



# **KYOGLÉ COUNCIL**

## **ORDINARY COUNCIL MEETING**

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

ON MONDAY 22 NOVEMBER 2010

Commencing at 3.30 p.m.

**GENERAL MANAGER:           ARTHUR PIGGOTT**

Dear Councillor,

In accordance with the provisions of the Local Government (General) Regulation 2005, you are hereby notified of the following Ordinary Meeting to be held at the Kyogle Council Chambers, on Monday 22 November 2010, at 3.30 p.m.

**DECLARATION OF PECUNIARY INTEREST**

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

**BUSINESS**

- Item 1 Apologies
- Item 2 Opening Prayer
- Item 3 Traditional Lands Acknowledgement
- Item 4 Declaration of Interests
- Item 5 Question Time
- Item 6 Public Access
- Item 7 Confirmation of Minutes
- Item 8 Matters Determined without further debate
- Item 9 Mayoral Minute
- Item 10 Notices of Motion
- Item 11 Questions with Notice from Councillors
- Item 12 Reports from Delegates
- Item 13 Information Reports
- Item 14 Reports from General Manager
  - A Technical Services Section
  - B Planning Services Section
  - C Environmental Services Section
  - D Corporate Services Section
  - E Community Services Section
  - F General Manager's Section
- Item 15 Urgent Business Without Notice
- Item 16 Questions for Next Ordinary Meeting
- Item 17 Confidential Business Paper

ARTHUR PIGGOTT  
GENERAL MANAGER

## COUNCIL PRAYER

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

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

AMEN

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

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

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

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

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### DISCLAIMER

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

(ARTHUR PIGGOTT),  
GENERAL MANAGER.

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

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

Each speaker has a maximum allowable time of 5 minutes.

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

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

Monday 22 November 2010

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**ITEM 1 APOLOGIES**

**ITEM 2 OPENING PRAYER**

**ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT**

**ITEM 4 DECLARATION OF INTERESTS**

Nil.

**ITEM 5 QUESTION TIME**

Nil.

**ITEM 6 PUBLIC ACCESS**

A request for public access has received from;

- Mr Charles Dejoux and Ms Danielle Mulholland regarding Development Application 2010-0039 Multiple Occupancy

## **ITEM 7 MATTERS DETERMINED WITHOUT FURTHER DEBATE**

### **7.1 MATTERS DETERMINED WITHOUT DEBATE**

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#### **Summary/Purpose**

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

#### **Report**

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

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

#### **Recommendation**

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

## **ITEM 8 CONFIRMATION OF MINUTES**

### **8.1 CONFIRMATION OF ORDINARY MINUTES - 25 OCTOBER, 2010**

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#### **Summary/Purpose**

A copy of the Minutes for the Ordinary Meeting held on 25 October, 2010, is included in the attachments to the business paper.

#### **Recommendation**

That the Minutes of the Ordinary Meeting held on 25 October, 2010 be adopted.

#### **Attachments**

1. Minutes of the Ordinary meeting held on 25 October, 2010.
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**ITEM 9 MAYORAL MINUTE**

Nil.

**ITEM 10 NOTICES OF MOTION**

**10.1 NOTICE OF MOTION; CLR LYNETTE ZITO - AGED COMMUNITY AND  
LANDUSE PLANNING**

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**Summary/Purpose**

This item presents to Council a Notice of Motion received from Councillor Lynette Zito for the Ordinary meeting to be held on 22 November, 2010.

**Report**

The Notice of Motion is as follows;



## NOTICE OF MOTION

**I Councillor Lynette Zito hereby give notice that at the next Ordinary Meeting of Council I will move;**

1. That Council seek a report regarding the impact of the aged community on land use planning and how to build these needs in the local environmental plan, and
2. The impact on Council's rates base.

Signed:

Date:

15 November 2010

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 11            QUESTIONS WITH NOTICE FROM COUNCILLORS

### 11.1 QUESTIONS FROM PREVIOUS COUNCIL MEETING

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#### **Summary/Purpose**

This report provides responses to questions raised at the October Ordinary Meeting.

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

- Governance and Community Service

#### **Previous Council Consideration**

During consideration of Item 17 (Questions For Next Ordinary Meeting) at the October Ordinary Council Meeting, Councillor Wilson raised the following questions:

1. What efficiencies were achieved through the savings made in the last management planning process?
2. Will the eco-tourism policy be drafted into the new Local Environmental Plan?

#### **Report**

The following responses are provided to Councillor Wilson's questions.

##### Question 1.

Included in the 2010-2011 Draft Management Plan that was placed on display during May 2010 was a proposed special Stormwater and Flood Management rate which was intended to raise an additional \$75,000 over and above the funding currently being received from the existing Stormwater Management Charge (\$45,000). Council decided not to pursue this special rate and instead transferred \$20,000 from futures funding towards Stormwater and Flood Management and requested staff to attempt to identify a further \$55,000 at the first quarterly budget review.

It was noted during these discussions that Council had put aside funds for the acquisition of two front deck mowers and that these mowers should speed up our mowing times and create greater efficiencies. It was also discussed that some changes to the organisation structure were being considered which may create more efficiencies within the organisation.

The first quarterly budget review (September 2010) which was presented to the October 2010 Ordinary Council Meeting included the additional \$55,000 for stormwater and flood management as requested. This funding primarily came from additional untied financial assistance grants received by Council.

The two mowers have been purchased and a tractor with mower that was to be for use at the water and sewerage works was upgraded to enable it to be used for mowing fields, town entrances and roadsides. These changes have created greater efficiencies with Council's mowing activities. Whilst no amendments were made to the annual budgets at the September 2010 budget review to reflect these efficiencies, it is expected that it will not be necessary to allocate additional funds for this activity during the year as has been the case in previous years.

Changes to the organisation structure have been identified that should result in the ability to better cover for staff absences and to improve efficiencies. Due to the need to meet Award requirements which require particular notification procedures to Staff and Consultative Committee, it has not been possible to bring these changes to Council for approval yet.

Management is continually seeking greater economies and numerous other efficiencies and resource sharing opportunities over and above those mentioned in this report have been achieved this financial year e.g. phone costs.

## Question 2

There is no specific term or definition addressing "ecotourism" in the Standard Instrument – Local Environmental Plan. The closest example of such a definition is "tourist and visitor accommodation". This type of land use is proposed to be permissible with the consent of Council in some of the Rural Zones, the Local Centre and Private Recreation Zones.

At this stage it is intended that the eco-tourism policy will not be drafted into the new Local Environmental Plan. It is considered that this element would be more appropriately incorporated into a Chapter of the proposed new Development Control Plan (DCP), such as in the case of the current DCP 4 – Bed and Breakfast Establishments and Farm stay Accommodation. However, this will only apply to those types of developments of a minor or medium scale as once they are of a higher scale (including having a Capital Investment Value in excess of \$5 million), these types of developments will be determined by a Joint Regional Planning Panel.

## **Recommendation**

That the responses to Questions from the previous Council meeting be received and noted.

**ITEM 12        DELEGATES REPORTS**

Nil.

**ITEM 13        INFORMATION PAPERS**

**13.1 QUARRIES REPORT**

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**Summary/Purpose**

This report is to advise Council of quarry operations and budget to 11 November, 2010.

**Community Strategic Plan Item(s)**

- Roads and Infrastructure

**Report**

There has been no crushing or stockpiling carried out in Council's quarries during the month.

Gravel is currently being used from Medhurst's and Miller's Quarries for road maintenance.

## Budget & Financial Aspects

The following is a summary of the quarries budget for 2010/11 at 11 October, 2010:

QUARRY	Budget Annual	Budget YTD	YTD 11/11/10	Comments
<u>MEDHURSTS</u>				
SALES	173,000	1,500	1,356	
COST OF SALES	<u>129,750</u>	<u>1,125</u>	<u>1,017</u>	
NET PROFIT / (LOSS)	<u>43,250</u>	<u>375</u>	<u>339</u>	
 <u>GRIFFITHS</u>				
SALES	75,000	10,000	9,934	
COST OF SALES	<u>56,250</u>	<u>7,500</u>	<u>7,451</u>	
NET PROFIT / (LOSS)	<u>18,750</u>	<u>2,500</u>	<u>2,483</u>	
 <u>MILLERS</u>				
SALES	220,000	8,000	7,543	
COST OF SALES	<u>189,640</u>	<u>6,896</u>	<u>6,502</u>	
NET PROFIT / (LOSS)	<u>30,360</u>	<u>1,104</u>	<u>1,041</u>	
 <u>LLOYDS</u>				
SALES	40,000	0	0	
COST OF SALES	<u>34,400</u>	<u>0</u>	<u>0</u>	
NET PROFIT / (LOSS)	<u>5,600</u>	<u>0</u>	<u>0</u>	

QUARRY	Budget Annual	Budget YTD	YTD 11/11/2010	Comments
<b><u>SUMMARY</u></b>				
SALES	508,000	19,500	18,833	
COST OF SALES	410,040	15,521	14,970	
<b>NET PROFIT / (LOSS)</b>	<b>97,960</b>	<b>3,979</b>	<b>3,863</b>	
EXPENSES	Budget Annual	Budget YTD	YTD 11/11/2010	Comments
DEPRECIATION	10,984	4,576	4,576	
OTHER EXPENSES	3,075	2,000	7,042	Rehab Goodings Pit, Rates, Phone
	14,059	5,661	7,042	
TOTAL OPERATING	83,901	5,599	(7,755)	
CAPITAL				
QUARRY DEVELOPMENT	0	0	0	
STOCK MOVEMENT	0	0	0	
ACCUMULATED DEPRECIATION	(10,984)	(4,576)	(4,576)	
	(10,984)	(4,576)	0	
<b>NET SURPLUS/(COST)</b>	<b>94,885</b>	<b>1,979</b>	<b>(3,179)</b>	

### Recommendation

That the Quarries Report be received and noted.

## **13.2 PLANT BUDGET REPORT - OCTOBER 2010**

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### **Summary/Purpose**

This report presents updated plant data as at 31 October, 2010 for Council's information.

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

- Roads and Infrastructure

### **Report**

Copies of the following reports appear below:

Plant and Depot Operations Budget,  
Plant Replacement Schedule,  
Plant Budget Report (by plant item).



# 1. Plant Acquisitions/Sales 2010/2011

PLANT ACQUISITIONS/SALES 2010/2011						
as at 31 October, 2010						
to be replaced	Purchase	Estimated Cost			Actual Cost	
		Trade	Net	Purchase	Trade	Net
<b>Light Vehicles</b>						
4wd wagon	30,000	5,000	25,000	0	0	0
4wd Utility	376,000	218,500	157,500	66,226	0	66,226
Utility	52,500	20,000	32,500	22,159	0	22,159
	<b>458,500</b>	<b>243,500</b>	<b>215,000</b>	<b>88,385</b>	<b>0</b>	<b>88,385</b>
<b>Quantities</b>						
4wd Wagon	1	1	1	0	0	0
4wd Utility	10	10	0	2	0	2
Utility	2	2	(1)	1	0	1
<b>Heavy Plant - (Trade)</b>						
Grader (2)	414,000	134,000	280,000	0	0	0
2 tonne truck kyogle spray/sign	50,000	0	50,000	45,445	0	45,445
13,000 ltr water tank(141)	45,000	3,000	42,000	0	0	0
12,000 ltr water tank(355)	30,000	3,000	27,000	0	0	0
Front deck mower - Kyogle	40,000	5,000	35,000	28,182	0	28,182
Front deck mower - Bonalbo	40,000	0	40,000	28,182	0	28,182
Tractor + bucket - Kyogle sewer	50,000	0	50,000	72,636	0	72,636
Call out trailer - Bonalbo	20,000	0	20,000	0	0	0
(Tipper crane truck)					23,786	-23,786**
	<b>689,000</b>	<b>145,000</b>	<b>544,000</b>	<b>174,445</b>	<b>23,786</b>	<b>150,659</b>
<b>Small Plant</b>						
Misc.	45,000		45,000	49,133	15,089	34,044
PA Ride on mowers	10,000	2,000	8,000	6,682	0	6,682
	<b>55,000</b>	<b>2,000</b>	<b>53,000</b>	<b>55,815</b>	<b>15,089</b>	<b>40,726</b>
	<b>1,202,500</b>	<b>390,500</b>	<b>812,000</b>	<b>318,645</b>	<b>38,875</b>	<b>279,770</b>
** Trade related to 2009/2010 purchase						

## 2. Plant and Depot Operations Report

	Budget	Budget YTD	YTD				
PLANT & DEPOT OPERATIONS	Annual		31.10.10	COMMENTS			
<b>OPERATING</b>							
<u>PLANT INCOME</u>	2,546,160	1,300,000	1,397,482				
<u>PLANT EXPENDITURE</u>							
FRINGE BENEFIT TAX	16,974	8,301	8,301				
PLANT M & R	1,387,254	400,000	389,563				
DEPRECIATION EXP VEHICLE FLEET	628,141	209,380	209,380				
	<b>2,032,369</b>	<b>617,681</b>	<b>607,244</b>				
NET SURPLUS/(LOSS)	513,791	682,319	790,238				
<u>PROFIT ON SALE OF PLANT</u>							
PROCEEDS ON SALE OF PLANT & EQUIPMENT	390,500	40,000	38,875				
BOOK VALUE OF SOLD PLANT & EQUIPMENT	292,875	0	0				
	<b>97,625</b>		<b>38,875</b>				
<u>OTHER INCOME</u>							
PRIVATE USAGE CONTRIBUTIONS STAFF VEHICLES	41,610	13,870	15,318				
OTHER INCOME	0	0	0				
	<b>41,610</b>	<b>13,870</b>	<b>15,318</b>				
<u>DEPOT EXPENSES</u>							
KYOGLE DEPOT	58,365	13,000	12,569				
BONALBO DEPOT	23,686	7,895	7,056				
WOODENBONG DEPOT	7,283	2,425	1,796				
	<b>89,334</b>	<b>23,320</b>	<b>21,421</b>				
<b>TOTAL OPERATING</b>	<b>563,692</b>	<b>672,869</b>	<b>823,010</b>				
<b>CAPITAL</b>							
<u>NON CURRENT ASSETS</u>							
DEPOT IMPROVEMENTS	80,000	0	151	Money for fuel storage systems. Not yet purchased			
PLANT PURCHASES	1,202,500	320,000	373,401				
BOOK VALUE SOLD ASSETS	(292,875)	0	0				
ACCUMULATED DEP'N - VEHICLE FLEET	(628,141)	(209,380)	(209,380)				
	<b>361,484</b>	<b>110,620</b>	<b>164,172</b>				
<b>TOTAL CAPITAL</b>	<b>361,484</b>	<b>110,620</b>	<b>164,172</b>				
<b>NET SURPLUS/(COST) OF ACTIVITY</b>	<b>202,208</b>	<b>562,249</b>	<b>658,838</b>				

### 3. Plant Budget Report (by plant item)

As at October 31, 2010				
	PLANT ITEM	INCOME	EXPENDITURE	PROFIT/LOSS
2	CAT 12H GRADER	39,450	10,589	28,861
3	CAT 12H GRADER	40,050	10,154	29,896
4	CAT 140H GRADER	40,005	8,515	31,490
5	JOHN DEERE 770D GRADER	42,945	11,728	31,217
24	DINGO K94 MINI DIGGER	3,060	745	2,315
25	MINI EXCAVATOR	20,075	4,293	15,782
26	STREET SWEEPER	6,060	1,466	4,594
27	CLARK BOBCAT	3,525	488	3,037
28	CAT 938G LOADER	12,622	3,802	8,820
32	CAT 324DL EXCAVATOR	40,740	11,388	29,352
33	CAT 324DL EXCAVATOR	37,695	10,699	26,996
34	CATERPILLAR IT28G LOADER	8,995	29,371	-20,376
35	CATERPILLAR 966H LOADER	24,150	6,239	17,911
36	CATERPILLA 816F COMPACTOR	37,500	9,349	28,151
40	FRANNA MOBILE CRANE	17,545	2,373	15,172
41	CAT FORKLIFT	2,320	293	2,027
51	HYSTER DRAWN GRID ROLLER	5,630	2,304	3,326
52	GRID ROLLER-COATES	6,940	306	6,634
62	JOHN DEERE 315SG BACKHOE	3,672	517	3,155
63	CAT 432D BACKHOE	7,280	1,204	6,076
64	KOMATSU WB97S BACKHOE	8,540	1,363	7,177
71	CASE MX90C TRACTOR	13,530	2,497	11,033
72	CASE MX200 TRACTOR	19,530	6,941	12,589
73	CASE MX210 TRACTOR	23,800	8,990	14,810
78	MCCORMICK MC105	15,780	7,070	8,710
79	MCCORMICK MC115	11,610	2,096	9,514
80	JOHN DEERE 2085 TRACTOR	1,725	1,234	491
88	MCCONNEL REACH MOWER	11,767	1,351	10,416
101	ISUZU NPR250 CAB CHASSIS	5,200	1,118	4,082
135	ISUZU JETMASTER 2000	44,006	12,380	31,626
137	ISUZU NPR 400 TIPPER MAXIL	14,068	945	13,123
139	ISUZU GIGA 385CXY TIPPER	30,777	13,138	17,639
140	ISUZU NPR 400L CRANE/TIPPE	9,280	1,398	7,882
141	ISUZU FVZ1400M TRUCK/WATER TANK	15,405	5,504	9,901
142	ISUZU NPR400L TIPPER	32,860	1,762	31,098
143	ISUZU FVZ1400L	59,475	3,338	56,137
144	ISUZU NPR400L TIPPER	21,680	1,465	20,215
145	ISUZU NPR400L TIPPER	18,600	3,438	15,162
146	ISUZU NPR400L TIPPER	19,080	2,620	16,460
147	ISUZU FRR525 TIPPER	16,080	2,910	13,170
148	ISUZU FVZ1400 TIPPING TRUCK	51,300	1,758	49,542
149	KENWORTH T401 PRIME MOVER	24,055	7,240	16,815
150	KENWORTH T350 TIPPER	26,097	20,825	5,272
151	KENWORTH T350 TIPPER	35,002	14,026	20,976
152	ISUZU FXZ 1500 TIPPER	22,590	2,952	19,638

#### Recommendation

That the Plant Budget Report be received and noted.

## 13.3 WORKS PROGRAM REPORT

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### Summary/Purpose

This report provides an update to Council on progress on the works program on Local, Regional and State roads as at the end of October 2010.

### Community Strategic Plan Item(s)

- Roads and Infrastructure

### Report

#### Rural and Urban Works

Maintenance grading has been carried out on Knights Road, Pines Road, Edenville Road, Smiths Creek Road, Eden Creek Road, Haystack Road, Gambleys Road and Yabbra Road. Grading will continue in the Cedar Point, Wiangaree, Lynches Creek, Boorabee Park and Duck Creek areas over the next month.

Rehabilitation and widening of Fawcetts Plain Road between Tims Lane and Horseshoe Creek Road and 900 metres of Omagh Road south of Mockharra Lane has been completed. Initial sealing of Brown Knob Road between Afterlee Road and Old Cob O Corn Road is in progress.

Replacement of the concrete footpath on the northern side of Geneva Street between Roxy Lane and Etrick Street is in progress and expected to be completed by the end of the month.

#### Regional Roads and State Roads

Routine maintenance works including grass slashing, weed spraying and bitumen patching on the State and Regional roads has continued during the month.

Tenders have been invited for design and construction of the Boomi Creek Bridge on Clarence Way with a report on tenders to be presented to the December Ordinary meeting of Council.

#### Action Requests

A total of 60 action requests were received during the month of October, summarised as follows:

Requests for maintenance to sealed roads:

Sextonville Road, Wiangaree Back Road, Fawcetts Plain Road, Collins Creek Road, Theresa Creek Road, Summerland Way, Kyogle Road, Cawongla Road.

Requests for maintenance to unsealed roads:

Mundalong Road, Sextonville Road, Beech Tree Road, Eden Creek Road, O'Neill Road, Smiths Creek Road, Lamberton Lane, Green Pigeon Road, Williams Road, Saunders Road, Ferndale Road, Runnymede Road, Bulmers Road, Mahoneys Lane, Gooleys Road, Gorge Creek Road, Boorabee Creek Road, Lynches Creek Road.

Requests for repairs to bridges, culverts and causeways:

Walsh Road, Hayes Road, Sawpit Creek Road, Boorabee Creek Road, Gradys Creek Road, Boundary Creek (Hartleys) Road, Turpentine Road, Lynches Creek Road, Mallums Road, Collins Valley Road, Trentys Lane, Duck Creek Road.

Requests for attention to urban streets, footpaths and drainage:

Summerland Way, Sandilands Street (Bonalbo), Bundock Lane, Curtois Street, Yabbra Street (Mallanganee), Anderson Street.

Requests for attention to trees, vegetation:

Afterlee Road, Gibson Lane, Bundock Street, Oxbow Road, Irwin Street.

Requests for attention to signs:

Bentley Road, Slaughter Gully Road.

Financial performance major works:

The following is an updated report on the financial performance of major works as at 31 October, 2010:

FINANCIAL PERFORMANCE MAJOR WORKS (RTA AND COUNCIL)					
OCTOBER					
RTA WORKS	BUDGET	EXPENDITURE YEAR TO DATE	% OF WORKS COMPLETE	COMMENTS	
FLOOD RESTORATION ROADS - 21 / 5 / 09	155,850	9,360	30	Incorporated with maintenance program	
MR 150 - CONSTRUCT TURN OUT TO SH 16	50,000	0	0	Subject to additional RTA funds	
MR 361 - REHAB APPROACHES BEAN CK NO. 3	82,370	10,638	90	Works completed - final costs not yet charged	
MR 361 - REHAB SMITHS PIT NORTH STAGE 2	214,000	0	0	Programmed April/May 2011	
MR 361 - REHAB SMITHS PIT SOUTH	174,000	0	0	Programmed April/May 2011	
MR 361 - REHAB BOOMI CREEK APPROACHES	254,000	0	0	Programmed June 2011	
BRIDGE REPLACEMENT - BEAN CK NO. 4	331,720	224,924	85	Approaches programmed December 2010	
BRIDGE REPLACEMENT - BOOMI CREEK	600,000	0	0	Tenders close December 2010	
	<b>1,861,940</b>	<b>244,922</b>			
COUNCIL WORKS					
MAIN STREET WORKS - RLCIP	1,200,000	169,444	15	Recent delays due to wet weather	
FLOOD RESTORATION ROADS - 21 / 5 / 09	1,189,653	485,217	40	Incorporated with maintenance program	
RESEAL FINDON CREEK ROAD	60,000	0	0	Programmed Feb 2011	
INITIAL SEAL BROWN KNOB ROAD	150,000	66	5	Construction in progress	
REHAB FAWCETTS PLAIN ROAD	150,000	85,403	90	Works completed - final costs not yet charged.	
REHAB OMAGH ROAD	90,000	23,577	80	Construction in progress-costs yet to be charged	
REHAB DUCK CK ROAD	85,778	33	0	Programmed Feb 2011	
RESHEETING EAST / WEST CONNECTION	150,000	0	0	Subject to negotiations with S/Forests	
RESHEETING YABBRA ROAD	60,000	37,621	50	In progress.	
RESHEETING NEEDHAMS ROAD	50,000	0	0	Programmed Dec 2011	
RESHEETING HILLYARDS ROAD	50,000	0	0	Programmed Feb 2011	
BRUMBY PLAINS RD BRIDGE 18 - 670	71,604	96,416	100	Budget to be adjusted at next review.	
TERRACE ROAD BRIDGE 124 - 98	400,000	0	0	Tenders close December 2010.	
MONTGOMERYS BRIDGE 73 - 4457	278,074	25,080	0	Consultant engaged to complete design	
DUCK CREEK ROAD BRIDGE 138 - 18852	112,457	0	0	Programmed May/June 2011	
DYRAABA CREEK ROAD BRIDGE 54 - 5110	190,000	2,136	0	Programmed April/May 2011 - pre construction costs incurred	
IRONPOT CREEK ROAD BRIDGE 73 - 7641	190,000	1,296	0	Programmed June/July 2011 - pre construction costs incurred	
SEXTONVILLE ROAD CULVERT ( BRIDGE 38 - 12417 )	90,000	0	0	Programmed April 2011	
HILLYARDS ROAD - BRIDGE 14 - 712	190,000	8,244	0	Programmed March/April 2011 - pre construction costs incurred	
GRADYS CK / LIONS RD REHAB OF 2 CULVERTS	90,000	0	0	Programmed Feb/March 2011	
GRADYS CREEK ROAD REPLACE BOX CULVERT	90,000	309	0	Programmed Dec 2010- pre construction costs incurred	
KYOGLE FLOOD MITIGATION WORKS	368,049	9,552	5	Consultants' fees	
JUNCTION ST / CURTOIS ST	55,000	0	0	Programmed April/May 2011	
BONALBO DRAINAGE	60,000	0	0	Programmed Dec 2010 /March 2011	
	<b>5,420,615</b>	<b>944,394</b>			
	<b>7,282,555</b>	<b>1,189,316</b>			
<b>NB: PROJECTS INCLUDED WHERE TOTAL PROJECT VALUE EXCEEDS \$50,000.</b>					

## **Recommendation**

That the Works Program report be received and noted.

## **13.4 MONTHLY FINANCIAL REPORT**

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### **Summary/Purpose**

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

### **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.

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

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Summary reports outlining Council's financial position as at 31 October, 2010. The reports presented include:

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

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

## **2. (B) Councillors Travel Expenses Report**

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

Councillors are reminded that under the payment of Expenses and Provision of Facilities for Councillors Policy, any claims submitted in excess of three (3) months after the date of the actual expenditure will not be paid.

### **Recommendation**

That the Monthly Finance Report be received and noted.

### **Attachments**

1. Financial Reports
2. Councillors Travel

## 13.5 WASTE & WATER COMMITTEE MEETING

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### Summary/Purpose

This report presents the minutes of the Waste & Water Committee Meeting held on 9 November, 2010.

### Community Strategic Plan Item(s)

- Waste & Water

### Report

The minutes of the meeting appear below

**Kyogle Council**  
**Unconfirmed Minutes of the Waste & Water Committee Meeting held in the Council Chambers,**  
**Stratheden Street, Kyogle, on November 9, 2010**

#### PRESENT

Cr. E. Bennett (Mayor in the Chair), Cr. R. Dwyer, and Cr. T. Cooper.

#### IN ATTENDANCE

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

#### MEETING COMMENCEMENT

The Mayor declared the meeting open at 2:35pm.

#### ITEM 1 APOLOGIES

An apology was received from Ross Brown.

#### RESOLVED

Moved Councillor Robert Dwyer, seconded Councillor Tom Cooper.

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

#### ITEM 4 DECLARATION OF INTERESTS

Nil

#### ITEM 5 REPORTS

##### Item-5.1 WASTE MANAGEMENT REPORT

##### Committee's Recommendation

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Moved Councillor Robert Dwyer, seconded Councillor Tom Cooper.

That the Waste Management Report be received and noted.

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

#### **Item-5.2 NORTHERN RIVERS LOCAL WATER UTILITIES MOU**

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

Moved Councillor Robert Dwyer, seconded Councillor Tom Cooper.

That the report on the Northern Rivers Local Water Utilities Memorandum of Understanding be received and noted.

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

#### **Item-5.3 MAJOR PROJECTS**

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

Moved Councillor Tom Cooper, seconded Councillor Robert Dwyer.

That the report on Major Projects be received and noted.

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 3:04pm.

#### **Recommendation**

That the minutes of the Waste & Water Committee meeting held on 9 November, 2010 were received and noted.

**ITEM 14            GENERAL MANAGER 'S REPORT**

**ITEM 14A         TECHNICAL SERVICES REPORT**

**14A.1             NAMING OF BRIDGE OVER TOOLOOM CREEK - CLARENCE WAY**

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**Summary/Purpose**

This report is to advise Council of public submissions relating to the naming of the bridge over Tooloom Creek on Clarence Way north of Urbenville.

**Community Strategic Plan Item(s)**

- Roads and Infrastructure

**Previous Council Consideration**

A report was considered by Council at its Ordinary Meeting on 27 September, 2010, advising of a proposal to name the bridge over Tooloom Creek on the Clarence Way north of Urbenville the "Charlotte Page Bridge".

It was resolved that the proposal be advertised for public comment and that a further report be brought to Council after the period of public comment.

**Report**

The proposal was advertised on 9 October, 2010 with the closing date for submissions 3 November, 2010.

Two submissions were received, both from family members and in support of the proposal. One of the submissions suggested the name "Charlotte Page (Close) Bridge" to incorporate her maiden name, however, the original submission proposed only her married name, which is the name she used throughout her married life.

Copies of the submissions received are attached.

**Recommendation**

That the name "Charlotte Page Bridge" be adopted for the bridge over Tooloom Creek on the Clarence Way north of Urbenville.

**Attachments**

1. Copies of Submissions (separately attached for Councillors).
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## ITEM 14B PLANNING SERVICES REPORT

### 14B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD OCTOBER 1, 2010 TO OCTOBER 31, 2010

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2006/159	
Property:	Lot 2 DP 123265 Boorabee Parish, Rous County
Address:	Mulvena Road, Larnook
Applicant/Owner:	Tony Michael Boyd / Comdox No.203 Pty Ltd
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Applicant to advise

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2007/161	
Property:	Lot 1 DP 529272 Fairy Mount Parish, Rous County
Address:	Kyogle Rd Kyogle
Applicant/Owner:	Newton Denny Chapelle / GF & CJ Rogers
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Applicant to advise

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2007/188	
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:	Consultant to advise

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2008/87	
Property:	Lot 1 DP 820659 Peacock Parish, Buller County
Address:	Station Road, Bonalbo
Applicant/Owner:	Newton Denny Chapelle / GT & DL Jarrett & Tasmanian Plantations P/L
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Applicant to advise

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2008/88	
Property:	Lot 54 DP 751074 Peacock Parish, Buller County
Address:	Station Road, Gorge Creek
Applicant/Owner:	Newton Denny Chapelle / GT & DL Jarrett & Tasmanian Plantations P/L
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Applicant to advise

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2008/125	
Property:	Lot 101 DP 881876 Fairy Mount Parish, Rous County

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Address: Green Pigeon Rd Green Pigeon  
Applicant/Owner: Allan Clarke / The Secretary, Green Pigeon Pty Ltd  
Proposal: 4 Commercial Sheds  
Received: Referred To DMP For Comment  
Status: Applicant to advise

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2009/6

Property: Lot 3 DP 1122813 Boomi Parish, Buller County  
Address: Boomi Creek Rd Boomi Creek  
Applicant/Owner: Enviro Link Consulting / DP & GJ Stace  
Proposal: Subdivision  
Received: Referred To RFS For Comment  
Status: Applicant to advise

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2009/18

Property: Lot 2 DP 810222 Wiangarie Parish, Rous County  
Address: Summerland Way, New Park  
Applicant/Owner: Newton Denny Chapelle / PA, CL, & LJ Bordin & ER Smith  
Proposal: Subdivision  
Received: Referred To DMP for Comment  
Status: Applicant to advise

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2009/32

Property: Lot 157 DP 781822 Fairy Mount Parish, Rous County  
Address: Irwin St Kyogle  
Applicant/Owner: Enviro Link Consulting / SA Hoffman  
Proposal: Strata  
Received: Referred To DMP For Comment  
Status: Applicant to advise

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2009/46

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

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2009/126

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

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2010/12

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

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2010/58

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

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2010/74

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

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2010/80

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

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2010/88

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

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2010/93

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

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2010/95

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

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2010/104

Property: Lot 14 DP 20701 Tabulam Parish, Drake County.  
Address: Bruxner Hwy Tabulam  
Applicant/Owner: RJ & KJ Kelly  
Proposal: Bottle Shop  
Received: Referred To DMP For Comment  
Status: Refused by Council

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2010/107	Property:	Lot 1 DP 305744 Fairy Mount Parish, Rous County.
	Address:	Anzac Dr Kyogle
	Applicant/Owner:	Stephen P McElroy / Ritchies Stores Pty Ltd
	Proposal:	Carpark
	Received:	Referred To DMP For Comment
	Status:	Awaiting Applicant's Comments
2010/122	Property:	Lot 1 DP 595113 Toonumbar Parish, Rous County.
	Address:	Crossleys Road, Toonumbar
	Applicant/Owner:	Riordans Consulting Surveyors / Dr BK Perry
	Proposal:	Subdivision 2 Lots
	Received:	Referred To DMP For Comment
	Status:	Awaiting DMP Comments
2010/127	Property:	Lot 20 DP 751050 Capeen Parish, Buller County.
	Address:	Clarence Way Bean Creek
	Applicant/Owner:	Newton Denny Chapelle / AT & AL Harwood
	Proposal:	Subdivision By Boundary Adjustment
	Received:	Referred To DMP For Comment
	Status:	Awaiting DMP Comments
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:	Awaiting DMP Comments
2010/141	Property:	Lot 13 DP 1011652 Jiggi Parish, Rous County.
	Address:	Kyogle Rd Cawongla
	Applicant/Owner:	Newton Denny Chapelle / PV Hallpike & FM Hopkins
	Proposal:	Subdivision
	Received:	Referred To DMP For Comment
	Status:	Awaiting DMP Comments
2010/143	Property:	Lot 5 DP 4973 Fairy Mount Parish, Rous County.
	Address:	McDougall St Kyogle
	Applicant/Owner:	Noel Francis Reynolds / NF Reynolds
	Proposal:	Garage Extension
	Received:	Referred To DMP For Comment
	Status:	Awaiting DMP Comments
2010/145	Property:	Lot 7 Sec 3 DP 11813 Tabulam Parish, Drake County
	Address:	Lawrence St Tabulam
	Applicant/Owner:	Adrian Kenneth Keefe / AK & C Keefe
	Proposal:	Dwelling On Consolidated Lot
	Received:	Referred To DMP For Comment
	Status:	Approved subject to conditions

2010/146	Property:	Lot 13 DP 1112691 Wiangarie Parish, Rous County.
	Address	Summerland Way Kilgra
	Applicant/Owner:	John Edward Creighton / JE & BW Creighton
	Proposal:	Dwelling
	Received:	Referred To DMP For Comment
	Status:	Awaiting DMP Comments
2010/148	Property:	Lot 30 DP 1040731 Toonumbar Parish, Rous County.
	Address	Afterlee Road, Ghinni Ghi
	Applicant/Owner:	All Steel Garages & Sheds / Sumalco Pty Ltd
	Proposal:	Dwelling & Shed
	Received:	Referred To DMP For Comment
	Status:	Awaiting DMP Comments
2010/150	Property:	Lot 122 DP 806090 Jiggi Parish, Rous County.
	Address	Kyogle Rd Cawongla
	Applicant/Owner:	Newton Denny Chapelle / DH Sleeth & ZM Armstrong
	Proposal:	Subdivision
	Received:	Referred To DMP For Comment
	Status:	Awaiting DMP Comments
2010/151	Property:	Lot 37 DP 1064252 Runnymede Parish, Rous County.
	Address	Rosewood PI Kyogle
	Applicant/Owner:	Leslie Albert Roy / BL & KA Descovich
	Proposal:	Dwelling
	Received:	Referred To DMP For Comment
	Status:	Awaiting DMP Comments
2011/7	Property:	Lot 563 DP 850175 Runnymede Parish, Rous County.
	Address	Runnymede Rd Kyogle
	Applicant/Owner:	Newton Denny Chapelle / RT & CM O'Neill
	Proposal:	Subdivision
	Received:	Referred To DMP For Comment
	Status:	Awaiting RFS & ARTC Comments
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:	Awaiting DMP Comments
2011/14	Property:	Lot 73 DP 6029 Stratheden Parish, Rous County.
	Address	Pines Rd Edenville
	Applicant/Owner:	Landpartners / JR Mamet
	Proposal:	Subdivision
	Received:	Referred To DMP For Comment
	Status:	Awaiting RFS Comments

2011/18	Property:	Lot 12 DP 1040514 Queebun Parish, Rous County.
	Address:	Trentys Lane Doubtful Creek
	Applicant/Owner:	Harold John Standfield / HJ Standfield
	Proposal:	Quarry
	Received:	Referred To DMP For Comment
	Status:	Awaiting DMP Comments
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 DMP Comments
2011/22	Property:	Lot 270 DP 4517 Fairy Mount Parish, Rous County.
	Address:	Stratheden St Kyogle
	Applicant/Owner:	Kyogle Council / Kyogle Council
	Proposal:	Art Gallery, Museum, Library Extension
	Received:	Referred To DMP For Comment
	Status:	On public display
2011/25	Property:	Lot 1 DP 435758 Etrick Parish, Rous County.
	Address:	Ghinni Ghi Rd Ghinni Ghi
	Applicant/Owner:	Peter Daniel Wallbank / PD & A Wallbank
	Proposal:	Relocation Of Multi Purpose Room & Verandah
	Received:	Referred To DMP For Comment
	Status:	Awaiting DMP Comments
2011/26	Property:	Pt Lot 1 DP 174736 Geneva Parish, Rous County.
	Address:	Omagh Road Cedar Point
	Applicant/Owner:	All Steel Garages / AL Hill
	Proposal:	Rural shed
	Received:	Referred To DMP For Comment
	Status:	Approved subject to conditions
2011/28	Property:	Lot 3 DP 759111 Donaldson Parish, Rous County.
	Address:	MacPherson St Woodenbong
	Applicant/Owner:	Genesis Two Pty Ltd / TH Strand
	Proposal:	Renovation & Licenced Cafe
	Received:	Referred To DMP For Comment
	Status:	On public display
2011/29	Property:	Lot 131 DP 630646 Babyil Parish, Rous County.
	Address:	Sextonville Rd Sextonville
	Applicant/Owner:	Design Evolutions / ZW Robinson
	Proposal:	Dwelling Additions
	Received:	Referred To DMP For Comment
	Status:	Approved subject to conditions



2011/30	Property:	Lot 21 DP 869244 Sandilands Parish, Drake County.
	Address:	Bruxner Hwy Mallangane
	Applicant/Owner:	Ardill Payne & Associates / FK & JB Holmes
	Proposal:	Quarry Extension
	Received:	Referred To DMP For Comment
	Status:	Awaiting DMP Comments
2011/31	Property:	Lot 1 DP 627364 Ettrick Parish, Rous County.
	Address:	Blackhorse Rd Eden Creek
	Applicant/Owner:	Matthias & Juanita O'Callaghan / Blackhorse Creek Pty Ltd
	Proposal:	Dwelling Additions
	Received:	Referred To DMP For Comment
	Status:	Awaiting DMP Comments
2011/32	Property:	Lot 10 DP 1088893 Loadstone Parish, Rous County.
	Address:	Ferndale Rd Lynchs Creek
	Applicant/Owner:	Lyn Michel Stevens / LM Stevens
	Proposal:	As Built Carport
	Received:	Referred To DMP For Comment
	Status:	Approved subject to conditions
2011/33	Property:	Lot 21 DP 846492 Jiggi Parish, Rous County.
	Address:	Cawongla Rd Cawongla
	Applicant/Owner:	A Gautsch-Rutter / A & G Gautsch-Rutter
	Proposal:	Change Of Use, Farmstay
	Received:	Referred To DMP For Comment
	Status:	Referred to adjoining owners for comment
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 DMP for Comment
	Status:	On public display
2011/35	Property:	Lot 27 DP 877275 Runnymede Parish, Rous County.
	Address:	Kamala Ave Kyogle
	Applicant/Owner:	W Lollback / CJ Lollback
	Proposal:	Dwelling
	Received:	Referred To DMP For Comment
	Status:	Approved subject to conditions
2011/36	Property:	Lot 131 DP 854113 Ettrick Parish, Rous County.
	Address:	Blackhorse Road, Eden Creek
	Applicant/Owner:	Perry Homes (Aust) P/L / CI Parnell
	Proposal:	Dwelling
	Received:	Referred To DMP For Comment

Status:	Approved subject to conditions
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2011/37	
Property:	Lot 24 DP 6798 Runnymede Parish, Rous County.
Address	Highfield Rd Kyogle
Applicant/Owner:	Unique Building Solutions / GA Johnston
Proposal:	Duplex
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/38	
Property:	Lot 364 DP 860508 Fairy Mount Parish, Rous County.
Address	Karina Pl Fawcetts Plain
Applicant/Owner:	Unique Building Solutions / GW & RR Langley
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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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:	Awaiting DMP Comments
<hr/>	
2011/40	
Property:	Lot 1 DP 759111 Donaldson Parish, Rous County.
Address	Lindsay St Woodenbong
Applicant/Owner:	Murray Frederick Hartman / MF Hartman
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments

**Recommendation**

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

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 September 2010 to 30 September 2010 be received and noted.

2. That the information contained in the report Development 1 October 2010 to 31 October 2010 only in relation to DA../... and DA../.... In which Councillors ..... have declared an interest be received and noted.

## **14B.2 DEVELOPMENT APPLICATION 2010-0039 - MULTIPLE OCCUPANCY**

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### **Summary/Purpose**

This report has been prepared for Council in order to make a determination on a submission made by the applicant seeking a review under the provisions of Section 82A of the Environmental Planning and Assessment Act, 1979, being a request for Council to review a condition/s of the consent previously granted by Council, under delegated authority to the Development Management Panel on 9 September, 2010.

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

- Environmental and Pastoral

### **Background Information**

Council received Development Application 2010/0039 on 9 September, 2009 for the proposed development being a Multiple Occupancy – Construction of two dwellings, outbuildings and extension of an existing dwelling, the particulars of the Development Application 2010/0039 being as follows:

Applicant:	Danielle Mulholland
Owner:	Danielle Mulholland
Property:	Lot 855 in DP 803944
Property Address:	136 Cedargetters Road, Gradys Creek
Zone:	Non Urban 1A
Locality:	Gradys Creek
Proposal:	Multiple Occupancy, 3 dwellings
Zoning Requirements:	Permissible with Council consent

### **Report**

Following the lodgement of the development application, it was established that there was insufficient detail submitted with which to make a determination on the application. On 7 October, 2009 Council forwarded a request to the applicant advising that further information addressing the following, was to be prepared and submitted in order for Council to make a determination on the development application:-

1. Plans complying with Schedule 1 of the *Environmental Planning and Assessment Regulations 2000*, including
  - (a) existing vegetation and trees on the land;
  - (b) existing intermittent and perennial waterways on and immediately adjoining the land;

- (c) the location of any proposed buildings or works (including works associated with the construction of driveways) in relation to the existing levels of the land, existing vegetation and the land's boundaries;
  - (d) the location of existing infrastructure (power, telecommunications and roads);
  - (e) floor plans of any proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building;
  - (f) elevations and sections showing proposed external finishes and heights of any proposed buildings;
  - (g) if the development involves building work to alter, expand or rebuild an existing building, a scaled plan of the existing building; and
  - (h) proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate).
2. Details of compliance with *State Environmental Planning Policy No. 15 - Rural Landsharing Communities*;
  3. Details of compliance with the *State Environmental Planning Policy No. 55 - Remediation of Land*;
  4. Details of compliance with *State Environmental Planning Policy No 44-Koala Habitat Protection*;
  5. Details of compliance with the *Kyogle Council Development Control Plan No. 2 - Development in Rural Areas*;
  6. Details of compliance with the 2006 NSW Rural Fire Service "Planning for Bushfire Protection;"
  7. If the development involves the clearing of any native vegetation, whether the consent of the Northern Rivers Catchment Management Authority is required for that clearing; and
  8. Any impacts of the proposed development on Indigenous heritage, including how this information was derived.

The additional information was submitted by the applicant on 5 July, 2010 following which the application was advertised for public comment in accordance with *Development Control Plan No. 9 - Public Notification of Development Applications*, being notification to adjoining and surrounding properties.

Whilst one submission was received stating that the applicant should be required to upgrade Cedargetters Road for the full frontage of the allotment subject of the development application, this ground for objection was dismissed as whilst the imposition of such a condition would have applied to a concessional subdivision, it does not apply to this type of development.

**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.

The development application was considered by the Development Management Panel at its meeting held on 9 September, 2010 at which it was determined that the development application be approved subject to conditions. The particular condition which the applicant has requested be reviewed by Council is Condition 33, which is inserted in part:-

Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and the Kyogle Section 94 Contributions Plan – Urban and Rural Roads 2002 (as amended) are required. Kyogle Council levies these contributions for the provision of public amenities and/or public services in such a manner as will meet the increased demand for those amenities and/or services arising from this development as identified in the attached schedule. The contributions shall be calculated in accordance with the Kyogle Council Section 94 Contributions Plan – Urban and Rural Roads Section 94 Contributions Plan. The rates and amounts applying at the date of this notice, **totalling \$22,064.00**, are set out in the schedule for your information.

The applicant, in accordance with the provisions of Council's Section 94 Contribution Plan – Urban and Rural Roads (as amended), in particular Sections 4.4 and 4.5 of this Plan, requests Council to grant a discount on the amount of contributions payable.

The relevant sections of the Plan are outlined below:-

#### **4.4 Council Contributions**

4.4.1 Where Council determines to grant to a development proponent a discount in accordance with this Policy then Council shall either:

- a) pay an amount into the appropriate Section 94 Fund Accounts representing the discounted amount, namely the difference between the total amount otherwise payable by the proponent and the Contribution required after application of the discount; or
- b) where Council has provided a "material public benefit" within the meaning of the phrase in S. 94 (3) of the Act, in lieu of making the payment referred to in sub-clause (a) above, waive the payment referred to up to the present day value of the material public benefit provided by Council; or
- c) make a combination of a payment as contemplated by sub-clause (a) and a waiver contemplated in sub-clause (b).

4.4.2 The method and timing of the payment or contribution of the “material public benefit” shall be in Council’s discretion, however Council shall make same within a reasonable time of receiving Section 94 contributions and within a budgetary framework set by Council for works within the relevant area.

## **4.5 Method of Calculating Discount**

### **4.5.1 Discount for Rural Areas**

Notwithstanding the calculation of the Urban and Rural Road contributions payable pursuant to this Section 94 Plan in respect of a new rural development, Council may discount the total Contribution required by the proponent of the development under this Section 94 Plan.

The amount subject to discount is \$21,864. Note that the additional \$200, being payment of Public Reserve Development, is not subject to the discount.

The discounted amount applicable in this instance is \$4,250.

Therefore, should the request for the discounted amount be upheld, a shortfall of \$17,614 would be required to be paid into the Section 94 Fund Accounts by Council or alternatively commit this amount to providing a material public benefit in the Gradys Creek area, or a combination of the above.

In accordance with the phrase within Section 94 (3) of the Environmental Planning and Assessment Act, the term “material public benefit” is explained:-

(3) If:

(a) a consent authority has, at any time, whether before or after the date of commencement of this Part, provided public amenities or public services within the area in preparation for or to facilitate the carrying out of development in the area, and  
(b) development for which development consent is sought will, if carried out, benefit from the provision of those public amenities or public services,  
the consent authority may grant the development consent subject to a condition requiring the payment of a monetary contribution towards recoupment of the cost of providing the public amenities or public services (being the cost as indexed in accordance with the regulations).

The second Condition for which the applicant is seeking a review is Advisory Note 1, which reads:-

1. Council advises that the property will now be rated under a “Residential Category” due to the change in use approved for the site.

The applicant states that it is intended to undertake agricultural pursuits on the property and that a rural residential category for rating purposes is more appropriate.

The Local Government Act defines the various categories as follows:-

#### **4.6 Land Categorisation for Rating Purposes**

Council has delegated authority to the General Manager to categorise land for rating purposes and any applications received for "change of category" will be considered on their merits and in accordance with the Local Government Act and its regulations.

##### **Precedent**

The applicant states that the matter of Council amending the amount of contributions payable by the Mayfield Estate at its Ordinary Meeting held on 17 May, 2010, wherein the amount of contributions payable for roads contributions in Stages 1(a)1 and 1(a) 2 was removed, defines a case of precedent allowing a discount. Council at that time determined that Council, not the developer, was in fact responsible for providing an intersection entering the residential estate to a suitable standard for the existing residents of the Colin Street area of Homestead and that it was therefore not willing to impose this area of responsibility on to the developer.

The comparison between a residential development of 45 allotments to a rural development containing one allotment of 40.34 hectares, on which two additional dwellings are proposed to be constructed is not considered relevant in this instance. A more relevant comparison is achieved by comparing a situation where a rural allotment is proposed to be subdivided from one into three allotments. In such an instance, not only would the Section 94 Contributions be payable, but any road fronting the parcel would be required to be constructed to a rural sealed road standard by the applicant.

This highlights a major anomaly in the Section 94 Plan and in the assessment of developments and the imposition of conditions on developments containing a multiple occupancy element. Although the traffic generated by such developments is, in most instances, far greater than that generated by subdivision, although not specifically in this particular instance, these developments are not required to undertake the same level of road improvements as in the case of rural subdivision.

##### **Recommendation**

That the request for a review of Condition 33 and Advisory Note 1, is not granted and that the conditions as originally imposed on development consent 2010.0039 be retained.

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

**ITEM 14C ENVIRONMENT SERVICES REPORT**

Nil.

**ITEM 14D CORPORATE SERVICES REPORT**

**14D.1 GOVERNANCE COMMITTEE MEETING, 9 NOVEMBER 2010**

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**Summary/Purpose**

This report presents the minutes of the Governance Committee meeting held on 9 November, 2010.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Report**

**Kyogle Council**

**Unconfirmed Minutes of the Governance Committee Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Tuesday 9 November 2010.**

**PRESENT**

Cr. E. Bennett, (Mayor in the Chair), Cr. J. Wilson, 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 3.55 p.m.

**ITEM 1 APOLOGIES**

Nil

**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

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## **ITEM 5 REPORTS**

### **Item-5.1 CODE OF CONDUCT PANEL**

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

Councillor Lynette Zito, seconded Councillor Janet Wilson.

1. That the report on the Code of Conduct Panel was received and noted.
2. That the selection panel provide an update on their deliberations.

**CARRIED**

FOR VOTE - Unanimous vote

### **Item-5.2 INTERNAL AUDIT SERVICES**

A motion was moved by Councillor Lynette Zito, seconded Councillor Janet Wilson.

1. That the update report on Internal Audit Services was received and noted.

A motion was foreshadowed by Councillor Janet Wilson.

1. The General Manager report to Council on the formation of an audit Committee in accordance with the Division of Local Government guidelines.
2. That the General Manager include in the report information about establishing a budget for the internal audit activity as part of the December Budget Review.

The motion was put to the vote and was CARRIED.

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

Councillor Lynette Zito, seconded Councillor Janet Wilson.

1. That the update report on Internal Audit Services was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

A motion was moved by Councillor Janet Wilson, seconded Councillor Lynette Zito.

1. The General Manager report to Council on the formation of an audit Committee in accordance with the Division of Local Government guidelines.
2. That the General Manager include in the report information about establishing a budget for the internal audit activity as part of the December Budget Review.

The motion was put to the vote and was CARRIED.

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

Councillor Janet Wilson, seconded Councillor Lynette Zito.

1. The General Manager report to Council on the formation of an audit Committee in accordance with the Division of Local Government guidelines.
2. That the General Manager include in the report information about establishing a budget for the internal audit activity as part of the December Budget Review.

**CARRIED**

FOR VOTE - Unanimous vote

**Item-5.3 DEVELOPMENT OF GOVERNANCE POLICY**

A motion was moved by Councillor Lynette Zito, seconded Councillor Janet Wilson.

That the Governance Committee received and noted the Development of Governance Policy.

A motion was foreshadowed by Councillor Janet Wilson

That the General Manager provide a report that sets out the framework for a Governance Policy.

The motion was put to the vote and was CARRIED.

**Committee's Recommendation**

Councillor Lynette Zito, seconded Councillor Janet Wilson.

That the Governance Committee received and noted the Development of Governance Policy.

**CARRIED**

FOR VOTE - Unanimous vote

A motion was moved by Councillor Janet Wilson, seconded by Councillor Lynette Zito.

That the General Manager provide a report that sets out the framework for a Governance Policy.

The motion was put to the vote and was CARRIED.

**Committee's Recommendation**

Councillor Janet Wilson, seconded Councillor Lynette Zito.

That the General Manager provide a report that sets out the framework for a Governance Policy.

**CARRIED**

FOR VOTE - Unanimous vote

**MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 5.03 p.m.

**Recommendation**

1. That the minutes of the Governance Committee meeting held 9 November 2010, be received and noted.
2. That the General Manager report to Council on the formation of an audit Committee in accordance with the Division of Local Government guidelines.
3. That the General Manager include in the report information about establishing a budget for the internal audit activity as part of the December Budget Review.

### **Summary/Purpose**

This report presents to Council a draft Governance Policy for consideration.

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

- Governance and Community Service

### **Previous Council Consideration**

At the Ordinary meeting of Council held in October 2010 it was resolved:

That Council refer the matter of committee structure and committee meeting dates to the Governance Committee for a report to provide to Council at the November meeting on the development of a Governance Policy for this Council.

This matter was considered at the Governance Committee Meeting held on 8 November, 2010, where it was recommended that:

That the General Manager provides a report that sets out the framework for a Governance Policy.

### **Report**

Excellence in governance occurs when governance is underpinned by accountability, integrity and openness. Excellence in governance is critically important to achieving high performance and ensuring that the local government is properly fulfilling its duties to its stakeholders.

A Governance Policy is a way of demonstrating to the community that Kyogle Council is committed to the principles of good governance. The establishment of a policy also provides a base for the establishment of a Governance Strategy that will be later developed.

Attached to this report is a draft Governance Policy that has been prepared by staff, following the Governance Committee meeting held on 8 November 2010.

### **Recommendation**

That the Governance Policy be adopted.

### **Attachments**

1. Draft Governance Policy – separate attachment.

## 14D.3 REVIEW OF VEHICLE POLICY

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### Summary/Purpose

This report presents the reviewed vehicle policy to Council for adoption.

### Community Strategic Plan Item(s)

- Customer Service

### Previous Council Consideration

At the April 2010 Ordinary meeting, Council considered a report that established a sunset committee to review the existing vehicle policy. The Vehicle Policy Sunset Committee consists of Councillors Zito, Bennett, Leadbeatter and Dwyer, the General Manager, the Director Corporate and Community Services, the Plant and Depots Coordinator and 2 Staff representatives being Andrew Clark and Graham Kennett.

### Report

The sunset committee has met twice and has developed a revised policy.

### Changes to Policy Document

The following amendments suggested at the working group meetings have been included in the attached policy.

- Section 4.4- Requirements of a pool vehicle expanded
- Section 5 - Change to definition of operating costs.
- Section 6.2 - Price levels amended within each type of vehicle
- Section 6.2.1 - Select vehicles now only available to Senior staff
- Section 7.2 – Professional staff are not able to be offered select vehicles
- Section 7.4 – Oncall staff broken up into staff who normally have a vehicle at home and those that do not
- Section 7.7 – Checked with insurers, they suggested that it would be best practice to insist vehicles are comprehensively insured and proof provided. This has been added
- Section 8.2 – annual review will be based on change to LGSA remuneration. packaging – motor vehicle costs
- Section 9.1- Changed to clarify that six months notice does not need to be given for the annual adjustments
- Section 10.1.2 - Removed section on fuel cards
- Section 10.2.2 – clarified to allow staff members with provisional licences the ability to drive council vehicles
- Section 10.2.3 – only staff members are permitted to fuel vehicles at the depot
- Definitions expanded to include a definition for commercial use
- Other minor spelling, cosmetic changes

- Annexure 4 added showing the method of calculating the operating cost method

The draft amendments were presented to the Consultative Committee for information and comment on 24 September, 2010. No requests for further amendments were received from the Consultative Committee.

#### Review of contributions payable by staff

At the August 2010 Ordinary meeting, a report was presented that referred specifically to the level of contributions payable by staff for the private use of vehicles.

At this meeting the contribution rates were amended in line with figures distributed by the Local Government and Shires Association which reflect motor vehicle running costs to be used for remuneration packing.

The adopted change in the contribution rate was based on the movement in the running costs over the life of the current policy i.e. from 2006 until 2010.

These rates are the rates currently being paid by staff and will remain until the annual adjustment which is to be effective from July 1, each year.

#### **Recommendation**

That the reviewed Vehicle Policy be adopted

#### **Attachments**

1. Draft Vehicle Policy (Separately attached)

## **14D.4 POLICY ON PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS**

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### **Summary/Purpose**

This report seeks to advise council that the policy on the Payment of Expenses and Provision of Facilities has been reviewed in accordance with the Local Government Act.

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

- Governance and Community Service

### **Background Information**

Section 252 of the Local Government Act requires “within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office”.

Section 253 of the Local Government Act requires Council to give 28 days public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities. This period of public notice need not be provided where council is of the opinion that the proposed amendment is not substantial.

### **Report**

The existing policy was reviewed and amendments made in November 2010. It is considered that no further amendments are necessary.

### **Recommendation**

No changes are made to the existing Payment of Expenses and Provision of Facilities Policy for Councillors.

### **Attachments**

1. Payment of Expenses and Provision of Facilities Policy.

**ITEM 14E      COMMUNITY SERVICES REPORT**

Nil.

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

**14F.1          OUTSTANDING COUNCIL RESOLUTIONS**

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**Summary/Purpose**

This report presents to Council a list of outstanding resolutions as at 31 October, 2010.

**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 31 October, 2010. (Separately attached)

**ITEM 15            URGENT BUSINESS WITHOUT NOTICE**

Nil.

**ITEM 16            QUESTIONS FOR NEXT ORDINARY MEETING**

Nil.

**ITEM 17            CONFIDENTIAL BUSINESS PAPER**

Nil.



APPENDIX / ATTACHMENTS

# KYOGLE COUNCIL



# ATTACHMENTS

## ORDINARY COUNCIL MEETING

ON 22 NOVEMBER 2010

## **8.1 CONFIRMATION OF ORDINARY MINUTES - 25 OCTOBER, 2010**

### **Kyogle Council**

**Unconfirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on 25 October 2010.**

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### **PRESENT**

Cr. E. Bennett, (Mayor in the Chair), Cr R Brown (arrived at 3.41 p.m.), Cr. J. Wilson, Cr. J. O'Reilly, Cr. L. Passfield , Cr. L. Zito, Cr. R. Dwyer, Cr. R. Leadbeatter and Cr. T. Cooper.

### **IN ATTENDANCE**

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

### **MEETING COMMENCEMENT**

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

### **ITEM 1 APOLOGIES**

An apology was received from Councillor Ross Brown that he would be arriving late for the meeting.

Councillor Janet Wilson sought in writing leave of absence from the November Ordinary Meeting of Council.

### **251010/ 1 RESOLVED**

Moved Councillor Lindsay Passfield seconded Councillor Lynette Zito.

Councillor Janet Wilson's request for leave of absence for the November meeting was accepted and granted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Ross Brown

## **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**

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

- Item 15D.2 – Community Cultural & Economic Committee Minutes 11 October 2010  
Reason for Declaration – (Junior) Vice President RSL Kyogle Sub-branch

Cr. Janet Wilson declared a perceived conflict of interest in the following item/s:

- Item 15D.2 – Community Cultural & Economic Committee Minutes 11 October 2010  
Reason for Declaration – Temporary board member of Kyogle Together.

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

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 September 2010 - 30 September 2010 - 2011/12 & 2011/07  
Reason for Declaration - property owner and sister involved in preparation.

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

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 September 2010 - 30 September 2010 - 2007/188  
Reason for Declaration – previous preparation of SOE affects prior to being employed by Kyogle Council.

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

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 September - 30 September 2010 - 2009/18  
Reason for Declaration – adjoining land owner

## **ITEM 5 QUESTION TIME**

- Ms Kylie Thomas addressed the meeting in relation to Item 15B.3 Recreational Dirt Bike Riding in the Kyogle Local Government Area (LGA), and referred to the following;
  - Dirt Bike Meeting held 16 August, at Grove House, where multiple parties were represented (12). Stated only 2 negative points, 8 positive points were raised.
  - Enquired if a further follow-up meeting would occur and will the same attendees be invited to such a meeting?

The Director of Planning & Environmental Services advised there will be a further follow up meeting, with discussions based on Council's resolution from Item 15B.3.

The General Manager advised that if Council resolves to prepare a policy, previous stakeholders will be invited to be part of a working party as well as the general public.

- In relation to Council preparing a policy "for the location and operation of off-road motorcycle facilities within the LGA", can Council define what the local government facilities are to be in this area?

The Director of Planning & Environmental Services advised the focus is predominately on Crown Lands. Council is seeking a consistent approach from other local government areas, and will then determine the private land aspect of this.

- When is Council going to determine the process of the policy, and how will the public know this is occurring?

The Director of Planning & Environmental Services advised following Council's resolution, Council will look to form a working party to assist in the formulation of the policy.

- Could Council view the Dirt Bike activity as an important economic development aspect for the local area?

The Mayor acknowledged this could be the case but also advised that additional information would need to be provided to Councillors supporting this.

## **ITEM 6 PUBLIC ACCESS**

- Ms Danielle Mulholland addressed Council in relation to Development Application 2010-0039 Multiple Occupancy and the development consent. Requested a Section 94 contribution reduction be given, and outlined reasoning behind this (provided a detailed submission to Councillors on the reasoning)

The Director of Planning & Environmental Services advised in order to formally reassess the request for a Section 94 discount, Council requires the submission of a Section 82 review in accordance with the provisions of the Environmental Planning & Assessment Act.

- Ms Carol Beavis, representing the development application applicant, addressed Council in relation to Item 15B.2 Development Application 2010-0104 Tabulam Bottle Shop and expressed support for the application. Advised the proposed bottle shop would be situated on Bruxner Highway within a 50 km zone. Advised there is already other established outlets selling alcohol.

Studies undertaken for the proposed development indicate that there will be no additional social or criminal activities associated with the proposed bottle shop.

- Sergeant Grant Martin of Tabulam representing NSW Police, addressed Council in relation to Item 15B.2 Development Application 2010-0104 Tabulam Bottle Shop. Advised that the NSW Police have formally opposed the proposed bottle shop. Advised that it is the Police's view that crime and domestic issues will increase.

## **ITEM 7 DEPUTATIONS**

Nil.

## **ITEM 8 MATTERS DETERMINED WITHOUT FURTHER DEBATE**

### **8.1 MATTERS DETERMINED WITHOUT DEBATE**

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There were no items identified.

## **ITEM 9 CONFIRMATION OF MINUTES**

### **9.1 CONFIRMATION OF ORDINARY MINUTES - 27 SEPTEMBER 2010**

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#### **251010/ 2 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

That the Minutes of the Ordinary Meeting held 27 September 2010 were adopted.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 10            MAYORAL MINUTE**

**10.1 MAYORAL MINUTE - TELECOMMUNICATION SERVICES**

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**251010/ 3            RESOLVED**

Councillor Ernie Bennett, seconded Councillor Ross Brown.

That Council:

1. Write to Telstra expressing concern over the decision to close the Grafton call centre and seeking assurance that the Lismore Call Centre will be maintained.
2. Support a proposed recommendation by Clarence Valley Council to the next meeting of NOROC encouraging NOROC members to review their telecommunication accounts.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 11            NOTICES OF MOTION**

**11.1 NOTICE OF MOTION, COUNCILLOR LINDSAY PASSFIELD - SOLAR  
INSTALLATION**

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**251010/ 4            RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

1. That Council investigate the feasibility of installing solar electric panels on one of Council's larger buildings with a view to offsetting energy costs.
2. This initiative would provide community leadership in renewable energy and could ultimately result in Council's buildings becoming carbon neutral.

**CARRIED**

FOR VOTE - Unanimous vote

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## 11.2 NOTICE OF MOTION, COUNCILLOR JANET WILSON - MINISTER FOR REGIONAL AUSTRALIA SIMON CREAN

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### 251010/ 5      **RESOLVED**

Councillor Janet Wilson, seconded Councillor Lynette Zito.

1. That council set up a working party to include expertise from within the community and external expertise to develop a sustainable events policy and plan which is inclusive of good environmental practice. That the terms of reference for this working party be returned to the Community, Cultural & Economic Committee for deliberation before the work is carried out.

**CARRIED**

FOR VOTE - Unanimous vote

### 251010/ 6      **RESOLVED**

Councillor Janet Wilson, seconded Councillor John O'Reilly.

2. That council convene a working party of people with expertise in broadband technology to provide council with a report on how this technology can be used to support the economic development of this LGA. That the terms of reference that are established for this working party be returned to the Community, Cultural & Economic Committee for deliberation before further work is carried out.

**CARRIED**

FOR VOTE - Unanimous vote

### 251010/ 7      **RESOLVED**

Councillor Janet Wilson, seconded Councillor Lynette Zito.

3. That Council prepares a forward planning document which outlines opportunities for funding under the Regional budget approach of current Federal Government policy and which reflects the sentiments outlined in Minister Crean's address: "We don't want wish-lists. We want communities to be able to take responsibility for charting their economic, social and environmental well-being and devise a way forward that stacks up against sound socio-economic principles."

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 12            QUESTIONS WITH NOTICE FROM COUNCILLORS**

Nil.

**ITEM 13            DELEGATES REPORTS**

**13.1 DEPUTY MAYOR ATTENDANCES - SEPTEMBER 2010**

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**251010/ 8           RESOLVED**

Councillor Lynette Zito, seconded Councillor John O'Reilly.

That the information contained in the Deputy Mayor Attendances for the period 1 September to 30 September 2010 was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 14            INFORMATION PAPERS**

**14.1 WORKS PROGRAM REPORT**

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**251010/ 9           RESOLVED**

Councillor Ross Brown, seconded Councillor Tom Cooper.

That the Works Program report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote



## 14.2 QUARRIES REPORT

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### 251010/ 10      **RESOLVED**

Councillor Ross Brown, seconded Councillor Robert Dwyer.

That the Quarries report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

## 14.3 PLANT BUDGET REPORT - SEPTEMBER 2010

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### 251010/ 11      **RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

That the Plant Budget Report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

## 14.4 MONTHLY FINANCIAL REPORT

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### 251010/ 12      **RESOLVED**

Councillor Lynette Zito, seconded Councillor John O'Reilly.

That the Monthly Finance Report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 15          GENERAL MANAGER 'S REPORT**

**ITEM 15A        TECHNICAL SERVICES REPORT**

Nil.

**ITEM 15B        PLANNING SERVICES REPORT**

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

**251010/ 13      RESOLVED**

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

1. That, with the exception of the following items in which Councillor Ross Brown, the General Manager and the Director of Planning & Environmental Services have declared an interest,
  - Cr Ross Brown 15B.1 Development Applications Received, Determined and Outstanding DA 2009/18
  - General Manager 15B.1 Development Applications Received, Determined and Outstanding DA 2011/12 & 2011/07
  - Director of Planning & Environmental Services 15B.1 Development Applications Received, Determined and Outstanding DA 2007/188

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 September 2010 to 30 September 2010 was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

Having declared an interest in Item 15B.1 Councillor Ross Brown, the General Manager, The Director Planning & Environmental Services left the meeting at 4.49 p.m.

**251010/ 14      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

2. That the information contained in the report Development 1 September 2010 to 30 September 2010 only in relation to DA.09/18, DA 2011/12, DA2011/07 & DA 07/188. in which Councillor Ross Brown, the General Manager, and the Director of

Planning & Environmental Services have declared an interest were received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

Councillor Ross Brown, the General Manager and the Director of Planning & Environmental Services returned to the meeting at 4.51 p.m.

## **15B.2 CONFIRMATION OF PLANNING & ENVIRONMENT COMMITTEE MINUTES**

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### **251010/ 15 RESOLVED**

Councillor Ross Brown, seconded Councillor Lynette Zito.

1. That the Planning and Environment Committee Meeting Minutes of 11 October 2010, was received and noted.
2. Development Application – 2010-104 – Bottle Shop  
That Council refuses the development application by Clarence Investment Holdings Pty. Ltd to establish a Bottle Shop outlet at 8608 Bruxner Highway. The reasons for refusal are :-
  - a) It is considered that a Bottle Shop outlet at the proposed location is not in the overall public interest.
  - b) That upon consideration of a substantial number and substantiated grounds for objection Council has determined in favour of the objections.
3. Development Application 2010-122 – Rural Subdivision  
That a further report be provided to the Planning & Environment Committee inclusive of legal advice which covers the following issues, but not restricted to those issues.
  - a) The issue of the unsigned s88B instrument.
  - b) The issue of the previous resolution of Council of 21 February 2010.
  - c) The legal position with regard to the granting of right of carriageway to more than one lot, specific to this development.
  - d) This issue is to be given high priority and the report provided within sixty (60) days.

**CARRIED**

Councillor Lindsay Passfield and Councillor Lynette Zito called for a division

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<b>For</b>	<b>Against</b>
Cr Lindsay Passfield	
Cr Robert Dwyer	
Cr Robert Leadbeatter	
Cr Ernie Bennett	
Cr John O'Reilly	
Cr Lynette Zito	
Cr Tom Cooper	
Cr Janet Wilson	

**CARRIED**

FOR VOTE - Unanimous vote

### **15B.3 RECREATIONAL DIRT BIKE RIDING IN KYOGLE LOCAL GOVERNMENT AREA**

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#### **251010/ 16 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

1. That Council develop a policy for the location and operation of off road motorcycle facilities within the LGA.
2. That Council request Forests NSW to review their multiple land use policy and its application, particularly with respect to managing user conflicts; environmental issues; compliance mechanisms; and the generation of commercial returns.
3. That Kyogle Council request Forests NSW to introduce Recreational Dirt Bike Permits as a means of regulating this activity and generating an income stream to pay for enforcement.
4. That Council implement the accepted recommendation of the Sense of Place Community Advisory Committee regarding the development and printing of an on road motorcycle touring brochure.
5. That Council implement motorcycle education / awareness initiatives, including the use of licensed event organisers such as Australian Dirt Bike Adventures and request all Crown land managers to follow suit.

6. That Council actively participates in any future off road motorcycle compliance initiatives.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 15C ENVIRONMENT SERVICES REPORT**

**15C.1 STATE OF THE ENVIRONMENT REPORT 2010**

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**251010/ 17 RESOLVED**

Councillor Ross Brown, seconded Councillor Lynette Zito.

That the State of the Environment Annual Supplementary Report 2010 be adopted, as amended.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 15D CORPORATE SERVICES REPORT**

**15D.1 DRAFT ECONOMIC DEVELOPMENT POLICY**

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**251010/ 18 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That the Draft Economic Development Policy as amended be placed on public exhibition for a period of 28 days.
2. That the logos for Growing Kyogle and Industry & Investment are included within the document.

**CARRIED**

FOR VOTE - Unanimous vote

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**15D.2 COMMUNITY CULTURAL & ECONOMIC COMMITTEE MINUTES 11  
OCTOBER 2010**

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Having declared an interest in the Item 15D.2, Councillor Janet Wilson (Kyogle Together) left the meeting at 5.50 p.m.

**251010/ 19 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. The Community Cultural & Economic Committee meeting minutes were received and noted.

**CARRIED**

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

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

2. That Council fund the following Futures Funding applications:
  - a) Kyogle Care Connections \$7,000 (\$3,500 from the Woodenbong/Urbenville fund and \$3,500 from the Bonalbo Old Bonalbo fund)
  - b) Tabulam Chamber of Commerce \$3,500 (from the Mummulgum / Mallanganee / Tabulam fund).
  - c) Kyogle Together Incorporated \$13,000 (from the whole of LGA fund)

An amendment was moved by Councillor Lindsay Passfield, seconded by Councilor Tom Cooper

2. That Council fund the following Futures Funding applications:
  - a) Tabulam Chamber of Commerce \$3,500 (from the Mummulgum / Mallanganee / Tabulam fund).
  - b) Kyogle Together Incorporated \$13,000 (from the whole of LGA fund)

The amendment was put to the vote and was CARRIED.

FOR VOTE - Ernie Bennett, John O'Reilly, Lindsay Passfield, Lynette Zito, Robert Dwyer, Tom Cooper  
AGAINST VOTE - Robert Leadbeatter, Ross Brown  
ABSENT. DID NOT VOTE - Janet Wilson

The amendment then became the MOTION.

The motion was put to the vote and was CARRIED.

**251010/ 20      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Tom Cooper.

2. That Council fund the following Futures Funding applications:
  - a) Tabulam Chamber of Commerce \$3,500 (from the Mummulgum / Mallanganee / Tabulam fund).
  - b) Kyogle Together Incorporated \$13,000 (from the whole of LGA fund)

FOR VOTE - Ernie Bennett, John O'Reilly, Lindsay Passfield, Lynette Zito, Robert Dwyer, Tom Cooper

AGAINST VOTE - Robert Leadbeatter, Ross Brown

ABSENT. DID NOT VOTE - Janet Wilson

**CARRIED**

A motion was moved by Councillor Lindsay Passfield, seconded Councillor Ross Brown.

3. That Council consult with the Woodenbong/Bonalbo communities in relation to the available Futures Funding to ascertain where those communities would like the funding to be expended including the current application from Care Connections.

The motion was put to the vote and was CARRIED.

**251010/ 21      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

3. That Council consult with the Woodenbong/Bonalbo communities in relation to the available Futures Funding to ascertain where those communities would like the funding to be expended including the current application from Care Connections.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

Councillor Janet Wilson returned to the meeting at 5.55 p.m.

Having declared an interest in item 15D.2 Councillor Lynette Zito (RSL) left the meeting at 5.58 p.m.

**251010/ 22      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

4. That the report on the Kyogle Memorial Institute Foyer was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Lynette Zito

**251010/ 23      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

5. That the Foyer shop be made available to the RSL for "one off" use consistent with the current use by community groups.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Lynette Zito

Councillor Lynette Zito returned to the meeting at 6.08 p.m.

**251010/ 24      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

6. That possible grant funding sources be investigated to restore the shop back to the original foyer entry concept.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Lynette Zito

**15D.3    SEPTEMBER QUARTER BUDGET/MANAGEMENT PLAN REVIEW**

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**251010/ 25      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That the September 2010, Quarterly Budget/Management Plan Review Statement was received and noted.
2. That Council approve the variation of estimates contained therein.

**CARRIED**

FOR VOTE - Ernie Bennett, Janet Wilson, John O'Reilly, Lindsay Passfield, Lynette Zito, Robert Dwyer, Robert Leadbeatter, Ross Brown

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AGAINST VOTE - Tom Cooper

**ITEM 15E      COMMUNITY SERVICES REPORT**

**15E.1   CHRISTMAS/NEW YEAR CLOSEDOWN**

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**251010/ 26      RESOLVED**

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

That the report Christmas/New Year Closures was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

**15E.2   PECUNIARY INTEREST RETURNS**

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**251010/ 27      RESOLVED**

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

1. That the information contained in the report "Pecuniary Interest Returns" was received and noted.
2. That the tabled "Kyogle Council Register of Disclosures" was received.

**CARRIED**

FOR VOTE - Unanimous vote

Councillor Ross Brown departed the meeting at 6.33 p.m.

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

Nil.

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**ITEM 16 URGENT BUSINESS WITHOUT NOTICE**

Nil.

**ITEM 17 QUESTIONS FOR NEXT ORDINARY MEETING**

- **Councillor Lynette Zito**

1. That Council seek a report regarding the impact on the aged community on land use planning and how to build these needs in the local environmental plan, and
2. The impact on Council's rates base.

- **Councillor Lindsay Passfield**

Provided a verbal report to the meeting on the National Local Roads Congress conference held in Bunbury, Perth, Western Australia in October 2010.

Councillor Janet Wilson departed the meeting at 6.40 p.m.

- **Councillor Janet Wilson**

1. What efficiencies were achieved through the savings made in the last management planning process?
2. Will the eco-tourism policy be drafted into the new Local Environmental Plan?

**ITEM 18 CONFIDENTIAL BUSINESS PAPER**

Nil.

**MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 6.55 p.m.

## 13.4 MONTHLY FINANCIAL REPORT

# Kyogle Council



## Financial Reports 31 October, 2010

Rates Statement  
Statement of Bank Balances  
Summary of Investments

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

## KYOGLÉ COUNCIL RATES STATEMENT AS AT 28 OCTOBER 2010

	ARREARS 1-Jul-10	NET CHARGES 2010	PAYMENTS	OUTSTANDING BALANCE	PERCENTAGE COLLECTED
RATES	299,307.46	4,382,457.29	1,936,676.20	2,745,088.55	41.37%
SERVICES	368,098.85	1,739,142.87	858,491.05	1,248,750.67	40.74%
INTEREST	75,088.90	17,329.10	14,428.95	77,989.05	15.61%
<b>TOTALS</b>	<b>742,495.21</b>	<b>6,138,929.26</b>	<b>2,809,596.20</b>	<b>4,071,828.27</b>	<b>40.83%</b>

PRESENTED TO COUNCIL NOVEMBER 2010

**Note:**

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

<b>KYOGLÉ COUNCIL</b>		
STATEMENT OF BANK BALANCES AS AT		
31-Oct-10		
FUND	CLOSING BANK BALANCE 31-Oct-10	INVESTMENT BALANCE 31-Oct-10
<b>GENERAL FUND</b>		
UNRESTRICTED	(1,686,927.07)	3,200,000.00
INTERNALLY RESTRICTED	791,937.82	3,500,000.00
STATE HIGHWAYS	1,898,947.82	
QUARRIES	426,304.15	
PLANT	3,723,407.66	
EXTERNALLY RESTRICTED	235,249.55	700,000.00
	5,388,919.93	7,400,000.00
<b>RESTRICTED</b>		
WATER SUPPLIES	842,511.55	
SEWERAGE SYSTEMS	650,383.26	500,000.00
DOMESTIC WASTE	533,866.70	
ORDINARY TRUST	33,687.21	
	2,060,448.72	500,000.00
<b>CONSOLIDATED FUNDS</b>	<b>7,449,368.65</b>	<b>7,900,000.00</b>

## KYOGLE COUNCIL

### SUMMARY OF INVESTMENTS AS AT 31/10/10

	BANK	TYPE	TERM	AMOUNT	RATE P.A.	DUE DATE
1	BANKWEST	TERM DEPOSIT	60 DAYS	1,500,000.00	5.55%	November 22, 2010
2	BANKWEST	TERM DEPOSIT	30 DAYS	1,000,000.00	5.20%	November 26, 2010
3	SUNCORP METWAY	TERM DEPOSIT	63 DAYS	1,400,000.00	5.66%	November 29, 2010
4	CITIBANK	TERM DEPOSIT	62 DAYS	1,000,000.00	5.49%	December 13, 2010
5	COMMONWEALTH	TERM DEPOSIT	92 DAYS	3,000,000.00	5.40%	January 25, 2011
				7,900,000.00		
<b>PRESENTED TO COUNCIL ON NOVEMBER 22, 2010</b>						
I hereby certify that the above investments have been made in accordance with section 625 of the Local Government Act, 1993, the Local Government ( General ) Regulation 2005 and Councils Investment Policy.						
( GLENN ROSE )						
RESPONSIBLE ACCOUNTING OFFICER						

**COUNCILLORS TRAVEL EXPENSES**  
**Oct-10**

COUNCILLOR NAME	KLMS CLAIMED		CURRENT KM RATE	AMT REIMBURSED	
	MONTHS	YTD		MONTH	YTD
E Bennett	1,232	3,364	0.73	899.36	2,455.72
R. Brown	0	0	0.73	0.00	0.00
T. Cooper	784	1,764	0.73	572.32	1,287.72
R. Dwyer	0	0	0.73	0.00	0.00
J. O'Reilly	0	0	0.73	282.00	205.86
R. Leadbeatter	0	0	0.73	0.00	0.00
L. Passfield	758	1,633	0.73	553.34	1,192.09
J. Wilson	0	0	0.73	0.00	0.00
L. Zito	0	0	0.64	0.00	0.00
<b>Total</b>	<b>2,774</b>	<b>6,761</b>		<b>2,307.02</b>	<b>5,141.39</b>

**Notes**

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