



# **KYOGLÉ COUNCIL**

## **ORDINARY COUNCIL AGENDA**

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

ON MONDAY 24 OCTOBER 2011

Commencing at 3.30 p.m.

**GENERAL MANAGER:           ARTHUR PIGGOTT**

Dear Councillor,

In accordance with the provisions of the Local Government (General) Regulation 2005, you are hereby notified of the following Ordinary Meeting to be held at the Kyogle Council Chambers, on **Monday 24 October 2011, at 3.30 p.m.**

DECLARATION OF PECUNIARY INTEREST

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

BUSINESS

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

ARTHUR PIGGOTT  
GENERAL MANAGER

## COUNCIL PRAYER

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

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

AMEN

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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 AGENDA

Monday 24 October 2011

## INDEX TO BUSINESS PAPER

ITEM	PRECIS	PAGE
ITEM 1	APOLOGIES	1
ITEM 2	OPENING PRAYER	1
ITEM 3	TRADITIONAL LANDS ACKNOWLEDGEMENT	1
ITEM 4	DECLARATION OF INTERESTS	1
ITEM 5	QUESTION TIME	1
ITEM 6	PUBLIC ACCESS	1
ITEM 7	CONFIRMATION OF MINUTES	1
7.1	CONFIRMATION OF ORDINARY MINUTES	1
ITEM 8	MAYORAL MINUTE	2
ITEM 9	NOTICES OF MOTION	2
9.1	RESCISSION MOTION; ORDINARY MEETING 26 SEPTEMBER 2011	2
ITEM 10	QUESTIONS WITH NOTICE FROM COUNCILLORS	4
ITEM 11	PRESENTATION FROM AUDITORS	4
11.1	PRESENTATION FROM AUDITORS ON 2010/2011 FINANCIAL STATEMENTS	4
11.2	2010/2011 FINANCIAL STATEMENTS	5
ITEM 12	INFORMATION PAPERS	8
12.1	FINANCIAL REPORTS - SEPTEMBER 2011	8
12.2	PECUNIARY INTEREST RETURNS	10
12.3	EMPLOYEE LEAVE ENTITLEMENTS	11
12.4	OUTSTANDING COUNCIL RESOLUTIONS	13
ITEM 13	GENERAL MANAGER 'S REPORT	14
ITEM 13A	TECHNICAL SERVICES REPORT	14
13A.1	TECHNICAL SERVICES COMMITTEE	14

<b>ITEM 13B</b>	<b>PLANNING SERVICES REPORT</b>	<b>15</b>
<b>13B.1</b>	<b>DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD SEPTEMBER 1, 2011 TO SEPTEMBER 30, 2011</b>	<b>15</b>
<b>13B.2</b>	<b>DEVELOPMENT APPLICATION 2011.34 - PROPOSED EXTRACTIVE INDUSTRY AT CEDAR POINT</b>	<b>25</b>
<b>13B.3</b>	<b>DEVELOPMENT APPLICATION 2011.109</b>	<b>26</b>
<b>ITEM 13C</b>	<b>ENVIRONMENT SERVICES REPORT</b>	<b>35</b>
<b>13C.1</b>	<b>NORTHERN RIVERS CLIMATE CHANGE COLLABORATION AGREEMENT</b>	<b>35</b>
<b>ITEM 13D</b>	<b>CORPORATE SERVICES REPORT</b>	<b>36</b>
<b>13D.1</b>	<b>PENSION CONCESSION POLICY</b>	<b>36</b>
<b>13D.2</b>	<b>CORPORATE &amp; COMMUNITY COMMITTEE MINUTES</b>	<b>37</b>
<b>ITEM 13E</b>	<b>COMMUNITY SERVICES REPORT</b>	<b>40</b>
<b>13E.1</b>	<b>REQUEST FOR FUNDING SUPPORT</b>	<b>40</b>
<b>ITEM 13F</b>	<b>GENERAL MANAGER'S REPORT</b>	<b>41</b>
<b>13F.1</b>	<b>CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT</b>	<b>41</b>
<b>13F.2</b>	<b>DESTINATION 2036</b>	<b>43</b>
<b>ITEM 14</b>	<b>URGENT BUSINESS WITHOUT NOTICE</b>	<b>44</b>
<b>ITEM 15</b>	<b>QUESTIONS FOR NEXT ORDINARY MEETING</b>	<b>44</b>
<b>ITEM 16</b>	<b>CONFIDENTIAL BUSINESS PAPER</b>	<b>44</b>
<b>16.1</b>	<b>STORMWATER AND FLOOD MANAGEMENT</b>	<b>44</b>
<b>APPENDIX / ATTACHMENTS</b>		<b>1</b>
<b>13B.2</b>	<b>DEVELOPMENT APPLICATION 2011.34 - PROPOSED EXTRACTIVE INDUSTRY AT CEDAR POINT</b>	<b>2</b>
<b>13C.1</b>	<b>NORTHERN RIVERS CLIMATE CHANGE COLLABORATION AGREEMENT</b>	<b>4</b>
<b>13D.1</b>	<b>PENSION CONCESSION POLICY</b>	<b>5</b>
<b>13E.1</b>	<b>REQUEST FOR FUNDING SUPPORT</b>	<b>8</b>
<b>13F.1</b>	<b>CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT</b>	<b>9</b>

## **ITEM 1 APOLOGIES**

## **ITEM 2 OPENING PRAYER**

## **ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT**

## **ITEM 4 DECLARATION OF INTERESTS**

Nil.

## **ITEM 5 QUESTION TIME**

Nil.

## **ITEM 6 PUBLIC ACCESS**

- A request for public access has been received from Ms Alison Treanor, Northern Rivers Regional Equestrian Centre in relation to an application for a grant from Regional Development Australia.

## **ITEM 7 CONFIRMATION OF MINUTES**

### **7.1 CONFIRMATION OF ORDINARY MINUTES**

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#### **Summary/Purpose**

A copy of the Minutes for the Ordinary Meeting held on 26 September, 2011, is included in the attachments to the business paper.

#### **Recommendation**

That the Minutes of the Ordinary Meeting held on 26 September, 2011, be adopted.

#### **Attachments**

1. Minutes of the Ordinary meeting held on 26 September 2011 (Separately attached)

## **ITEM 8 MAYORAL MINUTE**

Nil.

## **ITEM 9 NOTICES OF MOTION**

### **9.1 RESCISSION MOTION; ORDINARY MEETING 26 SEPTEMBER 2011**

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#### **Summary/Purpose**

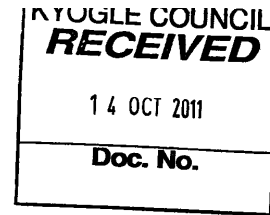
This report is provided in response to the following Rescission Motion received on 14 October 2011.

#### **Report**

Following is a copy of the Rescission Motion as submitted.



**NOTICE OF RESCISSION MOTION**



**I hereby give notice of my intention to move at the next meeting of the Council.**

That Council rescind its decision to pass the motion, Item 14D.4 Union Picnic Day (No. 2) at Council's Ordinary Meeting 26 September 2011.

2. The Union Picnic Day shall be regarded as a holiday for all Council employees.

**Councillor**

**Councillor**

**Councillor**

**Date**

14 October 2011

Note:

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

**Recommendation**

That Council determine the Rescission motion.

**ITEM 10            QUESTIONS WITH NOTICE FROM COUNCILLORS**

Nil.

**ITEM 11            PRESENTATION FROM AUDITORS**

**11.1 PRESENTATION FROM AUDITORS ON 2010/2011 FINANCIAL STATEMENTS**

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**Summary/Purpose**

This report introduces a presentation from Council's Auditors, Thomas Noble & Russell on the 2010/2011 Financial Statements.

**Report**

Presentation by Thomas Noble & Russell.

**Recommendation**

That the Presentation from Council's Auditors Thomas, Noble & Russell on the 2010/2011 Financial Reports be received and noted.

## 11.2 2010/2011 FINANCIAL STATEMENTS

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### **Summary/Purpose**

The purpose of this report is to present to Council, the Financial Statements for the year ended 30 June 2011 for adoption.

### **Background Information**

As reported at the September Ordinary Council meeting approval was granted by the Division of Local Government for a four week extension to complete the financial statements. This was to enable an independent road condition assessment to be conducted as requested by Thomas Noble and Russell.

### Legislative Requirements

Section 413(1) of the Local Government Act 1993 requires a Council to prepare financial reports for the year and refer them for audit within two months of the close of that accounting period. Under Section 413(2), the reports must include:

- A general purpose financial report;
- Any other matter prescribed in the regulations; and
- A statement in the approved form by the council as to its opinion on the general purpose financial report.

The Local Government (General) Regulation and the Local Government Code of Accounting Practice and Financial Reporting set out the format that these reports are to follow. They also require Council to include:

- A special purpose financial report;
- A statement in the approved form by the council as to its opinion on the special purpose financial report; and
- Special Schedules to meet the requirements of government and statistical bodies.

### **Report**

#### General Purpose Financial Reports

These reports have been distributed to Councillors under separate cover. These reports will be presented to the public at a later meeting.

The general purpose financial reports have been compiled on a consolidated basis in accordance with the Local Government Code of Accounting Practice and Financial Reporting and in accordance with current Australian Accounting Standards.

The general purpose financial reports are supported by a number of notes to the accounts, and a statement of significant accounting policies.

Council is also required to make a statement on its general purpose financial report under Section 413(2)(c) of the Local Government Act 1993. The Statement must be made by resolution of Council and be signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer. The Financial Statement must be attached to the Financial Statements and be forwarded to the Council's Auditor for their attention. The report must indicate:

1. Whether the reports present fairly the Council's operating result and financial position for the year; and
2. Whether or not the reports accord with Council's accounting and other records

#### Significant Accounting Policies

Included as Note 1 to the general purpose reports are the proposed Significant Accounting Policies. These "policies" are broad statements which outline the approaches and practices adopted by Council during the accounting period. These policies must be adopted by Council along with the Financial Reports.

The policies presented do not represent any significant departure from practices adopted in previous years.

#### Special Purpose Financial Reports

The special purpose financial reports must be completed for all business activities of Council. Council's business activities must be nominated as either category 1 (gross operating turnover over \$2 million) or category 2 (gross operating turnover less the \$2 million).

Council is also required to make a statement on its special purpose financial report. The Statement must be made by resolution of Council and be signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer. The Statement must be attached to the special purpose financial reports and be forwarded to the Council's Auditor for their attention. The report must indicate

1. Whether the reports present fairly the operating result and financial position of each of Council's declared Business Activities for the year; and
2. Whether or not the reports accord with Council's accounting and other records

#### Conclusion

The financial reports have been compiled in accordance with the Local Government Act, 1993 and the associated regulations, the Local Government Asset Accounting Manual, The Local Government Code of Accounting Practice and Financial Reporting and the Australian Accounting Standards.

#### **Recommendation**

That Council:

1. Adopts the 2010/2011 General Purpose Financial Report;

2. Authorises the Mayor, Deputy Mayor, General Manager and Manager Financial Services (Responsible Accounting Officer) to sign the Financial Statement to the General Purpose Financial Report;
3. Adopts the 2010/2011 Special Purpose Financial Report;
4. Authorises the Mayor, Deputy Mayor, General Manager and Manager Financial Services (Responsible Accounting Officer) to sign the Financial Statement to the Special Purpose Financial Report.

### **Attachments**

1. 2010/2011 Financial Statements (separate - not available at time of printing agenda, to be forwarded prior to meeting)

## ITEM 12      INFORMATION PAPERS

### 12.1 FINANCIAL REPORTS - SEPTEMBER 2011

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#### **Summary/Purpose**

This report presents financial reports to Council for information.

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

- Governance and Community Service

#### **Background Information**

##### Legislative Requirements

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

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

#### **Report**

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

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

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Summary reports outlining Council's financial position as at 30 September 2011. The reports presented include:

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

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

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

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

### **Recommendation**

That the information contained in the Monthly Finance Report – September 2011 be received and noted.

### **Attachments**

1. Financial Reports
2. Councillors Travel

## 12.2 PECUNIARY INTEREST RETURNS

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### **Summary/Purpose**

The purpose of this report is to table Pecuniary Interest Returns as required by the Local Government Act.

### **Background Information**

#### Legislative Requirements

It is required under s449 that the General Manager keeps a register of Returns containing the completed and lodged Returns of Councillors and designated persons. The Returns must be available for inspection by members of the public.

It is also a requirement of s450A that the General Manager table the completed returns at the first Ordinary Meeting of Council after September 30.

Division 3 of the Local Government Act sets out the procedure for complaints for non-disclosure of interests.

### **Report**

Pecuniary interest ordinary returns have been completed by Councillors and other designated persons. All returns have been received by 30 September, 2011. The returns are now contained within the Register of Returns that may be viewed by members of the public.

### **Recommendation**

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



## 12.3 EMPLOYEE LEAVE ENTITLEMENTS

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### Summary/Purpose

This report presents to Council, an update on employee leave entitlements in accordance with previous resolutions of Council.

### Community Strategic Plan Item(s)

- Governance and Community Service

### Previous Council Consideration

On 209 December, 2010 Council resolved:

That Council's goal in relation to the level of employee leave entitlements (in terms of the number of days of entitlement) for 2010/2011 is that there is no increase (and preferably a reduction) in the levels as at 30 June 2010.

and

That Council's goal in relation to Employee Leave Entitlements is to reduce the level to 30 -35% range over the next three (3) years.

### Report

The level of employee leave entitlements at 30 June, 2010 was \$1.951 million and was made up as follows:

Leave Type	Days	\$
Annual Leave	2,546	533,000
Long Service Leave	5,507	1,275,000
Other Leave Entitlements	216	36,000
<b>TOTAL</b>	<b>8,269</b>	<b>1,844,000</b>
Superannuation and Workers' Comp on leave		107,000
<b>GRAND TOTAL</b>	<b>8,269</b>	<b>1,951,000</b>

This equated to 46% of that years ordinary rates income.

The level of employee leave entitlements at 30 June, 2011 was \$1.857 million and was made up as follows:

Leave Type	Days	\$
Annual Leave	2,448	548,000
Long Service Leave	4,726	1,168,000
Other Leave Entitlements	162	32,000
<b>TOTAL</b>	<b>7,336</b>	<b>1,748,000</b>

<b>Leave Type</b>	<b>Days</b>	<b>\$</b>
Superannuation and Workers' Comp on leave		109,000
<b>GRAND TOTAL</b>	7,336	1,857,000

This equates to 43% of that years ordinary rates income.

The above shows that a reduction in leave in both monetary and number of days has occurred during the 2010/2011 financial year and that Council has progressed towards its target level.

### **Recommendation**

That the Employee Leave Entitlements report is received and noted.

## **12.4 OUTSTANDING COUNCIL RESOLUTIONS**

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### **Summary/Purpose**

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

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

- Governance and Community Service

### **Report**

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

### **Recommendation**

That the Outstanding Council Resolutions report be received and noted.

### **Attachments**

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

**ITEM 13            GENERAL MANAGER 'S REPORT**

**ITEM 13A          TECHNICAL SERVICES REPORT**

**13A.1             TECHNICAL SERVICES COMMITTEE**

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**Summary/Purpose**

This report is to provide Council with the reports prepared for the Technical services Committee scheduled for Monday October 10, 2011.

**Community Strategic Plan Item(s)**

- Roads and Infrastructure

**Report**

The Technical Services Committee meeting scheduled for Monday October 10, 2011 was not able to proceed due to the lack of a quorum. The business paper prepared for that committee is included in the attachments to the business paper for Council's consideration.

**Recommendation**

1. That the report on the Technical Services Committee be received and noted.
2. That the Terms of Reference for the Technical Services Committee be adopted.
3. That Council contribute \$12,000 towards the relocation of the donation boxes from its existing capital works allocation to the Lions Road culvert replacement program.

**Attachments**

1. Business paper for the Technical Services Committee Meeting scheduled for October 10, 2011 (separately attached)

**ITEM 13B PLANNING SERVICES REPORT**

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

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**Report**

2007/161

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

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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  
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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2010/58  
Property: Lot 1 DP 17828 Fairy Mount Parish, Rous County.  
Address: Greer St Kyogle  
Applicant/Owner: GM Project Development & Management / C Viel & RC Endres  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Applicant to advise

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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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2010/95  
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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2010/122  
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: Approved subject to conditions

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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

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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: Approved subject to conditions

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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

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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

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2011/30  
Property: Lot 21 DP 869244 Sandilands Parish, Drake County.  
Address: Bruxner Hwy Mallanganee  
Applicant/Owner: Ardill Payne & Associates / FK & JB Holmes  
Proposal: Quarry Extension  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/34  
Property: Lot 12 DP 582916 Stratheden Parish, Rous County.  
Address: Edenville Rd Cedar Point  
Applicant/Owner: Rodney John Graham / PA Carlill  
Proposal: Quarry  
Received: Referred to JRPP  
Status: Peer review completed

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2011/37  
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: Refused

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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: Subject to Land Environment Court Appeal

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2011/78  
Property: Lot 1 DP 435758 Ettrick Parish, Rous County.  
Address: Ghinni Ghi Rd Ghinni Ghi  
Applicant/Owner: PD Wallbank / PD & A Wallbank  
Proposal: Subdivision For Boundary Adjustment  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2011/79  
Property: Lot 6 DP 623399 Runnymede Parish, Rous County.  
Address: Summerland Way Kyogle  
Applicant/Owner: Stephen Fletcher & Associates / Mr Fr Vary  
Proposal: Subdivision (staged) to create 124 industrial lots  
Received: Referred To DMP For Comment

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Status:	Awaiting DMP Comments
<hr/>	
2011/80	
Property:	Lot 11 DP 1101053 Hanging Rock Parish, Rous County.
Address:	Williams Rd Barkers Vale
Applicant/Owner:	GM Project Development / GA Little & GF Behrend
Proposal:	Expansion of a Landsharing Community
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/84	
Property:	Lot 24 DP 755750 Unumgar Parish, Rous County.
Address:	Hildebrands Road, Dairy Flat
Applicant/Owner:	Riordans Consulting Surveyors / H & H Tribolet
Proposal:	Subdivision by Boundary Adjustment
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/85	
Property:	Lot 1 DP 626397 Bonalbo Parish, Buller County.
Address:	Dyraaba Street Bonalbo
Applicant/Owner:	JA Lord / JA Lord
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/89	
Property:	Lot 2 DP 811042 Fairy Mount Parish, Rous County.
Address:	Ettrick Street Kyogle
Applicant/Owner:	BA Taylor / MJ & BA Taylor
Proposal:	Shed
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/99	
Property:	Lot 2 DP 263202 Jiggi Parish, Rous County.
Address:	Oxbow Road Cawongla
Applicant/Owner:	L Trantino / L Trantino & D Trantino
Proposal:	Multiple Occupancy
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/101	
Property:	Lot 52 DP 1076878 Geneva Parish, Rous County.
Address:	Ettrick Street Kyogle
Applicant/Owner:	AR Davie / BE & IM McGrath
Proposal:	Shed addition
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/102	
Property:	Lot 11 DP 1058287 Fairy Mount Parish, Rous County.
Address:	Andrew Street Kyogle
Applicant/Owner:	DW McNamara / McNamara & Tierney Pty Ltd
Proposal:	Change of use for landscaping/storage



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

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2011/103

Property: Lot 5 Sec 2 DP 17765 Robertson Parish, Rous County.  
Address: Carey Street Bonalbo  
Applicant/Owner: JA Bradshaw / JH Weir  
Proposal: Shed  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/105

Property: Lot 10 DP 1135559 Runnymede Parish, Rous County.  
Address: Summerland Way Kyogle  
Applicant/Owner: RD Hanby & Associates Pty Ltd / SM & JM Scarrabelotti  
Proposal: Shed, fence and retaining structure  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/108

Property: Lot 8 DP 249222 Geneva Parish, Rous County.  
Address: Omagh Road Geneva  
Applicant/Owner: Newton Denny Chapelle / JR & JD Singh  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/109

Property: Lots 22, 23, 48 & 49 DP 751069 Lindsay Parish, Rous County.  
Address: Clarence Way Urbenville  
Applicant/Owner: Newton Denny Chapelle / BA & HJ Hill  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/120

Property: Lot 1 DP 1161835 Runnymede Parish, Rous County.  
Address: Summerland Way Kyogle  
Applicant/Owner: LW Rixon  
Proposal: Relocated dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/123

Property: Lot 1 DP 527983 Sandilands Parish, Rous County.  
Address: Bruxner Highway Sandilands  
Applicant/Owner: Envirolink Consulting / SH & KA Larsson  
Proposal: Change of Use  
Received: Referred To DMP For Comment  
Status: Deferred Commencement Approval - subject to conditions

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2011/124

Property: Lot 141 DP 1035844 Geneva Parish, Rous County.  
Address: Afterlee Road, Horsestation Creek

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Applicant/Owner: JR & KA Burley / HG Mueller & JR & KA Burley  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/125

Property: Lot 42 DP 751062 Evans Parish, Rous County.  
Address: Lower Bottle Creek Road, Bottle Creek  
Applicant/Owner: Newton Denny Chapelle / JT & RS McMahon  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/126

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

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2011/128

Property: Lot 22 DP 751062 Evans Parish, Rous County.  
Address: Clarence Way Bottle Creek  
Applicant/Owner: Envirolink Consulting / Darcy Dancer Co Pty Ltd  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/132

Property: Lot 1 DP 1091730 Fairy Mount Parish, Rous County.  
Address: Groom Street Kyogle  
Applicant/Owner: JC Harley  
Proposal: Dwelling additions  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/134

Property: Lot 46 DP 755704 Dyraaba Parish, Rous County.  
Address: Pigman Road Dyraaba  
Applicant/Owner: Newton Denny Chapelle / JG & FJ Lindstrom  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/135

Property: Lot 1 DP 708624 Geneva Parish, Rous County.  
Address: Old Cob'o'Corn Road, Horse Station Creek  
Applicant/Owner: DC Clark / DC & KT Clark  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/141

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Property: Lot 79 DP 6317 Fairy Mount Parish, Rous County.  
Address: Gardner Lane Kyogle  
Applicant/Owner: PA Lewis / D & KJ Ambler  
Proposal: Relocated dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/142

Property: Lot 3 DP 263932 Hanging Rock Parish, Rous County.  
Address: Lillian Rock Road Lillian Rock  
Applicant/Owner: Basix Services / MK Schnerring  
Proposal: Shed  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2011/146

Property: Lot 1 DP 456720 Wiangarie Parish, Rous County.  
Address: Summerland Way Kilgra  
Applicant/Owner: Newton Denny Chapelle / SG Penman  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Approved by Council

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2011/147

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

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2011/148

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

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2011/149

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

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2011/150

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

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2011/162

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

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2011/163

Property: Lot 18 Sec G DP 1160578 Robertson Parish, Rous County.  
Address: Gill Street Bonalbo  
Applicant/Owner: KJ & GA Gooding  
Proposal: Relocated dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/164

Property: Lot 22 DP 1091117 Fairy Mount Parish, Rous County.  
Address: Fawcetts Plain Road Fawcetts Plain  
Applicant/Owner: MA Sneath / AG, JR, MA & RL Sneath  
Proposal: Private Quarry  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/165

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

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2011/166

Property: Lot 296 DP 793288 Wyndham Parish, Rous County.  
Address: Apple Gum Road West Wiangaree  
Applicant/Owner: JK Nobes  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2011/167

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

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2011/168

Property: Lot 5 Sec 4 DP 759111 Donaldson Parish, Rous County.  
Address: Lindsay Street Woodenbong  
Applicant/Owner: DJ & DM O'Shannessy  
Proposal: Dwelling  
Received: Referred To DMP For Comment

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Status:	Awaiting DMP Comments
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2011/169	
Property:	Lot 118 DP 44795 Wiangaree Parish, Rous County.
Address:	Summerland Way New Park
Applicant/Owner:	Kyogle Showground Trust
Proposal:	Advertising Structure
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/170	
Property:	Lot 19 Sec 22 DP 758944 Tabulam Parish, Rous County.
Address:	Barnes Street Tabulam
Applicant/Owner:	Uniting Aboriginal & Island Christian Congress / Uniting Church Property Trust
Proposal:	Dwelling demolition
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/171	
Property:	Lot 1 DP 12117 Fairy Mount Parish, Rous County.
Address:	Kyogle Road Kyogle
Applicant/Owner:	GJ Heatley
Proposal:	Shed
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/172	
Property:	Lot 14 Sec 7 DP 759088 Wiangarie Parish, Rous County.
Address:	Worendo Street Wiangaree
Applicant/Owner:	SJ Brosnan / TM Wright
Proposal:	Dwelling additions
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/173	
Property:	Lot 27 DP 31724 Geneva Parish, Rous County.
Address:	Pratt Street Geneva
Applicant/Owner:	DM Tough & CC Murray
Proposal:	Shed
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/174	
Property:	Lot 7005 DP 1055056 Donaldson Parish, Rous County.
Address:	Lindsay Creek Road Woodenbong
Applicant/Owner:	Woodenbong Progress Association / Dept of Lands
Proposal:	Bicycle event
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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## 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 2011 to 30 September 2011 be received and noted.

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

**13B.2 DEVELOPMENT APPLICATION 2011.34 - PROPOSED EXTRACTIVE INDUSTRY AT CEDAR POINT**

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**Summary/Purpose**

This report presents an update on the status of the processing of Development Application (DA) 2011.31.

**Community Strategic Plan Item(s)**

- Environmental and Planning

**Report**

In correspondence dated 20 September, 2011 and received on 26 September, 2011, the Joint Regional Planning Panel wrote to Council informing that the Panel Secretariat had commissioned Umwelt Pty Ltd to peer review Council staff's assessment report in relation to DA 2011.34. A copy of the peer review was enclosed with the correspondence and Council was requested to refer the Peer Review Report to the Applicant to undertake the additional studies as outlined in the report.

Council was further requested that, on receipt of the additional studies, to prepare an amended assessment report and to provide advice to the panel on how it will proceed with the matter. A response was requested within 21 days or receipt of the letter by Council.

A response was provided to the Secretariat on 14 October, 2011 as requested. Attached for Council's information is a copy of the response.

**Recommendation**

That the Development Application 2011.34 – Proposed Extractive Industry at Cedar Point report is received and noted.

**Attachments**

1. Correspondence to JRPP dated 14 October, 2010.

**Summary/Purpose**

This report is compiled to facilitate a determination of Development Application 2011.109, being for the subdivision of land described as Lots 22, 23, 48 & 49 on Deposited Plan 751069, Parish of Lindsay. The subject land is located at 18110 Clarence Way.

**Community Strategic Plan Item(s)**

- Environmental and Planning

**Background Information**

On 8 April 2011 Newton Denny Chapelle lodged an application to subdivide four (4) lots with a sum area of 143.9 hectares into three (3) lots of 47.4 hectares, 56.5 hectares and 40 hectares respectively. The Development Application comprises a Statement of Environmental Effects and plans by Newton Denny Chapelle, and an objection under *State Environmental Planning Policy No 1-Development Standards* to vary the 400 metre road frontage requirement as outlined in Clause 12(1)(c) of the Kyogle Interim Development Order.

**Previous Council Consideration**

Nil.

**Report**

The particulars of Development Application 2011.109 are as follows:

Applicant:	Newton Denny Chapelle
Owner:	B & H Hill
Property:	Lots 22, 23, 48 & 49 on Deposited Plan 751069, Parish of Lindsay
Area:	143.9 hectares
Zone:	Non-urban "A" & Non-urban "B"
Locality:	18110 Clarence Way, Woodenbong
Proposal:	Subdivision
Zoning Requirements:	Permissible with development consent

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

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### **Overview of the Subject Site:**

The subject land is situated approximately 4.3 kilometres north of Urbenville on the Clarence Way and comprises four (4) lots with a sum area of 143.9 hectares. The land is being used for grazing with no dwelling houses currently on the site.

The subject land is dual zoned Non-urban "A" and Non-urban "B" pursuant to *Interim Development Order No 1-Shire of Kyogle* and RU1 Primary Production and RU2 Rural Landscape in draft Kyogle Local Environmental Plan 2011.

The property is bushfire prone pursuant to Council's Bush Fire Prone Land Map.

### **Overview of the Proposed Development:**

The proposed development involves subdivision of four existing lots to create three (3) lots, being proposed Lot 1 (47.4 hectares), Lot 2 (56.5 hectares) and Lot 3 (40 hectares).

Due to the road frontage of proposed Lots 2 and 3 being less than the 400 metres as outlined in Clause 12 (1) (c) of the Kyogle Interim Development Order, authorisation from the Department of Planning and Infrastructure is required. As the variation is greater than 10 percent, the Development Application is to be determined by full council (rather than the General Manager or nominated staff).

### **Legislative Requirements:**

Council is required, when assessing and determining any development application, to have full regard to the provisions of the *Environmental Planning and Assessment Act 1979* including the objects contained in Section 5 and the heads of consideration contained in Section 79C.

### **Agency Referral:**

On 15 April 2011 the Development Application was referred to the NSW Department of Planning and Infrastructure to permit a determination on the *State Environmental Planning Policy No 1-Development Standards* objection submitted by the Applicant. That determination was made in correspondence to Council dated 16 May, 2011, wherein the Department granted its concurrence to the proposal. The Department stated that as the frontage to proposed Lot 2 is narrow – 20 metres, consideration should be given to extending the frontage to the south to the boundary of paper road on southern border.

### **Public Notification**

The Development Application was advertised on July 13 in the Northern Star pursuant to Council's *Development Control Plan No. 9 – Public Notification of Development Applications*.

### **Section 79C(1) Environmental Planning and Assessment Act 1979**

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)(i) the provisions of any environmental planning instrument**

Interim Development Order No. 1-Shire of Kyogle ("IDO")

The land is currently zoned Non-urban "A" and Non-urban "B" under the IDO. Pursuant to Clause 3(b) of the IDO the proposed development is permissible subject to development consent.

In accordance with the provisions of development standard of clause 12(1) (c) of the IDO, the Applicant has sought authorisation to vary the standard, requiring 400 metre road frontage, through the provisions of *State Environmental Planning Policy No 1-Development Standards*. This approval was conferred by the Department of Planning in correspondence to Council dated 16 May 2011 as follows:

"Concurrence was granted in this instance for the following reasons:

- Each of the new lots will be equal to or greater than the subdivision standard applying to the two zones; and
- The objection lodged with the application seeking a variation of the 400 m frontage can be determined by Council under SEPP1 delegation."

North Coast Regional Environmental Plan

The *North Coast Regional Environmental Plan* ("REP") contains a number of aims and objectives that Council must take into consideration when making a determination on a development application.

With regard to rural development, the REP aims:

- (a) to conserve the productive potential of agricultural land,
- (b) to provide for new forms of agricultural development and changing patterns of existing agricultural development,
- (c) to ensure that commercial agriculture is not affected adversely by incompatible uses which impair its long term sustainability, and
- (d) to ensure that industries and services that support agriculture are not disrupted.

The proposed subdivision is considered to have a positive externality on agricultural enterprises by converting four (4) existing titles into three (3) titles. This provides greater opportunity for the sustainable undertaking of rural activities.

State Environmental Planning Policies ("SEPPs")

There are two (2) SEPPs which are considered relevant to Council's assessment of the Development Application, being *State Environmental Planning Policy No. 1-Development Standards* (as addressed above) and *State Environmental Planning Policy (Rural Lands) 2008*.

The Rural Lands SEPP requires the following matters to be taken into account:

- (a) the existing uses and approved uses of land in the vicinity of the development,

- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
- (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,
- (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).

Land in the vicinity of the development site is used for extensive agriculture (grazing and cropping). The proposed subdivision does not compromise the existing interactions between these land uses and the subject land in that it creates no additional lots or dwelling entitlements and does not exacerbate any potential for land use conflict. Accordingly the development is compatible with the existing environment and the predominant land uses in the vicinity.

**(a)(ii) draft environmental planning instruments**

Council has one draft environmental planning instrument, being draft Kyogle Local Environmental Plan 2011. This is a comprehensive LEP intended to replace the current Interim Development Orders and several State policies, including the North Coast Regional Environmental Plan.

The land sits under a minimum subdivision lot size of 40 hectares under the draft LEP.

The land is under proposed zones RU1 Primary Production and RU2 Rural Landscape, with the proposed subdivision being consistent with the draft objectives for each.

**(a)(iii) development control plans**

Kyogle Council *Development Control Plan No 1-Subdivision* requires the development to conform to a number of development controls which address design and construction, road networks, utility services, effluent disposal, hazards and amenity.

It is considered that the proposed development is consistent with the DCP, or can be conditioned so as to be consistent with the DCP.

**(a)(iiia) planning agreements**

No planning agreements have been entered into or offered under Section 93F of the *Environmental Planning and Assessment Act 1979*. Generally, a planning agreement is a voluntary understanding between a planning authority and a developer under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit.

**(a)(iv) the regulations (prescribed matters)**

There are no prescribed matters which are considered to affect the proposal.

**(b) the likely impacts of the development**

No adverse impacts are envisaged through the proposed development.

**(c) the suitability of the site for the development**

The proposed development is suitable for the rural context of the site. There are no adjoining land uses or uses on the subject land which constrain the proposed development, which in itself creates no additional lots.

**(d) any submissions made**

No submissions were received as no notification was made for the development in accordance with the requirements of Council's *Development Control Plan No. 9 – Public Notification of Development Applications*.

**(e) the public interest**

The proposed development is consistent with the relevant planning instruments. The development is accordingly considered to be in the public interest.

**Recommendation**

That Council issue Development Consent Notice 2011/109 for the development of a subdivision cancelling Lots 22,23,48 & 49 on Deposited Plan 751069, Parish of Lindsay, to create three (3) lots being Lot 1 (47.4 hectares), Lot 2 (56.5 hectares) and Lot 3 (40 hectares) as subject to survey and the following conditions of consent..

1. The development shall be in accordance with development application number 2011-109 submitted by the Applicant on 8 April 2011, and in accordance with the following:

Statement of Environmental Effects entitled "Statement of Environmental Effects For Proposed Rural Subdivision at 18110 Clarence Way, Woodenbong" as prepared by Newton Denny Chapelle on behalf of B & H Hill.

Subdivision Plan prepared by Newton Denny Chapelle

Reference No: 11/0572

Revision: To be revised to amend road frontage of Lot 2 to extend to the south /paper road boundary

Name of Plan: Plan 3 - Proposed Subdivision

Scale: 1:5000 @ A3

Date: 17 May 2011

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

2. In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.
3. Prior to the issue of a Subdivision Certificate the Proponent must submit to the Council a report addressing compliance with all relevant conditions of this consent.
4. This development consent is limited to a period of five (5) years in accordance with Section 95(1) of the *Environmental Planning and Assessment Act 1979*. Following the expiration of this period the consent will lapse unless work relating to the

subdivision is physically commenced before the date on which the consent would otherwise lapse.

5. Apart from developer funded works, no improvements to existing roads, access and services will be provided by Council or any other utility authority.
6. The development must not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, light, traffic generation or otherwise.
7. All works must accord with the Kyogle Council *Development Control Plan No 1 – Subdivision* current at time of works.
8. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
9. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
10. Telephone services must be provided to each proposed lot and a Telecommunications Infrastructure Provisioning Confirmation certificate from Telstra Australia must be supplied to Council prior to the issue of the Subdivision Certificate.
11. Prior to the issue of the Subdivision Certificate Council must be supplied with written advice from EssentialEnergy or an authorised provider stating that each proposed lot has been provisioned with electrical power, including the full length of any battle-axe handles where applicable, and that easements for electricity purposes satisfactory to Country Energy are supplied on the linen plan over existing and proposed electricity lines pursuant to Section 88B of the *Conveyancing Act 1919*.
12. That no tree in the road reserve shall be damaged, destroyed or removed without the written consent of the Council.
13. Prior to carrying out any works within a public road reserve, the proponent shall complete an application under Council's Road Reserve Management Plan and receive written approval from Council. Satisfactory arrangements for restoration with Council's Technical Services Department shall also be required, with all works constructed according to Council's Development, Design and Construction Manuals (as amended). All costs shall be the responsibility of the proponent.

14. Where the existing physical road encroaches on the subject land, this area must be surveyed out and dedicated as public road. If the existing road is not contained within a public road reserve, the area is to be dedicated as public road with a suitable width. This must be done for the full area of the site at no cost to Council. A registered surveyor must provide confirmation in writing that this condition has been met, and no further encroachments exist.
15. The road frontage of the proposed allotments is to be fenced out completely to the standard required by Council's Road Reserve Management Plan.
16. The applicant is to make written application to Council (accompanied by a location plan) for a vehicular access on each proposed subdivision allotment or part of any allotment separated by a constructed public road. Council shall not certify the final plan of subdivision until the applicant has received written approval for, and constructed in accordance with Council's approval an access on each allotment. No other accesses may be constructed or opened onto a Council road without the prior written approval of Council. (Refer to Council's Property Access and Addressing Management Plan).
17. All allotments shall have a sealed vehicular access from the existing roadway to the boundary of private property in accordance with Council's Property Access and Addressing Management Plan.
18. If the proposed vehicular access to the development encroaches upon any land, other than the subject land, the vehicular access is to be either relocated solely onto the subject land or a legal right of carriageway must be created over this land to which the access encroaches.
19. Measures shall be put in place to control stormwater runoff. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:
  - adjoining land
  - natural drainage courses
  - constructed drainage systems, or
  - waterways
  - public road reserve

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation wherever possible.

20. All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.
21. Payment of contributions levied under Section 94 of the *Environmental Planning and Assessment Act 1979* and the *Kyogle Council Section 94 Development Contributions Plan 2008, Section 94 Contributions Plan Urban & Rural Roads (as amended)* and *Section 94 Contributions Plan 1992 (as amended)* are required. Kyogle Council levies these contributions for the provision of public amenities and

services in such a manner as will meet the increased demand for those amenities and services arising from this development.

The rate and amount to be paid as at the date of this notice is \$2076.80, as described in the Schedule. This amount remains valid for a period of three (3) months from date of issue. Following this period any unpaid contributions will be subject to annual indexation in line with Consumer Price Index (CPI) Brisbane as published by the Australian Bureau of Statistics. Indexation adjustments must be included in the final calculation of the contribution amount and paid to Council.

All contributions must be paid prior to the release of the subdivision certificate. Where the total contribution payable exceeds \$10,000, payment to Council must be by bank cheque or cash (personal cheques are not acceptable).

Proponents of Development may be entitled to a discounted rate of contribution. Eligibility and discount amounts are specified in Section 4 of Council's *Section 94 Contributions Plan Urban & Rural Roads (as amended)*.

The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

Development applications for subdivision - payment required prior to release of the subdivision certificate.

Development applications for buildings - payment required prior to the release of the Construction Certificate.

Development applications for land use or works - payment required prior to the commencement of the land use or works.

## **Advice to Applicant or any party acting upon this consent**

Council, in determining the subject application, requests you to take note of the following advice and where pertinent to convey the advice to future owners or tenants.

1. The proponent must apply for an Aboriginal Heritage Impact Permit in accordance with the *National Parks & Wildlife Act 1974* (NPW Act) prior to disturbing, damaging or destroying Aboriginal objects that occur on the land.

If Aboriginal cultural objects are uncovered due to development activities, all works should halt in the immediate area to prevent any further impacts to the find or finds, to resume only in accordance with the requirements of the Office of Environment & Heritage and the NPW Act.

2. Clearing native vegetation may require a clearing consent from the Northern Rivers Catchment Management Authority under the *Native Vegetation Act 2003* prior to the conduct of works.
3. Approval under the *Threatened Species Conservation Act 1995* may be required to clear native vegetation consisting only of groundcover.
4. Any dams constructed on the subject land must not exceed the Maximum Harvestable Right Dam Capacity without a licence being issued by the NSW Office of Water.

Water extracted under Basic Landholder Rights in the *Water Management Act 2000* cannot be used for commercial purposes and the NSW Office of Water should be contacted prior to undertaking any such extraction.

### **Division:**

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



**ITEM 13C ENVIRONMENT SERVICES REPORT**

**13C.1 NORTHERN RIVERS CLIMATE CHANGE COLLABORATION AGREEMENT**

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**Summary/Purpose**

This report presents to Council a request to enter into a “Northern Rivers Climate Change Collaboration Agreement”.

**Community Strategic Plan Item(s)**

- Governance and Community Service
- Environmental and Planning

**Report**

Attached to this report is a copy of the agreement that Council has been asked to enter into.

Council will receive a presentation from Sustain Northern Rivers in relation to this request prior to the commencement of the October Ordinary Meeting.

Other local Councils that have already signed off on this agreement include Byron, Lismore, Richmond Valley and Tweed.

**Recommendation**

That Council enter into the “Northern Rivers Climate Change Collaboration Agreement”.

**Attachments**

1. Northern Rivers Climate Change Collaboration Agreement

## **ITEM 13D      CORPORATE SERVICES REPORT**

### **13D.1          PENSION CONCESSION POLICY**

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#### **Summary/Purpose**

This report presents a new policy, the Pension Concession Policy to Council for adoption.

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

- Governance and Community Service

#### **Report**

The objective of the new policy is to provide guidance to the General Manager and staff in applying the provisions of the Local Government Act 1993 rate and charges rebates applicable to eligible pensioners.

Chapter 15, Part 8, Division 1 of the Local Government Act 1993 and Part 5 Division 4 of the Local Government (General) Regulation 2005 outline the requirements in relation to Pension concessions.

The policy establishes:

- period the rebate will be applied retrospectively.
- interest not charged to pensioners
- standards for circumstances where an eligible pensioner resides in a hostel/care situation and the house remains vacant.
- standard for circumstances where an eligible pensioner is not the owner but has a life interest in the property

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

Fifty five (55) percent of the amount granted by Council as a pension concession is reimbursed by the State Government when the annual return is lodged at the end of September each year.

#### **Recommendation**

That the Draft Pension Concession Policy be adopted.

#### **Attachments**

1. Draft Pension Concession Policy – Separate attachment

**Summary/Purpose**

This report presents the minutes of the Corporate & Community Committee meeting held 10 October 2011.

**Report**

The minutes of the meeting appear below:

**Kyogle Council**

**Unconfirmed Minutes of the Corporate & Community Services Committee Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 10 October 2011.**

**PRESENT**

Cr. R. Brown (Mayor in the Chair), Cr. J. Wilson, Cr. R. Dwyer and Cr. R. Leadbeatter.

**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 3.30 p.m.

**ITEM 1 APOLOGIES**

An apology was received from Councillor Lynette Zito.

111011/ 1           RESOLVED

Moved Councillor Robert Leadbeatter, seconded Councillor Janet Wilson.

That the apology be accepted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lynette Zito

**ITEM 2 OPENING PRAYER**

The Mayor read the opening prayer.

**ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT**

The Mayor read the traditional lands acknowledgement.

**ITEM 4 DECLARATION OF INTERESTS**

Nil

**ITEM 5 REPORTS****Item-5.1 COMMITTEE TERMS OF REFERENCE**

111011/ 2           RESOLVED

Councillor Robert Dwyer, seconded Councillor Janet Wilson.

---

That the Committee Draft Terms of Reference for adoption by Council.

CARRIED

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

**Item-5.2 CODE OF CONDUCT COMMITTEE**

111011/ 3 RESOLVED  
Councillor Robert Dwyer, seconded Councillor Robert Leadbeatter.

That the Committee appoints both individuals as Code of Conduct Committee members/reviewers up to and including 31 December, 2012.

CARRIED

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

**Item-5.3 PLANT BUDGET REPORT - SEPTEMBER 2011**

111011/ 4 RESOLVED  
Councillor Robert Dwyer, seconded Councillor Robert Leadbeatter.

That the Plant Budget Report was received and noted.

CARRIED

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

**Item-5.4 MINUTES OF KYOGLE TRANSPORT WORKING GROUP**

111011/ 5 RESOLVED  
Councillor Robert Leadbeatter, seconded Councillor Janet Wilson.

1. That the Minutes of the Kyogle Transport Working Group Meeting held 16 August , 2011 were received and noted.

CARRIED

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

A motion was moved by Councillor Janet Wilson, seconded by Councillor Robert Dwyer

2. That the Transport Working Group review the terms of reference for this group to;
- Examine the relationship with the Regional Transport plans and initiatives,
  - Examine the role of the group in developing policy and planning advice for Council in relation to transport issues.

The motion was put to the vote and was CARRIED.

111011/ 6 RESOLVED  
Councillor Janet Wilson, seconded Councillor Robert Dwyer.

2. That the Transport Working Group review the terms of reference for this group to;
- Examine the relationship with the Regional Transport plans and initiatives,

- Examine the role of the group in developing policy and planning advice for Council in relation to transport issues.

CARRIED

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

#### **Item-5.5 INFORMATION REGARDING THE TAFE MOU**

111011/ 7 RESOLVED  
Councillor Robert Dwyer, seconded Councillor Janet Wilson.

That report on information regarding the TAFE Memorandum of Understanding was received and noted.

CARRIED

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

#### **MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 4.00 p.m.

#### **Recommendation**

1. That the Corporate & Community Services Minutes report is received and noted.
2. That the Corporate & Community Services Committee Terms of reference be adopted.
3. That the Transport Working Group review the terms of reference for this group to;
  - Examine the relationship with the Regional Transport plans and initiatives,
  - Examine the role of the group in developing policy and planning advice for Council in relation to transport issues.

## **ITEM 13E      COMMUNITY SERVICES REPORT**

### **13E.1          REQUEST FOR FUNDING SUPPORT**

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#### **Summary/Purpose**

This report presents to Council a request to support an application for funding under Round 2 of the Regional Development Australia Fund.

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

- Governance and Community Service

#### **Report**

Correspondence has been received from EnviTE seeking the support of NOROC Councils for an application for funding under Round 2 of the Regional Development Australia Fund. A copy of this correspondence is attached.

Council will receive a presentation from EnviTE in relation to this request prior to the commencement of the October Ordinary Meeting.

Council has previously nominated a list of projects that it will seek to progress via grant funding from the Regional Development Australia Fund (as well as other possible sources). Council will need to consider whether or not the provision of support for this project will affect the likelihood of success of the project(s) that it puts forward for funding under this program.

#### **Recommendation**

To be provided following EnviTE's presentation to Council on 24 October, 2011.

#### **Attachments**

1. Correspondence received from EnviTE.

**ITEM 13F      GENERAL MANAGER'S REPORT**

**13F.1            CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT**

---

**Summary/Purpose**

This report presents to Council information on the Constitutional Recognition of Local Government.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Previous Council Consideration**

On 21 July, 2008 Council resolved:

That Council provides the following feedback to the Australian Local Government Association (ALGA) to be incorporated into material that will be developed for the Local Government Constitutional Summit to be held in Melbourne in December 2008.

- a. Council supports constitutional recognition of local government
- b. Council would like constitutional recognition of local government to correct one of the most significant omissions in the constitution and to achieve Symbolic Recognition (reference to local government in the preamble), Institutional Recognition (the guarantee of a system of local government) and Financial Recognition (to provide a secure revenue stream direct from the Commonwealth) for local government.
- c. Council would like to see a rationalisation of all state Local Government Acts and the creation of a Commonwealth Local Government Act that would establish principles in relation to the existence and continuation of local government and provide protection from dismissal, dissolution, reconstitution, or amalgamation without due inquiry.
- d. In order to gain sufficient community support to win a referendum, Council believes that a well articulated and supported position (i.e. preferably supported by all levels of government and all political parties) outlining the importance of local government in the system of Australian governance must be put forward to the Australian people well in advance of any referendum in order to ascertain any public concerns and address those concerns prior to voting on the referendum.
- e. Rating of identified objectives as High, Medium, Low or Nil

<b>Objective</b>	<b>Rating</b>
1. Simplified/Streamlined Federal Funding (Direct Commonwealth funding rather than through States)	High
2. Providing a guarantee of funding to some minimum level	High
3. Symbolic recognition of local government	Low
4. Protection of the system of Local Government (require the States to maintain a system of Local Government)	High
5. Protection for Councils against arbitrary dismissal/amalgamation (require certain minimum	High

Objective	Rating
principles or processes to be met)	

On 27 June, 2011, Council Resolved:

That Council declares its support for financial recognition of Local Government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for the inclusion of Local Government in any new preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

## Report

Attached to this report is a copy of correspondence received from the Australian Local Government Association on 26 September, 2011.

The Discussion Paper seeks opinion on support for one or more of the following four specific options for change:

- Symbolic recognition of local government by including it in a new Preamble or Statement of Values;
- Financial Recognition of local government, which would allow the Commonwealth to directly fund local government;
- Democratic recognition of local government, which would require states to establish and maintain local government; and
- Recognition through federal cooperation, which would seek to encourage cooperation between the levels of government, including local government.

Submissions are due by 4 November, 2011.

## Recommendation

That the General Manager and Mayor be delegated authority to lodge a submission the Constitutional Recognition of Local Government on Council's behalf.

## Attachments

1. ALGA Correspondence on Constitutional Recognition of Local Government



**Summary/Purpose**

This report seeks a Council response to the release of the Destination 2036 Outcomes Report.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Report**

The Division of Local Government, via a circular to councils (11-28) has advised of the release of the Destination 2036 Outcomes Report.

Copies of this report have been made available to all Councillors and staff.

An Implementation Steering Committee has been set up with a role to prepare an Action Plan with a primary focus on the next four years and to coordinate the implementation of that Action Plan.

The ISC has advised that there will be a number of opportunities for stakeholders to contribute to the development of the Action Plan and to then comment on the direction of the agreed actions.

They are now seeking views on:

1. Do you support the draft Vision contained in the Outcomes Report?
2. If not, what changes would you suggest?
3. What do you believe should be the priorities for the draft Action Plan?

Responses are required to be submitted by Friday 4 November, 2011.

**Recommendation**

That the Mayor and General Manager be delegated authority to lodge a submission on Council's behalf.

**ITEM 14            URGENT BUSINESS WITHOUT NOTICE**

Nil.

**ITEM 15                            QUESTIONS FOR NEXT ORDINARY MEETING**

Nil.

**ITEM 16            CONFIDENTIAL BUSINESS PAPER**

**16.1 STORMWATER AND FLOOD MANAGEMENT**

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**Reason for Confidentiality**

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

- (a)            personnel matters concerning particular individuals



APPENDIX / ATTACHMENTS

# KYOGLE COUNCIL



# ATTACHMENTS

## ORDINARY COUNCIL MEETING

ON 24 OCTOBER 2011

**13B.2                    DEVELOPMENT APPLICATION 2011.34 - PROPOSED EXTRACTIVE  
INDUSTRY AT CEDAR POINT**

13 October, 2011

Panel Secretariat - Northern Region  
GPO Box 3415  
Sydney NSW 2001

Dear Sir/Madam

**Development Application 2011/34 - Proposed Quarry on Lot 12 DP 582916 and Lot  
1 DP 366036, Parish of Stratheden**

With reference to the above and your correspondence dated 20 September, 2011 and received on 26 September, 2011 regarding the peer review undertaken by Umwelt Pty Ltd, the following response is provided.

The Peer Review Report has been referred to the Applicant of DA 2011.34 to undertake the additional environmental studies as outlined in the Report and submit these to Council.

The Applicant has responded via correspondence from Greg Alderson & Associates Pty Ltd dated 4 October, 2011 and 11 October, 2011 and from P & R Carlill dated 6 October, 2011 which has been separately provided to the Panel Secretariat. The correspondence dated 4 and 6 October, 2011 indicates that the applicant does not intend to undertake any additional studies in relation to the proposed development. However, the correspondence dated 11 October, 2011 indicates that "further reports could be forthcoming, being the ecological and socio economic assessments".

Council's Development Management Panel (DMP) has undertaken an assessment of the peer review and the responses provided by the applicant and is of the opinion that, should no additional studies be provided by the applicant, then it is considered that the assessment report previously provided to the Panel still represents the most comprehensive information available in order to determine the application (with perhaps some revision to ensure that the conditions provide clarity on compliance requirements and are auditable).

Should the applicant agree to undertake additional studies, it is estimated that that this may require a further two months for the completion of these studies, following which a further 21 days should be allocated for the assessment and review of the additional information submitted.

Yours faithfully

Arthur Piggott  
**GENERAL MANAGER**



## Northern Rivers Climate Change Collaboration Agreement

Version 1.1 - 1 September 2008

### Preamble

The signatories to this agreement acknowledge and honour the heritage and custodianship of the traditional owners of the lands in the region known today as the Northern Rivers of New South Wales.

The signatories also acknowledge the almost unanimous warnings by the international scientific community that human impacts on the planet's biosphere are likely to result in severe changes to global climatic conditions that will adversely affect the lives and wellbeing of present and future generations for the foreseeable future.

The signatories accept their separate and collective responsibility to offer leadership to the people of the Northern Rivers region to take action now to prepare for and meet the challenges of climate change. We believe these challenges also represent opportunities to make a transition to more sustainable ways of living and working, and commit ourselves to identify and realise these opportunities.

By entering into this agreement, the signatories commit to actively engage the whole community in action on climate change. We believe community engagement and the fostering of stakeholder partnership is essential to strengthening the social and economic resilience of the region.

We also accept the responsibility of the Northern Rivers region to make its best possible contribution to achieving national and global climate change mitigation, adaptation and sustainability transition objectives.

### Objectives

The signatories to this agreement commit themselves to the following common objectives:

- To achieve the widest possible community involvement in formulating specific climate change mitigation, adaptation and sustainability transition goals and targets for the Northern Rivers region.
- To encourage, support, and enable the communities, institutions, organisations and businesses of the region to undertake their own climate change action initiatives in support of the regional goals and targets.
- To jointly advocate for measures to strengthen the resilience of regional communities and businesses, build the region's social, economic, and natural capital, and promote ecologically sustainable ways of living and working.
- To promote the opportunities that climate change offers the region to fashion a new ecologically sustainable, diverse, and creative economy capable of fulfilling the material and cultural needs of present and future generations.
- To establish and monitor key indices of sustainability in the region and review the regional climate change goals and targets against these indices and evolving national and international standards.

# Kyogle Council

## Draft Pensioner Concession Policy



### DOCUMENT CONTROL

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### **1. Title**

This Policy may be cited as the Pensioner Concession Policy.

### **2. Validity of Policy**

This Policy derives its validity from Council Resolution (Enter Day/Month/Year).

### **3. Effect**

The Policy shall be effective from ( Enter Date)

### **4. Department Responsible**

Corporate and Community Services Department.

### **5. Policy Objective**

This policy provides guidance in applying the provisions of the Local Government Act 1993 rate and charges rebates applicable to eligible pensioners.

### **6. Definitions**

- a) **Ratepayer** – the person liable for payment of the rates of the property for which the pensioner concession is claimed.
- b) **Principal place of residence** – the property that the ratepayer occupies as their sole or dominant residence.
- c) **Eligible Pensioner** – a person who is in receipt of a Pension Concession Card issued by Centrelink, the Department of Veterans Affairs or the Department of Veteran Affairs Gold TPI or EDA Card.

### **7. Background/legislative requirements**

Local Government Act 1993.

Local Government (General) Regulation 2005 (NSW).

### **8. Policy statement**

This policy applies to eligible pensioners and is pursuant to Chapter 15, Part 8, Division 1 of the Local Government Act 1993 and Part 5 Division 4 of the Local Government (General) Regulation 2005.

- A mandatory rebate of Rates and Charges (includes Domestic Waste Management, Water & Sewerage Charges) to the maximum amount determined by Section 575 of the Local Government Act will apply for eligible pensioners.
- Where an owner becomes an eligible pensioner after the commencement of a quarterly instalment/billing period, the rebate will commence from the start of the next quarterly instalment/billing period.
- Where an owner ceases to qualify as an eligible pensioner, or sells the property to which the rebate applies, the rebate will cease at the end of the current instalment/billing quarter.
- If a ratepayer is in receipt of a pension concession card, currently receiving a pension rebate on the property considered to be their sole or principal place of abode and is then required to enter an aged care facility for health or care reasons, the pension rebate will continue to apply as long as the property is not being rented or occupied.
- As provided by Section 577 of the Local Government Act 1993, Council will grant a rate concession where an eligible pensioner, not the owner of the property, has a life interest in the property and is responsible for payment of rates. Council requires confirmation in

writing preferably from a legal representative with a copy of the will of a deceased estate, copy of the Certificate of Title if the life tenancy is registered or relevant documentation to validate a life tenancy agreement.

- Pensioner rebate concessions are to be granted only in the year the application is made and the rating period immediately preceding it.
- Interest will not be charged to eligible pensioners from the rating period following the processing of the rebate and until such time as the rebate is ceased.

#### **9. Assistance to eligible pensioners**

Section 567 of the Local Government Act, 1993 provides that accrued interest on rates or charges payable by a person may be written off under the provisions as detailed in Council's Hardship Policy.

Section 577 of the Local Government Act, 1993 enables Council to make an order deeming certain persons who are jointly liable with an eligible pensioner(s) or solely liable, but who are not themselves eligible, to be eligible pensioners for the purpose of a mandatory reduction in accordance with Section 575 of the LGA.

Section 582 of the Local Government Act, 1993 allows Council to waive or reduce rates, charges and interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the Social Security Act 1991 of the Commonwealth. This provision is not subsidised by the State Government and an additional concession is not available from Council.

#### **10. Application Process**

- Application for a pension concession on a property must be made by completing the prescribed pensioner rebate application form (Council requires a copy of the concession card (both sides) to be included with application form) and all information must be provided before the application can be assessed.
- The application must be signed by the applicant or a person with power of attorney for the applicant.
- The property must be the applicant's sole or principal place of abode.

REQUEST FOR FUNDING SUPPORT

4 August 2011

General Managers  
NRDC

Dear Sirs,

**Regional Natural Infrastructure and Employment Project**

EnvITE Inc has been providing environmental and employment services from Tweed Heads to Coff's Harbour and beyond for the past 10 years. We have developed a strong reputation for delivering on-ground environmental outcomes while also assisting people who are disadvantaged in our communities to develop and employ skills in the green industries that are becoming so relevant to the future economy and addressing climate change. This is achieved in close collaboration with Councils, the Northern Rivers Catchment Management Authority as well as numerous other partners including the Landcare network.

Recently, EnvITE successfully completed the \$1.4M North Coast Environment Employment Project under DELWR's Jobs Fund. As you will see from the attached Final Report, the project achieved all its objectives and provided an impressive \$2M return on investment to the regional community. I will have copies of reports relevant to achievements in each LGA available for General Managers at the meeting.

I'd like to take this opportunity to thank you for the efforts of your Council in contributing to the success of this project. It has made a real difference in the lives of the disadvantaged jobseekers who were employed, as well as to the natural environment and community amenity.

You may or may not be aware that in the last Federal Budget, funding for the National Green Jobs Corp program has been discontinued and no further projects will commence after December 2011. This is the first time in around 20 years that there will be no environmental employment program. Last financial year EnvITE's National Green Jobs Corp teams completed 65,000 hours of environmental work to the North Coast of NSW. If that work had been valued commercially it would be worth \$2.6M. This, combined with the 16,000 hours delivered by the North Coast Environment Employment Project (commercial value \$1.84M), means that EnvITE's environmental employment programs delivered over 110,000 hours worth \$4.44M to the North Coast's natural infrastructure in one year. That does not include the in-kind contributions from Councils and other partners that all these projects always attract.



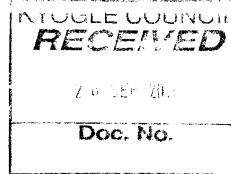
NRDC General Managers  
5 September 2011



AUSTRALIAN LOCAL  
GOVERNMENT ASSOCIATION

Kyogle Council  
PO Box 11  
KYOGLE NSW 2474

23 September 2011



To the Mayor, Councillors and CEO,

I am writing to encourage your council to consider making a submission on the Discussion Paper issued by the Expert Panel on the Constitutional Recognition of Local Government and highlight the case that the Australian Local Government Association (ALGA) will be putting forward in its submission. The Expert Panel's Discussion Paper, released on 22 September, canvasses four options for constitutional change to recognise local government. Submissions from interested parties are sought by 4 November 2011.

Constitutional recognition has been a priority of local government for a long time but the issue has advanced significantly in recent years after ALGA began a comprehensive process in 2008 aimed at considering possible options and developing a united voice on the type of constitutional change, and preferred options.

The Discussion Paper issued by the Expert Panel and the establishment of the Expert Panel itself are the most recent steps in the Government's progress towards a referendum by 2013.

The Expert Panel is chaired by the former Chief Justice of New South Wales, the Hon Jim Spigelman and comprises parliamentary, academic and local government representatives, including myself and former ALGA President, Cr Paul Bell.

I encourage each and every council to make a submission. It is important that the Expert Panel gains an understanding of the level of local government support for constitutional recognition. In this regard I am pleased to note that over 400 councils across Australia have passed resolutions supporting a simple change which would remove any doubt about the capacity of the Commonwealth to continue to directly fund local government through programs such as Roads to Recovery. Councils which have passed those resolutions might find them useful as a basis for submissions.

ALGA will be working with your state and territory local government associations to make a comprehensive submission to this important process and I have included an **attachment** to this letter which outlines the case ALGA will be putting forward in its submission.

I urge your council to also make a submission to the Panel, putting your views on the record about constitutional recognition and, if appropriate, your support for any particular option.

8 Geils Court Deakin ACT 2600  
ABN 31 008 613 876

PHONE 02 6122 9400  
FAX 02 6122 9401

EMAIL [alga@alga.asn.au](mailto:alga@alga.asn.au)  
WEB [www.alga.asn.au](http://www.alga.asn.au)

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The Expert Panel has been tasked by the Government to assess whether there is sufficient support in the Australian community to recognise local government in the Constitution and to provide recommendations to the Government on specific changes which could be made.

It is important that all councils take the opportunity to register their support for constitutional change. I hope you will find the outline of ALGA's submission helpful in identifying issues which might be covered in your own submission.

Yours sincerely

A handwritten signature in cursive script that reads "Genia McCaffery".

Mayor Genia McCaffery

President



## AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

### **Outline of ALGA's Submission to the Expert Panel**

The Expert Panel on Constitutional Recognition of Local Government released its Discussion Paper on 22 September for public comment by 4 November. ALGA will be making a submission on the Discussion Paper, as will state and territory local government associations.

ALGA urges all councils to take the opportunity to make a submission.

The Expert Panel has been asked by the Government to assess whether there is sufficient public support to recognise local government in the Constitution and to provide recommendations on options for changing the Constitution.

The Discussion Paper seeks to gauge public support for recognition in general and for one or more of four specific options for change:

- Symbolic recognition of local government by including it in a new Preamble or Statement of Values;
- Financial recognition of local government, which would allow the Commonwealth to directly fund local government;
- Democratic recognition of local government, which would require states to establish and maintain local government; and
- Recognition through federal cooperation, which would seek to encourage cooperation between the levels of government, including local government.

ALGA's submission will emphasise our preference for financial recognition of local government and outline the comprehensive process undertaken by ALGA in reaching that view, including our assessment of broad public support and support by councils.

Throughout 2008 ALGA worked with state and territory local government associations and with councils to explore the need for constitutional recognition, the level of support for change and the options for recognition. Initial council conversations, held by many councils in the first half of 2008, led to an experts' forum and then to a major national constitutional convention, held in Melbourne in December 2008 and attended by around 600 delegates, which identified possible options for consideration by the ALGA Board.

In-depth public research in mid 2009 (which showed that the public would not support symbolic or more complex institutional recognition, but would support financial recognition) and the outcome of the Pape Case in the High Court (which cast strong doubts on the validity of direct federal funding of local government) led the ALGA Board to determine that its preference was for the financial recognition of local government. This option would allow the direct funding of local government by the Commonwealth.

There is overwhelming support for the financial recognition option amongst local government, with more than 400 councils already passing resolutions in support of this option.

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ALGA's submission will highlight the strong support which clearly exists for ensuring that the Commonwealth can continue to fund local government directly, by removing any doubts about the constitutional validity of such funding. The Commonwealth already directly funds local government for the Roads to Recovery program and the Regional and Local Community Infrastructure Fund - part of the stimulus funding provided by the Nation Building – Economic Stimulus Plan during the global financial crisis.

The High Court decision in *Pape v Commissioner of Taxation* (2009) cast doubt on the Commonwealth's power to provide this funding directly to local government. There is no general power in the Constitution which allows the Commonwealth to provide direct funding to local government to maintain services and infrastructure, including roads, and, because of this, the validity of this funding is not certain. Local government requires certainty if it is to remain financially sustainable in the long-term and to be able to deal with the growing needs of its communities. The High Court decision clearly signals a need for change and change cannot occur without amending the Australian Constitution.

The financial recognition of local government can be achieved through a relatively simple change to Section 96 of the Constitution which allows the Commonwealth to fund the states. Adding local government into this section is a pragmatic response to the doubt identified in the Pape case. It will confirm the right of the Federal Parliament to fund local government directly, but it will not affect the relationships between local government and the state governments, which will continue to have the power to determine how councils operate.