area State Heritage Inventory Database*
- *Standard Instrument - Principal Local Environmental Plan*
- *North Coast Regional Environmental Plan*
- *Interim Development Order No. 1 - Shire of Kyogle Council*
- *Interim Development Order No. 1 - Shire of Terania*
- *Section 117 Directions 2.3 Heritage Conservation and 5.1 Implementation of Regional Strategies*
- *Far North Coast Regional Strategy.*

As part of the Public Exhibition process Council sent letters to all potential heritage owners and alerted the wider community through public notification in the Northern Star newspaper, and via Council's website and Council's Community Newsletter. Two (2) public seminars were also convened during the exhibition period in Kyogle and Bonalbo.

During the Public Exhibition Period seventeen (17) written submissions and one (1) telephone submission were received by Council. These submissions are described and considered in the attached report compiled by Jane Gardiner, heritage advisor.

A number of recommendations are made in the attached report *Kyogle Heritage Review 2009, Report on Submissions from the Public Exhibition*. Having regard to the options relating to heritage management and promotion, consideration of the funding of a Heritage Advisor and the establishment of a Heritage Assistance Fund Plan, should be considered following the adoption of Local Environmental Plan 18.

The Heritage Advisor also makes the recommendation that an Independent Hearing and Assessment Panel be established outside the LEP process to consider six (6) items which were subject to objections during public exhibition. This panel would consider the subject items on their merits for inclusion in, or omission from, Council's Heritage Schedule, which would then be amended under separate cover. This recommendation would ensure that LEP 18 is not delayed while six (6) items in two hundred and twenty four (224) (or 2.7%) are considered by an impartial body which would logically convene immediately after the exhibition period and prior to the Council adopting the LEP for the purposes of seeking the opinion of Parliamentary Counsel and the consent of the minister to make the Plan.

The items in question are listed below in conjunction with their statement of heritage significance.

1. Bonalbo Cottage Hospital Former

"The former Bonalbo Cottage Hospital is historically significant for its association with the development of small community sponsored hospitals which were manned by the Bush Nursing Association and formed an important link in the network of health care facilities especially in more remote parts of the state. This building however, was only used for a brief period in this way and has been altered."

2. Bonalbo Brown's Homestead Former

"This 1919 property, located on the outskirts of Bonalbo township, is historically, architecturally and socially significant. Historically the house is associated with the development and subdivision of properties in the Bonalbo district in the period 1900 - 1920. It is also associated with the prominent A.J. Brown family who were active supporters of many local organisations. Mrs E. Brown, for example, was a founding member of the CWA who amongst other initiatives established Bonalbo hospital.

"Architecturally it is significant as a representative example of the Late Federation Queen Anne style and is built of teak sourced from the Mallanganee Mill.

"The dwelling with its landscaped grounds and mature date palms, makes a pleasing entry to the town and tells the story of the subdivision of the large upper Clarence properties."

3. Kyogle Residence, 17 Rous Street

"This c1915 residence is architecturally significant as a fine example of the local influence of climate on the Queen Anne style. This house is associated with the rise of banking in the town and is a evidence of the social status of the bank manager's at that time. It with a similar

residence on the opposite site of Groom Lane at 19 Rous Street makes a substantial contribution to the streetscape."

#### 4. Kyogle Convent Former

"This c1910 building has strong historic associations with the introduction and development of Catholic education in Kyogle. It also has associations with E.N. Larkin, an important early shopkeeper and advocate for the advancement of Kyogle. Although unsympathetically incorporated in the Seventh Day Adventist Church complex, the building retains historical association and significance."

#### 5. Station Master's Residence Former

"The Kyogle Station master's residence is historically significant for its association with the Casino-Kyogle Railway which opened on January 26, 1910 and the subsequent extension of the line to Brisbane in 1930. It is one of a group of railway structures which demonstrate the importance of the rail transport in the development of Kyogle shire. It is aesthetically pleasing and its orientation adjacent to the railway line and facing the station show the link between this cottage and the station complex. It is likely to be socially significant to the Kyogle community as part of the Kyogle Railway complex."

#### 6. Woodenbong 16 Unumgar Street Store Former

"This former shop is primarily significant as one of a group of principally timber shops constructed in the period 1907 to 1940 in the village of Woodenbong. They are distinguished by their simple gable roofed, massing in a rectangular envelope, stepped parapets, and suspended awnings to the street. Below the awning this shop has retained its recessed entry with splayed walls. Historically it tells of commercial growth in Woodenbong c1930."

The abovementioned items are recognised to have heritage values as per the professional Godden Mackay study and its subsequent review. Irrespective, submissions received during the public advertising period convey a desire to not have the particular items listed in LEP 18.

To facilitate Council to make a determination on the six (6) items in question during the plan making process the State Heritage Inventories for the respective items are attached. These items should be individually considered against the following criteria, to be listed or omitted accordingly.

- Is it something we want to keep?
- Does the item tell a story?
- Will anyone suffer a sense of loss if the place is no longer there?

Should Council be satisfied to make a determination on the LEP with the information available then the schedule of Draft Amendment 18 to the Kyogle and Terania Interim Development Orders should be finalised and endorsed.

In other matters, recent amendments to Part 3 (Part 3 relating to the procedures for making plans) of the *Environmental Planning and Assessment Act 1979* have resulted in a deadline for the creation of LEP 18 under the pre-Gateway plan making provisions, being 1 July 2010. Due to the processes yet to be undertaken in order to publish the LEP prior to 1 July 2010, including the necessary resolution of Council, the opinion of Parliamentary Counsel and the final authorisation of the Minister, on 22 April Council staff wrote to the Department of Planning requesting Kyogle Council's draft Local Environmental Plan 18 be converted from the pre-Gateway plan making process to a Planning Proposal under the amended provisions of the *Environmental Planning and*



*Assessment Act 1979*. If endorsed, this will permit the LEP to proceed from its current situation without the imposition of the 1 July 2010 deadline.

### **Budget & Financial Aspects**

A number of recommendations made by Jane Gardiner and Godden Mackay require a financial outlay on behalf of Council. Some funding opportunities are available from the Heritage Branch, Department of Planning, on a capped dollar for dollar basis.

The cost of creating an Independent Hearing and Assessment Panel (IHAP) may be minimised if Council can reach a consensus with other Local Government Areas in the Region to free professional Council staff for the purposes of an IHAP. This would be in a similar vein to the Joint Regional Planning Panels.

### **Recommendation**

1. That Council adopts the Godden Mackay *Kyogle Shire Heritage Study, Volume 1*, the Godden Mackay *Kyogle Shire Heritage Study, Volume 2*, the *Kyogle Local Government Area Heritage Review 2009*, and the *Kyogle Local Government Area State Heritage Inventory Database*.
2. That Council delegates authority to the General Manager to authorise individual officers to maintain and update the *Kyogle Local Government Area State Heritage Inventory Database*.
3. That Council amend the schedule and maps of LEP 18 to omit those items which have been demolished or approved for demolition and any of those six (6) items the subject of objections.
4. That Council requests:
  - a) Parliamentary Counsel for an Opinion as to whether Local Environmental Plan 18 can legally be made; and
  - b) the Minister for Planning that Local Environmental Plan 18 be made.

### **Attachments**

1. Jane Gardiner's *Report on Submissions from the Public Exhibition, May 2010*.
2. State Heritage Inventories for six (6) items.

## **ITEM 15C ENVIRONMENT SERVICES REPORT**

### **15C.1 NORTHERN RIVERS FOOD LINKS VILLAGE SHOWCASE**

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#### **Summary/Purpose**

This report is to inform Council about the Food Links – Village Showcase Project and to seek nomination from councillors on the LGA Reference Group that oversees the delivery of the Village Showcase projects in the LGA.

#### **Background Information**

The Department of Environment and Climate Change, through the Urban Sustainability Program within the NSW Environment Trust, has provided funding of \$1,999,080 for the Northern Rivers Food project.

Northern Rivers Food Links seeks to:

- Mitigate climate change impacts associated with food production and distribution by:
  - Addressing distribution inefficiencies that result in unnecessary ‘food miles’ for locally produced food.
  - Supporting take-up of more sustainable food production practices with particular emphasis on farming inputs, land-use management in a changing climate and off farm environmental impacts.
- Strengthen community resilience to climate change and peak oil impacts by:
  - Reducing reliance on highly centralised food supply chains.
  - Creating a local food economy built on strong links between the regions food producers, distributors, retailers and consumers.

Northern Rivers Food Links will strive to meet these aims through the delivery of a range of initiatives including community driven Village Showcase projects. \$350,000 of the project funds has been allocated for a total of seven (7) showcase projects across the Northern Rivers.

#### **Report**

The scale of the NR Food Links project, and the involvement of 7 Councils plus Rous Water, requires that a robust governance structure be established.

All Councils partnered in this project are represented on the Steering Committee. However, given the scale and complexity of the project and the range of interest groups throughout the region, a number of Reference Groups will be created.

The overall role of each of the seven LGA Reference Groups is to:

- Provide advice and feedback to local community/industry groups seeking support for project activities
- Provide advice to the Steering Committee on project activities
- Provide advice and feedback on project activities once underway
- Communicate with constituents to explain decisions made by the Steering Committee.

A Reference Group will be established in each LGA with the responsibility for two key project initiatives:

- Village Showcase Projects, and
- Discretionary Projects

Each Council has the capacity to either establish a new reference group, or may elect to utilise an existing Council structure.

The Project Management team will support reference groups.

The LGA Reference Groups will have primary responsibility of assessing and ranking applications for funding for Village Showcase projects and other projects as identified within the discretionary funding project area.

This will entail:

- On completion of application period, meeting to assess & rank **all** applications for their own Local Government Area.
- Recommending the top 3 applications to the Steering Committee for consideration.
- Supporting the LGA Project Officer & the successful projects throughout implementation as appropriate
- Assisting with contingencies as/when appropriate
- Supporting innovative initiatives which may not have received support and should be considered within the discretionary funding budget.

Each Reference group will be supported by the LGA Project Officer who will:

- Provide secretariat support (arrange meetings, agenda, minutes)
- Assist the community to access funding opportunities through the provision in all LGA's of equal media and information kits
- Provide information sessions and support to the community regarding how to apply for funding, including explaining funding criteria
- Develop the funding criteria in consultation with the steering committee for use by each of the 7 LGA Reference Groups
- Administer the application process in a consistent and transparent manner across allseven LGAs
- Report on the activities of all the projects throughout implementation phase
- Report any issues that arise with a local project
- Support and mentor the successful applicants throughout the duration of a project.

It is anticipated that the timeframe for involvement for the LGA Reference groups will be for the two-year duration of the Northern Rivers Food Links project. However, the primary commitment period will be in the first three months of the project (April – June 2010) when Village Showcase Projects in each LGA are due for ranking by each LGA Reference Group to the Steering Committee and will then commence implementation. Discretionary funding will be implemented early 2011 when further meetings will be required.

Reference groups must be established and ready to meet to assess the Village Showcase projects in the 1st week of July 2010.

### **Recommendation**

That Councillor ..... and Councillor ..... be nominated as Council's representatives on the Kyogle LGA Reference Group.

## **15C.2 NORTH EAST WASTE FORUM**

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### **Summary/Purpose**

This item provides a report to Council in order to determine if the benefits to be achieved in renewing membership of the North East Waste Forum in the forthcoming 2010/2011 financial year warrant the \$9500 annual membership fee quoted for the service.

### **Previous Council Consideration**

At the Ordinary Meeting of Council held on 20 July, 2009 Council considered a report on the North East Waste Forum with a view to considering whether Council seeks renewed membership of the Forum. Council resolved:

1. That the report *North East Waste Forum Membership* was received and noted.
2. That Council not continue with financial membership of the North East Waste Forum in the 2009/10 financial year but review for the 2010/2011 year.

### **Report**

As stated in the previous report:-

The NEWF manages a range of projects aimed at reducing waste to landfill and better managing waste on a regional basis. The range of projects undertaken by the NEWF on behalf of the councils covers a broad range including municipal; Construction & Demolition; Commercial & Industrial; Organics; Hazardous Waste; Reuse; and Education.

The NEWF has a Regional Waste Plan (RWP) which guides project development and implementation. The current RWP will be renewed in 2008.

Doing Things Regionally – some examples:

- NEWF member councils currently have regional/sub-regional contracts for the collection and disposal or recycling of tyre waste; scrap metal; green waste processing.
- Regional hazardous waste collection days have been conducted since 2002.
- They share (along with Lismore City Council) ownership of two permanent hazardous waste store in Grafton and Lismore.
- Across the region the community has access to three websites – the general NEWF website; the Reuse Directory; and the Eco-friendly Youth Project website.
- Regional Domestic Waste Audits have been carried out in 1999 and 2005 and are planned for 2008.
- The “Green House” waste education unit travels across the region to community events and schools teaching about waste avoidance.

More comprehensive lists and descriptions of the Forum's activities may be viewed on its website located at [www.northeastwasteforum.org.au](http://www.northeastwasteforum.org.au)

### **How is the North East Waste Forum funded?**

The NEWF is funded from financial contributions made by member councils at the start of each financial year, as well as sponsorship funding received from the DECC, for which the NEWF applies on an annual basis. Currently DECC provides an amount of \$180,000 per annum.

### **Who does the North East Waste Forum report to?**

The North East Waste Forum reports to member councils at bi-monthly meetings; quarterly updates and via the Annual Report (copies of which are sent to Kyogle Council General Manager and can be found on the website). The NEWF also reports quarterly and annually to the DECC on outcomes of projects and resource recovery.

### **Additional issues to consider**

A number of issues require consideration prior to determining if membership of NEWF is to be undertaken in the next financial year/s. These include the time commitment required from Council staff, the lack of knowledge of the capabilities of Contractors arranged by NEWF to collect various forms of waste and Council's own capability to appoint Contractors and achieve constant improvements in its own operations without the assistance of such a Group.

### Sub Contractors

Whereas it was reported to Council in April 2008 that the NEWF had arranged for the collection of recyclable steel with a particular Company at a much more favourable rate than Council had been achieving, following the appointment and commissioning of the Company to undertake the collection of steel from Kyogle Council's landfills and waste transfer stations, their methodology was unsatisfactory due to:

- untidy operation, due to their limited machinery brought to the site;
- disruption of Council staff who were required to assist with the movement of the steel piles during the compaction process;
- leaving the sites in an untidy manner upon completion;
- forwarding the financial return payable to Kyogle Council to another adjoining Council.

### Education and Statistics

As part of its operations NEWF undertake promotional activities throughout Northern Rivers Communities predominantly in schools. Whilst these are a good initiative, considerable time and commitment is required from Kyogle Council staff in arranging times/sites/ additional financial assistance and establishment of the particular venues. Similarly, in order to compile a picture of what is happening with various forms of waste throughout the Northern Rivers Region, numerous requests are submitted from NEWF to Council staff throughout the year to compile and forward a range of statistics in specified formats which require considerable amounts of time to provide, particularly when the statistics are required to be provided, at least quarterly, to the Department of Environment and Climate Change in different formats.

### E-Waste and Fluorescent Light Recycling

With the recent introduction of digital television, the demise and replacement of older televisions is accelerating, resulting in the disposal of large numbers of sets. Similarly, consumers are constantly upgrading computers, with large numbers of older computer stock being discarded. NEWF claim that they are able to dispose of these materials at a more competitive rate than other Contractors or Consultants.

Greater emphasis is also being placed in communities on the implementation of more efficient forms of lighting, which also results in the discarding of traditional light globes and fluorescent tubes. The cost per kilogram to Council in recycling such materials varies between \$3.50 /kilogram to \$8.50 /kilogram.

Council is in receipt of correspondence from the North East Waste Forum dated 25 March, 2010 in which Council is requested to advise the Forum prior to 23 April, 2010 as to whether or not Council intends to participate in the Forum in 2010/11.

### **Conclusion**

Since the inception of the State's Waste Levy in this current financial year, Council staff have been in contact with a number of Councils located within the Northern Rivers Region in order to compare the various methods employed by Waste Managers in reducing costs and to discuss possible ways of achieving greater economies of scale in the use of common Contractors or Council machinery. From these discussions it has been established that a number of Councils agree that there are more cost effective means of achieving savings in the Region than joining the North East Waste Forum. The investment of \$9500 for Kyogle Council and the constant requests by the North East Waste Forum throughout a financial year period for the preparation and provision of waste statistics are factors which do not warrant participation in the Forum due to both the cost and staff time required in such membership.

### **Recommendation**

1. That the report *North East Waste Forum Membership* be received and noted.
2. That Council advises the North East Waste Forum that it will not be participating with financial membership of the North East Waste Forum in the 2010/11 financial year.

## **ITEM 15D CORPORATE SERVICES REPORT**

### **15D.1 FINANCIAL ASSISTANCE APPLICATIONS AS AT 31 MARCH 2010**

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#### **Summary/Purpose**

This report presents to Council applications for Community Assistance Funding under Council's Financial Assistance Policy.

Applications from local organisations were invited up until 30 April 2010, for amounts of up to \$1,000.

Applications from individuals were invited up until 30 April 2010, for amounts of up to \$500.

#### **Previous Council Consideration**

Council's Financial Assistance Policy states;

##### **Maximum Assistance**

The maximum amount that will be provided per application are as follows:

Organisations	\$1000 (Total available funds annually \$15 500)
Individuals	\$ 500 (Total available funds annually \$4 500)

##### **Timing of Assessing Assistance**

Applications from organisations will be considered at the Ordinary Meeting of Council in November of each year. If the annual funding allocation is not expended in November a further round of funding will be advertised and will be considered by Council at the Ordinary Meeting in May the following year.

Applications from individuals will be considered at the Ordinary Meeting of Council in August, November and March each year. \$1500 will be allocated for both the August and November Meetings and the remainder of unspent funds be distributed at the March Ordinary meeting.

##### **Assessment for Organisations**

State and Federal Government agencies and businesses are ineligible for funding under the Community Assistance Fund.

The use of funds for capital improvements to grounds, clubhouses, facilities, playing fields, the provision of equipment, etc will be given priority. Requests for assistance to finance ongoing running expenses for organisations will be considered.

The Community Assistance Fund can be accessed by eligible organisations and individuals who can demonstrate the greatest need and/or benefit to the wider community in the areas of:

- Welfare
- Community involvement/social interaction
- Sport and recreation
- The Arts
- Youth affairs

- Senior citizens affairs
- Cultural Assistance

At Council's Ordinary meeting held on 16 November 2009, it was resolved that:-

- Funds allocated to Organisations \$7,130.
- Funds allocated to Individuals \$1,250.

Therefore an amount of \$8,370 is available for organisations, and \$3,250 for individuals.

## Report

Sixteen (16) applications have been received for funding;

- 
- Twelve (13) from local organisations and
- Three (3) applications from individuals.

These are summarised as follows:

<b>Request for Assistance - Local Organisations</b>			
<b>Applicant</b>	<b>Reason for Request</b>	<b>Funds received within past 2 years</b>	<b>Funds requested</b>
Bonalbo Central School	Installation for a new long-jump pit at Bonalbo Central School	\$330 (16/11/09)	\$500
Westpac Life Saver Rescue Helicopter	Purchase helmets used by medical crew @ a cost of \$3,000 each.	Nil	\$1,000
Doubtful Creek Public School P & C	Upgrade school car park.	Nil	\$1,000
RSL - Bonalbo Sub-branch	Beautify Anzac Memorial Park by laying paving edge to hold plaques of individual fallen.	Nil	141
Kyogle Area Playgroup	To purchase equipment for newly established playgroup	Nil	1,000
Roseberry Creek Landcare Inc	Purchase waterwatch kit to enable water testing on Roseberry Creek.	Nil	1,000
Kyogle Local Reconciliation Group	Purchase materials to make pennants and skirts for Reconciliation Day and public activities.	\$500 (18/05/09) \$348 (07/09 M/Plan Donation)	250
Timber Workers Reunion Committee	To assist with the Timber Workers Reunion and Ball.	-	\$1,000
Bonalbo & District Community Hall	To assist in employing a Youth Mentor/Supervisor for 20 weeks for	\$300 (16/11/09)	1,000



	Friday night youth games nights.		
Kyogle Football (soccer) Club	To purchase 2 sets of portable goal posts and training balls for juniors	-	1,000
Rotary Club of Kyogle	To purchase paint and paint the Rotary Club catering van.	-	1,000
The Border Ranges Pony Club	To purchase materials for a 66 x 27m 2 rail steel sub-junior ring.	-	1,000
Kyogle Tidy Towns Committee	Reimbursement of Development Application fees paid to Council to install a public display board at the Kyogle Visitor Information Centre	-	244

### Request for Assistance - Individuals

Applicant	Reason for Request	Funds received within past 2 years	Funds requested
Tyson Robert Alcorn Trust	Assistance with DA Fees and associated costs with building extension.	\$360 (20/11/08)	\$500
Robert Anderson	Reinstate signage upon entablature of Bonalbo Bank building.	-	\$500
Shane Close	To attend the North Coast CHS 15 year and under touch regional team.	-	\$355

### Recommendation

That Council grant financial assistance to the following applicants:

### Local Organisations

Applicant	Reason for Request	Funds Allocated
RSL - Bonalbo Sub-branch	Beautify Anzac Memorial Park by laying paving edge to hold plaques of individual fallen.	141
Kyogle Area Playgroup	To purchase equipment for newly established playgroup.	500
Kyogle Local Reconciliation Group	Purchase materials to make pennants and skirts for Reconciliation Day and public activities.	250
Timber Workers Reunion Committee	To assist with the Timber Workers Reunion and Ball.	500
Bonalbo & District Community Hall	To assist in employing a Youth Mentor/Supervisor for 20 weeks for Friday night youth games nights.	1,000
Kyogle Football (soccer) Club	To purchase 2 sets of portable goal posts and training balls for juniors	500

Rotary Club of Kyogle	To purchase paint and paint the Rotary Club catering van.	500
The Border Ranges Pony Club	To purchase materials for a 66 x 27m 2 rail steel sub-junior ring.	500
Kyogle Tidy Towns Committee	Reimbursement of Development Application fees paid to Council to install a public display board at the Kyogle Visitor Information Centre	244
<b>Total</b>		<b>\$4,135</b>

<b>Individuals</b>		
<b>Applicant</b>	<b>Reason for Request</b>	<b>Funds Allocated</b>
Tyson Robert Alcorn Trust	Assistance with DA Fees and associated costs with building extension.	\$500
Shane Close	To attend the North Coast CHS 15 year and under touch regional team.	\$355
<b>Total</b>		<b>\$855</b>

## **Attachments**

1. Application forms have been distributed to Councillors under separate cover.

## **15D.2 REGIONAL LIBRARY AGREEMENT**

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### **Summary/Purpose**

This report presents to Council an agreement between Richmond Valley Council and Kyogle Council for the Management of the Richmond Upper Clarence Regional Library. The report seeks a resolution of Council for the signing of the document and the affixing of the seal to the agreement.

### **Previous Council Consideration**

In November 2008 Council considered correspondence from Richmond Valley Council (included in attachments) that indicated that the agreement that was in place for the Management of the Richmond Upper Clarence Regional Library did not comply with the State Library Act 1939.

This correspondence requested that Kyogle Council delegate its library functions to Richmond Valley Council. Richmond Valley is to undertake the role and deliver library services on the basis of an annual contribution from Kyogle Council. Richmond Valley Council at that time undertook to develop a complying agreement.

## **Report**

Staff at Richmond Valley Council, the Richmond Upper Clarence Regional Library, and Kyogle Council have been working together to establish the agreement. State Library has received and approved the draft agreement.

The document now requires signing by the Mayor and General Manager and seal to be affixed.

## **Recommendation**

1. That Council receives and notes the report concerning the Management Agreement for the Richmond Upper Clarence Regional Library.
2. That Council authorises the common seal to be affixed in the presence of the Mayor and General Manager to the Management Agreement for the Richmond Upper Clarence Regional Library.
3. That Council authorises the Mayor and General Manager to sign the Management Agreement for the Richmond Upper Clarence Regional Library.

## **Attachments**

1. Correspondence from Richmond Valley Council
2. Draft Agreement (separate attachment)

## **ITEM 15E      COMMUNITY SERVICES REPORT**

### **15E.1           REPAIRS TO TABULAM SES BUILDING**

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#### **Summary/Purpose**

This report is to advise Council of repairs required to the Tabulam SES building.

#### **Background Information**

The following are relevant sections of the State Emergency Service Act 1989:

##### 17 Local controllers

- (1) The Commissioner may, on the recommendation of the council of a local government area, appoint one or more persons as a local controller for the area.
- (2) The Commissioner may revoke an appointment under this section at any time and for any reason.
- (3) A local controller is, subject to any direction of the Commissioner or the relevant region controller, responsible for the control and co-ordination of the activities of SES units in the relevant local government area.
- (4) The Commissioner may appoint as a local controller an emergency officer not recommended by the council of the local government area concerned if the council fails to make a recommendation which is acceptable to the Commissioner within 30 days after the council is requested to do so by the Commissioner.
- (5) The council of a local government area must, within 3 months of the appointment of a local controller for the area, provide (free of charge) suitable training facilities and storage and office accommodation to enable the local controller to exercise his or her functions.
- (6) Any such facilities and accommodation are to be of a standard approved by the Commissioner.

##### 17A Unit controllers

- (1) The Commissioner may appoint any person as the unit controller for an SES unit and may revoke the appointment at any time and for any reason.
- (2) A unit controller is, subject to any direction of the Commissioner, the relevant region controller or the relevant local controller, responsible for the control and co-ordination of the activities of the unit.
- (3) In the case of a local government area for which there is only one SES unit, the unit controller for that unit is taken to be the local controller unless a local controller is appointed under section 17 (1).

##### 24B Minister to prepare estimate of SES expenditure

- (1) Before or as soon as practicable after the end of a financial year, the Minister must:

- (a) prepare and, subject to the Treasurer's agreement, adopt an estimate of the SES expenditure (the "estimated expenditure") for the next financial year, and
- (b) prepare and adopt an estimate of the amount of estimated expenditure applicable to the area of each local council for the next financial year.
- (2) In determining the amount of estimated expenditure applicable to each local council's area, the Minister may apportion the total estimated capital expenditure between relevant councils in the way the Minister thinks fit.
- (3) To assist the Minister in preparing and adopting the estimated expenditure for a financial year, the Commissioner must prepare and give to the Minister a written report and recommendations about SES expenditure for the year.
- (4) The Minister must consider the Commissioner's report and recommendations in preparing the estimates.

#### 24F Who is liable to pay SES contributions

- (1) The following persons ( "contributors") are liable to pay SES contributions:
  - (a) the Treasurer,
  - (b) local councils,
  - (c) insurance companies.
- (2) The total amount of SES contributions to be paid for a financial year is to be paid in the following proportions by contributors:
  - (a) the Treasurer, 14.6%,
  - (b) local councils, 11.7%,
  - (c) insurance companies, 73.7%.

#### 24V New South Wales State Emergency Service Fund

- (1) There is to be established in the Special Deposits Account in the Treasury a New South Wales State Emergency Service Fund.
- (2) The Fund is to consist of the following accounts:
  - (a) the recurrent expenditure account,
  - (b) the capital account.
- (3) There is to be paid into the recurrent expenditure account all SES contributions and other money received under this Part, other than money that is required under subsection (4) to be paid into the capital account.
- (4) The following monies are to be paid into the capital account:
  - (a) all money appropriated by Parliament for the capital works and services of the State Emergency Service,
  - (b) any money appropriated by Parliament for the recurrent services of the State Emergency Service for the year as is necessary to cover depreciation of the State Emergency Service's assets,
  - (c) any money arising from the sale of any of the State Emergency Service's assets,
  - (d) any other money that is required to be paid into the capital account by or under this Act or any other Act.
- (5) Payments may be made from the recurrent expenditure account:
  - (a) to assist in meeting the costs of SES expenditure, and
  - (b) as otherwise directed or permitted by or under this Act or another Act.
- (6) Payments may be made from the capital account, with the Treasurer's agreement, as directed or permitted by or under this Act or another Act.

## Previous Council Consideration

At the Ordinary meeting of Council on February 15, 2010 the following resolution was passed by Council in response to a notice of motion from Cr Tom Cooper:

- "1. That Council supports the investigation by a structural engineer on the soundness of the SES shed at Tabulam*
- 2. That a further report be brought back to Council when management establishes ownership of the building and obtains the results of the structural engineer's report."*

## Report

Consulting Engineers Stephen P McElroy and Associates Pty Ltd were engaged to inspect and report on the building. The inspection was carried out with the assistance of local SES controller Neville O'Malley on March 22, 2010, and the Consultants report has been received.

The report makes the following conclusions:

*"Visual inspection of the building and an examination of the soil under the strip footing indicates that substantial settlement and probable failure of the strip footings supporting the structure on the western wall has occurred. Dynamic cone penetrometer tests indicate that the subsoil on which the strip footings are founded has poor bearing capacity and inadequate strength to support the life time service loads applied by the building to the subsoil under the western wall. A further concern is the poor drainage of the area adjacent to the western wall within the adjacent lot. The bearing capacity of the soil would be improved at times of wet weather if drainage on the adjacent lot were improved.*

*With the excessive movement of the strip footing structure, it is probable that the concrete has failed in some sections and no longer can act as a monolithic beam to support further ground movement. It is also possible that the ability of the strip footing foundation to support normal service loads has been reduced. Although sudden failure of the wall will not occur, the placement of under-footing columns as described in Section 7 of this report is recommended. This will provide adequate strength to counter any applied loads or unstable ground conditions likely to occur over the life of the building.*

*The lintel over the rear roller door has failed and it is only a matter of time before the lintel and the brickwork above suddenly collapses. This will not cause failure of any other part of the structure as the lintel only supports the wall load directly above and no roof members rely upon its strength. A lightweight steel frame constructed of 90 x 90 x 5.0 SHS would be adequate to support the brickwork above the roller door opening.*

*Finally the white ant infestation appears to have been adequately removed with no evidence of structural damage to the building. Further re-inspection as proposed in November 2010, is strongly recommended."*

The following works are recommended in the report:

*“Replacement of all damaged architrave, ceiling cover strips and quad in the building with treated pine mouldings.*

*Provision of supplementary support for the rear roller door concrete block header course with a rectangular hollow section galvanised steel frame.*

*Underpinning of the western wall with hit and miss strip footings.*

*The method of underpinning recommended is a tried and proven practice, which has been used on many buildings over the last 25 years in the Kyogle and Casino areas. This involves providing underpin columns which extend 1.0m to 1.5m below the bottom of the existing strip footing and extend 1m along the existing strip footing. Generally, the columns are at least the width of the existing footing but as a minimum 400mm is recommended. The column strips are placed at spacings of 1.5m to 2m along the existing strip footings so that there will be underpin columns at all external corners, which will extend for 1m and then a space of no more than 2m when another underpin column will be placed. This is continued on the external walls of the building, which have shown signs of cracking.*

*After the works are back filled, the subsided brickwork is jacked up and supported on steel plates and a high strength grout is injected between the steel plate and the top of the footing. Any cracks in the external brickwork are grouted and coloured if necessary. Any internal damage caused as a result of the re-levelling of the building or as a result of the subsidence of the building can also be repaired and repainted.”*

### **Estimate of costs**

<i>Item No.</i>	<i>Description of Works</i>	<i>Unit</i>	<i>Rate</i>	<i>Amount</i>
1.	<i>Underpin existing foundations</i>	<i>No</i>	<i>\$1,500</i>	<i>\$9,000</i>
2.	<i>Repair brickwork and internal linings</i>	<i>Item</i>	<i>\$9,000</i>	<i>\$450</i>
3.	<i>Internal architrave repairs</i>	<i>Item</i>	<i>\$1,500</i>	<i>\$1,500</i>
4.	<i>Fabricate, supply &amp; fit bracing frame for rear roller door (90 x 90 x 5.0 Duragal SHS steel)</i>	<i>Item</i>	<i>\$3,500</i>	<i>\$3,500</i>
5.	<i>Engineers reports &amp; investigation</i>	<i>Item</i>	<i>\$2,800</i>	<i>\$2,800</i>
6.	<i>Contingencies</i>	<i>Item</i>	<i>\$17,250</i>	<i>\$1,725</i>
	<i>Sub total</i>			<i>\$18,975</i>
	<i>GST</i>			<i>\$1,897</i>
	<i>Total</i>			<i>\$20,872</i>

**Table 8.0 – Estimate of cost for repair works**

The full report is included in the attachments to the business paper

Changes made to the State Emergency Services Act in 2009 require Council to contribute 11.7% of the SES costs attributed to the Council area and in the 2009/10 financial year, Council has been required to contribute \$20,089 under this requirement. This was in addition to funds already donated to the two SES brigades in 2009/10 which could not be used to offset the amount of contribution required to be paid by Council. Council has recently received correspondence from the SES indicating that the contribution formula may change in the near future to be on a per capita basis. At this stage insufficient information has been received in order to estimate what level of

contribution this would result in and a further change in the legislation would be necessary for this to occur.

It has been suggested by the Regional Controller that Council is required to fund the Tabulam SES building repairs under section 17(5) of the State Emergency Service Act. The Local Controller is based in Kyogle and is provided (free of charge) with suitable training facilities and storage and office accommodation to enable the local controller to exercise his or her functions in accordance with the Act. There is no such requirement under the Act in relation to providing facilities for unit controllers and their brigades.

The land and building used by the SES at Tabulam are owned by Council and has been provided and maintained (free of charge) in the past.

As Council has and is providing the Tabulam SES unit with this building free of charge, it is considered reasonable to request the SES to fund the repairs to the building.

### **Budget & Financial Aspects**

Council has in the past provided for donations to the local SES units at Kyogle and Tabulam, with \$8,357 being donated to each unit in 2009/10. However, these have been discontinued in the 2010/11 draft budget because of the additional cost to Council of the compulsory contribution which has been estimated at \$25,000 in 2010/11.

There are no funds allocated in the draft budget for maintenance or repairs to SES buildings.

If Council were to fund the recommended repairs to the Tabulam building, the required funds would need to be included in the 2010/11 budget.

### **Recommendation**

1. That the report Repairs to Tabulam SES Building be received and noted.
2. That arrangements be made to enable the repairs to the roller door to be implemented immediately.
3. That Council approaches the SES to fund the emergency repairs to the roller door and the other building repairs identified in the consulting engineers report from the New South Wales State Emergency Service Fund.

### **Attachments**

1. Structural Engineer's Report – Tabulam SES Building.



## 15E.2 CULTURAL STRATEGY

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### **Summary/Purpose**

This report presents the Cultural Strategy to Council for adoption following the period of public exhibition.

### **Previous Council Consideration**

The Draft strategy was considered by Council on March 15, 2010. The report presented at that meeting appears below for information:

In 2009 Lois Randall from Arts Northern Rivers was commissioned by Council to undertake a series of community consultations in order to develop a Cultural Strategy for the Kyogle local government area. A working party representing a broad range of cultural interest groups across the local government area was formed to inform the Cultural Strategy.

The strategy document was presented at the Council meeting of 16 November, 2009 along with recommended changes.

There were some concerns raised at the November Meeting that one of the attachments to the document was inaccurate/incomplete and that there were unresolved issues with Council around the heritage listings.

### **Previous Council Consideration**

Council resolved at the November 2009 meeting that:

That Council defer further consideration of this item pending a review to validate the information on organisations, business, artists and events and to resolve heritage issues.

### **Report**

Heritage issues were considered of the February Ordinary Meeting:-

The Cultural mapping listing attached to the draft strategy will be constantly changing. As such it is considered to be a useful reference tool but should not form part of the adopted strategy and has therefore been removed.

The Cultural Strategy is one of a number of community plans that outline community need and provide an opportunity to deliver services and outcomes to benefit the social, economic and cultural well-being of people within the Kyogle Local Government Area. The Community, Cultural and Economic Committee recently supported the idea that Futures Funding eligibility would be tied to Council's community plans enabling facilitation of council/community partnerships to deliver outcomes within the documents.

### **Recommendation**

That the amended Draft Cultural Strategy 2010 – 2012 be placed on public display for 28 days to enable public comment.

### **Report**

Advertisements advising residents of the public exhibition period appeared in the Council Newsletter and the Richmond River Express Examiner. The closing date for the exhibition period was April 21, 2010.

During the exhibition period one (1) submission was received, this document is included in the attachments to the Business Paper.

As a result of the points raised in the submission the following changes have been made to the draft document.

#### Submission point

- Page 4 2.4 Strategies, item 6 and 15 sentences don't seem to be finished.

#### Action taken to amend document

- Kyogle Local Government Area has been added to the end of both sentences

#### Submission point

- Comment indicating that the CPO is no longer located at the Roxy Gallery (page 11)

#### Action taken to amend document

This comment is correct and the Cultural Strategy has been amended to reflect this.

### **Recommendation**

That the Kyogle Local Government Area Cultural Strategy 2010-2012 be adopted.

### **Attachments**

1. Submission received
2. Amended document for adoption

## **ITEM 15F      GENERAL MANAGER'S REPORT**

### **15F.1          CODE OF MEETING PRACTICE**

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#### **Summary/Purpose**

This report presents to Council a Draft Code of Meeting Practice (amended) for public display.

#### **Background Information**

Section 361 of the Local Government Act 1993 provides as follows:

- (1) Before adopting a code of meeting practice, a council must prepare a draft code.
- (2) The council must give public notice of the draft code after it is prepared.
- (3) The period of public exhibition must not be less than 28 days.
- (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.
- (5) The council must publicly exhibit the draft code in accordance with its notice.

#### **Previous Council Consideration**

At the December Ordinary Meeting of Council it was resolved:

That a report be prepared for Council about an appropriate community engagement procedure to include public access at Council meetings so it can be implemented as a flow-on from the Community Engagement Policy.

That Council workshop the Code of Meeting Practice.

#### **Report**

The following report was presented to the December Ordinary Meeting:

Recent applications for Public Access that have been denied by the General Manager have identified a need for more detailed guidelines in relation to this part of the Council meeting. Accordingly a Draft Code of Meeting Practice has been prepared by staff.

In preparing the revised draft it was considered by staff that the Deputations section of the meeting could be removed as it is very rarely used and arrangements can be made to meet with Councillors and staff on a less formal basis either before the Council meeting or at another day and time. Where necessary on-site meetings can also be arranged.

The following changes have been made to the previously adopted Code of Meeting Practice:

### 1.3 Objective

- Last two paragraphs removed.

### 5.4 Order of Business

- Deputations removed
- Questions with Notice moved to follow Notices of Motion.
- Mayoral elections to occur after Traditional Lands Acknowledgement

### 5.8 Public Access

The General Manager is to consult with Mayor in determining public access applications.

Limit of one public access each calendar year except where subsequent requests relate directly to an item on the agenda.

### 5.9 Deputations

Removed. Other sections renumbered accordingly.

A Workshop in accordance with the previous resolution of Council was held on 29 March, 2010.

At this workshop, copies of neighbouring/nearby Councils' public access/deputations provisions were provided to Councillors. Following is a summary:

#### Ballina Shire Council

Deputations by members of the public may be made at Council meetings on matters included in the business paper. Deputations are limited to one speaker in the affirmative and one speaker in the negative. Deputations are given five minutes to address Council.

#### Byron Shire Council

Public access by members of the public may be made at Council meetings on matters relating to items on the agenda. Anyone wishing to make a submission to Council on an item outside of the agenda or to ask a question of a general nature are able to do so at the completion of the public access period time permitting and at the discretion of the Mayor.

#### Clarence Valley Council

A public forum is held on the day of the Council meeting. Public forum sessions are limited to 6 time slots of 5 minutes. Council reserves the right to refuse permission for any speaker to address Council in relation to a topic for which that speaker has been allocated time during a previous forum.

#### Lismore City Council

Public access is held prior to council meetings. Public access is limited to 8 time slots of 5 minutes each. Argument for and against any matter on the agenda be restricted to one presentation each.

#### Richmond Valley Council

Public access sessions are held in conjunction with ordinary meetings on agenda items only. Public access is limited to 6 time slots of 5 minutes each.

#### Tenterfield Shire Council

Members of the public may address Council in relation to any matter which is listed for consideration on a business paper. Speakers are permitted 10 minutes or such shorter period as resolved by council. A speaker cannot speak more than once on any subject without the consent of council.

#### Tweed Shire Council

Community access is held a week prior to the ordinary meeting. Speakers are allowed 5 minutes and may speak on any subject. Only one speaker is allowed to speak on any subject.

The recommended amendments to the Code of Council Practice are considered to be consistent with the majority of these Council's requirements.

#### Community Engagement

The purpose of Council meetings is to make decisions on matters that affect Council. It is considered that Council meetings are not the best forum for public consultation as the only notice that the public receive of items that will be considered at council meetings is by way of general advertisements and the business paper which does not get distributed to all residents.

Accordingly, Council Meetings have not been listed as an engagement strategy at paragraph seven of the adopted Community Engagement Policy. As noted in this policy, there is no one correct means of engaging the community. The means to be used will depend upon the circumstances and the level of impact of the issue.

The Department of Local Government's "Planning and Reporting Manual" when referring to Engaging the Community states that "There is no prescribed format for the Strategy, but there is a general requirement to identify stakeholders and plan methods of engaging each of these groups."

#### Additional Amendment to the Code of Meeting Practice

At the March Ordinary Meeting of Council, it was resolved that Council's "Traditional Lands Acknowledgement" be expanded by addition of the words "and we acknowledge Elders, both past and present".

The Code of Meeting Practice has been amended accordingly.

### **Recommendation**

That Council place the Draft Code of Meeting Practice on public display for a period of 42 days.

### **Attachments**

1. The Draft Code of Meeting Practice (separately attached)

### Summary/Purpose

This report requires a determination on the level of Councillor remuneration for the 2010/2011 financial year.

### Report

The Local Government Remuneration Tribunal (the Tribunal) sets the range of fees for all councillors and mayors in NSW each year.

The Tribunal has determined that an increase of 3% in fees for councillors and mayors as appropriate.

Kyogle Council is defined as a Category 4 (Rural) Council

The appropriate fees for Kyogle Council for 2010/2011 are as follows:

	Minimum	Maximum
Councillor Annual Fee	\$7,250	\$9,570
Mayoral Fee	\$7,700	\$20,890

The fees paid for the 2009/2010 were:

Councillor Annual Fee: \$9,290

Mayoral Fee \$20,280

Previously, Council has adopted the maximum remuneration rates.

### Recommendation

That Council adopts the following Councillor and Mayoral fees for 2010/2011:

Councillor Annual Fee - \$9,570

Mayoral Fee - \$20,890

**Summary/Purpose**

The report presents to Council information relating to the possibility of hosting the next Shires Association "A" Division conference.

**Previous Council Consideration**

At the March Ordinary Meeting it was resolved:

That Kyogle Council consider hosting the "A" Division Conference in 2011.

**Report**

Each year the "A" Division Conference is held in February. The actual date of the Conference is set to fit in with the Shires Association Executive divisional tour.

For the past 2-3 years the "A" Division Conference has been spread over two days. This allows the host Council to share/inform matters and projects of interest with other "A" Division members. Having a dinner on the evening prior to the meeting is intended to allow members of the Shires Executive and sponsors to meet with member Councillors and staff.

It is anticipated that calls for interest in hosting the 2011 conference will be made in the next month or so.

Information that is expected to be provided when seeking to host the "A" Division conference consists of the following:

- What is planned for the inspection or tour of facilities the evening before,
- Accommodation arrangements and likely costs,
- Indication of costs for dinner and lunch to the delegates, and
- Any proposals for workshop/presentations to the meeting that would provide delegates with useful information as part of the agenda.

Traditionally, costs associated with the inspection or tour are covered by the host Council, as are the costs of the meeting venue and morning tea for the Division meeting. Accommodation and sustenance costs are paid for by participating Councils.

Staff time would be involved in formulating a program, obtaining accommodation information, taking part in inspections/tours and organising/preparing venues, meals etc.

It is therefore estimated that the cost to host this conference would be in the vicinity of \$3,000 - \$4,000.

**Recommendation**

For Council determination.

**ITEM 16            URGENT BUSINESS WITHOUT NOTICE**

Nil.

**ITEM 17            CONFIDENTIAL BUSINESS PAPER**

Nil.



APPENDIX / ATTACHMENTS

# KYOGLE COUNCIL



# ATTACHMENTS

## ORDINARY COUNCIL MEETING

ON 17 MAY 2010

## **10.1 CONFIRMATION OF ORDINARY MINUTES**

### **Kyogle Council**

**Unconfirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on 19 April 2010.**

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### **PRESENT**

Cr. R. Brown, (Mayor in the Chair), Cr. E. Bennett, Cr. J. O'Reilly, Cr. L. Passfield , Cr. L. Zito, Cr. R. Dwyer, Cr. R. Leadbeatter and Cr. T. Cooper.

### **IN ATTENDANCE**

The General Manager, the Director of Technical Services, the Director of Planning & Environmental Services and the Personal Assistant to the General Manager & Corporate Services.

### **MEETING COMMENCEMENT**

The Mayor declared the meeting open at 3.30 p.m.

### **ITEM 1 APOLOGIES**

It was noted that Councillor Janet Wilson was granted leave of absence for this meeting at the March 2010 Ordinary meeting.

### **ITEM 2 OPENING PRAYER**

The Mayor read the opening prayer.

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

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

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

Director of Planning & Environmental Services declared an interest in the following item/s:

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 March 2010 - 31 March 2010 - 2007/188  
Reason for Declaration – previous preparation of SOE affects prior to being employed by Kyogle Council.

Cr. Lynette Zito declared an interest in the following item/s:

- Item 15F.4 Request for Financial Assistance – Kyogle Chamber of Commerce  
Reason for Declaration – Past President and current member.

General Manager declared an interest in the following item/s:

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 March 2010 - 31 March 2010 - 2009/35  
Reason for Declaration – sister involved in preparation of rezoning application.

Cr. Ross Brown declared an interest in the following item/s:

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 March 2010 - 31 March 2010 - 2009/18  
Reason for Declaration – adjoining land owner

Cr. Robert Leadbeatter declared an interest in the following item/s:

- Item 15F.4 Request for Financial Assistance – Kyogle Chamber of Commerce  
Reason for Declaration – financial member of the Chamber.

## **ITEM 5 QUESTION TIME**

Mr Alan Roberts addressed the meeting in relation to:-

- Being denied public access for a fourth time.
- Questioned Code of Councillor Conduct and referred to Council's Ordinary Meeting held 21 December 2009, and the proposal to limit public access to once per year per person. Also referred to a media article stating the Mayor made facial gestures to Council staff during Mr Roberts address to Council at this meeting.

The Mayor stated that the comments were incorrect.

- Repco Rally Event and stated that Kyogle LGA has the greatest diversity of species, also the most extensive sub-tropical rainforest in the world. Referred to the re-establishment of roads in environmentally sensitive areas in State Forests and National Parks, such the Duck Creek to Afterlee Road and Peacock Creek Road carried out for the Repco Rally Event.

The Mayor advised the only road which was re-established for the purpose of the Repco Rally Event was though private property in the Toonumbar area. Further advised that the crossings placed in the Peacock Creek area were made by private contractors and paid for by Repco Rally Australia. State forests are responsible for that road.

## **ITEM 6 PUBLIC ACCESS**

Nil.

## **ITEM 7 DEPUTATIONS**

Nil.

## **ITEM 8 QUESTIONS WITH NOTICE FROM COUNCILLORS**

### **8.1 QUESTIONS WITH NOTICE; COUNCILLOR JANET WILSON**

---

#### **190410/ 1 RESOLVED**

Councillor Robert Dwyer, seconded Councillor Lynette Zito.

That the Questions with Notice; Councillor Janet Wilson was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

## **ITEM 9 MATTERS DETERMINED WITHOUT FURTHER DEBATE**

### **9.1 MATTERS DETERMINED WITHOUT DEBATE**

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There were no items identified.

## **ITEM 10 CONFIRMATION OF MINUTES**

### **10.1 CONFIRMATION OF ORDINARY MINUTES**

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#### **190410/ 2 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Ernie Bennett.

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That the Minutes of the Ordinary Meeting held 15 March 2010 were adopted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

## **10.2 CONFIRMATION OF EXTRAORDINARY MINUTES**

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### **190410/ 3      RESOLVED**

Councillor Robert Dwyer, seconded Councillor Lindsay Passfield.

That the Minutes of the Extraordinary Meeting held 29 March 2010 were adopted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

## **ITEM 11      MAYORAL MINUTE**

### **11.1 MAYORAL REPORT - TIMBER INDUSTRY REPORT**

---

A motion was moved by Councillor Ross Brown, seconded Councillor Robert Dwyer.

1. That Council acknowledges the Councillors and Staff involved in the Timber Industry tour and the positive results that have shown to date.
2. That The Timber Industry Working Group maintain funding of \$4,000 approximately as working capital for future activities.
3. That \$5,000 of the unexpended funds be re-allocated to cover Councils contribution to the combined museum/art gallery design as per council resolution 150310/17.

A motion was foreshadowed by Councillor Tom Cooper.

4. That Council contact Deloitte, Administrators for FEA Australia in regards to concerns about potential fires and the maintenance of fire breaks.
-

The motion was put to the vote and was CARRIED.

**190410/ 4        RESOLVED**

Councillor Ross Brown, seconded Councillor Robert Dwyer.

1. That Council acknowledges the Councillors and Staff involved in the Timber Industry tour and the positive results that have shown to date.
2. That The Timber Industry Working Group maintain funding of \$4,000 approximately as working capital for future activities.
3. That \$5,000 of the unexpended funds be re-allocated to cover Councils contribution to the combined museum/art gallery design as per council resolution 150310/17.

**CARRIED**

FOR VOTE - Ernie Bennett, Lindsay Passfield, Robert Leadbeatter, Ross Brown, Tom Cooper

AGAINST VOTE - John O'Reilly, Lynette Zito, Robert Dwyer

ABSENT. DID NOT VOTE - Janet Wilson

A motion was moved by Councillor Tom Cooper, seconded by Councillor Lindsay Passfield.

4. That Council contact Deloitte, Administrators for FEA Australia in regards to concerns about potential fires and the maintenance of fire breaks.

The motion was put to the vote and was CARRIED.

**190410/ 5        RESOLVED**

Councillor Tom Cooper, seconded Councillor Lindsay Passfield.

4. That Council contact Deloitte, Administrators for FEA Australia in regards to concerns about potential fires and the maintenance of fire breaks.

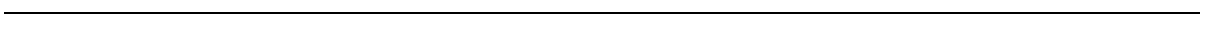
**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

**ITEM 12        NOTICES OF MOTION**

**12.1 NOTICE OF MOTION; CLR JANET WILSON - IMPROVING CONDITIONS FOR THE HEARING IMPAIRED**



The Mayor ruled that the matter be deferred until the May Ordinary Meeting, as Councillor Janet Wilson was not present.

## **12.2 NOTICE OF MOTION; CLR LINDSAY PASSFIELD - WOODENBONG CENTRAL SCHOOL SUCCESS**

---

### **190410/ 6      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

1. That Kyogle Council write to the Woodenbong Central School congratulating it on its recent success at the Sydney Royal Easter Show.
2. That Kyogle Council write to the Northern Districts Exhibits Committee congratulating it on its success at the Sydney Royal Easter Show.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

### **ITEM 13      DELEGATES REPORTS**

Nil.

### **ITEM 14      INFORMATION PAPERS**

#### **14.1 MONTHLY FINANCIAL REPORT - FEBRUARY**

---

### **190410/ 7      RESOLVED**

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

That the Monthly Finance Report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

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## 14.2 MONTHLY FINANCIAL REPORT - MARCH

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### 190410/ 8      **RESOLVED**

Councillor Ernie Bennett, seconded Councillor John O'Reilly.

That the Monthly Finance Report – March was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

### ITEM 15      **GENERAL MANAGER 'S REPORT**

### ITEM 15A      **TECHNICAL SERVICES REPORT**

### 15A.1   **WORKS COMMITTEE MEETING - APRIL 2010**

---

### 190410/ 9      **RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That the minutes of the Works Committee meeting held April 12, 2010 were received and noted.
2. That Council seek formal agreement with Forests NSW that all costs associated with the closure are to be borne by the applicant.
3. That Council seek formal agreement with Forests NSW to allow Forests NSW to take over responsibility and accept all liability for the section of Connells Road, including indemnifying Council against any claims, until such time as the road closure and transfer are completed.
4. That Council proceeds to lodge a Road Closure Application once agreement has been obtained for the costs associated with the application to be borne by Forests NSW.
5. That Council in association with Forests NSW undertake discussion with residents of Connells Road with regard to the proposed closure of Connells Road and seek their views which are to be the subject of a separate report to Council.



6. That, subject to the above, Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the closing of the portion of Public Road through Lot 1 DP 751073, Lot 45 DP 751073, Lot 8 DP 751073, Lot 1 DP 566612 and Lot 2 DP 751073 and adjoining Lot 8A DP 6128, and Lot 8 DP 6128 within Yabbra State Forest at Urbenville.
7. That Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the transfer of the portion of Public Road through Lot 1 DP 751073, Lot 45 DP 751073, Lot 8 DP 751073, Lot 1 DP 566612 and Lot 2 DP 75107.3 and adjoining Lot 8A DP 6128, and Lot 8 DP 6128 within Yabbra State Forest at Urbenville

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

## **ITEM 15B PLANNING SERVICES REPORT**

### **15B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD MARCH 1, 2010 TO MARCH 31, 2010**

---

A motion was moved by Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

1. That Development Application 2010/104 be referred to the Planning Committee and following this be determined by full Council.

The motion was put to the vote and was CARRIED.

#### **190410/ 10 RESOLVED**

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

1. That Development Application 2010/104 be referred to the Planning Committee and following this be determined by full Council.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

#### **190410/ 11 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

2. That, with the exception of the following items in which Councillor Ross Brown, The General Manager and Director of Planning & Environmental Services have declared an interest,

- Cr Ross Brown 15B.1 Development Applications Received, Determined and Outstanding DA 2009/18
- The General Manager 15B.1 Development Applications Received, Determined and Outstanding DA 2009/35
- Director of Planning & Environmental Services 15B.1 Development Applications Received, Determined and Outstanding DA 2007/188

The information contained in the report Development Applications Received, Determined and Outstanding for the period March 1, 2010 to March 31, 2010 was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

Having declared an interest in Item 15B.1 Mayor Ross Brown, The General Manager, and the Director of Planning & Environmental Services left the meeting at 4.20 p.m.

Deputy Mayor Councillor Lynette Zito assumed the position of the Chair.

**190410/ 12      RESOLVED**

Councillor John O'Reilly, seconded Councillor Ernie Bennett.

3. That the information contained in the report Development March 1, 2010 to March 31, 2010 only in relation to relation to DA09/18, DA09/35 and DA07/188 in which Councillor Ross Brown, The General Manager and Director of Planning & Environmental Services have declared an interest was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson, Ross Brown

Councillor Ross Brown, the General Manager and the Director of Planning & Environmental Services returned to the meeting at 4.22 p.m.

The Mayor Ross Brown resumed the Chair.

## 15B.2 KYOGLE LOCAL GROWTH MANAGEMENT STRATEGY

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A motion was moved by Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That Council adopts the Kyogle Local Growth Management Strategy – April 2010.
2. That Council, as required by the Far North Coast Regional Strategy, send the Local Growth Management Strategy to the Department of Planning for endorsement.

A motion was foreshadowed by Councillor Tom Cooper

3. That Council identify all Council owned residential blocks of land which are available for sale/subdivision in the local government area and report back to Council.

The motion was put to the vote and was CARRIED.

### 190410/ 13 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That Council adopts the Kyogle Local Growth Management Strategy – April 2010.
2. That Council, as required by the Far North Coast Regional Strategy, send the Local Growth Management Strategy to the Department of Planning for endorsement.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

Councillor Lindsay Passfield and Councillor Ross Brown called for a division

For	Against
Cr Lindsay Passfield	
Cr Robert Dwyer	
Cr Robert Leadbeatter	
Cr Ernie Bennett	
Cr John O'Reilly	
Cr Lynette Zito	
Cr Ross Brown	
Cr Tom Cooper	

A motion was moved by Councillor Tom Cooper, seconded by Councillor Lindsay Passfield.

3. That Council identify all Council owned residential blocks of land which are available for sale/subdivision in the local government area and report back to Council.

The motion was put to the vote and was CARRIED.

**190410/ 14 RESOLVED**

Councillor Tom Cooper, seconded Councillor Lindsay Passfield.

3. That Council identify all Council owned residential blocks of land which are available for sale/subdivision in the local government area and report back to Council.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

A motion was moved by Councillor Ernie Bennett, seconded by Councillor Lindsay Passfield.

4. That Council in consultation with the users of the Kyogle Rifle Range investigate possibilities of relocation to other suitable Crown Land.

The motion was put to the vote and was CARRIED.

**190410/ 15 RESOLVED**

Councillor Ernie Bennett, seconded Councillor Lindsay Passfield.

4. That Council in consultation with the users of the Kyogle Rifle Range investigate possibilities of relocation to other suitable Crown Land.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

**15B.3 ALCOHOL FREE ZONES**

**190410/ 16      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

- 1) That the report concerning Alcohol Free Zones in the Kyogle area was received and noted.
- 2) That the proposed re-establishment of Alcohol Free Zones in the town of Kyogle and the villages of Woodenbong and Tabulam for the period of July 1, 2010 to June 30, 2013 be advertised, and public submissions be invited in accordance with Sections 644 - 644B of the Local Government Act 1993, after further discussions with local Police.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

**ITEM 15C      ENVIRONMENT SERVICES REPORT**

Nil.

**ITEM 15D      CORPORATE SERVICES REPORT**

**15D.1    MARCH QUARTER BUDGET/MANAGEMENT PLAN REVIEW**

---

**190410/ 17      RESOLVED**

Councillor Robert Dwyer, seconded Councillor Lindsay Passfield.

That the March 2010, Quarterly Budget/Management Plan Review Statement was received and noted and Council approved the variation of estimates contained therein.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

**15D.2    GOODS AND SERVICES TAX (GST) CERTIFICATE**

---

**190410/ 18      RESOLVED**

---

Councillor Ernie Bennett, seconded Councillor John O'Reilly.

That Council endorses the signing of the Goods and Services Certificate – Payment of Voluntary GST 1 May, 2009 to 30 April, 2010.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

## **ITEM 15E COMMUNITY SERVICES REPORT**

### **15E.1 CREATIVE INDUSTRIES AND TOURISM IN KYOGLE LGA**

---

A motion was moved by Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That the Creative Industries and Tourism in the Kyogle LGA report was received and noted.

A motion was foreshadowed by Councillor Lynette Zito

2. That the Gallery Co-ordinator and the Visitor Information Centre Coordinator together with all Volunteers be provided with a letter acknowledging their contribution to the community.

The motion was put to the vote and was CARRIED.

### **190410/ 19 RESOLVED**

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That the Creative Industries and Tourism in the Kyogle LGA report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

A motion was moved by Councillor Lynette Zito and seconded by Councillor Lindsay Passfield.

2. That the Gallery Co-ordinator and the Visitor Information Centre Coordinator together with all Volunteers be provided with a letter acknowledging their contribution to the community.

The motion was put to the vote and was CARRIED.

**190410/ 20      RESOLVED**

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

2. That the Gallery Co-ordinator and the Visitor Information Centre Coordinator together with all Volunteers be provided with a letter acknowledging their contribution to the community.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

**ITEM 15F      GENERAL MANAGER'S REPORT**

**15F.1    COUNTY COUNCIL STRUCTURAL REFORM**

---

**190410/ 21      RESOLVED**

Councillor Ernie Bennett, seconded Councillor Lindsay Passfield.

- 1) That the Structural Reform – County Councils report was received and noted.
- 2) That Council advises Rous Water as follows:
  - (i) Council's position in relation to the Report of the Independent Inquiry into Secure and Sustainable Urban Water Supply and Sewerage Services for Non-Metropolitan NSW is;
    - a) Council would consider entering into a "Binding Alliance" with the Councils of Ballina, Byron, Lismore, Richmond Valley and ROUS County Council, as per Appendix 6: Option 1 – Regional Aggregation (32 Groups), after the Binding Alliance Model has been trialled by LWUs in another region, and the Binding Alliance Model has been evaluated in terms of its efficiency and effectiveness in achieving the required outcomes, including consistent compliance with water quality and environmental standards, higher incidence of integrated water cycle management planning amongst local water utilities and improved financial position to fund future capital works, and
    - b) That the recommendations of the Report of the Independent Inquiry into Secure and Sustainable Urban Water Supply and Sewerage Services for Non-Metropolitan NSW should be implemented in stages as follows;

**Stage 1 – "Cut Red Tape"**

Recommendation 5 to be completed by state government as soon as possible

**Stage 2 – “Mandate Best Practice”**

Recommendations 3, 4, and 6 implemented once state government agencies roles and responsibilities have been streamlined

**Stage 3 – “Regional Aggregation”**

Recommendations 1 and 2 to be implemented by LWUs on a voluntary basis.

(ii) Council’s position in relation to the proposed business case to investigate the structural reform of Rous Water, Richmond River County Council and Far North Coast Weeds is that;

- (a) Kyogle Council is only a member of one of the three County Councils (Far North Coast Weeds).
- (b) Any proposed structural reform would therefore need to demonstrate that a reduction in cost or an increase in service would be achieved in relation to weed control in order for Kyogle Council to consider being part of that structural reform.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

## **15F.2 VEHICLE POLICY**

---

A motion was moved by Councillor Ernie Bennett, seconded Councillor Lindsay Passfield.

That Council forms a Vehicle Policy Sunset Committee consisting of:

Councillors Lynette Zito, Robert Leadbeatter and Ernie Bennett.  
General Manager  
Director Corporate and Community Services  
Manager Plant and Depots  
2 Staff representatives

An amendment was moved by Councillor Robert Dwyer

That the Vehicle Policy Committee consists of all Councillors

General Manager  
Director Corporate and Community Services  
Manager Plant and Depots  
2 Staff representatives



The amendment was seconded by Councillor John O'Reilly.

Councillor Robert Dwyer withdrew his amendment.

An amendment was moved by Councillor Robert Dwyer

That Council forms a Vehicle Policy Sunset Committee consisting of:

Councillors Robert Dwyer, Lynette Zito, Robert Leadbeatter and Ernie Bennett.

General Manager

Director Corporate and Community Services

Manager Plant and Depots

2 Staff representatives

The amendment was seconded by Councillor Lynette Zito.

The amendment was put to the vote and was CARRIED.

The amendment became the motion.

The motion was put to the vote and was CARRIED.

#### **190410/ 22      RESOLVED**

Councillor Robert Dwyer, seconded Councillor Lynette Zito.

That Council forms a Vehicle Policy Sunset Committee consisting of:

Councillors Robert Dwyer, Lynette Zito, Robert Leadbeatter and Ernie Bennett.

General Manager

Director Corporate and Community Services

Manager Plant and Depots

2 Staff representatives

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

#### **15F.3    UNION PICNIC DAY**

---

#### **190410/ 23      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

That Council designate Tuesday 2 November, 2010 as the Union Picnic Day holiday.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

**15F.4 REQUEST FOR FINANCIAL ASSISTANCE - KYOGLE CHAMBER OF COMMERCE**

---

Having declared an interest in Item 15F.4 Councillor Lynette Zito and Councillor Robert Leadbeater left the meeting at 5.19 p.m.

**190410/ 24 RESOLVED**

Councillor Ross Brown, seconded Councillor John O'Reilly.

The Council rejects the application from the Kyogle & District Chamber of Commerce for additional financial assistance for costs associated with the 2009 Fringe Festival.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson, Lynette Zito, Robert Leadbeater

Councillor Lynette Zito and Councillor Robert Leadbeater returned to the meeting at 5.21 p.m.

**15F.5 DOWNS TO RIVERS ACTION COMMITTEE**

---

**190410/ 25 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

That Council nominates Councillor Robert Leadbeater as Council's second delegate (along with Councillor Lindsay Passfield) on the Downs To Rivers Action Committee.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

---

**ITEM 16            URGENT BUSINESS WITHOUT NOTICE**

Nil.

**ITEM 17            CONFIDENTIAL BUSINESS PAPER**

Nil.

**MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 5.25 p.m.

## **10.2 CONFIRMATION OF EXTRAORDINARY MINUTES**

### **Kyogle Council**

**Unconfirmed Minutes of the Extraordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Tuesday 27 April 2010.**

---

#### **PRESENT**

Cr. R. Brown, (Mayor in the Chair), Cr. E. Bennett, Cr. L. Passfield (arrived 3.37 pm), Cr. R. Dwyer, Cr. R. Leadbeatter and Cr. T. Cooper.

#### **IN ATTENDANCE**

The General Manager, the Director of Technical Services, the Director of Corporate & Community Services, the Director of Planning & Environmental Services and the Personal Assistant to the General Manager & Corporate Services.

#### **MEETING COMMENCEMENT**

The Mayor declared the meeting open at 3.32 p.m.

#### **ITEM 1 APOLOGIES**

Apologies were received from Councillor John O'Reilly, Councillor Robert Leadbeatter and Councillor Janet Wilson.

#### **270410/ 1      RESOLVED**

Moved Councillor Lynette Zito, seconded Councillor Ernie Bennett.

That the apologies be accepted and the leave of absences were granted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly, Robert Leadbeatter

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

The Mayor read the opening prayer.

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

The Mayor acknowledged that the meeting was being held on the Traditional Lands of the Bundjalung people and we acknowledge Elders, both past and present.

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

Nil

### **ITEM 5 GENERAL MANAGER 'S REPORT**

#### **5.1 2010/2011 DRAFT MANAGEMENT PLAN**

---

#### **270410/ 2 RESOLVED**

Councillor Ernie Bennett, seconded Councillor Lynette Zito.

That Council adopt the Draft Management Plan and give public notice inviting submissions from interested persons with submissions closing at 4:30 p.m. on 1 June, 2010.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly, Robert Leadbeatter

### **MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 3.52 p.m.

**14.2 MONTHLY FINANCIAL REPORT - APRIL**

**COUNCILLORS TRAVEL EXPENSES  
APRIL**

COUNCILLOR NAME	KLMS CLAIMED		CURRENT KM RATE	AMT REIMBURSED	
	MONTHS	YTD		MONTH	YTD
E Bennett	2,050	9,032	0.73	1,496.50	6,593.36
R. Brown	0	0	0.73	0.00	0.00
T. Cooper	0	3,782	0.73	0.00	2,760.86
R. Dwyer	0	680	0.73	0.00	496.40
J. O'Reilly	0	828	0.73	0.00	604.44
R. Leadbeatter	0	0	0.73	0.00	0.00
L. Passfield	886	4,246	0.73	646.78	3,099.58
J. Wilson	0	0	0.73	0.00	0.00
L. Zito	0	2,570	0.64	0.00	1,673.60 *
<b>Total</b>	<b>2,936</b>	<b>21,138</b>		<b>2,143.28</b>	<b>15,228.24</b>

**Notes**

- (1) The above figures represent amounts actually paid.
- (2) The amounts paid in the current month will relate to claims for travel in prior months
- (3) Some councillors may have claims outstanding for more than one month.

\* Claim contains some kilometres paid at 73cents/km and some at .64 cents /km

# Kyogle Council



## Financial Reports 29 April, 2010

### Rates Statement Statement of Bank Balances Summary of Investments

NOTE: All Financial Data presented is unaudited at the date of presentation to Council

### **KYOGLE COUNCIL RATES STATEMENT AS AT 29 APRIL 2010**

	<b>ARREARS 1-Jul-09</b>	<b>NET CHARGES 2009/10</b>	<b>PAYMENTS</b>	<b>OUTSTANDING BALANCE</b>	<b>PERCENTAGE COLLECTED</b>
RATES	209,476.01	4,249,273.26	3,456,344.16	1,002,405.11	77.52%
SERVICES	324,936.70	2,589,391.18	1,999,877.63	914,450.25	68.62%
INTEREST	74,253.63	36,280.04	36,652.12	73,881.55	33.16%
<b>TOTALS</b>	<b>608,666.34</b>	<b>6,874,944.48</b>	<b>5,492,873.91</b>	<b>1,990,736.91</b>	<b>73.40%</b>

PRESENTED TO COUNCIL MAY 2010

**Note:**

Some ratepayers have made arrangements, whilst others are at different stages of legal action.

<b>KYOGLE COUNCIL</b>		
STATEMENT OF BANK BALANCES AS AT		
30-Apr-10		
FUND	CLOSING BANK BALANCE 30-Apr-10	INVESTMENT BALANCE 30-Apr-10
<b>GENERAL FUND</b>		
UNRESTRICTED	(2,633,880.11)	3,200,000.00
INTERNALLY RESTRICTED	362,000.00	3,500,000.00
STATE HIGHWAYS	1,654,544.97	
QUARRIES	232,559.15	
PLANT	3,032,151.57	
EXTERNALLY RESTRICTED	213,650.80	700,000.00
	2,861,026.38	7,400,000.00
<b>RESTRICTED</b>		
WATER SUPPLIES	155,939.84	
SEWERAGE SYSTEMS	463,831.68	500,000.00
DOMESTIC WASTE	403,049.08	
ORDINARY TRUST	30,437.21	
	1,053,257.81	500,000.00
<b>CONSOLIDATED FUNDS</b>	<b>3,914,284.19</b>	<b>7,900,000.00</b>



# KYOGLE COUNCIL

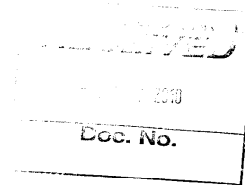
## SUMMARY OF INVESTMENTS AS AT 30/04/10

	BANK	TYPE	TERM	AMOUNT	RATE P.A.	DUE DATE
1	BANKWEST	TERM DEPOSIT	60 DAYS	1,500,000.00	5.10%	May 7, 2010
2	CITIBANK	TERM DEPOSIT	61 DAYS	1,000,000.00	5.32%	May 10, 2010
3	BANKWEST	TERM DEPOSIT	63 DAYS	1,000,000.00	5.10%	May 24, 2010
4	SUNCORP METWAY	TERM DEPOSIT	61 DAYS	1,400,000.00	5.63%	June 28, 2010
5	COMMONWEALTH	TERM DEPOSIT	90 DAYS	3,000,000.00	5.00%	July 26, 2010
				7,900,000.00		
<b>PRESENTED TO COUNCIL ON MAY 17, 2010</b>						
I hereby certify that the above investments have been made in accordance with section 625 of the Local Government Act, 1993, the Local Government ( General ) Regulation 2005 and Councils Investment Policy.						
( GLENN ROSE )						
RESPONSIBLE ACCOUNTING OFFICER						

**Industry &  
Investment**

General Manager  
Kyogle Shire Council  
PO Box 11  
KYOGLE NSW 2474

**Attention: Graham Kennett**

**RE: STATE WATER CORPORATION WEIR REVIEWS.**

State Water Corporation (SWC) is the NSW State owned corporation whose principle objective under the *State Water Corporation Act 2004* is to regulate and deliver rural bulk water. In order to achieve this objective, SWC manages approximately 7,000 km of waterways across NSW through the operation of 20 dams and over 280 weirs.

Industry and Investment NSW (I&I NSW) has been contracted by SWC to undertake detailed reviews of unregulated weirs owned by SWC, with the reviews including site inspections and community consultation. The purpose of the reviews is to assess the current status and usage of the weirs, followed by the provision of management options and recommendations for State Water Corporation to consider.

Three weirs being investigated that are located within Kyogle Shire Council Local Government Area Sextonville are:

- Sextonville Weir, Doubtful Creek
- Cob-o-Corn Creek Weir, Cob-o-Corn Creek
- Fawcetts Creek Weir 3, Fawcetts Creek

One option being investigated for these structures is disposal of the asset either through removal or transfer of ownership. I&I NSW is therefore writing to Kyogle Shire Council to request comment on whether Council perceives a use for the weirs, what this use is, and whether Council would consider assuming ownership of the structures based upon this use.

If you would like more information about this review, please contact myself on the below contact details. Otherwise, could I request comment from Council no later than Tuesday 1 June 2010.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Gordos'.

Matthew Gordos

30 April 2010

Industry & Investment NSW  
Wollongbar Agricultural Institute  
1243 Bruxner Highway  
Wollongbar NSW 2477

[www.industry.nsw.gov.au](http://www.industry.nsw.gov.au)  
Tel: 02 6626 1395  
Fax: 02 6626 1377  
Mob: 04 27 243 343

### ADDENDUM REPORT – MAYFIELD ESTATE

At the Planning and Environment Committee Meeting held on 3 May, 2010 the Committee received a delegation from the Mayfield Consortium and considered a report prepared on the matters relating to the delegation.

On 28 March, 2010 the Development Management Panel determined that a consent be granted for an amended subdivision layout incorporating Stage 1a1,1a2 and 1a3, comprising 45 lots with the balance Stage 1B to be modified and re-submitted with a later development application.

The delegation addressed the Committee requesting that a particular Condition 42 of the consent be deferred from Stage 1a1 to Stage 1a3 due to budgetary constraints. It was emphasized that there was full intention to undertake and complete the roadworks as imposed by Council in the consent approval.

The meeting was adjourned during which time the DMP staff and Committee members discussed the current level of service of Colin Street, which is already inadequate for the existing level of traffic utilizing this local road, the need to ensure that this section of road is upgraded to the full 9 metre width at the initial Stage 1a1 and the options for achieving this outcome.

The discussion included the following points:-

- i) obligation of Council to ensure that the configuration of Colin Street is brought up to the required standard;
- ii) the importance of upgrading this road immediately rather than deferring for a period of up to 2.5 years;
- iii) the recognition of undertaking these works initially to provide benefit to the overall community;
- iv) Reference to the Kyogle Council Section 94 Contributions Plan, the purpose and preparation of which is to ensure that as new development proceeds, the road system will be upgraded in an appropriate manner to meet the increased demand on road infrastructure by new development and the material public benefit in completing the Colin Street roadworks at the initial stage of the development;
- v) The acknowledgement by the developer that it is their intention to comply with the Council's consent granted , which includes the upgrading of the Colin Street (providing access/entry to the proposed estate).

The Committee resolved :-

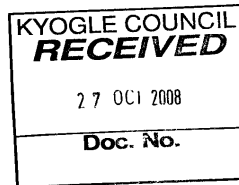
1. That condition 11 be amended to remove the Section 94 roads contributions from Stage 1a1 and 1a2 totalling \$129,360.

Council's Reference:  
**BW/AP**

Telephone Enquiries to:  
**Brian Wilkinson**

23 October 2008

Mr A Piggott  
General Manager  
Kyogle Council  
PO Box 11  
KYOGLÉ NSW 2474



Dear Sir

As you would be aware the Richmond Upper Clarence Regional Library (RUCRL) has operated via an Agreement between the participating Councils for many years.

In 2007 the State Library of NSW forwarded advice (from the NSW Crown Solicitor) that the RUCRL Agreement did not comply with the Library Act 1939. The non-compliance particularly related to the way the Committee is constituted and the delegations to the Committee.

It should be noted that Library Subsidies are based on the Library Act and compliance needs to be pursued to retain subsidy payments for Member Councils. It also needs to be recognised that the RUCRL Agreement is one of a number of Library Agreements across the State that have been reviewed and found to be in need of amendment to ensure compliance.

As you may be aware, there have been various representations made by Northern Rivers Councils to the Department of Local Government seeking amendments to the Local Government Act and/or Library Act to overcome some of the existing anomalies. Feedback received indicates that the Department does not propose to pursue any changes.

Recently I attended discussions from the Richmond Tweed Regional Library (and General Managers of the Member Councils) to become aware of what they are proposing. It would seem that the action required is as follows:

- the Kyogle Council be requested to delegate its library functions to Richmond Valley Council
- Richmond Valley Council undertake the role and deliver Library Services on the basis of an annual contribution from Kyogle Council

*All correspondence should be addressed to:*

**The General Manager,  
RICHMOND VALLEY COUNCIL**

*Administration Office: Cnr. Walker St. & Graham Place (Locked Bag 10) CASINO NSW 2470*

Telephone: (02) 6660 0300 Facsimile: (02) 6662 5198 email: council@richmondvalley.nsw.gov.au www.richmondvalley.nsw.gov.au  
ABN 54 145 907 009

- Richmond Valley Council establish an Advisory Committee and delegate processes to a Committee consisting of representatives from both Kyogle and Richmond Valley Councils so that communications on library issues can be maintained
- An agreement based on this concept be prepared and forwarded to the State Library for concurrent/comment.

Richmond Valley Council has resolved to pursue this matter with the first stage of the process being to request Kyogle Council to consider and approve the development of an arrangement as outlined above.

The proposed arrangement is not substantially different to the current Agreement. However, it will be structured with a different Committee set-up and with Kyogle Library functions being delegated to Richmond Valley Council.

It would be appreciated if this matter could be considered by Council and a response forwarded as soon as possible.

Yours faithfully

  
Brian Wilkinson  
**GENERAL MANAGER**

15E.1

REPAIRS TO TABULAM SES BUILDING

# Structural Engineer's Report

Tabulam SES Building

Lot 2 DP 791509

Client: Kyogle Council

April 2010

## Table of Contents

	<b>Description</b>	<b>Page No</b>
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Attachment 1	Subsoil Investigation Results	11 - 16

## 1.0 Introduction

Stephen P McElroy & Associates Pty Ltd have been engaged by Kyogle Council to provide a structural assessment of the SES building at Tabulam. The site is located on a 1211m<sup>2</sup> site legally described as Lot 2 DP 791509 in the Parish of Tabulam and has frontage to the Bruxner Highway.

The investigation was to assess several potential structural defects reported by the local SES Controller. These included:

- Cracks in the block work over the rear roller door
- Cracks in the walls and floor of the west side of the building
- Termite infestation which has destroyed much of the softwood trimmings in the building and may have reduced the strength of structural timber components

The investigation is to determine:

- **WHETHER THERE ARE STRUCTURAL DEFECTS OR THE DAMAGE IS COSMETIC ONLY**
- Suggested remedial works which need to be carried out and the urgency of the works
- Estimated costs of the remedial works.

## 2.0 Methodology

A site inspection was undertaken at 3pm on Monday 22 March 2010 when the SES Controller Mr Neville O'Malley assisted Steve McElroy in the work.

The limits of the investigation are that it is a visual investigation and no soil sampling or laboratory testing of soil was undertaken. No sampling of the existing foundations was done but excavation was undertaken on a part of the strip footing foundation. Sub-surface investigation in the form of two dynamic cone penetrometer (DCP) tests was carried out to determine the strength of in-situ material beside the existing foundations of the building. No structural calculations have been undertaken.

Visual assessment of the white ant damage was undertaken and the roof void above the office area and the ceiling support structure was inspected for structural adequacy.

The building was surveyed externally for obvious signs of cracking and movement with the only area of concern along the western wall. The rear roller door was also inspected where it was found that the brick support structure over the door was severely deflected.



### 3.0 White Ants and Ceiling Structure

The visual inspection revealed white ant damage in the architrave of the office door and in the battens and quad, which covered the fibre cement sheet joins in the ceiling. There is no evidence of damage in the cement sheet ceiling and there was no noticeable sag in the ceiling indicating that the white ant damage is non-structural.



Photo 3.1 – White ant damage in door architrave



Photo 3.2 – White ant damage in ceiling cover strips

To ensure that the ceiling structure was sound, an inspection of the roof cavity above the ceiling was undertaken where there was no evidence of white ant damage in any of the structural hardwood.

The white ants were treated in August 2009 by Swaggard's Pest Control and a re-inspection is due in November 2010.

At the time of the inspection there was no evidence of white ant activity in the building.

#### 4.0 Rear Roller Door

Inspection of the opening over the rear roller door revealed the following defects:

- Cracks on both sides of opening which extends from the outside corners of the opening to the top level of the brick courses
- Crack in mortar in all bottom blocks and there is at least a 20mm deflection across the top of the doorway in the brickwork at mid-span
- The six blocks at the head of the doorway are clearly failing – this is the result of the incorrect use of blocks and inadequate reinforcement – these should have been special header blocks which are designed for use as lintels and have additional reinforcement to account for tensile forces in the bottom of the lintel
- No cracks are evident in the foundation at the base of the door or in the lower brickwork, which indicates that foundation movement has not been a contributing factor to the failure of the doorway structure.



Photo 4.1 – Rear roller door indicating failure locations



Photo 4.2 – Rear roller door indicating 20mm deflection and cracked mortar



Photo 4.3 – Close up of rear roller door indicating cracked mortar

Without the use of a temporary support placed by the SES members at mid-span, the failure of the lintel over the roller door would be imminent.

## **5.0 Cracks in West wall**

Cracking was identified at two locations under windows in the western wall and to a minor extent inside the building on the concrete floor. This type of cracking occurs due to foundation movement where the corners of the windows act as hinges and the cracks in the wall open up at these points.

To determine the reasons for the foundation movement two Dynamic cone penetrometer tests were undertaken and a test pit was excavated at the foundation to the base of the strip footing.

The investigations clearly showed that the preparation of the building pad on the western side was inadequate and that the footing depth was also inadequate for a masonry building on poor soil.

The building pad is elevated 380mm above the surrounding natural surface and the test pit excavation revealed that the site had not been stripped of topsoil prior to placing 180mm of yellow sandy clay fill. Thus the strip footing was founded on topsoil below the layer of sandy clay which has little bearing strength.

The DCP test taken directly beside the footing at the failure site (Test Site #1) indicated a CBR of between 2% and 3.75% at the bottom of the footing and a bearing strength of between 48kPa and 60kPa, well below the required 100kPa for domestic construction. The low CBR values are indicative of poorly drained soil of poor load-supporting capacity.

## **6.0 Sub-soil Investigation**

The investigation was carried out in order to categorise the site in terms of the reactivity and the bearing capacity of the sub surface soils. The term "Reactivity" refers to clay soils, which are prone to heave and shrink movements with natural or induced changes in soil moisture content. Bearing capacity relates to the strength of the soil to withstand applied downward loads from the structure without consolidating and compressing.

The site work consisted of excavating one test pit adjacent to the foundation of the building near the site of the cracked wall (Site #1) to enable a soil profile to be assessed. Two Dynamic Cone Penetrometer tests were also undertaken to assess the relative strength and compaction of the in-situ subsoil. Site #1 was directly beside the wall of the building at the potential failure site and Site # 2 was 5m away in an area, which seemed to have less fill over the natural surface.

The site inspection revealed that the proposed site was on fill, which had not been adequately compacted, nor had topsoil been removed prior to the placement of the yellow sandy clay fill. This has resulted in a 200mm band of topsoil which overlays a 180mm band of yellow sandy clay fill. The sandy clay overlays the in-situ topsoil on which the strip footing of the building is founded. There is no evidence of landslip on the site but the local drainage on the western side of the site is poor and is retained on the surface for extended periods along this side of the building. This will have some effect on the ability of the soil to support building loads.

The subsoil is expected to exhibit low moderate swell/shrink and moisture suction capacities but due to the poor methodology of preparing and filling the site for the building pad, the site can only be Classified as 'P'. The overall profile may be classed as unstable uncontrolled fill in accordance with AS 2870 – Residential Slabs and Footings, and we would recommend a classification of Class 'P' (Uncontrolled shallow fill).



Photo 6.1 – Location of test pit showing topsoil removed



Photo 6.2 – Base of footing at bottom of tape bearing on moist topsoil

## 7.0 Recommended works

The following works are recommended:

- Replacement of all damaged architrave, ceiling cover strips and quad in the building with treated pine mouldings
- Provision of supplementary support for the rear roller door concrete block header course with a rectangular hollow section galvanised steel frame
- Underpinning of the western wall with hit and miss strip footings

The method of underpinning recommended is a tried and proven practice, which has been used on many buildings over the last 25 years in the Kyogle and Casino areas. This involves providing underpin columns which extend 1.0m to 1.5m below the bottom of the existing strip footing and extend 1m along the existing strip footing. Generally, the columns are at least the width of the existing footing but as a minimum 400mm is recommended. The column strips are placed at spacings of 1.5m to 2m along the existing strip footings so that there will be underpin columns at all external corners, which will extend for 1m and then a space of no more than 2m when another underpin column will be placed. This is continued on the external walls of the building, which have shown signs of cracking.

After the works are back filled, the subsided brickwork is jacked up and supported on steel plates and a high strength grout is injected between the steel plate and the top of the footing. Any cracks in the external brickwork are grouted and coloured if necessary. Any internal damage caused as a result of the re-levelling of the building or as a result of the subsidence of the building can also be repaired and repainted.

## 8.0 Estimate of costs

Item No	Description of works	Unit	Qty	Rate	Amount
1	Underpin existing foundations	No	6	\$1,500	\$9,000
2	Repair brickwork and internal linings	Item	5%	\$9,000	\$450
3	Internal architrave repairs	Item	1	\$1,500	\$1,500
4	Fabricate supply and fit bracing frame for rear roller door (90 x 90 x 5.0 Duragal SHS steel)	Item	1	\$3,500	\$3,500
5	Engineers reports and investigation	Item	1	\$2800	\$2800
6	Contingencies	Item	10%	\$17,250	\$1,725
Sub total					\$18,975
GST					\$1,898
<b>Total</b>					<b>\$20,873</b>

**Table 8.0 – Estimate of cost for repair works**

## 9.0 Conclusions

Visual inspection of the building and an examination of the soil under the strip footing indicates that substantial settlement and probable failure of the strip footings supporting the structure on the western wall has occurred. Dynamic cone penetrometer tests indicate that the subsoil on which the strip footings are founded has poor bearing capacity and inadequate strength to support the life time service loads applied by the building to the subsoil under the western wall. A further concern is the poor drainage of the area adjacent to the western wall within the adjacent lot. The bearing capacity of the soil would be improved at times of wet weather if drainage on the adjacent lot were improved.

With the excessive movement of the strip footing structure, it is probable that the concrete has failed in some sections and no longer can act as a monolithic beam to support further ground movement. It is also possible that the ability of the strip footing foundation to support normal service loads has been reduced. Although sudden failure of the wall will not occur, the placement of under-footing columns as described in Section 7 of this report is recommended. This will provide adequate strength to counter any applied loads or unstable ground conditions likely to occur over the life of the building.

The lintel over the rear roller door has failed and it is only a matter of time before the lintel and the brickwork above suddenly collapses. This will not cause failure of any other part of the structure as the lintel only supports the wall load directly above and no roof members rely upon its strength. A lightweight steel frame constructed of 90 x 90 x 5.0 SHS would be adequate to support the brickwork above the roller door opening.

Finally the white ant infestation appears to have been adequately removed with no evidence of structural damage to the building. Further re-inspection as proposed in November 2010, is strongly recommended.

Author:



Steve McElroy BE(Civil), Grad Dip ME, FIPWEA  
Principal Engineer.

3 May 2010

**Attachment 1**

# Subsoil Investigation Results



Client: Kyogle Council	Date Logged: 22 March 2010
Project: SES Building	Logged By: Stephen McElroy
Location: Lot 2 DP 791509 Tabulam NSW	Test No: #09/42 A/C Ref: #09/42

**TEST PIT LOG** **Site No 1**

Excavation Method: Hand Auger	Surface Reduced	00
Ground Water Struck: Nil	Level:	Not struck
Groundwater Level:		

Depth (mm)	Soil Description/Location	USC Symbol	Moisture Content	Plasticity	Consistency/ Relative Density	Pocket Penetrometer (kPa)	Sample/Test CBR Value
00	Topsoil						
200	Topsoil		M	NP	S/VL		
380	Yellow sandy clay		M	L	S/M		
500	Topsoil		W	NP	S/VL		

<b>MOISTURE CONTENT</b> D = Dry M = Moist W = Wet PL = Plastic Limit LL = Liquid Limit	<b>PLASTICITY</b> NP = Non Plastic T = Trace VL = Ver y Low L = Low M = Medium H = High VH = Very High EH = Extremely High	<b>CONSISTENCY</b> VS = Very Soft S = Soft F = firm St = Stiff Vst = Very Stiff H = Hard Fb = Friable	<b>RELATIVE DENSITY</b> VL = Very Low L = Loose M = Medium D = Dense VD = Very Dense <b>SAMPLE OR TEST</b> D = Disturbed Sample	<b>PLAN/REMARKS</b> Last rain 1 month ago
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**Dynamic Cone Penetrometer Test Results**

<b>Job</b>	Tabulam SES Building	<b>Tested by</b>	Steve McElroy	<b>Date</b>	22/03/10
<b>Weather conditions</b>	FINE - 25 DEGREES CELSIUS				

Location	Site #1 CBR	Site #1 kPa	Site #2 CBR	Site #2 kPa				
<b>Depth to test</b>	00	00	00	00				
<b>Blow No</b>	<b>Cumulative depth from underside of hammer to surface datum level</b>							
0	1030		1080					
5	615	725 (4)	890					
10	380	420 (9)	730	775 (9)				
15	225		525					
20	110	115 (20)	440	470 (18)				
25			390					
30			355					
35			315					
40			280					
45				165				
50								
55								
60								
65								
70								
75								
85								
90								
95								
100								
105								
110								
115								
120								
125								
130								

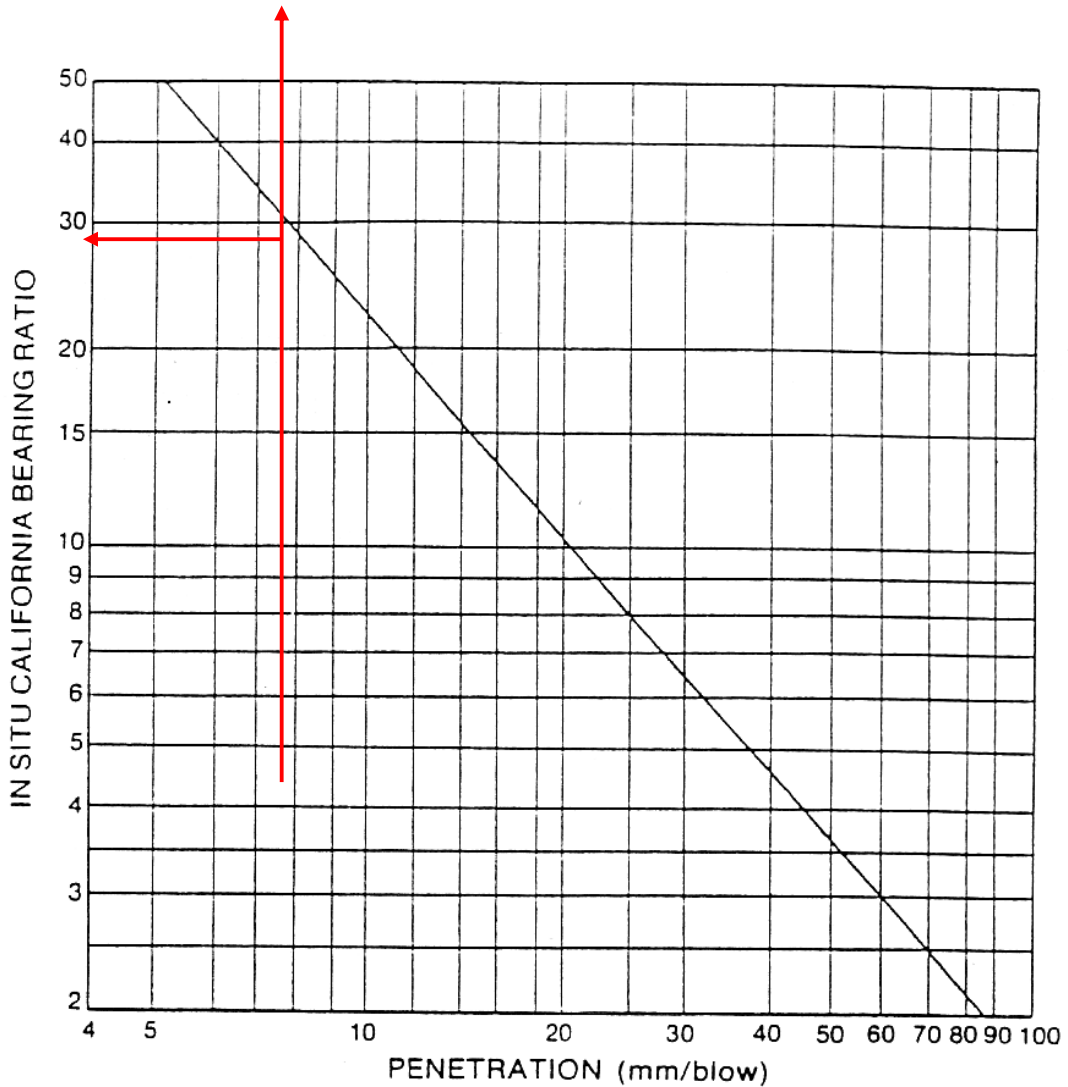
Site No	Site Comments
1	Test taken directly beside footing in line with 2 <sup>nd</sup> window from road – top 500mm appears to be soft fill. Last 500 mm wet topsoil
2	Test similar position at 3 <sup>rd</sup> window – appears to be less fill
	Last rain 1 month ago.

### CBR Values at Specific Depths

Depth from existing surface	CBR Values from Dynamic Cone Penetrometer tests							
	Site #1	Site #2						
50								
100								
150								
200		5						
250								
300								
350		6						
400	2							
450								
500								
550		4.5						
600								
650	3.75	13						
700		23						
750		35						
800	6.25	29						
850		35						
900	8.75							
950								
1000								
1050								
1100								
1150								

### Unconfined Compressive Strength of in-situ Clay

Site #1			Site #2		
Depth Below Surface	Clay Strength	Consistency	Depth Below Surface	Clay Strength	Consistency
305	48	Soft	305	110	Stiff
610	60	Medium	610	110	Stiff
915	137	Stiff	915	349	Very Stiff



(a) BY DYNAMIC CONE PENETROMETER

Source: Australian Standard AS 1289.6.3.2 – 1997

Sample Calculation of CBR:

In this example the dynamic cone penetrometer test results in 80mm penetration into the subsoil for 10 blows. This calculates to 8mm per blow. Referring to the chart above, a line is drawn from the 8mm/blow mark on the horizontal axis to intersect with the graph and another line is projected horizontally to the vertical axis giving a CBR of 29.

Definition of CBR

The load-supporting capacity of a soil as compared to that of a standard crushed limestone, expressed as a ratio. First standardised in California. A soil having a CBR of 16 supports 16 percent of the load that would be supported by standard crushed limestone, per unit area, with the same degree of distortion.

### Strength of Clay

Penetration Resistance (N) (blows per 305mm)	Unconfined Compressive Strength kPa	Consistency
1	<24	Very soft
2	24	Soft
3	36	
4	48	
5	60	
6	72	Medium
7	84	
8	96	
9	110	
10	123	Stiff
11	137	
12	151	
13	165	
14	178	
15	192	
16	205	
17	218	
18	231	Very Stiff
19	244	
20	257	
21	270	
22	283	
23	297	
24	310	
25	323	
26	336	
27	349	
28	362	
29	375	
30	388	Hard
31	401	
32	414	
33	427	
34	440	
35	453	
36	466	

37	479	
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[REDACTED]  
13<sup>th</sup> April, 2010

General Manager,  
Arthur Piggott,  
Kyogle Council  
Stratheden St  
Kyogle 2474

ACKNOWLEDGEMENT  
CARD SENT

Dear Arthur,

I have read with interest the Council's Cultural Strategy 2010-2012 Draft. I am pleased that finally the council will have such a document and certainly hope that most of the actions and measurements come to fruition.

The reason I am writing is to comment on some errors, which I have noticed which I feel need to be re-typed or corrected.

- Page 4 (and then the following appropriate pages); 2.4 Strategies, item 6 & 15 sentences don't seem to be finished.
- Page 12, 2<sup>nd</sup> point towards the bottom- re Roxy Gallery. Comment is made about there being office space for the Community Project Officer- Hasn't she now moved to Grove House?
- Page 13, 3<sup>rd</sup> item under Strengths; comment about community Festivals- Fairymount festival in its prime! Though this event no longer happens, am I reading this as just commenting that it once was an event which at that point in time was a prime strength for the community? What a shame for us that there still isn't such an annual event. [REDACTED]
- And just another minor detail which may need comment for correcting is that reference is made in all council documents when out for viewing, about Wadeville Store being a place to see documents. This store changed its business name some time ago, and is now called The Border Ranges Centre (which is currently up for sale) and also has an excellent website even though I realise that it is still probably referred to as Wadeville Store or as locals call it "Wadeville Wollies".

I thank you for reading my comments, and hope that these small yet important alterations can be fixed or at least looked into.

Yours sincerely  
[REDACTED]

# KYOGLE LOCAL GOVERNMENT AREA CULTURAL STRATEGY 2010 - 2012

## FINAL DOCUMENT FOR COUNCIL

May 2010

### CONTENTS

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- 1.1 Summary
- 1.2 Recommendations and priorities

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## **KYOGLE CULTURAL STRATEGY – EXECUTIVE SUMMARY**

### **SUMMARY**

*Culture is about what matters to people and communities. It is about relationships, shared memories and experiences. It is about identity, history and a sense of place<sup>1</sup>. Our culture is the way we express and share our values in an inclusive way, and pass on skills and knowledge to future generations.*

The adoption of a Cultural Strategy, which is integrated into the Social Plan will support the cultural development needs of the community in the Kyogle Local Government Area, and provide a vision for the future.

The objectives of the Cultural Strategy are:

- o to ensure that culture is valued and celebrated by council and community;
- o to ensure that community wellbeing, inclusion and reconciliation will be fostered through culture;
- o to maintain and develop a sense of place through fostering respect for the built environment, the natural environment and local heritage;
- o to include and value the contribution of creative industries and cultural tourism as part of a local economic development strategy;
- o to support intergenerational change by supporting young people and engaging them in the cultural life of the community; and
- o to provide leadership to the community by encouraging the community to embrace learning, innovation and change.

### **RECOMMENDATIONS AND PRIORITIES**

**It is recommended that Council:**

- o formalise the Community Cultural Committee as an ongoing advisory group to council, during 2010;
- o adopts the Strategy in 2010; and
- o allocates resources to implement the Cultural Strategy in its Management Plans for 2010/11 – 2012/13.

**The following actions are priorities for implementation in 2010:**

- o Develop a plan for identified cultural infrastructure needs in Kyogle LGA which includes consideration of the urgent need to re-house museum collection to ensure preservation and better display of community heritage; the need for exhibition space for visual art, community heritage and Indigenous culture; the need for affordable art studios; the youth centre; and cultural use of community halls and maintenance of high use halls
- o Adopt an Economic Development Policy.
- o Consider employment of an Aboriginal Liaison Officer within the LGA.
- o Establish, resource and monitor a Youth Representative Committee as part of Council's consultative structure
- o Encourage adults to support and mentor young people through Kyogle Youth Action and Youth Ventures
- o Prepare welcome kits for visitors to the LGA with information about art, cultural organisations places and activities

<sup>1</sup> NSW Cultural Planning Guidelines for Local Government – Part 1  
**Kyogle LGA Cultural Strategy – May 2010**

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## **KYOGLÉ CULTURAL STRATEGY – SECTION TWO:**

### **2.1 INTRODUCTION**

Kyogle Council services a Local Government Area (LGA) of 3,589 square kilometres in the Northern Rivers region of NSW. It adjoins the Scenic Rim Regional Council in Queensland and the Tweed, Lismore, Richmond Valley, Clarence Valley and Tenterfield local government areas in New South Wales. In the 2006 Census, there were 9,256 persons resident in Kyogle LGA. Of the total population 5.8% were Indigenous persons, compared with 2.3% Indigenous persons in Australia.

Kyogle Council recognises the traditional owners of the Bundjalung land and flies the Aboriginal flag beside the Australian flag.

The culture of the LGA includes the strong heritage and living culture of Aboriginal community, the stories and traditions of the farming settlers, and most recently the new tree changers, many of whom are artists who are attracted to the natural environment and the village and rural community lifestyles.

The LGA has a proud history of community based arts and cultural activity. It has the only remaining Arts Council in the region, high numbers of artists, and a Community Gallery run in partnership between Council and the Arts Council. However cultural life in the community is challenged by factors including aging governance groups of volunteer arts organizations and a lack of resources and cultural leadership. The community has identified the need to integrate cultural programming into Council's community and social planning.

This is the inaugural Cultural Strategy for the communities of the Kyogle Local Government Area. It provides defines a partnership relationship between community and Council, defines the role of Council in fostering, supporting and planning for the cultural life of the community, and provides a strategic framework and action plan to support arts and cultural development in the Local Government Area.

This Cultural Strategy has been developed by the Kyogle Cultural Committee, which is comprised of Councillors, council staff and members of the community, through a series of workshops facilitated by Arts Northern Rivers in 2009. It draws on a draft Cultural Implementation Strategy which was developed to assist Kyogle Council develop a Cultural Policy and Cultural Plan in 2000.

This Cultural Strategy (in draft form) has been used to inform Council's new Social Plan which was developed in 2009.

### **2.2 PREAMBLE**

Culture is about what matters to people relationships shared memories and experiences. Culture is the way we express our identity and develop a sense of place. We express our values and share these by living in the present in an inclusive way, and passing on skills and knowledge to future generations.

Council's role is to provide a safe inclusive and visionary environment by ensuring appropriate coordination, resourcing and planning for community based cultural initiatives and services in the Kyogle LGA. It should also ensure that the cultural expectations of residents of the LGA are embedded in Council decision making through the integration of this plan with the Social Plan which underpins the strategies and compliance based activities of Council.

This Cultural Strategy (and implementation budget) will be adopted by Council, to support the cultural development needs of the community and provide a vision for the future. Council will undertake a review process for the Strategy to assess implementation and effectiveness.

### 2.3 THE OBJECTIVES OF THE CULTURAL STRATEGY:

- o to ensure that culture is valued and celebrated by council and community;
- o to ensure that community wellbeing, inclusion and reconciliation will be fostered through culture;
- o to maintain and develop a sense of place through fostering respect for the built environment, the natural environment and local heritage;
- o to include and value the contribution of creative industries and cultural tourism as part of a local economic development strategy;
- o to support intergenerational change by supporting young people and engaging them in the cultural life of the community; and
- o to provide leadership to the community by encouraging the community to embrace learning, innovation and change.

### 2.4 STRATEGIES

1. Undertake cultural planning that is informed by a vision for the future
2. Recognise cultural leadership and achievement in the community
3. Increase the profile of arts and culture in the community
4. Tell local stories to preserve heritage and foster a sense of place and community
5. Increase community capacity to plan, manage and support cultural activities and services
6. Provide adequate resources for cultural development across the Kyogle Local Government Area
7. Support our artists, performers and crafts people
8. Support our festivals and events
9. Foster and support inclusive cultural networks and programs in the
10. Maximise use of facilities and infrastructure in the for cultural activities to ensure cost effective use of available resources
11. Support preservation and management of heritage buildings
12. Support development of appropriate public art and community cultural spaces which contribute to a sense of place and community
13. Stimulate employment and small business in the LGA through creative industries development
14. Support retention of traditional artisan skills to provide future employment opportunities for young people
15. Develop and promote cultural tourism products and experiences which showcase the cultural life in the Kyogle Local Government Area
16. Use innovative ways to include young people in council and community decision making about cultural life

**KYOGLE CULTURAL STRATEGY – SECTION THREE:**

**CULTURAL STRATEGIES AND ACTION PLAN**

The objectives of the Cultural Strategy are:

- o to ensure that culture is valued and celebrated by council and community;
- o to ensure that community wellbeing, inclusion and reconciliation will be fostered through culture;
- o to maintain and develop a sense of place through fostering respect for the built environment, the natural environment and local heritage;
- o to include and value the contribution of creative industries and cultural tourism as part of a local economic development strategy;
- o to support intergenerational change by supporting young people and engaging them in the cultural life of the community; and
- o to provide leadership to the community by encouraging the community to embrace learning, innovation and change.

Strategy	Actions	Priority	When	Measure/KPI	Partners	Resources
<b>1. Undertake cultural planning that is informed by a vision for the future</b>	<p>Council to involve community in planning by formalising the Community Cultural Committee as an ongoing advisory group to council</p> <p>Council to involve community in reviewing Cultural Strategy</p> <p>Foster cultural leadership within council administration through engagement of staff in regional networks</p>	<p>Highest</p> <p>High</p> <p>Medium</p>	<p>2010</p> <p>2012</p> <p>Ongoing</p>	<ul style="list-style-type: none"> <li>- Council agrees to formalise Community Cultural Committee</li> <li>- Committee convened, including representatives from West of the Range</li> <li>- Strategy implemented</li> <li>- Strategy reviewed</li> <li>- Staff participation in networks</li> </ul>	<p>Council + Community</p> <p>Council</p> <p>Council + Arts NR</p>	<p>Council</p> <p>Arts NR</p>
<b>2. Recognise cultural leadership and achievement in the community</b>	<p>Council to provide encouragement and leadership for the development of cultural awards across a range of cultural activities</p> <p>Increase media coverage of arts and culture - community groups to send press releases and stories re art and cultural activities to newspapers and LGA newsletters, radio and other media.</p>	<p>High</p> <p>Ongoing</p>	<p>2010 then annual</p> <p>Ongoing</p>	<ul style="list-style-type: none"> <li>- Council establishes Australia Day Award for Cultural Leadership</li> <li>- Council initiates Cultural awards program</li> <li>- Chamber of Commerce agrees to seek sponsors for award</li> <li>- Sponsor given naming right</li> <li>- Awards granted</li> <li>- media releases</li> <li>- media outcomes</li> </ul>	<p>Council to lead Community: East and West of the Range Australia Day Committees, Chamber of Commerce, Progress Associations, Business Sponsor</p> <p>Community: Arts Council, Roxy Gallery, WAG, Other community groups, Arts Northern Rivers</p>	<p>Council + Sponsors</p> <p>Community</p>
<b>3. Increase profile of arts and culture in the community</b>	<p>Display prominent list of cultural groups and arts facilities in Visitor Information Centre and other community venues and online directories.</p> <p>Investigate opportunities in internet</p>	<p>Medium</p> <p>Medium</p>	<p>2010</p> <p>2010</p>	<ul style="list-style-type: none"> <li>- List displayed</li> <li>- Medal developed</li> </ul>	<p>Council: Visitor Info Centre Council web site</p> <p>Council:</p>	<p>Council</p>

Strategy	Actions	Priority	When	Measures/KPI	Partners	Resources
	technology to support artists networking, promotion and professional development, and promoting arts and cultural life.			- Site developed	Cultural Committee CTC	
<b>4. Tell local stories to preserve heritage and foster a sense of place</b>	Record, collect and share local oral histories and stories, including Aboriginal stories, settler and community stories, for preservation and presentation in historical societies, school libraries and public library.	Medium	2010	<ul style="list-style-type: none"> <li>- Project committee convened</li> <li>- Organise informal story telling days to kick start project</li> <li>- Themes, artists and story tellers selected for broader story telling project</li> <li>- Stories recorded</li> <li>- Funding/partners secured for Aboriginal Artist in Residence</li> <li>- Story Telling Project in schools implement Aboriginal Story</li> <li>- Telling project</li> <li>- Resources produced for historical society museum</li> <li>- Stories published/exhibited in gallery, libraries etc</li> </ul>	Community: Historical Society, Writers Group, KYA, High Schools, Reconciliation Council, LALCs, Caring Circle and organizations working with older people in the community	DEWHA Indigenous Culture Support Program for Residency program + Regional Arts Fund and MGNWSW (Arts NR to support)
	Involve young people throughout the LGA to produce mini documentaries and to write stories for publication in local papers and other media.	Medium	2010-11	<ul style="list-style-type: none"> <li>- Project meeting held</li> <li>- Schools and participants engaged</li> <li>- Funding submission lodged</li> <li>- Project implemented</li> </ul>	Schools KYA Regional Museums Officer to support	Regional Arts NSW
	Develop and produce interpretative materials to promote greater understanding of culture, history and community values	Medium	Ongoing	- ongoing	Council: Visitor Info Centre Community: Writers Group, Historical Society	Council and Community
	Curate heritage exhibitions from the museum collection, on local themes and stories, and exhibit them in different venues across the .	High	Ongoing	<ul style="list-style-type: none"> <li>- Gallery Coordinator to work with historical society to curate exhibitions</li> <li>- Venues organised for exhibitions</li> <li>- Exhibitions held</li> </ul>	Council: Gallery Coordinator Community: Historical Society	
<b>5. Increase community capacity to plan, manage and support cultural activities and services</b>	Hold a CULTURE EXPO for community arts and culture organizations, to promote greater involvement from the community and highlight opportunities and benefits for volunteers.	High	2010	<ul style="list-style-type: none"> <li>- Planning Meeting held</li> <li>- Project committee established</li> <li>- Partner event confirmed</li> <li>- Identify point of difference to encourage and provoke involvement by more people in the community</li> <li>- Expo held</li> </ul>	Council administration: Tourism Officer, Gallery Coordinator and CPO to convene planning meeting Community Cultural Committee, KCEDC groups & businesses to support	

Strategy	Actions	Priority	When	Measure/KPI	Partners	Resources
	<p>Develop a training package through Kyogle Community College, for a community skills development &amp; workshop program:</p> <ul style="list-style-type: none"> <li>- media skills</li> <li>- governance for volunteer boards</li> <li>- cultural resource management</li> <li>- business skills for artists</li> <li>- creative skills and techniques</li> <li>- train the trainer courses for artists</li> <li>- getting funding and sponsorship</li> <li>- product development for cultural tourism</li> </ul>	Medium	2010-12	<ul style="list-style-type: none"> <li>- partner organisations and venues identified for each workshop</li> <li>- Workshops promoted</li> <li>- Workshops held every participant brings and mentors a young person.</li> <li>- volunteer organisers visit other cultural centres eg museums and galleries for research</li> </ul>	<p>Council administration Kyogle Community College Arts NR to support BEC</p>	<p>Grants: Regional Arts NSW, ABAF, Climate Change, Community etc</p>
<b>6. Provide adequate resources for cultural development across the</b>	<p>Access in kind support (eg venues) and sponsorship for cultural activities through service clubs, progress associations and local businesses</p> <p>Review hours for council staff who support cultural programs</p>	Medium	2010-12		Council	
<b>7. Support our artists, performers and crafts people</b>	<p>Council to establish small quick response cultural grants</p> <p>Develop a network for artists (including visual artists, musicians and performing artists) with professional development opportunities</p> <p>Foster appreciation of traditional arts and crafts by curating an exhibition of "country crafts" to visit different towns in the LGA, and by contributing to Agricultural Shows</p>	High	2010-12	<ul style="list-style-type: none"> <li>- Council budget allocation reviewed for staff who support cultural programs</li> <li>- Number of support hours</li> <li>- Cultural grants established as part of (or incorporated into) funding program</li> <li>- Project meeting held</li> <li>- Network established</li> <li>- Network convener appointed</li> <li>- Professional development priorities confirmed</li> </ul>	Council	Council
<b>8. Support our festivals and events</b>	<p>Develop a festivals, events and markets policy</p> <p>Support festival, events and markets organisers through professional development</p>	Medium	2010-12	<ul style="list-style-type: none"> <li>- Planning meeting held</li> <li>- Venue partners confirmed</li> <li>- Exhibition curated</li> <li>- Exhibition toured</li> </ul>	<p>K&amp;D Arts Council WAG KATS Music groups Private music Schools</p> <p>Cultural Committee CWA Show Society arts and crafts committees Craft groups</p> <p>KCEDC and Chamber of Commerce Council</p> <p>Council, Arts NR</p>	Council

<p><b>9. Foster and support inclusive cultural networks and programs in the</b></p>	Identify Community Hubs in remote villages (eg community halls, general store/café gallery) and encourage cultural activity in these hubs	High	2010-12	- Hubs identified - Program developed and implemented	Council Social Planning process and Community Cultural Committee	Council
	Consider employment of an Aboriginal Liaison Officer within the LGA.	Highest	2010-12	- Partnership arrangements scoped - Management Plan and budget - Program adopted	Council	Council
	Support development of cultural programs, including a Living Book program, in Kyogle Library	Medium	2010		Community: Library Book group	Library
	Develop signage for significant Aboriginal and Historical sites	High	2010-12	- Community consultation process confirmed - Sites for signage identified - Signage in place	Council Local Aboriginal Land Councils	Indigenous Heritage funding
	Further Develop NAIDOC Reconciliation Event into a celebration of Aboriginal heritage and contemporary Aboriginal life and culture.	High	2010-12		Council + Kyogle reconciliation group, Bonalbo Aboriginal Corporation + Bonalbo High School	
	Build aspiration and promote positive futures for young people through mentorship and arts intervention programs	High	2010-12	- Develop arts intervention programs to address social and community issues such as alcohol misuse, assault and domestic violence - Develop a mentorship program for young artists in the community	Council KYA Community Safety & Crime Prevention process Arts NR to assist	Crime prevention funding, philanthropic support, partners
	Support programs which facilitate training, expression and access to arts and cultural activity for people with disabilities	Medium	2010-12	- Develop programs - Source funding - Implement programs	Council Community Arts NR	
	Prepare welcome kits for people moving to the LGA with information about art, cultural organisations, places and activities	High	2010-12	- Prepare and distribute welcome kits	VIC	
	Support arts and cultural programs for young children	Ongoing	2010-12		Kyogle Family Support Service	
	Develop plan for identified cultural infrastructure needs in Kyogle LGA which includes consideration of: <ul style="list-style-type: none"> <li>- urgent need to re-house museum collection;</li> <li>- exhibition space for visual art, community heritage and Indigenous culture;</li> <li>- affordable art studios;</li> <li>- youth centre; and</li> <li>- explore cultural use of community halls and maintenance of high use halls</li> </ul>	Highest	2010	- Process for cultural infrastructure plan confirmed - Plan completed	Council + Community Arts NR to support	
<p><b>10. Maximise use of facilities and infrastructure in the LGA for cultural activities, to ensure cost effective use of available resources</b></p>						

	Scope options and develop business plan for use of KMI Hall as a community cultural exhibition space	High	2010	- Plan developed - Plan adopted by council	Council KEDC	
	Return security grill to the KMI Hall and work with Heritage Advisor to determine appropriate location, as part of the Heritage Listing process for the Hall	High	2010	- Council staff to prepare report	Council + Cultural Committee	
<b>11. Support preservation and management of heritage buildings</b>	Develop a Strategic Management Plan to protect heritage buildings	Medium	2010-12		Council	
<b>12. Support development of appropriate public art and community cultural spaces which contribute to a sense of place and community</b>	Develop Public Art Policy	High	2010-12	- Develop draft plan - Identify sites - Council to adopt plan	Council Arts NR to support	
	Develop partnerships between artists and operators of main street shop fronts, to decorate shops fronts for key events including Christmas.	Medium	2010-12	- planning meeting convened - volunteer coordinator nominated - partnerships developed between artists and shop operators - project implemented	Council Chamber of Commerce Arts Council	
	Maintain a community permaculture garden in Kyogle to provide training and modelling for people who wish to grow their own food	Medium	2010	- Garden complete	CTC	
	Support arts projects which promote awareness of national parks in LGA and natural environment	Medium	2010-12		Roxy Gallery Caldera Art Arts NR	
<b>13. Stimulate employment and small business in the LGA through creative industries development</b>	Refer creative jobs potential to Economic Development Consultation.	Medium	2010-12		KCEDC Chamber of Commerce Council	
	Adopt an Economic Development Policy.	Highest	2010	- Policy adopted following consultation.	Council KCEDC	Council KCEDC DSRD
<b>14. Support retention of traditional artisan skills to provide future employment opportunities for young people</b>	Encourage passing on of traditional artisan skills and practices to young people, by establishing mentorships and trainee schemes wherever these skills are applied within local businesses and Council	Medium	2010-12	- Work experience for high school, work for the ole programs, internships	Council, Cultural Committee in partnership with Community + Universities and educational institutions	



<p><b>15. Develop and promote cultural tourism products and experiences which showcase cultural life in the</b></p>	<p>Develop tours in history, arts and culture</p>	<p>Medium</p>	<p>ongoing</p>	<ul style="list-style-type: none"> <li>- Audit of tours and destinations available in LGA</li> <li>- Product development with VIC</li> <li>- Develop packages through VIC that target cultural tourists</li> </ul>	<p>Council VIC Community</p>	
<p><b>16. Use innovative ways to include young people in council and community decision making about cultural life</b></p>	<p>Prepare welcome kits for visitors to the LGA with information about art, cultural organizations, places and activities</p>	<p>Highest</p>	<p>2010</p>		<p>Council + Community</p>	
	<p>Establish and resource a Youth Forum or Youth Representative Committee as part of Council's consultative structure, and continue to monitor its progress</p>	<p>Highest</p>	<p>2010 and on Going</p>	<ul style="list-style-type: none"> <li>- Council agrees to support Youth Council</li> <li>- Council works with KYA to develop selection criteria for Youth Council</li> <li>- Youth Council convened via Expressions of Interest process</li> <li>- Council to resource and support a call for Expressions of Interest from young people, working with KYA and SRCs at High Schools</li> <li>- Youth Council and Cultural Committee to meet on regular basis, and youth council represented on cultural committee</li> </ul>	<p>Council + Community Arts NR to support</p>	
	<p>Encourage adults to support and mentor young people through Kyogle Youth Action and Youth Ventures.</p>	<p>Highest</p>	<p>2010 and on Going</p>	<ul style="list-style-type: none"> <li>- Council CFO to help KYA and KYV seek funding to support mentorship programs</li> </ul>	<p>Council, Schools, Youth Centre, Crime Prevention Strategy</p>	
	<p>Access and support development of the Youth west of the range</p>	<p>High</p>	<p>2010-12</p>		<p>Council, Schools, Youth Centre, Crime Prevention Strategy</p>	

## KYOGLÉ CULTURAL STRATEGY – SECTION FOUR:

### 4.1 COMMUNITY CULTURAL SNAP SHOT – KYOGLÉ

Kyogle Local Government Area is built on community engagement and participation. Kyogle LGA has 219 listed Heritage Sites, 45 Community Centres and Meeting spaces, 15 Church Halls, and 27 Community organisations and groups. It supports 2 Art Groups (Kyogle and District Arts Council & Woodenbong Artists Group) both having strong support in memberships of artists working in the fields of visual & performing arts, music, film making, craft and writing. In the LGA there are 5 Exhibition Gallery spaces, 3 Museums, and 8 Professional Production Studios. The LGA is home to a number of International and national professional artisan working in a diverse range of creative industry areas.

#### ABS DATA:

In the 2006 Census there were 9,256 persons resident in Kyogle LGA: 50.3% were males and 49.7% were females. Of the total population 5.8% were Indigenous persons, compared with 2.3% Indigenous persons in Australia. 21.8% were children aged between 0-14 years, and 28.8% were persons aged 55 years and over. The median age was 42 years, compared with 37 years for persons in Australia. 92.8% were Australian citizens, 8.5% were born overseas (England 2.8%, New Zealand 1.4%, Germany 0.8%, United States of America 0.4% and Scotland 0.3%). English was stated as the only language spoken at home by 94.3% of residents.

3,772 people aged 15 years and over were in the labour force. Of these, 52.1% were employed full-time, 31.9% were employed part-time, 3.1% were employed but away from work, 2.6% were employed but did not state their hours worked and 10.2% were unemployed. There were 3,154 usual residents aged 15 years and over not in the labour force.

#### NORTHERN RIVERS ARTS AND CREATIVE INDUSTRIES STRATEGY:

In 2008 Arts Northern Rivers engaged Positive Solutions to develop a Regional Arts and Creative Industries Strategy for the Northern Rivers Region, and individual reports to each Local Council. Following are relevant findings from the report presented to Kyogle Council in March 2009:

- o According to the results of the 2001 and 2006 census, employment in the creative industries in Kyogle had a Cumulative Annual Growth Rate of 6.2%, relative to a growth rate of 1.1% for all other industries in the LGA.
- o The Roxy Gallery is a joint initiative between Council and the local Arts Council.
- o The Kyogle Memorial Institute Hall has been refurbished with significant support from Arts New South Wales.
- o Regarding "human" infrastructure, the part-time Gallery Coordinator is understood to be the Council's sole cultural resource, the main contact for festivals, exhibitions and community cultural development events, and Council's representative on the board of Arts Northern Rivers.
- o Strengths of arts and creative activity in the LGA include an increasing number of creative industries practitioners who have moved into the municipality on recent years (some of whom will not have been picked up by the 2006 census data above). This is understood to include film-makers, writers, visual artists and musicians. The area is home to a number of well-established and internationally recognised visual artists. Some of the professional practitioners have forged links with local community groups, but others work independently and are not active participants in the cultural life of the LGA. The Gallery has become a stronger focus, a community hub.
- o The topography of the (straddling the Great Dividing Range) and the available road links result in Bonalbo and Tabulam being more easily accessed from Casino than from other areas within Kyogle, mean that is not easy for creative practitioners in the LGA's centres to connect up with each other.

- o Community efforts to build a regular festival have flourished in recent years – possibly because of volunteer burn-out. To maintain events in the LGA which will generate cultural and economic benefit is likely to require increased commitment from Council.

#### 4.2 VISION AND CULTURAL VALUES

Following are the Vision and Values which were developed by the Cultural Strategy Committee to inform the Cultural Strategy:

##### VISION

- Culture celebrated by community and integrated into planning for community
- Cultural planning document which captures needs of community in terms of cultural development, provides a vision for the future, adopted by council, with a budget for implementation
- Community engaged in culture

##### CULTURAL VALUES

- a cohesive, supportive community – “a community that works together stays together”
- inclusive cultural networks in the whole , sustaining community hubs in our small villages
- a sense of place - heritage sites, buildings, stories (both Aboriginal and settler), environment, working on the land
- community engagement and volunteer community organizations supporting culture
- valuing our artists (in visual arts and crafts, writing, theatre, puppetry, music, dance)
- valuing our festivals and events, particularly those relating to rural culture

#### 4.3 STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS

Following are the results of a SWOT analysis, which was undertaken by the Cultural Strategy Committee to inform the Cultural Strategy:

##### STRENGTHS

- community engagement, community driving cultural activity in the LGA – KAC, KATS, Historical Society etc
- council paid gallery coordinator and CPO who support cultural programs
- community Festivals and Events with rural theme: Fairymount festival in its prime, Puppet Rodeo, Agricultural shows
- creative people can afford to live here – many artists in the community (in many art forms – visual arts, music, puppetry, performing arts)
- “abundance” of halls and community infrastructure
- heritage – both Indigenous and settler stories, sites, buildings
- Roxy Gallery and the way it’s a focus for the community, its inclusiveness
- family values
- supportive community that works together, community “hubs” in small towns, strength of service clubs
- natural environment
- lifestyle

##### WEAKNESSES

- aging governance groups of volunteer cultural organizations
- isolation, lack of exposure to “outside” ideas and ways of doing things
- lack of valuing of skills and knowledge (need for training)
- lack of cultural leadership

Kyogle LGA Cultural Strategy – May 2010

- lack of integration of cultural life into community and social programming
- lack of opportunities for young people, no "positive visions" for their future (link to schools)
- creative skills not valued – expectation that artists will work for nothing
- "lifestyle" can also be a weakness
- cultural divide of the range – isolation of communities west of the range
- lack of new ideas for new industries – reliance on traditional timber and farming
- consolidated family based networks in community – resistance to change
- narrow interpretation in community of what is "creative" and "cultural" (ie need to value traditional creative skills such as quilting, embroidery, woodturning etc)
- declining community events (bureaucratic barriers include planning requirements, insurance etc)
- buildings and facilities under utilized, but museum has outgrown its current space and there are no studio spaces/collective creating spaces, no driving or planning around better use of buildings
- lack of staff resources/professional support for support cultural development (part time gallery coordinator and CFO are valued but overstretched). Need skilled people for project development and coordination.
- Social issues - racism in community, alcohol related violence, often associated with sport events, high unemployment and low income communication, access and equity for people in isolated communities in - need to build better networks
- need to include Indigenous community in cultural strategy, need for an Aboriginal Liaison Officer
- need to strengthen the link between cultural and economic development; eg in tourism, arts marketing, skills development and support for Indigenous artists
- need for management / strategic plan for use of KMI Hall

#### OPPORTUNITIES

- to create ways to engage artists in the community as paid tutors
- to establish a network and professional development opportunities for artists
- to develop low impact cultural tourism
- to better use the buildings, facilities and community halls available
- KMI Hall – refurbished cultural space in town centre- potential to use as a cross art form cultural exhibition and performance space
- to value and celebrate culture, including traditional arts and crafts
- the region – to take advantage of the levels of experience of other councils and Arts Northern Rivers in cultural development and cultural planning
- to raise the "value" of the arts and culture in the community
- to tour exhibitions and cultural programs across the LGA (not for profit)
- to hold arts and culture stalls at the country markets
- to access support for culture through service clubs, progress associations (eg Woodenbong), and to build partnerships with local businesses – eg Brown and Hurley, IGA, Real Estate Agents

#### THREATS

- arts funding available for small communities is limited, and generally focussed on new and innovative projects
- lack of quick response small grants
- lack of strategic planning around arts projects and cultural activity

#### 4.4 REGIONAL CONTEXT – THE NORTHERN RIVERS REGION

The Northern Rivers region of NSW is a culturally diverse and creative region that has the highest concentration of artists and creative industries workers outside the capital cities, and the highest creative industries employment growth in NSW.

Arts and cultural development in the region is supported by Arts Northern Rivers, one of 13 regional arts boards across the state. Kyogle Council is a contributing member, and is represented on the board of Arts Northern Rivers.

The region is home to a unique suite of regional arts organisations which represent partnership and resource opportunities for Kyogle.

These include NORPA, one of the few regionally located professional theatre production companies in Australia, the Northern Rivers Writers Centre and Northern Rivers Screenworks.

The region is recognized for its coastal "lifestyle" and is attracting increasing numbers of leading professional filmmakers, writers, musicians and artists. The region is also a centre for arts education through Southern Cross University based in Lismore, the campuses of North Coast Institute of TAFE, the Northern Rivers Conservatorium and Arts Centre and North Coast Community Colleges.

The Northern Rivers Arts and Creative Industries Strategy identified that:

*Between the 2001 and 2006 census, employment in the creative industries in Northern Rivers grew 25% faster year on year than the rest of the regional economy. This is very unusual for an area outside a capital city or major conurbation, is a distinctive characteristic of the region, and represents an area of real opportunity – especially in view of the State Government's growing interest. Northern Rivers is recognised as the key 'hot-spot' for the State's creative industries beyond Sydney.*

The Arts and Creative Industries Strategy for Northern Rivers is influenced by several key factors:

- the strengths which are evident regionally in visual arts, festivals, education, screen industries, professional networks, community spirit, and the distinctive environment which attracts creative workers and visitors to the region
- the opportunity to address both cultural development and economic development
- the need to address a number of gaps and weaknesses – in infrastructure, resourcing, and access to markets
- the many opportunities which exist to stimulate employment, economic growth and healthy communities