



KYOGLÉ COUNCIL

ORDINARY COUNCIL MEETING AGENDA

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

ON MONDAY 19 DECEMBER 2011

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 19 December 2011, 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 Confirmation of Minutes
- Item 8 Mayoral Minute
- Item 9 Notices of Motion
- Item 10 Questions with Notice from Councillors
- Item 11 Reports from Delegates
- Item 12 Information Reports
- Item 13 Reports from General Manager
 - A Technical Services Section
 - B Planning Services Section
 - C Environmental Services Section
 - D Corporate Services Section
 - E Community Services Section
 - F General Manager's Section
- Item 14 Urgent Business Without Notice
- Item 15 Questions for Next Ordinary Meeting
- Item 16 Confidential Business Paper

ARTHUR PIGGOTT
GENERAL MANAGER

COUNCIL PRAYER

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

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

AMEN

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

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

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

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

DISCLAIMER

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

(ARTHUR PIGGOTT),
GENERAL MANAGER.

5.7 Question Time (Council Policy)

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

Each speaker has a maximum allowable time of 5 minutes.

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

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

Speakers are not to debate answers.

Speakers are not to make any insulting or defamatory statements, and to take care when discussing other people's personal information (without their consent).

The maximum duration of this session is 30 minutes.

5.8 Public Access (Council Policy)

That Public Access be scheduled for all Ordinary Meetings of Council.

A maximum of 30 minutes is allowed for the Public Access segment.

Individual residents concerned about a particular issue may make application for public access and are required to register with the General Manager by phone or in writing by the close of business on the working day preceding the meeting day; and include the subject matter of the matter proposed for discussion.

The General Manager, in consultation with the Mayor will consider each application for public access on its merit.

Residents will not be granted more than one public access request each calendar year (except where the subsequent request(s) directly relate to an item on the agenda for the meeting at which public access is requested).

No more than two speakers for a subject will be permitted at any meeting.

If granted Public Access by the General Manager, the individual resident will be allowed five (5) minutes to address Council with an extension of five (5) minutes for Councillors to direct questions to the speaker.

Applicants who submit an application outside the above times will generally be refused, however, where unusual circumstances exist, the Mayor may at his/her discretion, advise the Council that a public access application has been received and Council has the option to grant public access.

ORDINARY COUNCIL MEETING AGENDA

Monday 19 December 2011

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ITEM 1 APOLOGIES

ITEM 2 OPENING PRAYER

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

ITEM 4 DECLARATION OF INTERESTS

Nil.

ITEM 5 QUESTION TIME

Nil.

ITEM 6 PUBLIC ACCESS

A request for public access has been received from Ms Boudicca Cerese in relation to Coal Seam Gas.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF ORDINARY MINUTES

Summary/Purpose

A copy of the Minutes for the Ordinary Meeting held on 28 November, 2011, is included in the attachments to the business paper.

Recommendation

That the Minutes of the Ordinary Meeting held on 28 November, 2011, be adopted.

Attachments

1. Minutes of the Ordinary meeting held on 28 November, 2011 (Separately attached)
-

ITEM 8 MAYORAL MINUTE

8.1 MAYORAL MINUTE - COAL SEAM GAS

Summary/Purpose

To inform Councillors of the actions of other Councils, agricultural bodies and community in general in developing strategies or positions with regards to the Coal seam gas industry. To provide the opportunity for Council (Councillors) to progress its position.

Community Strategic Plan Item(s)

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

Background Information

Other Councils and Coal Seam Gas (GSG)

Moree Plains Shire Council is concerned about the impact of coal seam gas (CSG) exploration and extraction activities on Moree Plains Shire.

The Council has, therefore, imposed a moratorium on any further seismic surveys, drilling or exploration for CSG on property under the ownership or care, control and management of Moree Plains Shire Council.

The Council has also requested that the State Government fund and undertake a full assessment of the impact of GSG extraction on the sustainability of agricultural production within Moree Plains Shire.

The following provides a snapshot of Moree Council's recent CSG-related decisions:

2 June 2011

The Council resolved that:

1. Moree Plains Shire Council support a moratorium of sixty (60) days on any further seismic surveys, drilling or exploration for coal seam gas within the Moree Plains Shire.
2. Moree Plains Shire Council request that the relevant State Government agency fund and undertake a full assessment of the impact of coal seam gas extraction on the sustainability of agricultural production within the Shire during this period.
3. That the sixty (60) day period be extended if the report is incomplete at the conclusion of this period.

4. Except as required for the purposes of paragraph 2, Moree Plains Shire Council imposes a moratorium of sixty (60) days on any further seismic surveys, drilling or exploration for coal seam gas on property under the ownership or care, control and management of Moree Plains Shire Council.

7 July 2011

The Council resolved:

1. That Moree Plains Shire Council shall:
 - a. Write to all companies that hold Petroleum Exploration Licenses within the Moree Plains Shire either alone or in partnership with other exploration companies or petroleum production companies and including their respective subsidiaries, holding companies and affiliates. The letter to state that as Council currently has a moratorium on any exploration including seismic surveying and exploration drilling on any Council owned land or land under Council's care and control, that any permission given in writing or implied is not valid;
 - b. Publish its intent to deny access for all forms of coal seam gas exploration activities;
 - c. In conjunction with the NSW Farmers Association, develop a document of "frequently asked questions" (FAQs) on coal seam gas to be placed on Council's website to allow for facts to be highlighted and for the public to be better informed; and
 - d. Continue, and not reassess, its moratorium on coal seam gas until such time as the NSW Government has enacted relevant legislation.
2. In addition, Council's policy on conducting seismic surveys on public road reserves is currently on display for public comment. Until Council has reviewed the public's comments on this policy and has adopted a policy, we cannot process any application for permission to enter land under the care, control and/or management of Council for the purposes of exploration.

21 July 2011

The Council resolved that:

Moree Plains Shire Council inform, in writing, all holders of Petroleum Exploration Licenses (PELs) within the Moree Plains Shire that Council request that, prior to the establishment of what is known as "Drilling Camps" that the Council requires an Application to be submitted to Council for processing and approval.

The Application must be signed and submitted by the landholder prior to any such camp being established within the Shire.

Lismore City Council

On 8 November, Lismore City Council passed an urgency motion forcing all future coal seam gas applications on council land to be considered by councillors following news Metgasco had approval for extensive seismic testing at Rock Valley.

They subsequently voted on 13 December, 2011 to refuse an application from Metgasco to do seismic data-collection work on council-owned land in the Rock Valley area. This decision was made even though the council had legal advice saying it had no rights of refusal.

Coal seam gas wells planned for Northern Rivers

In a media release dated 12 December 2011, The Greens NSW mining spokes person, The Hon. Jeremy Buckingham indicated that 500 or more coal seam gas wells will be constructed in the Northern Rivers if plans to export gas to Queensland or to an export terminal off Northern NSW go ahead.

The following is an extract from HANSARD record of a Parliamentary Inquiry hearing on 8 December 2011 as presented on Mr. Buckingham's website:

The Hon. JEREMY BUCKINGHAM: You said earlier on that there was an economic benefit from this and there was also a suggestion that you are planning to provide gas to the proposed Richmond Valley Power Station. The other proposal you have suggested that you are interested in executing is an export liquefied natural gas project—what is known as the Lions Way Pipeline. Your submission states that it is looking to produce and export 1.5 million tonnes per annum. How many coal seam gas wells do you require to make that a viable proposition?

Mr HENDERSON: There is a question of the size of the market and there is also a question of the productivity of the wells. The size of the market is clearly an important factor, but so too is productivity, and that is why we have not gone out with a number. Clearly, if a well will produce a million cubic feet a day rather than 100,000, you need ten times fewer wells. We have not gone out with numbers on that simply because we have a lot more work to do to establish exactly how many wells we would need.

The Hon. JEREMY BUCKINGHAM: Considering that you have been established for some time and you have assessed the productivity of your wells as they are, you have done no modelling on an average across those wells of how many wells you would need to supply 1.5 million tons per annum?

Mr HENDERSON: Clearly we have done modelling, but we are certainly not at the point of making the final investment decision on that and we would anticipate having more data before we get there. It is not the sort of figure that we generally quote until we have actually gone through the process and are ready to make some sort of development application or commitment.

The Hon. JEREMY BUCKINGHAM: So you have done modelling of how many wells you may require?

Mr HENDERSON: We have done internal modelling—

The Hon. JEREMY BUCKINGHAM: In your estimation, would you need more than 500 wells to deliver that type of project?

Mr HENDERSON: Mr Buckingham, I am sure you have a lot of data from other operations to gain your own view of that, but certainly 500 wells would be in a reasonable range. The other thing you need to take into account is the nature and type of wells. Clearly, we are going to be trying to minimise the footprint of our wells, and it is not so much the number of wells but how many sites you need to have. If we can drill six or ten wells from one site, it will look largely like one well. If you are trying to get the impact and basically what disruption there is going to be to the land area, it is the case of the number of wells and our ability to get as many from one site as possible. A figure we have quoted a number of times is that we would expect to be able to take no more than 1 per cent of the land and certainly less than 2 per cent. That is the sort of measure that we will be taking in terms of managing the success and effectiveness of our operations.

.....

The Hon. JEREMY BUCKINGHAM: You say in your submission that no chemicals or drilling fluids are discharged into the environment. Are you saying that you retrieve 100 per cent of all your drilling chemicals and fracking chemicals from coal seams?

Mr O'BRIEN: We have not done any fracking in coal seams yet, but certainly drilling fluids we recover. One of the things you have to do with coal seam gas is you have to dewater the well. You recover all your drilling fluids plus the water from the well.

The Hon. JEREMY BUCKINGHAM: One hundred per cent—there is absolutely none left in the coal seam?

Mr O'BRIEN: One hundred per cent.

The Hon. JEREMY BUCKINGHAM: In relation to drilling chemicals, you say: All of the above chemicals are removed from Metgasco operations and placed in approved industrial waste disposal sites. Could you expand on what those approved industrial waste disposal sites are?

Mr O'BRIEN: Our water handling currently is that our water is disposed of in above-ground holding ponds. We have two styles of pond, one that takes produced water and another one that takes drilling fluids. When those ponds are decommissioned, we will sample the water and any sediment in those ponds, and then we will dispose of both of those according to the quality at that stage.

The Hon. JEREMY BUCKINGHAM: Are they evaporation ponds?

Mr O'BRIEN: They are holding ponds. In the Casino area you get significant rainfall; you also get some evaporation. Over a 12-month period you will get net evaporation out of those ponds.

The Hon. JEREMY BUCKINGHAM: The only way you deal with produced water and drilling fluids is to hold them in those ponds?

Mr O'BRIEN: Currently, for our production pilots, that is the case, but when we go into production we will look for a beneficial use for the water. We have done a number of studies so far and there appear to be a good range of options for disposing of our water. Our production water, on the knowledge we have so far, is of relatively high quality. It is good enough for stock use as it is, without any upgrading, and then there are multiple parts to upgrade it so that it becomes a fully usable water source.

Federal Senate Inquiry

Key Recommendations of the Federal Senate Inquiry into the Coal Seam gas mining, applicable to our area, reported in the Land Newspaper were,

- Ban CSG from strategic agricultural land under defined criteria
- All future CSG development be preceded by development of models showing the cumulative effects of multiple developments on ground and surface water
- As a requirement of exploration and production approvals, fluid extracted from wells after fracking to be isolated in separate storages
- Permits should include enforceable conditions including buffer zones around houses
- Ensure the Land and Environment Court gives priority to maintenance of agricultural production with minimal disruption in deciding any dispute
- Establish independently managed trusts funded by the gas companies to make financial provision for long term rectification of problems such as leaks, subsidence,

Previous Council Consideration

On 18 April, 2011, Council resolved:

That Council write to the State government to call for a moratorium on Coal Seam Gas (CSG) drilling until such times as the impact of CSG on water supplies, the environment and personal property and amenity is understood through independent research, funded by government, is carried out.

On 12 September Council resolved:

That Council addresses the Parliamentary Inquiry taking the positions outlined in the below;

1. That Council re-confirms its request to the State Government for a moratorium on Coal Seam Gas (CSG) drilling (not just the issue of licences) until such time as the impact of CSG on water supplies, the environment and personal property and amenity is understood through independent research, funded by government, is carried out.
2. That Council advises the Parliamentary Inquiry that it supports the many genuine concerns of a large proportion of its community with regards to the Coal Seam gas Industry and the proposed pipeline along the Lions Road and their potential impacts on our Council area. In particular we note the potential for adverse impact on the headwaters of the Richmond River from which a majority of our community depends upon for human use, irrigation and stock use.
3. That Council advises the Parliamentary Inquiry that the Coal Seam Gas Industry should be subject to the same process as any other development. That is via a comprehensive EIS which addresses all the issues, provides for Community input and places the onus on the industry to provide scientific proof of the safety aspects. Not the reverse as recently suggested by the Minister.
4. That Council provides a further written submission to the Parliamentary Inquiry which outlines in more detail the community concerns as expressed in resolution no. 2.

That Council write to Tony Windsor MP expressing concerns with Coal Seam Gas explorations, and advise that Council supports him in presenting his private members bill to the Federal Parliament.

On 28 November, 2011 Council resolved:

That Council approaches NSW State Government in relation to the Environmental Impact Statement from Metgasco on the proposed pipeline over the Lions Road, seeking assurance that Council will be involved in the process and be allowed to have input.

Report

Following the receipt of an invitation from our Local State Member, Mr. Thomas George, myself and the General Manager attended a meeting in Lismore on Monday 5 December, 2011 with Mr Brad Mallard, Executive Director, Mineral Resources who was present to listen to concerns from local organisations and stakeholders on all sides of the debate on coal seam gas. This was not a public meeting and only two Council representatives were able to attend.

Council, through the Mayor, was provided with the opportunity to give a short talk on its concerns with CSG within the LGA and actions to date. We were also able to hear the concerns of the major opposition groups and Mr Mallard's responses.

The record of this meeting is expected to be available shortly and if possible, will be presented to Council prior to or during consideration of this item.

To continue to support the local community's ongoing concerns and opposition to the CSG Industry, Council could consider moving further recommendations in line with its current position.

Some suggested recommendations could be,

That Council imposes a moratorium on any seismic testing, exploration drilling or other road reserve disturbance by the CSG Industry on Council owned infrastructure or infrastructure under Kyogle Council control.

That Council informs the CSG industry and the NSW State Government that the moratorium will remain in place until its previous recommendations have been satisfactorily addressed.

That Council informs any holders of exploration licences within the Kyogle LGA that prior to the establishment of any " Drilling Camps " that it requests a DA be submitted for processing and approval. Such a DA will require an approved Vehicular Access under Council's Property Access and Addressing Policy and Management Plan.

That Kyogle Council opposes completely any CSG development on Prime Agricultural Land

That Kyogle Council is committed to ensuring that the sustainability of agricultural production is not impacted by the relatively short term CSG Industry

Recommendation

That Council discuss its position with regards to the Coal Seam Gas Industry.

ITEM 9 NOTICES OF MOTION

9.1 NOTICE OF MOTION; CLR ROBERT LEADBEATTER - OSMS & INSPECTIONS

Summary/Purpose

This item presents to Council a Notice of Motion received from Councillor Robert Leadbeatter for the Ordinary meeting to be held on 19 December 2011.

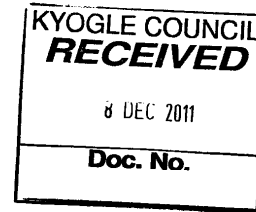
Community Strategic Plan Item(s)

- Governance and Community Service
- Environmental and Planning

Report



NOTICE OF MOTION



I Councillor Robert Stanley Leadbeatter hereby give notice that at the next Ordinary Meeting of Council I will move;

To request the General Manager to provide;

1. Current progress, costs and statistics on what has been carried out to date in relation to Onsite sewage management systems inspections including high, medium and low risk systems. Budgetary expenditure in relation to this and a timeframe to undertake all inspections.
2. Costing and budgetary requirements for conducting combined inspections of building structures and OSMS as follows;
 - a) For Council to systematically visits all properties in the Local Government area and thereon inspect all on site sewerage management and Council at the same time undertake inspections of all buildings, structures and swimming pools to ensure compliance with the relevant legislation.
3. That Council advises through its Community Newsletter of its intention to inspect all OSMS, building structures and swimming pools to allow these facilities to become compliant.

Signed:



Date:

7 December 2011

Note:

The Notice of Motion must be signed and delivered to the General Manager before 12 noon on the Monday preceding the meeting.

Recommendation

For Council's determination.

9.2 NOTICE OF MOTION; CLR ROBERT DWYER - LEP CLASSIFICATION

Summary/Purpose

This item presents to Council a Notice of Motion received from Councillor Robert Dwyer for the Ordinary meeting to be held on 19 December 2011.

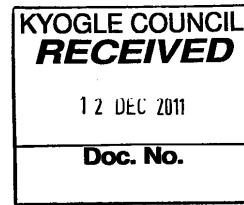
Community Strategic Plan Item(s)

- Environmental and Planning

Report



NOTICE OF MOTION



**I Councillor Robert Dwyer, hereby give notice that at the next Ordinary Meeting of Council I will move;
That Kyogle Council ensure that all privately owned productive farmland, within the Kyogle shire, be classified RU1 in the revised draft L.E.P prior to it being released for public exhibition and comment.**

Signed: R C Dwyer

Date: 9/11/2011

Note:

The Notice of Motion must be signed and delivered to the General Manager before 12 noon on the Monday preceding the meeting.

Recommendation

For Council's determination.

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

Nil.

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

12.1 SUMMERLAND WAY PROMOTIONAL COMMITTEE MINUTES

Summary/Purpose

This report is to provide to Council the minutes of the Summerland Way Promotional Committee meeting held at Grafton on November 11, 2011.

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Economic Development

Report

The minutes of the meeting appear in the attachments to the business paper.

Recommendation

That the minutes of the Summerland Way Promotional Committee meeting held on November 11,2011 be received and noted.

12.2 FINANCIAL REPORTS - NOVEMBER 2011

Summary/Purpose

This report presents financial reports to Council for information.

Community Strategic Plan Item(s)

- Governance and Community Service

Background Information

Legislative Requirements

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

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

Report

The following information is presented for information only, with additional detail available through inspection of the monthly cheque warrant.

1. (A) Finance Reports

Summary reports outlining Council's financial position as at 30 November 2011. 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 information contained in the Monthly Finance Report – November 2011 be received and noted.

Attachments

1. Financial Reports
2. Councillors Travel

12.3 OUTSTANDING COUNCIL RESOLUTIONS

Summary/Purpose

This report presents to Council a list of outstanding resolutions as at 30 November, 2011.

Community Strategic Plan Item(s)

- Governance and Community Service

Report

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

Recommendation

That the Outstanding Council Resolutions report be received and noted.

Attachments

1. Outstanding Council Resolutions as at 30 November, 2011. (Separately attached)

12.4 QUESTIONS FROM NOVEMBER COUNCIL MEETING

Summary/Purpose

This report presents responses to questions raised at the November 2011 Ordinary meeting.

Community Strategic Plan Item(s)

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

Report

Question 1

When will the two seats be installed at the Patrick McNamee Park?

Response

Two ex Quota bench seats are available for installation at Patrick McNamee Park. Arrangements have been made to have these installed in conjunction with the installation of the new bus shelter in Koreelah Street outside the hall. This work is expected to be carried out before Christmas.

Question 2

What action is Council taking in relation to the complaints from businesses that are unhappy utilising the split bin system?

Response

Since the commencement of the new Waste Collection Contract on 4 July, 2011 there have been a number of approaches from Commercial clients who have expressed their concern or dissatisfaction at the introduction of the split bin system. In most instances, where it has been established that it is impractical or unhygienic for their staff to separate the waste streams prior to placement in the new bin, an instruction/request has been forwarded to the Waste Contractor to remove the bin divider at the relevant premises. Note that this action is restricted to Commercial premises only.

Question 3

Request a report in relation to the Local Government Remuneration Tribunal seeking input for a better remuneration for Councillors in rural areas and what changes are going to occur?

Response

Attached to this report is a copy of correspondence received from the Local Government Remuneration Tribunal outlining the procedures and timelines for the 2012 review which will include a review of the categories of councils and mayoral offices.

Councillors are reminded that this segment of the meeting is for questions and that in accordance with the provisions of the Local Government Act and the Code of Conduct, individual Councillors are not able to direct council staff to provide reports other than by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act.

Question 4

What planning instruments are in place to protect the Kyogle Main Street facades? Concerns raised recently in relation to the recent erection of the luminous pink signage – Eagle Boys.

Response

The development application submitted by the Eagle Boys Group was received by Council on 9 March, 2011 and was finalised with the granting of consent on 31 March, 2011. At the time of consideration of this development application, the following planning instruments were in place.

The Standard Model Provisions, 1970 under the provisions of the Local Government Act. Clause 2 (5) of which states:-

In respect of any application to carry out development which may not be carried out except with the consent of the Council, the Council shall take into consideration-

- a) the character of the proposed development in relation to the character of the development on the adjoining land in the locality;...
- d) the existing and future amenity of the neighbourhood;
- e) the circumstances of the case and the public interest;
- f) the provisions of the Interim Development Order.

At the time of considering this development application a Draft Kyogle LEP No. 18 – Heritage Provisions was under consideration by the Department of Planning, so that at the time of assessing the development application, the provisions of the draft document were considered, including:-

Kyogle Heritage Inventory Listing – Schedule No. 1890086 entitled Kyogle Pair of Shops at 72-76 Summerland Way, Kyogle. The heritage qualities of the building which are:

A circa 1936 Art Deco style building being architecturally significant as a fine substantially intact main street Building;
Decorative design above the window openings;
Important component of the collection of Free Classical and Art Deco buildings in Kyogle, making a positive contribution to the streetscape.

Consideration of the following elements where development consent is required in relation to a site which is Heritage Listed.

- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior.

Whilst a reduction in the total number of signs as proposed was implemented and imposed on the development consent, irrespective of the colours proposed (being defined by the Corporate Trademark of the Company), the installation of signage and alterations proposed to the frontage of the building were considered to be cosmetic and not of a type or standard which would permanently detract from the heritage aspects of the building or that of the overall streetscape.

It is noted that the Commonwealth Bank, as part of its National Advertising Campaign has lodged with Council a development application for new Corporate Signage to be installed on the Heritage Listed Commonwealth Bank Building at 114-116 Summerland Way, Kyogle. The subject development application will be similarly assessed in terms of the level of impact or otherwise of the proposed signage on the heritage elements and qualities of the building and streetscape as a whole.

Question 5

Request a report on how Council is going to support and be involved in the upcoming Tidy Towns Awards in November 2012?

Response

This item was considered at the November Ordinary Meeting as part of a question with notice and has also been considered at the Corporate and Community Services Committee Meeting held on 12 December, 2011 (which is reported elsewhere within this business paper).

As a result of being Overall State winner, Kyogle is now the State's entry in the National Tidy Towns Awards to be competing against all of the other State winners in 2012. It is understood that the National Judge/s will be travelling to inspect and judge the Town of Kyogle in early February, 2012.

The National Awards are to be held in Canberra in May 2012. As reported in the November 2011 Ordinary Meeting, due to Kyogle winning the Award for Overall State Tidy Towns winner, Kyogle is automatically required to host the proceedings for next year's State Tidy Towns Awards in November. This will involve hosting up to 400 Local Government and Keep Australia Beautiful delegates for a weekend of festivities which will include a dinner venue on Friday night, Awards presentation in the various Categories on Saturday morning by the Governor of NSW or similar delegate, bus tours of Kyogle and surrounds on Saturday afternoon, major presentations on Saturday night including dinner and a breakfast /BBQ for delegates and attendees on Sunday morning.

At this stage it is not known what level of funding will be required to plan for and host the Tidy Towns Awards in Kyogle in November 2012. In-kind input from Council Officers including the Director Planning and Environmental Services and the Tourism Economic Development Officer will also be required. Council staff are in contact with previous hosts of this event in order to determine what level of funding will be necessary and a further report will be provided when available. Further direction as to the level of Council's support and involvement leading up to the November 2012 is required to be determined so that a form of commitment is able to be provided to the Keep Australia Beautiful and Tidy Towns Committees.

Councillors are reminded that this segment of the meeting is for questions and that in accordance with the provisions of the Local Government Act and the Code of Conduct,

individual Councillors are not able to direct council staff to provide reports other than by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act.

Question 6

Could staff investigate the possibility of purchasing vehicles and machinery jointly with nearby Councils to achieve greater savings.

Response

All purchases of small plant e.g. cars, utilities, mowers, park equipment, brush cutter and trucks up to 16,000 kg gvm are all purchased under a government pricing system. Which means it is a set price per item and there is no advantage in bulk purchasing.

The issue of reviewing the combined councils proposed capital purchases at the beginning of each year has been raised previously at the General Managers level and will be pursued again during 2012.

The Plant and Depot Coordinator attends meetings of Regional Plant Managers Group (comprises 12 Councils) twice per year. This group identifies premium products, trends and best practice. The possibility of joint tenders will also be raised with this group.

Problems that will need to be considered/addressed with joint tenders include:

- Designing specifications that suit different Councils needs.
- Independent decisions are made by Councils, which means all councils may not agree on the same product.
- Co-ordinating the timing of replacements.

Overall it is felt the Council is achieving very good pricing on its plant purchases. Research is conducted by the Plant and Depot Coordinator and optimum pricing is targeted for at all times.

Recommendation

That the Questions from November Ordinary Meeting report be received and noted.

Attachments

1. Letter from Local Government Remuneration Tribunal dated 14 November, 2011

ITEM 13 GENERAL MANAGER 'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

13A.1 TECHNICAL SERVICES COMMITTEE

Summary/Purpose

This report presents the unconfirmed minutes of the Technical Services Committee meeting held December 12, 2011.

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Waste & Water

Report

The minutes of the meeting appear below;

**Kyogle Council
Unconfirmed Minutes of the Technical Services Committee Meeting held in the
Council Chambers, Stratheden Street, Kyogle, on December 12, 2011.**

PRESENT

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

IN ATTENDANCE

The General Manager, the Director of Technical Services, the Works Manager, and the Personal Assistant to Technical Services.

MEETING COMMENCEMENT

The Mayor declared the meeting open at 1:43pm

ITEM 1 APOLOGIES

An apology was received from Robert Dwyer

RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

That the apology be accepted and the leave of absence be granted.

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

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor read the traditional lands acknowledgement.

ITEM 4 DECLARATION OF INTERESTS

Nil

ITEM 5 REPORTS

Item-5.1 WORKS PROGRAM REPORT

Committee's Recommendation

Moved Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

That the Works Program report be received and noted

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

Item-5.2 QUARRIES REPORT

Committee's Recommendation

Moved Councillor Lindsay Passfield, seconded Councillor Tom Cooper.

That the quarries report be received and noted.

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

Item-5.3 DRAFT DRINKING WATER QUALITY POLICY

Committee's Recommendation

Moved Councillor Lindsay Passfield, seconded Councillor Tom Cooper.

That the report on the Draft Drinking Water Quality Policy be received and noted.

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

Committee's Recommendation

Moved Councillor Lindsay Passfield, seconded Councillor Tom Cooper.

That management provide a further report to Council on the potential financial implications for Council; and the potential for the Councils subject to the memorandum of understanding to have a standard policy which could then be agreed to by member Councils.

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

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 1:55p.m.

Recommendation

1. That the Works Program report be received and noted
2. That management provide a further report to Council on the potential financial implications for Council; and the potential for the Councils subject to the memorandum of understanding to have a standard policy which could then be agreed to by member Councils.

Summary/Purpose

This report is to provide additional information to the report presented to Councils Technical Services Meeting of December 12, 2011.

Community Strategic Plan Item(s)

- Waste & Water

Background Information

A report on the Draft Drinking Water Quality Policy was presented to Councils Technical Services Committee Meeting of December 12, 2011.

Previous Council Consideration

At the Technical Services Committee Meeting of December 12, 2011 the Committee resolved to put the following recommendations to Council;

1. *That the report on the Draft Drinking Water Quality Policy be received and noted.*
2. *That management provide a further report to Council on the potential financial implications for Council; and the potential for the Councils subject to the memorandum of understanding to have their own policy which could then be agreed to by member Councils.*

Report

The following additional information is provided to supplement the previous report and to address the matters raised in the recommendations from the Committee.

1. Potential Financial Implications

The adoption of a Drinking Water Quality Policy does not in itself have any financial implications on Council. The purpose of the policy is to show Councils commitment to delivering quality drinking water to its customers, and to show that this commitment comes from the elected Council by way of a formal policy. This is in accordance with Element 1 of the Framework for the Management for Drinking Water Quality as described in the ADWG.

The main financial implication comes from the recent changes to the Public Health Act which mandates that all Local Water Utilities must prepare a quality assurance program that addresses the elements of the Framework for Management of Drinking Water Quality in accordance with the ADWG. This is done by way of the preparation of a Drinking Water Quality Management Plan. The cost of preparing such a plan is estimated between \$20,000 and \$40,000, with the costs spread over

an implementation period of two to three years. The funding for the preparation of the plan is available within the existing budget for the Water Fund.

This cost is a direct result of the changes to the Public Health Act by the NSW Government, and not as a result of Council adopting a Drinking Water Quality Policy. The policy itself is the first step in the preparation of a Drinking Water Quality Management Plan, and as such, the first step in meeting Councils legislative requirements.

As the process of the preparation of the Drinking Water Quality Management Plan progresses, there will be an improvement program developed that identifies and prioritises areas where Council can make improvements in the management of drinking water quality. These may range from administrative or procedural improvements, through to capital improvements in water supply infrastructure. Any such improvements would then be prioritised within the existing budget allocations, and considered in the future program of works.

With the completion of the construction of the Bonalbo Water Treatment plant and the Urbenville Water Treatment Plant, as part of the joint water supply with Tenterfield Shire Council, Council has already funded the two biggest areas where capital improvements would have been required in order to meet drinking water quality targets. The Kyogle Water Supply Augmentation is in the detailed design phase, and the funding for this work is identified in the current years budget, and Councils forward estimates. It is possible that some areas could be identified during the process of preparing the Drinking Water Quality Management Plan that would need to be considered in the detailed design of the components of the Kyogle Water Supply Augmentation. However, these would likely be relatively minor, and would not significantly change the project costs.

2. Potential for a Common Policy

The Councils subject to the MOU have formed a sub-group to work on the preparation of a regional Drinking Water Quality Management Plan. The first step in the process was agreed to in the early meetings, and that was the adoption of a policy by each Council based on the template provided in the ADWG. The Draft Drinking Water Quality Policy presented to Council is based on the template contained in the ADWG. In this regard, the draft policy presented to Council is a common policy agreed to by the regional group, which is made up of the Councils that were subject to the MOU.

Budget & Financial Aspects

See Item 1 of the main body of this report.

Recommendation

1. That the report on the Draft Drinking Water Quality Policy Addendum be received and noted.
2. That Council adopt the Draft Drinking Water Quality Policy for the purposes of placing on public exhibition and advertising for submissions from the public.

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD NOVEMBER 1, 2011 TO NOVEMBER 30, 2011

Report

2007/161

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

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
Proposal: Subdivision
Received: Referred to Department of Lands & RFS for Comment
Status: Refused by Council

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 refused

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 refused

2010/58

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

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:	Refused
<hr/>		
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:	Refused
<hr/>		
2010/132	Property:	Lot 102 DP 755707 Fairy Mount Parish, Rous County.
	Address:	Walters Rd Horseshoe Creek
	Applicant/Owner:	Kyogle Dirt Bike Club / KE & V Kook
	Proposal:	Trail Bike Rides
	Received:	Referred To DMP For Comment
	Status:	Refused
<hr/>		
2011/13	Property:	Lot 1 DP 790288 Tabulam Parish, Rous County.
	Address:	Clarence Way Tabulam
	Applicant/Owner:	Murray David Ings
	Proposal:	Quarry
	Received:	Referred To DMP For Comment
	Status:	Refused
<hr/>		
2011/20	Property:	Lot 13 DP 1081723 Fairy Mount Parish, Rous County.
	Address:	Kyogle Rd Homeleigh
	Applicant/Owner:	Coastline Building Certification / PJ & SJ Owen
	Proposal:	Dwelling
	Received:	Referred To DMP For Comment
	Status:	Awaiting additional information
<hr/>		
2011/30	Property:	Lot 21 DP 869244 Sandilands Parish, Drake County.
	Address:	Bruxner Hwy Mallanganee
	Applicant/Owner:	Ardill Payne & Associates / FK & JB Holmes
	Proposal:	Quarry Extension
	Received:	Referred To DMP For Comment
	Status:	Approved subject to conditions
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2011/34	Property:	Lot 12 DP 582916 Stratheden Parish, Rous County.
	Address:	Edenville Rd Cedar Point
	Applicant/Owner:	Rodney John Graham / PA Carlill
	Proposal:	Quarry
	Received:	Referred to JRPP
	Status:	Peer review completed
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2011/39	Property: Lot 3 DP 260848 Ettrick Parish, Rous County. Address: Afterlee Rd Smiths Creek Applicant/Owner: D & J Lamberton / DA Lamberton & Jonathan Proposal: Multiple Occupancy Received: Referred To DMP For Comment Status: Land & Environment Court Appeal dismissed
2011/79	Property: Lot 6 DP 623399 Runnymede Parish, Rous County. Address: Summerland Way Kyogle Applicant/Owner: Stephen Fletcher & Associates / Mr Fr Vary Proposal: Subdivision (staged) to create 124 industrial lots Received: Referred To DMP For Comment Status: Awaiting DMP Comments
2011/80	Property: Lot 11 DP 1101053 Hanging Rock Parish, Rous County. Address: Williams Rd Barkers Vale Applicant/Owner: GM Project Development / GA Little & GF Behrend Proposal: Expansion of a Landsharing Community Received: Referred To DMP For Comment Status: Awaiting additional information
2011/84	Property: Lot 24 DP 755750 Unumgar Parish, Rous County. Address: Hildebrands Road, Dairy Flat Applicant/Owner: Riordans Consulting Surveyors / H & H Tribolet Proposal: Subdivision by Boundary Adjustment Received: Referred To DMP For Comment Status: Application withdrawn
2011/89	Property: Lot 2 DP 811042 Fairy Mount Parish, Rous County. Address: Ettrick Street Kyogle Applicant/Owner: BA Taylor / MJ & BA Taylor Proposal: Shed Received: Referred To DMP For Comment Status: Awaiting additional information
2011/99	Property: Lot 2 DP 263202 Jiggi Parish, Rous County. Address: Oxbow Road Cawongla Applicant/Owner: L Trantino / L Trantino & D Trantino Proposal: Multiple Occupancy Received: Referred To DMP For Comment Status: Refused
2011/101	Property: Lot 52 DP 1076878 Geneva Parish, Rous County. Address: Ettrick Street Kyogle Applicant/Owner: AR Davie / BE & IM McGrath Proposal: Shed addition Received: Referred To DMP For Comment

Status:	Awaiting DMP Comments
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2011/102	
Property:	Lot 11 DP 1058287 Fairy Mount Parish, Rous County.
Address:	Andrew Street Kyogle
Applicant/Owner:	DW McNamara / McNamara & Tierney Pty Ltd
Proposal:	Change of use for landscaping/storage
Received:	Referred To DMP For Comment
Status:	Awaiting additional information
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2011/105	
Property:	Lot 10 DP 1135559 Runnymede Parish, Rous County.
Address:	Summerland Way Kyogle
Applicant/Owner:	RD Hanby & Associates Pty Ltd / SM & JM Scarrabelotti
Proposal:	Shed, fence and retaining structure
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/108	
Property:	Lot 8 DP 249222 Geneva Parish, Rous County.
Address:	Omagh Road Geneva
Applicant/Owner:	Newton Denny Chapelle / JR & JD Singh
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/109	
Property:	Lots 22, 23, 48 & 49 DP 751069 Lindsay Parish, Rous County.
Address:	Clarence Way Urbenville
Applicant/Owner:	Newton Denny Chapelle / BA & HJ Hill
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Council approved
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2011/120	
Property:	Lot 1 DP 1161835 Runnymede Parish, Rous County.
Address:	Summerland Way Kyogle
Applicant/Owner:	LW Rixon
Proposal:	Relocated dwelling
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/124	
Property:	Lot 141 DP 1035844 Geneva Parish, Rous County.
Address:	Afterlee Road, Horsestation Creek
Applicant/Owner:	JR & KA Burley / HG Mueller & JR & KA Burley
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2011/125	
Property:	Lot 42 DP 751062 Evans Parish, Rous County.
Address:	Lower Bottle Creek Road, Bottle Creek
Applicant/Owner:	Newton Denny Chapelle / JT & RS McMahon

Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/126

Property: Lot 24 DP 755750 Unumgar Parish, Rous County.
Address: Hildebrands Road Dairy Flat
Applicant/Owner: Riordans Consulting Surveyors / H & H Tribolet
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting additional information

2011/147

Property: Lot 290 DP 755732 Queebun Parish, Rous County.
Address: Eggins Road Doubtful Creek
Applicant/Owner: Newton Denny Chapelle / JG & FJ Lindstrom
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting additional information

2011/148

Property: Lot 241 DP 1055836 Wyndham Parish, Rous County.
Address: Olympian Road Wyneden
Applicant/Owner: Newton Denny Chapelle / WJ & KJ Farrah
Proposal: Subdivision
Received: Referred To RFS For Comment
Status: Awaiting additional information

2011/149

Property: Lot 103 DP 1018683 Loadstone Parish, Rous County.
Address: Fernhill Drive Gradys Creek
Applicant/Owner: Newton Denny Chapelle / Ozwide Formwork Pty Ltd & AJ Parker
Proposal: Subdivision
Received: Referred To RFS For Comment
Status: Application withdrawn

2011/150

Property: Lot 46 DP 755708 Findon Parish, Rous County.
Address: Terrace Road Terrace Creek
Applicant/Owner: Riordans Consulting Surveyors / AE & LG Maclean
Proposal: Subdivision
Received: Referred To RFS For Comment
Status: Approved subject to conditions

2011/162

Property: Lot 51 DP 805297 Warrazambil Parish, Rous County.
Address: Collins Creek Road Collins Creek
Applicant/Owner: DJ Burt
Proposal: Dwelling additions
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/164

Property: Lot 22 DP 1091117 Fairy Mount Parish, Rous County.

Address: Fawcetts Plain Road Fawcetts Plain
Applicant/Owner: MA Sneath / AG, JR, MA & RL Sneath
Proposal: Private Quarry
Received: Referred To DMP For Comment
Status: Deferred commencement approval

2011/165

Property: Lot 12 DP 1160578 Runnymede Parish, Rous County.
Address: Durhams Road Cedar Point
Applicant/Owner: CH & LJ Stevenson
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/167

Property: Lot 147 DP 4517 Fairy Mount Parish, Rous County.
Address: Irwin Street Kyogle
Applicant/Owner: GN & DA Capon
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/171

Property: Lot 1 DP 12117 Fairy Mount Parish, Rous County.
Address: Kyogle Road Kyogle
Applicant/Owner: GJ Heatley
Proposal: Shed
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/172

Property: Lot 14 Sec 7 DP 759088 Wiangarie Parish, Rous County.
Address: Worendo Street Wiangaree
Applicant/Owner: SJ Brosnan / TM Wright
Proposal: Dwelling additions
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/173

Property: Lot 27 DP 31724 Geneva Parish, Rous County.
Address: Pratt Street Geneva
Applicant/Owner: DM Tough & CC Murray
Proposal: Shed
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/174

Property: Lot 7005 DP 1055056 Donaldson Parish, Rous County.
Address: Lindsay Creek Road Woodenbong
Applicant/Owner: Woodenbong Progress Association / Dept of Lands
Proposal: Bicycle event
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/175

Property: Lot 154 DP 812491 Donaldson Parish, Rous County.
Address: Lindsay Creek Road, Woodenbong
Applicant/Owner: KH Hughes
Proposal: Dwelling additions
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/176

Property: Lot 103 DP 873398 Geneva Parish, Rous County.
Address: Omagh Road Cedar Point
Applicant/Owner: SJ Reeves
Proposal: Shed
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/177

Property: Lot 2 DP 870731 Jiggi Parish, Rous County.
Address: Kyogle Road Cawongla
Applicant/Owner: IM Hackett
Proposal: As built dwelling & additions
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/178

Property: Lot 1 DP 608207 Hanging Rock Parish, Rous County.
Address: Gabal Road Lillian Rock
Applicant/Owner: Nmbngee Community Co-Op Ltd
Proposal: Shed
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/179

Property: Lot 1 DP 305744 Fairy Mount Parish, Rous County.
Address: Anzac Drive Kyogle
Applicant/Owner: Stephen P McElroy & Associates Pty Ltd
Proposal: Demolition
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/180

Property: Lot 105 DP 752395 Sandilands Parish, Rous County.
Address: Bruxner Highway Mallanganee
Applicant/Owner: Bonalbo Past & Futures Committee / L Strain
Proposal: Sign
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/181

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

2011/182

Property: Lot 1 DP 388473 Fairy Mount Parish, Rous County.
Address: Sherwoods Road Collins Creek
Applicant/Owner: Panguna Management Pty Ltd
Proposal: Shed
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/183

Property: Lot 2 DP 610154 Geneva Parish, Rous County.
Address: Smith Street Geneva
Applicant/Owner: PJ Brown
Proposal: Dwelling additions
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/184

Property: Lot 211 DP 1118243 Loadstone Parish, Rous County.
Address: Moores Road The Risk
Applicant/Owner: AM & JE Seegel
Proposal: Shed & As Built Dwelling
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/185

Property: Lot 1 DP 357065 Fairy Mount Parish, Rous County.
Address: Ettrick Street Kyogle
Applicant/Owner: S Szoko / Gugin Gudduba Aboriginal Land Council
Proposal: Change of use - retail shop
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/186

Property: Lot 202 DP 871434 Sherwood Parish, Rous County.
Address: Roseberry Creek Road Roseberry Creek
Applicant/Owner: Plans First / Elkington-Allen Pty Ltd
Proposal: Dwelling additions
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

Recommendation

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

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 November 2011 to 30 November 2011 be received and noted.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 November 2011 to 30 November 2011 only in relation to DA../... and DA../.... In which Councillors have declared an interest be received and noted.

13B.2 DEVELOPMENT APPLICATION 2011/184 - BUILDING LINE VARIATION FOR A SHED

Summary/Purpose

This report aims to present to Council a development application for the construction of a rural shed located on the western side of Moores Road, Loadstone.

The applicant has requested a variation of the building line from 18 metres to 3 metres. The variation requested exceeds Council's staff delegation which is 20%.

Community Strategic Plan Item(s)

- Environmental and Planning

Background Information

Council received a Development Application 2011/116 on April 20, 2011 for the construction of a rural shed.

Report

DA No:	2011/184
Date received:	November 11, 2011
Applicant:	J & A Seegel
Owner:	J & A Seeg3l
Property:	Lot 211 DP 1118243
Zone:	Non Urban 1(A)
Locality:	Moores Road, Loadstone
Proposal:	Rural Shed

This development assessment report has been undertaken in accordance with the requirements of the Environmental Planning Assessment Act 1979.

Overview of the Locality:

Development in the locality consists primarily of residential buildings and uses.

The inspection of the site revealed that the proposed rural shed would not interfere with the amenity of the adjoining allotment nor traffic vision. The applicant has requested the variation due to the shape and size of the allotment.

Legislative Requirements:

Council is required when assessing and determining any development application to have full regard to the provisions of the EP&A Act including the objects as contained in Section 5 and the heads of consideration as contained in Section 79C.

Agency Referral:

The development application was not referred to any of the Government Agencies.

Public Notification:

No public notifications were undertaken.

Environmental Planning and Assessment Act 1979 - Section 79C – Matters for Consideration:

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

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and
 - (iii) any development control plan, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Section 79C(1)(a)(i) the provisions of any environmental planning instrument

Kyogle Interim Development Order No 1 (IDO1)

The site is currently zoned Non-urban 1(a) under the IDO. The use of the site is permissible with development consent. The IDO does not contain any special provisions, which affect the permissibility of the development.

State Environmental Planning Policies (SEPP)

A search of NSW Planning legislation identifies 23 SEPP's applicable to the subject land. None of these has relevance to the proposal.

Section 79C(1)(a)(ii) draft environmental planning instruments

There are no draft environmental planning instruments that directly affect this development.

Section 79C(1)(a)(iii) development control plans (DCP)

There are no Council DCP's which affect the proposed development site.

Section 79C(1)(a)(iv) the regulations (prescribed matters)

There are no prescribed matters, which affect the proposal.

Section 79(c) the suitability of the site for the development

The proposal is for the construction of a rural shed. The site is considered suitable for such a use.

Conclusion:

The proposal is to construct a rural shed. The applicant has requested a building line variation to the front boundary from 18 metres to 3 metres. As indicated this request exceeds Council staff's delegation. The request is considered reasonable given the current constraints to the site in terms of the shape and size of the allotment.

Having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 as amended it is recommended that the application as submitted be approved subject to conditions.

Recommendation

That Council issue Development Consent Notice 2011-116 for the construction of a Rural shed and a building line variation to 3 metres from 18 metres.

SUBJECT TO THE CONDITIONS SPECIFIED in this notice being:

- 1) The development shall be in accordance with development application number 2011-116 submitted on April 20, 2011, and in accordance with the following:

- **Statement of Environmental Effects as prepared by DW & KA Gibson**

except where otherwise provided by the conditions of this development consent.

- 2) In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.
- 3) This development consent is limited to a period of five (5) years in accordance with Section 95(1) of the *Environmental Planning and Assessment Act 1979*. Following the expiration of this period the consent will lapse unless work relating to the subdivision is physically commenced before the date on which the consent would otherwise lapse.
- 4) Apart from developer funded works, no improvements to existing roads, access and services will be provided by Council or any other utility authority.
- 5) The use of the land must not interfere with legitimate rural and agricultural uses on adjoining land.
- 6) The proposed landuse shall not result in the emission of offensive noise.

Offensive noise means: noise that by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstance, is likely to:

- a) be harmful to,
- b) be offensive to,
- c) interfere unreasonably with the comfort or repose of,

a person who is:

- (i) if the offensive noise is made in premises that are not a public place - outside those premises,

or

- (ii) if the offensive noise is made in premises that are a public place - within or outside those premises.
- 7) All building waste is to be removed from the site to an approved waste disposal facility.
 - 8) Burning of site refuse and materials is not permitted and all such materials shall be prevented from escaping onto adjoining land and shall be maintained in a tidy manner on site at all times.
 - 9) Erosion and sediment control measures must be properly maintained at all times and shall remain in proper operation until all development activities have been completed and the site fully stabilised and vegetated.
 - 10) The installation and operation of all external and security lighting, must comply at all times with the requirements of AS 4282 – *Control of the Obtrusive Effects of Outdoor Lighting*.
 - 11) That no tree in the road reserve shall be damaged, destroyed or removed without the written consent of the Council.
 - 12) Prior to carrying out any works within a public road reserve, the proponent shall complete an application under Council's Road Reserve Management Plan and receive written approval from Council. Satisfactory arrangements for restoration with Council's Technical Services Department shall also be required, with all works constructed according to Council's Development, Design and Construction Manuals (as amended). All costs shall be the responsibility of the proponent.
 - 13) All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.
 - 14) The applicant is to make written application to Council (accompanied by a location plan) for a vehicular access to the rural shed and construct it in accordance with Council's approval (refer to Council's Property Access and Addressing Management Plan). No other accesses may be constructed or opened onto a Council road without the prior written approval of Council.
 - 15) All allotments where access is obtained from a sealed road shall have a sealed vehicular access from the roadway to the boundary of private property in accordance with Council's Property Access and Addressing Management Plan.
 - 16) All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.
 - 17) Footings and/or slabs must be in accordance with AS 2870 – 1996, "Residential Slabs and Footings".
 - 18) All footings shall bear on natural ground having an even, uniform bearing capacity not subject to differential bearing values upon stable, firm and undisturbed foundations, free from roots and fill.
 - 19) The metal roof and wall cladding is to be installed in accordance with AS 1562 – 1992, Design and Installation of Sheet Roof and Wall Cladding.

- 20) All metal framing to comply with approved engineering specifications and AS 3623-Domestic Metal Framing.
- 21) If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required;
 - a) prior to pouring any in-situ reinforced concrete building element.
 - b) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Summary/Purpose

This report is compiled to provide Council with the range of issues to be considered prior to implementing any changes with regard to parking of vehicles along the KMI side of Stratheden Street during the Farmers Market held on Saturday mornings.

Community Strategic Plan Item(s)

- Environmental and Planning

Previous Council Consideration

At its Ordinary Meeting held on 28 November, 2011 following consideration of a Notice of Motion put forward by Councillor Robert Dwyer, Council resolved:

That the Traffic Committee be requested to investigate the feasibility of the following request from "Growing Kyogle";

1. That parking on the northern side of Stratheden Street, adjacent to the KMI, be extended from the times that currently apply to four hours. This to apply only of a Saturday morning during the time of the farmers markets.
2. Furthermore, a report on this be presented to council at the convenience of the Traffic Committee.
3. That Council review and discuss with the Farmers Markets ways in which refrigerated vans can be included safely within the Saturday Farmers Markets.
4. That the report be provided to the December Ordinary meeting.

Report

On November 27, 2008 Council granted consent approval to the KCEDC Tidy Towns Committee for the establishment and conduct of a Farmers Market in Stratheden Street in the location between Bloore Street and Summerland Way. A condition which pertains to the above Notice of Motion is outlined as follows.

31. No vehicles connected with the markets shall be parked in Stratheden Street or any of the restricted parking zones within the Summerland Way during the course of the markets except for the purposes of loading and unloading for a period, subject to compliance with any signposted parking restrictions, not exceeding one (1) hour in duration immediately prior to the event and a period not exceeding one (1) hour in duration immediately post event on the given day.

Similarly, the following condition was included in the consent which limits the connection and provision of power to stalls.

8. Stalls requiring the use of mains power for the bacteriological control of food must be situated on the northern side of Stratheden Street in the immediate vicinity of Council's supply. Power to these stalls must not hinder pedestrian activity, cross fire exit routes, or present a hazard or other risk.

The reasons for the above conditions being imposed were

- to keep the street open;
- not to block out the stalls by parked vehicles;
- to allow for free movement of pedestrians along the northern side of Stratheden Street without the restriction and potential conflict of vehicular traffic or parked vehicles in this location;
- to provide for the connection of power to a limited number of stalls in a safe and risk free manner.

The proposal to amend these elements of the market is therefore in conflict with the consent approval.

In accordance with the provisions of Section 96 of the Environmental Planning and Assessment Act 1979, Council may consider an application to modify the consent and must consider the following:

- (1A) Modifications involving minimal [environmental](#) impact A [consent authority](#) may, on application being made by the applicant or any other [person](#) entitled to act on a consent granted by the [consent authority](#) and subject to and in accordance with the [regulations](#), modify the consent if:
- (a) it is satisfied that the proposed modification is of minimal [environmental](#) impact, and
 - (b) it is satisfied that the [development](#) to which the consent as modified relates is substantially the same [development](#) as the [development](#) for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
 - (c) it has notified the application in accordance with:
 - (i) the [regulations](#), if the [regulations](#) so require, or
 - (ii) a [development control plan](#), if the [consent authority](#) is a [council](#) that has made a [development control plan](#) that requires the notification or advertising of applications for modification of a [development consent](#), and
 - (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the [regulations](#) or provided by the [development control plan](#), as the case may be.

In preparing an application under the above provisions the applicant would be required to address the following elements:-

- i) justification of the proposal to amend the consent condition which restricts the parking of vehicles on Saturday morning in Stratheden Street, adjacent to the KMI;
- ii) Justification of the time to be amended to allow for the parking of vehicles in the above location which would include refrigerated vans requiring connection of power to their vans;

- iii) Impacts of the amended parking on the amenity of the market, safety and protection of pedestrians moving along Stratheden Street and the means of mitigation of potential for such pedestrian/vehicular conflict.

Conclusion

Due to the extent of the proposed modifications and the need to discuss with the Farmers Markets ways in which refrigerated vans can be included safely within the Saturday Farmers Markets, it is not yet known if the proposal complies with the provisions of Section 96 of the Act as outlined above.

Recommendation

1. That the report on Car Parking – Extension of Time Stratheden Street be received and noted.
2. That the Secretary, Tidy Towns Farmers Market be contacted by Council staff to discuss the request submitted by Growing Kyogle and its implications as outlined in this report.

ITEM 13C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 13D CORPORATE SERVICES REPORT

13D.1 MINUTES OF CORPORATE & COMMUNITY SERVICES MEETING 12 DECEMBER 2011

Summary/Purpose

This report presents the minutes of the Corporate & Community Committee meeting held 12 December 2011.

Report

The minutes of the meeting appear below:

Kyogle Council

Unconfirmed Minutes of the Corporate & Community Services Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 12 December 2011.

PRESENT

Cr R Brown (Mayor in the Chair), Cr. J. Wilson and Cr. L. Zito.

IN ATTENDANCE

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

MEETING COMMENCEMENT

The Mayor declared the meeting open at 2.35 p.m.

ITEM 1 APOLOGIES

Apologies were received from Councillor Robert Dwyer and Councillor Robert Leadbeatter.

COMMITTEE RECOMMENDATION

Moved Councillor Lynette Zito, seconded Councillor Janet Wilson.

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

CARRIED

FOR VOTE - Mayor Ross Brown, Councillor Lynette Zito, Councillor Janet Wilson
ABSENT. DID NOT VOTE - Councillor Robert Leadbeatter, Councillor Robert Dwyer

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer at the previous Committee meeting for the day.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor read the traditional lands acknowledgement at the previous Committee meeting for the day.

ITEM 4 DECLARATION OF INTERESTS

Cr. Janet Wilson declared an interest in the following item/s:

- o Item 5.1 Minutes of the Kyogle LGA Community Cultural Committee.

Reason for Declaration – Board member of Regional Development Australia.

ITEM 5 REPORTS

Item-5.1 MINUTES OF THE KYOGLE LGA COMMUNITY CULTURAL COMMITTEE

As Councillor Janet Wilson declared an interest in item 5.1 there was no quorum for this item.

Item-5.2 PLANT BUDGET REPORT - NOVEMBER 2011

COMMITTEE RECOMMENDATION

Councillor Lynette Zito, seconded Councillor Janet Wilson.

That the Plant Budget Report was received and noted.

CARRIED

FOR VOTE - Mayor Ross Brown, Councillor Lynette Zito, Councillor Janet Wilson
ABSENT. DID NOT VOTE - Councillor Robert Leadbeatter, Councillor Robert Dwyer

Item-5.3 QUESTION WITH NOTICE - CLR JANET WILSON

COMMITTEE RECOMMENDATION

Councillor Lynette Zito, seconded Councillor Janet Wilson.

1. The Question with Notice from Councillor Janet Wilson was received and noted.
2. That a report be provided to the Corporate and Community Services Committee meeting to be held February 2012, from the Tourism/Economic Development Officer outlining progress to date on Destination Management for Kyogle local government area.
3. That Council investigates and reports the costs of becoming a Recreational Vehicle (RV) friendly local government area.

CARRIED

FOR VOTE - Mayor Ross Brown, Councillor Lynette Zito, Councillor Janet Wilson
ABSENT. DID NOT VOTE - Councillor Robert Leadbeatter, Councillor Robert Dwyer

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 3.05 p.m.

Recommendation

1. That the Minutes of the Corporate & Community Services committee are received and noted.
2. That a report be provided to the Corporate and Community Services Committee meeting to be held February 2012, from the Tourism/Economic Development Officer outlining progress to date on Destination Management for Kyogle local government area.

3. That Council investigates and reports the costs of becoming a Recreational Vehicle (RV) friendly local government area.

Summary/Purpose

This report presents the minutes of the Internal Audit Committee Meeting held 12 December, 2011.

Community Strategic Plan Item(s)

- Governance and Community Service

Report

The minutes of the meeting appear below:

Kyogle Council

Unconfirmed Minutes of the Internal Audit Committee Meeting held in the Council Chambers, Stratheden Street, Kyogle, on 12 December, 2011.

PRESENT

Cr. L. Zito (Chair), Mr John Watkins and Mr Andrew Stevens.

IN ATTENDANCE

Mr Geoff Dwyer, Thomas Noble and Russell – left the meeting at 9 am
Mr Arthur Piggott, General Manager – from 9.03 am to 9.17 am

MEETING COMMENCEMENT

The Chairperson declared the meeting open at 8.07 am.

ITEM 1 APOLOGIES

Nil

ITEM 2 OPENING PRAYER

The Chairperson read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Chairperson read the traditional lands acknowledgement.

ITEM 4 DECLARATION OF INTERESTS

Nil

ITEM 5 REPORTS**Item-5.1 MANAGEMENT LETTER – THOMAS NOBLE AND RUSSELL****RESOLVED**

Mr John Watkins, seconded Mr Andrew Stevens

1. That a discussion on the Management Letter recommendations be held.
-

2. That Council expedite the requirement for the appointment of Council external auditors under the Local Government Act for the next six (6) years.

Mr Dwyer noted that the Management Letter for the 2011 audit is still in Draft form, so he is unable to issue a copy to the Committee at this time.

Mr Dwyer left the meeting at 9 am.

Mr Piggott joined the meeting at 9.03 am.

Mr Piggott left the meeting at 9.17 am.

FOR VOTE – Unanimous vote

CARRIED

Item-5.2 RESOURCING OF THE INTERNAL AUDIT FUNCTION

RESOLVED

Mr Andrew Stevens, seconded Mr John Watkins

1. That the Committee receive and note the Resourcing of the Internal Audit Function Report.

FOR VOTE – Unanimous vote

CARRIED

RESOLVED

Mr Andrew Stevens, seconded Mr John Watkins

2. That the General Manager advertises as soon as possible for Expressions of Interest for an Internal Audit function based on the Scope of Audit.

Scope of Audit:

FOR VOTE – Unanimous vote

CARRIED

Item-5.3 DRAFT FINANCIAL MANAGEMENT POLICY

RESOLVED

Mr John Watkins, seconded Mr Andrew Stevens

1. That the Draft Financial Management Policy be considered by the Internal Audit Committee.

FOR VOTE – Unanimous vote

CARRIED

Next meeting 13 February 2012, 8.00 am

MEETING CLOSURE

There being no further business the Chairperson declared the meeting closed at 9.30 am.

Recommendation

1. That the Minutes of the Internal Audit Committee 12 December 2011, be received and noted.
2. That the General Manager advertises as soon as possible for Expressions of Interest for an Internal Audit function based on the Scope of Audit.

ITEM 13E COMMUNITY SERVICES REPORT

**13E.1 MINUTES OF THE KYOGLE LGA COMMUNITY CULTURAL
COMMITTEE**

Summary/Purpose

This report presents to Council the minutes of the Kyogle LGA Community Cultural Committee. This item was reported to the Corporate & community Services, but due to a lack of a quorum was unable to be discussed.

Community Strategic Plan Item(s)

- Governance and Community Service
- Village Life

Report

The minutes of the meeting are shown below:

Minutes of the Kyogle LGA Community Cultural Committee

Meeting 21st November, 2011 Council Chambers

Present Max Cowgill, Ruth Tsimibinis, Malcolm Wallis, Viviane Sigley, Corinne Hughes, Ruth Haig, Wendy McGain Tom Fitzgerald, Nicola Mercer

Apologies: Garry Ellem, Carol O'Neill

Chair Ruth

Minute taker: Nicola Mercer

Note: Ruth Haig informed the meeting that Lynette Zito would like to bring it to attention that she wishes to attend future meetings

Background:

This meeting has eventuated out of Council resolution:

That Council reconvene the Cultural precinct Planning and development Committee, to include the Arts Council, the Kyogle Gallery, the Museum, Library, Reconciliation, Youth services and appropriate staff, with a view to examining reasons why the application for a grant to build a Hub for creative industries and heritage was not successful and compiling as amended application for round 2, November 2011.

Discussion:

Cultural Strategy

In 2012 Cultural Strategy 210-2012 will be revised and all strategies and action plans need to be implemented. Ruth T asked the group if they would commit to forming a

working group addressing these proposals and to develop and drive the plan. This will enhance community engagement and give the community a voice in the implementation of the plan.

Regional Development Fund Application

Tom reported that work has begun with Elaine, Max, Tom, Ruth and Nicola on the Cultural hub application to re submit in November. Application for Regional Development Australia Funding (RDAF) was submitted in May for round 1 sadly it was not successful but the RDA asked it to be re-submitted for round 2 in November.

In July Tom, Nicola and Carol sat in on the teleconference with RDAF to hear feedback on the submission, the feedback was the application was of very high standard, only criteria 1 and 2 needed readjusting this was regarding economic development and employment opportunities from the Hub. It was recommended we reapply with more information on how the Hub will bring about these changes for the community.

Tom, Elaine, Malcolm and Nicola attended an information workshop held in Lismore about the criteria and guidelines for the next stage.

The next round is a 5 question (350 words each question) Expression of Interest to be completed by December 2nd and submitted to RDA council and Lismore RDA CEO Katrina Luckie.

The application has been submitted to all parties on Friday 25 November.

The EOI was collated by the working group and had an emphases on Creative Economic Growth

Tourism incentives

Art performances/music/dance/drama/cultural performances

Displays and exhibitions

Library exhibitions/ knowledge and learning space for all ages

Social inclusion

Enhancing health and well-being

Cultural resources collection space

Sense of belonging for all the community

Safe and secure space to house historical collection

Green purpose built building

Library to house NBN Broadband for creative industries

Action and recommendations:

- Request Council to approve a budget for the Cultural Plan to be implemented
- Group meets every 3months to discuss the process
- Proposed name change to Kyogle LGA Community Cultural Committee
- Executive representation from Council to be present at meetings
- Councillor who has put the recommendation forward to be invited to attend the meetings of the group
- Media report in Council newsletter and local newspaper EOI re welcome all interested parties to join the group.
- Invitation to local Elders to represent Aboriginal community from LGA

Meeting closed 11.55am

Agenda for February meeting will include

- Review 2010 -2012 Cultural Strategy/where to from here
- Report on Cultural Hub application
- Report on community cultural activities
- Contingency plan for Hub if not successful
- Media report to be collated to engage other interested parties from LGA

Recommendation

1. That the Kyogle LGA Community Cultural Committee be formed as a sub committee of the Corporate and Community to review the cultural strategy of 2009 and inform Council on Cultural issues.
2. That the Kyogle LGA Community Cultural Committee reconvene early February 2012 to develop a terms of reference and review the 2010-2012 Kyogle LGA Cultural Strategy and report back to Council in March with the draft terms of reference for council consideration.
3. That Council place an article in the January edition of the Kyogle Council Newsletter inviting interested Cultural Organisations/Groups to attend the Committee Meeting.

ITEM 13F GENERAL MANAGER'S REPORT

13F.1 ACTING GENERAL MANAGER

Summary/Purpose

The purpose of this report is to request Council to appoint staff to the position of Acting General Manager while the General Manager is on leave.

Background Information

Section 334 of the Local Government Act provides that:

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

Report

The General Manager will be on leave from 23 December, 2011 to 21 January, 2012 inclusive.

The Council office will be closed from 23 December, 2011 to 6 January, 2011 inclusive.

Recommendation

That Mr. Frank Winter be appointed as Acting General Manager for the period from 9 January, 2012 to 21 January, 2012 inclusive.

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Nil.

ITEM 16 CONFIDENTIAL BUSINESS PAPER

16.1 CONTRACTUAL CONDITIONS OF SENIOR STAFF

Reason for Confidentiality

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

- (a) personnel matters concerning particular individuals

APPENDIX / ATTACHMENTS

KYOGLE COUNCIL



ATTACHMENTS

ORDINARY COUNCIL MEETING

ON 19 DECEMBER 2011

12.1 SUMMERLAND WAY PROMOTIONAL COMMITTEE MINUTES

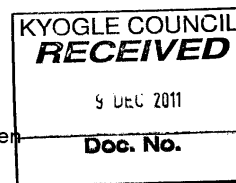
**MINUTES OF SUMMERLAND WAY PROMOTIONAL COMMITTEE MEETING HELD
AT CLARENCE VALLEY COUNCIL
COUNCIL CHAMBERS, CIVIC CENTRE, 2 PRINCE STREET, GRAFTON
ON FRIDAY 11 NOVEMBER 2011
COMMENCING AT 10.00am**

ATTENDANCE:

Brett Butcher (RTA)	Gary Murphy (Richmond Valley Council)
Dave Cockburn	Lindsay Passfield
Stuart George	Carmel Cook
Phil Belletty (Grafton CC)	Les Watson
George Hardcastle (Tenterfield)	Frank Winter
Rob Donges	

1. APOLOGIES:

Richard Adams	Arthur Piggott
Scott Buchholz	Janelle Saffin
Dave Cooke	Karen Toms
Thomas George	Burt Van Manen
Peter Petty	



Resolved: that the apologies be accepted (Lindsay Passfield, George Hardcastle)

2. CONFIRMATION OF MINUTES OF THE MEETING OF 12 AUGUST 2011

Resolved: that the minutes of the meeting held on 12 August 2011 be confirmed as a true and accurate record (Dave Cockburn, George Hardcastle).

The Chairman thanked Dave Cockburn for chairing the last meeting in his absence.

3. MATTERS ARISING FROM PREVIOUS MINUTES

See correspondence out. The information was noted, including under Section 3.1 that the Terms of Reference, had been placed on the website.

4. CORRESPONDENCE

Inwards:

4.1 Integrated Regional Transport Plan

It was identified that there had been a commitment, prior to the State elections, by Andrew Stoner, Leader of the Nationals to fund and complete the Integrated Regional Transport Plan for Northern NSW within the time frame of the current government. Therefore, it was also identified that Gladys Berejiklian, NSW Minister for Transport, had forwarded our letter in relation to supporting the Integrated Regional Transport Plan to Duncan Gay, NSW Minister for Roads and Ports.

Resolved: that correspondence be forwarded to Andrew Stoner, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services and Leader of the Nationals, seeking his commitment to fund and complete the Integrated Regional Transport Plan for Northern NSW within the time frame of the current NSW State Government. Further, that a copy of the letter be forwarded to the Federal Minister for Regional Australia, Regional Development and Local Government, Simon Crean for his information. (Passfield/Cockburn)

5. REPORTS

5.1 Tourism

Dave Cockburn identified the great value for money from the investment in the Trade Shows and wished to thank Tricia Howard for the update and the committee identified the desire for all councils and tourism groups to link into the Summerland Way Promotional Committee's website and visa versa.

The committee was then given a presentation by Russell Mills, CEO of Northern Rivers Tourism, in relation to the National Landscape being developed called Australia's "Green Cauldron". An overview of the presentation by Russell is related to Nature in Australia and Journey in Australia which are two of the top ten national and international reasons for travel, desired by tourists. The National Landscape identifies places of extreme significance to attract overseas visitors. There is a very high reliance on the Summerland Way as it provides something for people to do whilst accessing the "Green Cauldron", given its north/south linkage. Russell Mills travelled the Summerland Way today and identified that there was not a lot of information on the roadsides to promote connection to the "Green Cauldron" and other items on the route. It was identified that there was a need to create stories and provide them to the National Landscape Committee to help with promotion of the Summerland Way. In relation to the National Landscape website there was 45,000 unique hits last year, with an average of 12.5 minutes per visit.

In discussing Russell's presentation the committee identified that the "'Green Cauldron'" needs interpretation and that a lack of public transport to access the "Green Cauldron" is a major issue for overseas visitors and, hence, the need for an Integrated Regional Transport Plan to assess same. The Committee identified that the Summerland Way is a viable alternate route to the Pacific Highway and a shorter route and, therefore, should be promoted. Russell Mills identified that there is a report due out in February 2012 in relation to promotion of the National Landscape process, which will tie into discussions with regional tourism and councils in relation to value adding.

There is a website available and the Summerland Way Promotional Committee can become a stakeholder. Russell Mills is to give Tricia Howard the website for distribution.

Russell further advised that on 21 November 2011 there is a forum in Byron Bay as the NSW Government has a tourism and visitor taskforce to get measured value from visitor economy and what is spent on tourism and travel. Tricia will clarify opportunities for involvement for the Summerland Way Promotional Committee.

Resolved: that the tourism officers of the respective councils of the Summerland Way Promotional Committee, present a workshop to the next committee meeting on branding, signage, use of the webpage, linkages to the "Green Cauldron" and future tourism direction for the Summerland Way, Mt Lindsay Highway and Lions Road.(Passfield/Hardcastle)

The Committee adjourned at 10:55am for Remembrance Day Ceremonies and reconvened at 11.15am (This adjournment and recommencement was moved by Lindsay Passfield and seconded by George Hardcastle).

5.2 TRAIN update

Lindsay Passfield gave an update in the absence of Dave Cooke, identifying that a meeting was being sought with Tony Abbott's Senior Advisor in relation to progressing TRAIN outcomes.

Bob Cairns of the Grafton Concerned Citizens Group then gave a report back to the Summerland Way Promotional Committee in relation to the inclusion of the TRAIN information in the RTA Options Report and further furnished an apology for Kim Dahl. In the presentation, Bob Cairns identified that the TRAIN data is largely disregarded in the RTA assessments as being too far in the future to be considered, therefore, indicates that the TRAIN proposal may require a further crossing at a later date, that the intent of the TRAIN proposal will be compromised if B Doubles are required to negotiate the centre of town. Highly unlikely that a third bridge will be funded in the future. It is essential that the RTA is cognisant that the bridge will have a hundred year design life, therefore, what will the requirements be in fifty years. It was identified that the major objective, that was in the original documentation from the RTA relating to linkage to the Summerland Way has disappeared. It was further identified that many options do not meet the regional development authorities needs, do not comply with the State plan in relation to development for the Mid and Far North Coast regional strategies and do not meet the needs of the Nation Building Program.

Following Bob's presentation general discussion ensued, associated with the nature of traffic on the bridge eg 97% of traffic either has a destination or start point within the Grafton City area and that approximately 5% of traffic is heavy vehicles, however, 87% of heavy vehicles using the bridge have an origin or destination within the Grafton City area. There was some discussion as to whether or not the Grafton Bridge, as it exists, will meet local traffic needs if by-pass traffic is on a new bridge away from the CBD. Also general discussion on the position of the Summerland Way Promotion Committee will the major consideration be freight or tourism in future, as there is high potential as the Pacific Highway is being upgraded it would be easier to effect a connection between Casino and Woodburn for access onto the Pacific Highway and, therefore, reduce the need to upgrade the Summerland Way to cater for heavy vehicles as it was generally understood that heavy vehicles will take the quickest route, which may not necessarily be the shortest route, but offers the best travel time advantage. Dave Cockburn identified that the Bromelton development was pending and the Queensland Government was in the process of signing off the methodology to empower Local Government to consider the Plan and consult with its communities. **(Dave Cockburn to provide access to reports for circulation).**

Brett Butcher identified that Page 53 of the second crossings Options Report has references to TRAIN. *The Trans Regional Amalgamated Infrastructure Network proposal is for a network of road, rail and water infrastructure servicing the Great South West, an area covering approximately 197,710 ha of regional Australia. The proposal crosses NSW and Queensland and 13 Local Government Areas including Coffs Harbour, Clarence Valley, Richmond valley and Kyogle Councils.*

The Trans regional Amalgamated Infrastructure Network proposal is one of 59 projects submitted to Infrastructure Australia for consideration and assessment. 47 of these projects, not including the proposal, have been included in Infrastructure Australia's Infrastructure Priority List in the Communicating the Imperative for Action report to the Council of Australian Governments (Infrastructure Australia June 2011). Six of the projects on the priority list. (including the upgrade of the Pacific Highway) have been identified as "Ready to Proceed" projects while an additional seven projects have been recommended for project development funding.

The committee discussed the opportunity to participate in the Stakeholder Working Group with the RTA on the 25 and 26 November 2011 and Lindsay Passfield was nominated as the delegate, however, he was unable to attend the debriefing session on the 15 November 2011, therefore, Gary Murphy to liaise with the RTA to see what options are available. It was agreed that the Secretary would confirm with the RTA that the resolved position of the Committee relating to unrestricted heavy vehicle access across any new crossing was still an objective of the second crossing proposal.

Brett Butcher from Roads and Maritime Services provided a full copy of the preliminary Route Options report, parts 1 and 2 for the additional crossing of the Clarence River at Grafton of October 2011 for the information of the committee.

5.3 RTA update

Brett Butcher from Roads and Maritime Services identified that slippages on the Summerland Way have had repairs commenced and are significantly completed, including sections of the Mt Lindsay Highway, identified that there are \$11M in this year's program for funding maintenance and rehabilitation works within three local government areas, identified that widening near Whiporie has just finished and clarified the changing name from RTA to Roads and Maritime Services. There was some discussion of the potential impact, through well listed heritage areas, of the gas pipeline and whether that raised any issues in future for route enhancement if issues arise with undertaking works in World Heritage listed areas in relation to consistency in considering issues for CSG and upgrade of the route.

There was general discussion on the future of the Summerland Way and Dave Cockburn identified there would still be a Bromelton development even if TRAIN does not happen, therefore, regardless of TRAIN the development in the Bromelton area is going to happen. Thus there will be impacts on the Mt Lindsay Highway and Summerland Way and these things need to be considered. It was further identified by Lindsay Passfield that Michael Deegan removed the TRAIN Project off the Nation Building List as studies had not yet been completed and it could not be considered shovel ready.

5.4 No QMR update.

5.5 No Working Group advice.

6. GENERAL BUSINESS

6.1 As there is a By-election pending, it was identified that the Secretary is to correspond (once the result of the Clarence By election is determined), with the new member for Clarence, advising of the purpose of the Committee and inviting them to attend future meetings. **For Action**

6.2 George Hardcastle identified a desire at DTRAC for meetings to only be called when politicians were available and, therefore, more work to be done in relation to setting meeting dates to ensure maximum availability of State and Federal politicians. The Secretary and the Chairman to chase up sitting dates for State and Federal Parliament including Queensland and NSW and assess a suitable date for the first meeting in 2012, which is normally the second Friday in February, with a view to maximising potential for politicians to attend. **For Action**

6.3 The Cross Border Commissioner be invited to meetings of the committee as soon as they are appointed. The Secretary to request of the State Government notification of the appointment of the Cross Border Commissioner as soon as it occurs. **For Action**

6.4 General discussion on identifying specific projects to lobby politicians and government agencies in relation to the route, including Mt Lindsay Highway and the Summerland Way. It was agreed to seek advice from Roads and Maritime Services on any Route Options and Strategic plans associated with future Capital Works programs in NSW and Queensland and that this either be presented at the next meeting or circulated by Government Agencies prior to the next meeting. **For Action**

Next meeting will be at Casino with a date to be advised, pending confirmation of availability of politicians.

Meeting closed 12noon.

Kyogle Council



Financial Reports 30 November, 2011

Rates Statement
Statement of Bank Balances
Summary of Investments

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

RATES STATEMENT

KYOGLE COUNCIL RATES STATEMENT AS AT 1ST DECEMBER 2011

	ARREARS 1-Jul-11	NET CHARGES 2011-2012	PAYMENTS	OUTSTANDING BALANCE	PERCENTAGE COLLECTED
RATES, SERVICES AND INTEREST	862,860.89	6,569,708.94	3,668,261.66	3,764,308.17	49.35%

PRESENTED TO COUNCIL DECEMBER 2011

Note:

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

KYOGLÉ COUNCIL

STATEMENT OF BANK BALANCES AS AT 30-Nov-11

FUND	CLOSING BANK BALANCE 30-Nov-11	INVESTMENT BALANCE 30-Nov-11
GENERAL FUND		
UNRESTRICTED	(3,913,219.15)	3,200,000.00
INTERNALLY RESTRICTED	791,937.82	3,500,000.00
STATE HIGHWAYS	1,496,701.67	
QUARRIES	738,462.79	
PLANT	5,338,784.50	
EXTERNALLY RESTRICTED	235,249.55	3,700,000.00
	4,687,917.18	10,400,000.00
RESTRICTED		
WATER SUPPLIES	854,172.05	
SEWERAGE SYSTEMS	587,073.26	500,000.00
DOMESTIC WASTE	456,907.80	
ORDINARY TRUST	19,457.19	
	1,917,610.30	500,000.00
CONSOLIDATED FUNDS	6,605,527.48	10,900,000.00

KYOGLE COUNCIL

SUMMARY OF INVESTMENTS AS AT 30/11/11

	BANK	TYPE	TERM	AMOUNT	RATE P.A.	DUE DATE
1	BANKWEST	TERM DEPOSIT	62 DAYS	1,000,000.00	5.65%	December 12, 2011
2	SUNCORP METWAY	TERM DEPOSIT	30 DAYS	2,000,000.00	5.56%	December 14, 2011
3	CITIBANK	TERM DEPOSIT	31 DAYS	2,000,000.00	5.47%	December 19, 2011
4	BANKWEST	TERM DEPOSIT	30 DAYS	1,500,000.00	5.55%	December 21, 2011
5	SUNCORP METWAY	TERM DEPOSIT	67 DAYS	1,400,000.00	5.58%	January 9, 2012
6	COMMONWEALTH	TERM DEPOSIT	91 DAYS	3,000,000.00	5.55%	January 23, 2012
				10,900,000.00		
PRESENTED TO COUNCIL ON DECEMBER 19, 2011						
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)						
<u>RESPONSIBLE ACCOUNTING OFFICER</u>						

COUNCILLORS TRAVEL EXPENSES

Nov-11

COUNCILLOR NAME	KLMS CLAIMED		CURRENT KM RATE	AMT REIMBURSED	
	MONTHS	YTD		MONTH	YTD
E Bennett	0	5,398	0.74	2,348.76	3,994.52
R. Brown	0	0	0.74	0.00	0.00
T. Cooper	0	980	0.74	0.00	725.20
R. Dwyer	0	0	0.74	0.00	0.00
J. O'Reilly	288	582	0.74	213.12	430.68
R. Leadbeatter	0	0	0.74	0.00	0.00
L. Passfield	0	1,826	0.74	0.00	1,351.24
J. Wilson	0	0	0.74	0.00	0.00
L. Zito	0	0	0.64	0.00	0.00
Total	288	8,786		2,561.88	6,501.64

Notes

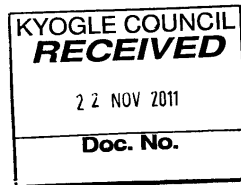
- (1) The above figures represent amounts actually paid.
- (2) The amounts paid in the current month will relate to claims for travel in prior months
- (3) Some councillors may have claims outstanding for more than one month.

12.4 QUESTIONS FROM NOVEMBER COUNCIL MEETING



Local Government Remuneration Tribunal

Clr Ross Brown
Mayor
Kyogle Council
PO Box 11
Kyogle NSW 2474



14 November 2011

Dear Mayor

Pursuant to s. 243 of the *Local Government Act* 1993 (LG Act), the Tribunal is required to make an annual determination, by no later than 30 April 2012, on the fees payable to Councillors and Mayors to take effect from 1 July 2012. The purpose of this letter is to advise that the Tribunal has commenced its review for the 2012 determination.

Fees

The Tribunal will be undertaking a review of the minimum and maximum fee levels for each Category. Please note that the LG Act has been amended and, in accordance with section 242A, the Tribunal in determining the minimum and maximum of fee levels for each category is now required to give effect to declared government policy on remuneration for public sector staff.

Categorisation

In accordance with the LG Act, and as foreshadowed in the 2011 Report and Determination, the Tribunal will undertake a review of the categories as part of the 2012 review. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years.

The Tribunal last undertook a fundamental review of the categories of councils and mayors in 2009. Following that review the Tribunal determined that there be no change to the groupings of councils. The Tribunal did however introduce descriptive titles to more accurately reflect the nature of differences between the different groups.

The Tribunal is now seeking comment on any significant changes that have occurred in the activities of Councils since that review - in particular the impact any such changes have had on the duties and responsibilities of elected representatives and any other matters considered relevant.

Level 12, Bligh House, 4-6 Bligh Street, Sydney NSW 2000 ■ GPO Box 5341, Sydney NSW 2001
Tel: (02) 9228 3570 ■ F: (02) 9228 3578 ■ www.remtribunals.nsw.gov.au

Submissions should address the following matters.

- Whether the existing categories should be reduced or expanded and if so on what basis.
- Whether the current categorisation is appropriate for your council. If not, how you consider it should be categorised and on what basis you consider this re-categorisation should be granted.
- Any significant changes in the role and responsibilities of councillors and mayors since 2009.
- Other matters you may wish the Tribunal to consider as part of this review.

In any response to the Tribunal noting any changes that have taken place since the last review in 2009, you should specifically relate those changes to the categorisation criteria set out in section 240 of the LG Act.

The Tribunal would welcome the opportunity to interview those Mayors and Councillors who wish to address the Tribunal with regard to categorisation matters. Interviews will be held in Sydney and, depending on the number of submissions received from rural councils it may make arrangements to attend meetings in regional centres.

Submissions should be received by no later than **1 February 2012** and should be emailed to sarah.bradshaw@psc.nsw.gov.au. A hard copy is not required for submissions that are emailed, although if necessary, hard copies may be forwarded to the address below.

Local Government Remuneration Tribunal
Level 15, Bligh House
4-6 Bligh Street
SYDNEY NSW 2000

Please note that your submission may be made available to any member of the public under the *Government Information (Public Access) Act 2009*.

If you require any further information please email or telephone me on 02 9272 6006.

Yours sincerely



Sarah Bradshaw
Senior Project Officer
Remuneration Tribunals