



KYOGLÉ COUNCIL

ORDINARY COUNCIL MEETING

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

ON MONDAY 25 JULY 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 25 July 2011, at 3.30 p.m.**

DECLARATION OF PECUNIARY INTEREST

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

BUSINESS

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

ARTHUR PIGGOTT
GENERAL MANAGER

COUNCIL PRAYER

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

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

AMEN

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

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

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

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

DISCLAIMER

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

(ARTHUR PIGGOTT),
GENERAL MANAGER.

5.7 Question Time (Council Policy)

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

Each speaker has a maximum allowable time of 5 minutes.

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

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

Speakers are not to debate answers.

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

The maximum duration of this session is 30 minutes.

5.8 Public Access (Council Policy)

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

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

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

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

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

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

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

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

ORDINARY COUNCIL MEETING

Monday 25 July 2011

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ITEM 1 APOLOGIES

ITEM 2 OPENING PRAYER

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

ITEM 4 DECLARATION OF INTERESTS

Nil.

ITEM 5 QUESTION TIME

Nil.

ITEM 6 PUBLIC ACCESS

Nil.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF ORDINARY MINUTES

Summary/Purpose

A copy of the Minutes for the Ordinary Meeting held on 27 June 2011, is included in the attachments to the business paper.

Recommendation

That the Minutes of the Ordinary Meeting held on 27 June 2011, be adopted.

Attachments

1. Minutes of the Ordinary meeting held on 27 June 2011 (Separately attached)

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

9.1 NOTICE OF MOTION; COUNCILLOR ROBERT DWYER- SEALING OF HILLYARD ROAD

Summary/Purpose

This item presents to Council a Notice of Motion received from Councillor Robert Dwyer for the Ordinary meeting to be held on 25 July 2011.

Community Strategic Plan Item(s)

- Governance and Community Service

Report

The Notice of Motion is as follows;



NOTICE OF MOTION

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

That Council allow the sum of money from its extra savings to bitumen 2klms of Hillyards Road from the Lismore end.

My reason is that the road count which was put on the road to see how many car movements was nearly 3 times more than all the other roads tested.

The road at the Lismore end always breaks up and does need this.

There will be a bad head on if Council does not look at this and I hope I will get the support of the other Councillors.

Signed:

.....*R. C. Dwyer*.....

Date:

19 July 2011

Note:

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

Recommendation

For Council's determination.

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM JUNE ORDINARY MEETING

Summary/Purpose

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

Community Strategic Plan Item(s)

- Governance and Community Service
- Village Life
- Economic Development

Report

Question 1

Referred to a document launched at the National General Assembly “ Best practice guide for Councils when dealing with NBNco” and tabled the document. Asked if staff could review the documentation and provide a report outlining the opportunities and implications for Kyogle Council.

Response

A separate report has been provided within this business paper.

Question 2

Requested a report be provided to Council on the cost of repairs to Kyogle Skate Park/Car park area including a new fence.

Response

This area has been degraded by flooding events over recent years in addition to a sustained period of wet weather and lack of drainage on the site. It has been estimated that the cost of providing repairs to the Kyogle Skate Park/Car park area including a new fence is \$45,000 comprising the following works:

- Earthworks for a formalised access, parking and turnaround area for eight vehicles, pavement and geofabric material - \$15,000;
- Drainage works - \$7,500;
- Sealing of pavement area - \$15,000;
- Fencing - \$5,000;
- Replacement of seats/bins - \$2000;
- Linemarking - \$500.

Question 3

Request Council officers investigate the matter of Council's Records/Storage house located in Bloore Street being frequented by persons at night.

Response

Previously, the rear of this house was being utilised by vagrants and others at night. The installation of an enclosure screen and alarm sensors at the rear of the house has been effective in stopping this unauthorised access/use. As a result, attention has now changed to frequenting the front of these premises. Council staff intend to install a sensor light on the verandah and are also currently awaiting a quote from Chubb for the installation of an additional sensor incorporating a time delay to be placed at the front of the premises. It is hoped that these measures will dissuade these unwanted visitors on these premises.

Question 4

Dr Trevor Tierney, a long term Doctor in Bonalbo submitted a letter advising of his impending retirement. The letter seeks Council's support in endeavouring to apply for a Federal Grant for GP Super Clinic which will attract suitable replacement doctor/s.

Response

Background:

Primary care Services are in need in isolated areas. Attracting medical staff is very difficult and a very expensive for who ever decides to pursue the process. The funding round for the federal Grant has closed as of 30th June. There are a few models that can be explored to best suit Bonalbo.

Some models that have been pursued:

Urbenville: (comprises of 2 Doctors Husband/wife team that live on property locally and this accommodates their lifestyle) they service both general Doctors rooms and the local hospital.

Medicare locums (very expensive to hire)

Nurse Practitioner who works from the hospital only

Casino Aboriginal Medical Service (AMS) currently accesses Tabulam every fortnight and Woodenbong with one Doctor and nurse they may be interested in taking on out reach model

Action:

Council's CDO has consulted with Ray Phelps ED-ON (executive officer of nursing for Northern Rivers Area Health) he has been in consultation with Dr Tierney about his request to leave. Ray has looked into all avenues to try to reinstate a rural doctor for this area and will keep all pathways open. He will organize a meeting with the Division of General Practitioners, North Coast Area Health, Chris Crawford and any other interested party, he will invite Kyogle CDO to consult which is the best possible model. He seems to think the Nurse practitioner model best suits Bonalbo to work only at the hospital or offer extending hours to Urbenville to work both in the general practice and the hospital. We agreed this will be a long process but we will work together to try to fill the position.

Council's CDO will continue to consult with stakeholders;

- Bonalbo Area Health Manager
- Casino AMS CEO

- Kyogle Active steering committee
- ED-ON Casino
- General Division Of Practitioners
- North Coast Area Health
- Dr Tierney

Recommendation

That the Questions from June Ordinary Meeting report is received and noted.

10.2 QUESTION FROM COUNCILLOR LINDSAY PASSFIELD

How does Council balance up the maximum local content with getting the most cost effective purchase of goods and services for council i.e. the Rukenvale rehabilitation works currently occurring.

A report will be provided at the Ordinary meeting.

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

12.1 NBN ROLLOUT

Summary/Purpose

The purpose of this report is to provide Council with an overview and update on opportunities and progress of the NBN rollout.

Community Strategic Plan Item(s)

- Governance and Community Service
- Economic Development

Background Information

“The National Broadband Network (NBN) is the largest infrastructure project in Australia’s history. Like all major infrastructure undertakings it needs to be carefully designed and executed to ensure it delivers maximum value to taxpayers “.

Source: (<http://www.nbnco.com.au/wps/wcm/connect/main/site-base/resources/about-nbn-co/progress-and-projects/>)

The Local Government and NBN Summit 2011 was designed to provide comprehensive information and advice for local government and their communities on how they can prepare for the roll-out of the National Broadband Network and take advantage of high-speed broadband. Case studies were presented by Councils involved in the first roll-out and strategies considered by Councils involved in the second round.

Report

This report provides an insight into what issues need to be considered by Council regarding the preparation for NBN roll-out in the Kyogle Council LGA and the opportunities that will accompany it.

THE NBN CAN FACILITATE:

- Healthcare providers to diagnose monitor and provide ongoing care to patients remotely; saving lives, time and money for those who currently have to travel to receive healthcare
- Education opportunities irrespective of proximity to your nearest school, university or educational institution
- Small businesses to increase online trade and access markets both nationally and internationally regardless of whether they are located in cities or country Australia
- More in-home information and entertainment services such as video on demand, IPTV (television from internet providers, not just broadcasters) and high resolution video calls
- Increased teleworking as well as meaningful carbon abatement through reduced commuting.

Source:

(<http://www.nbnco.com.au/wps/wcm/connect/downloads/research/Corporate%20Brochure.pdf>)

Economic Development Opportunities related to the NBN:

High speed broadband will have a significant impact on future investment and economic development in Kyogle Council LGA. People are relocating to Kyogle LGA for lifestyle. Housing can be included in employment land as home businesses establish themselves within the growing "Knowledge Industry". For example, someone can live in Kyogle and be employed by a New York, Hong Kong or London based company. There is a growing data explosion. NBN will provide big opportunities for smaller rural Councils and is the key to improved support across industry sectors. Improved connection between distant businesses will be the catalyst for potential regional investment.

Faster broadband will:-

- Introduce new industry investment potential in areas such as Aged Care and the IT/Knowledge industries. These were two industry sectors identified through the Economic Development Policy Workshops conducted throughout the LGA;
- With our proximity to the major metropolitan commercial centres of Brisbane and The Gold Coast, allow us to promote Kyogle LGA as affordable and accessible for new light industry and small medium enterprise cluster developments;
- Provide access to higher education through online external studies allowing young people to stay on the farm and /or remain in the local area;
- Expand Kyogle Council and TAFE North Coast's agreement to provide more distance education opportunities;
- Explore the option of NBN linking into existing Optic Fiber Networks installed throughout the Kyogle Council LGA, this will allow NBN access to the more remote rural areas often sort by new residents;
- Provide other opportunities as the NBN is rolled-out.

RDA Northern Rivers message to Councils:

NBN has figured in all RDA workshops across the Northern Rivers. Improved communications across industries and services is a key issue. Councils need to engage Broadband Today Alliance to educate themselves on what is happening in other areas. Councils need to be ready to attract NBN and be ready for the roll-out. Insist NBN use

local contractors most instillation is done using local service providers such as Essential Energy. Workforce development is significant in RDA and Dept I & I surveys.

Key Points from Case Studies and Presentations from the NBN & Local Government Summit:

Onkaparinga Council is a similar distance south of Adelaide as Kyogle is from Brisbane. They have 100 businesses plus who employ less than 5 employees. 75% of their economy is the same as anywhere else in Australia leaving their 25% point of difference to attract new industry. Transport is not their competitive advantage, moving freight or commuters, but the movement of ideas, knowledge and wisdom is. They are predicting 50,000 new residents over the next 20 years. The NBN roll-out has allowed a new IT/Knowledge Home Based Industry to emerge. This brings housing into the employment land category. Kyogle has similar opportunities and our transport networks will significantly improve with the implementation of the TRAIN Project and the possible introduction of a twice daily Commuter Rail Service from Brisbane to the Northern Rivers.

Moreland City Council a metropolitan Council located just north of Melbourne had the NBN roll-out into .8km² of their area. The key message of their presentation was to consider the capital works refurbishment after the Optic Fibre is installed, e.g. footpaths, grass verges and road surfaces. Councils need to engage NBNco as early as possible and educate themselves about the NBN roll-out the impacts on their Council area and infrastructure.

Key points for Council:

- Be prepared;
- Set up relationships early on and engage NBNco at all levels;
- Work as an integrated unit across all areas;
- Approval process – NBN is Low Impact Level 1 development;
- Does Council have any projects NBN can link into, what infrastructure can co-exist with NBN?
- Learn from the experiences and lessons from the first roll-out, contact Councils involved in the first roll-out and align with Broadband Today;
- Engage communities via IT Cluster Working Groups, encourage input and knowledge sharing from individuals and groups who are highly skilled in IT industries;
- NBNco is a wholesaler not a retail service provider, NBNco is a construction company and will be sold five (5) years after the final instillation or roll-out;
- Develop regional partnerships and participate in Regional Development Australia workshops.

Council's Progress:

- Council has developed an NBN Engagement Group including Council staff and industry experts, we are well placed for initial engagement with much of the required material at hand;
- Council's Tourism and Economic Development Officer (TEDO) has attended the NBN & Local Government summit in Sydney;
- Council staff have and will continue to attend RDA Northern Rivers NBN workshops' and meetings;

- Council has signed up with the Broadband Today Alliance facilitated by Sunshine Coast Regional Council at <http://www.broadbandtoday.com.au/>, this site is facilitated by Sunshine Coast Regional council in Queensland and provides essential information through forums, latest news releases and research document;
- Council's TEDO will attend an NBN Exchange hosted by Coffs Harbour City Council on Wednesday 20 July. 40 exhibitors and 25 educational seminars will provide information and practical examples of the capacity and opportunities that high speed broadband will bring to a wide range of businesses and organisations. Council's TEDO will attend a Local Government only luncheon with NBNco representatives and arrange a meeting date between NBNco and Council for our initial engagement;
- A local Broadband Website will be set up, with Council providing a link on its website to conduct a community survey and encourage information sharing through a forum style link;
- Council will begin community consultation with industry groups, organisations and other interested parties through a Council facilitated NBN Consultative Committee.

Recommendation

That the NBN Rollout report is received and noted

12.2 PLANT BUDGET REPORT - JUNE 2011

Summary/Purpose

This report presents information relating to plant costs and performance as at June 30, 2011 for Council's information.

Community Strategic Plan Item(s)

- Roads and Infrastructure

Report

Copies of the following reports appear below:

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

1. Plant Acquisitions/Sales 2010/2011

PLANT ACQUISITIONS/SALES JUNE 2010 \ 2011

To be replaced with	Estimated Cost			Actual Cost		
	Purchase	Trade	Net	Purchase	Trade	Net
Light Vehicles						
4wd Wagon	30,000	5,000	25,000	32,366	11,105	21,262
4wd Utility	376,000	218,500	157,500	329,668	269,889	59,779
Utility	52,500	20,000	32,500	46,176	30,618	15,558
Sub Total	458,500	243,500	215,000	408,210	311,612	96,599
Quantities						
4wd Wagon	1	1	0	1	1	0
4wd Utility	10	10	0	10	10	0
Utility	2	2	0	2	2	0
Heavy Plant						
Grader	414,000	134,000	280,000	352,100	140,909	211,191
2T Truck Kyogle Spray-Signs	50,000	0	50,000	45,445		45,445
13,000 Ltr Water Tank	45,000	3,000	42,000	47,299	3,653	43,645
12,000 Ltr Water Tank	30,000	3,000	27,000	28,264		28,264
Front Deck Mower Kyogle	40,000	5,000	35,000	28,182	8,510	19,672
Front Deck Mower Bon.	40,000	0	40,000	28,182		28,182
Tractor & Bucket Kyogle Sew.	50,000	0	50,000	72,636		72,636
RTA Call-Out Trailer Bon.	20,000	0	20,000	17,050		17,050
Tipper crane truck					23,786	-23,786
	689,000	145,000	544,000	619,157	176,858	442,299
Misc.	45,000		45,000	57,469	17,491	39,979
Ride on mower Wia. PA	10,000	2,000	8,000	6,682	4,460	2,222
Sub Total	55,000	2,000	53,000	64,151	21,951	42,201
	1,202,500	390,500	812,000	1,091,519	510,421	581,099

2. Plant Budget Report (by plant item)

As at 30 June, 2011			
PLANT ITEM	INCOME	EXPENDITURE	PROFIT/LOSS
3 CAT 12H GRADER	92,950	31,798	61,152
4 CAT 140H GRADER	101,849	30,026	71,823
5 JOHN DEERE 770D GRADER	100,379	36,741	63,638
6 JOHN DEERE 770 G GRADER	30,082	3,271	26,811
24 DINGO K94 MINI DIGGER	5,205	1,670	3,535
25 MINI EXCAVATOR	52,875	13,140	39,735
26 STREET SWEEPER	17,620	5,096	12,524
27 CLARK BOBCAT	7,650	1,941	5,709
28 CAT 938G LOADER	31,917	12,083	19,834
32 CAT 324DL EXCAVATOR	129,097	37,463	91,634
33 CAT 324DL EXCAVATOR	103,897	24,529	79,368
34 CATERPILLAR IT28G LOADER	46,690	38,529	8,161
35 CATERPILLAR 966H LOADER	74,864	23,756	51,108
36 CATERPILLA 816F COMPACTOR	96,405	23,329	73,076
40 FRANNA MOBILE CRANE	40,455	10,203	30,252
41 CAT FORKLIFT	5,920	1,249	4,671
51 HYSTER DRAWN GRID ROLLER	12,580	2,549	10,031
52 GRID ROLLER-COATES	15,590	1,026	14,564
62 JOHN DEERE 315SG BACKHOE	8,710	1,967	6,743
63 CAT 432D BACKHOE	22,619	5,737	16,882
64 KOMATSU WB97S BACKHOE	34,020	10,284	23,736
71 CASE MX90C TRACTOR	44,605	6,424	38,181
72 CASE MX200 TRACTOR	43,855	20,879	22,976
73 CASE MX210 TRACTOR	54,530	20,174	34,356
78 MCCORMICK MC105	57,540	17,733	39,807
79 MCCORMICK MC115	56,790	11,303	45,487
80 JOHN DEERE 2085 TRACTOR	13,875	3,823	10,052
88 MCCONNEL REACH MOWER	22,612	2,662	19,950
101 ISUZU NPR250 CAB CHASSIS	11,220	4,912	6,308
135 ISUZU JETMASTER 2000	116,193	29,327	86,866
137 ISUZU NPR 400 TIPPER MAXIL	35,728	4,371	31,357
139 ISUZU GIGA 385CXY TIPPER	90,512	46,197	44,315
140 ISUZU NPR 400L CRANE/TIPPE	30,660	5,912	24,748
141 ISUZU FVZ1400M TRUCK/WATER TANK	31,655	14,253	17,402
142 ISUZU NPR400L TIPPER	92,260	6,489	85,771
143 ISUZU FVZ1400L CRANE TRUCK	138,222	16,908	121,314 *
144 ISUZU NPR400L TIPPER	63,940	7,863	56,077
145 ISUZU NPR400L TIPPER	58,040	9,150	48,890
146 ISUZU NPR400L TIPPER	42,720	10,166	32,554
147 ISUZU FRR525 TIPPER	43,140	7,028	36,112
148 ISUZU FVZ1400 TIPPING TRUCK	77,520	11,469	66,051
149 KENWORTH T401 PRIME MOVER	90,609	32,317	58,292
150 KENWORTH T350 TIPPER	84,240	47,805	36,435
151 KENWORTH T350 TIPPER	315,152	44,553	270,599
152 ISUZU FXZ 1500 TIPPER	45,870	10,877	34,993

*This is a crane truck used by the bridge crew
it has a higher hourly rate than the other trucks
as it needs to cover the 10 year crane safety overhaul.

3. Plant and Depot Operations

	Budget Annual	Budget YTD	Actual YTD	Comments
PLANT & DEPOT OPERATIONS				
<u>PLANT INCOME</u>	3,046,160	3,046,160	3,639,750	Additional Plant Hire Achieved
<u>PLANT EXPENDITURE</u>				
FRINGE BENEFIT TAX	16,974	16,974	11,585	
PLANT M & R	1,593,589	1,593,589	1,253,396	Plant M&R % less than anticipated
DEPRECIATION EXP VEHICLE FLEET	628,141	628,141	628,141	
	<u>2,238,704</u>	<u>2,238,704</u>	<u>1,893,122</u>	
NET SURPLUS/(LOSS)	807,456	807,456	1,746,628	
<u>PROFIT ON SALE OF PLANT</u>				
PROCEEDS ON SALE OF PLANT & EQUIPMENT	390,500	390,500	510,421	Trade in prices high than budget
BOOK VALUE OF SOLD PLANT & EQUIPMENT	292,875	0	0	Year end book entry
	<u>97,625</u>	<u>390,500</u>	<u>510,421</u>	
<u>OTHER INCOME</u>				
PRIVATE USAGE CONTRIBUTIONS STAFF VEHICLES	41,610	41,610	44,266	
OTHER INCOME	0	0	21,573	SES Vehicle contribution
	<u>41,610</u>	<u>41,610</u>	<u>65,839</u>	
<u>OTHER EXPENSES</u>				
KYOGLE DEPOT	58,365	58,365	59,347	
BONALBO DEPOT	23,686	23,686	15,668	
WOODENBONG DEPOT	7,283	7,283	5,891	
	<u>89,334</u>	<u>89,334</u>	<u>80,906</u>	
TOTAL OPERATING	<u>857,357</u>	<u>1,150,232</u>	<u>2,241,982</u>	
PLANT OPERATIONS - CAPITAL				
<u>NON CURRENT ASSETS</u>				
DEPOT IMPROVEMENTS	80,000	80,000	1,710	Fuel storage systems not yet purchased
PLANT PURCHASES	1,202,500	1,202,500	1,096,417	
BOOK VALUE SOLD ASSETS	(292,875)	0	0	Year end book entry
ACCUMULATED DEP'N - VEHICLE FLEET	(628,141)	(628,141)	(628,141)	
	<u>361,484</u>	<u>654,359</u>	<u>469,986</u>	
NET SURPLUS/(COST) OF ACTIVITY	<u>495,873</u>	<u>495,873</u>	<u>1,771,996</u>	

Recommendation

That the Plant Budget Report be received and noted.

12.3 OUTSTANDING COUNCIL RESOLUTIONS

Summary/Purpose

This report presents to Council a list of outstanding resolutions as at 30 June, 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 June, 2011. (Separately attached for Councillors)

12.4 FINANCIAL REPORTS - JUNE 2011

Summary/Purpose

This report presents financial reports to Council for information.

Community Strategic Plan Item(s)

- Governance and Community Service

Background Information

Legislative Requirements

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

- (1) The responsible accounting officer of a council:
-

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

Report

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

1. (A) Finance Reports

Summary reports outlining Council's financial position as at 30 June 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 – June 2011 be received and noted.

Attachments

1. Financial Reports
2. Councillors Travel

12.5 QUARRIES REPORT

Summary/Purpose

This report is to advise Council of quarry operations and budget to June 30, 2011.

Community Strategic Plan Item(s)

- Roads and Infrastructure

Report

Material from Millers, Medhursts and Lloyds Pits has been used for rural road maintenance works in the past month and will continue to be used for maintenance and flood damage restoration works in the next month. Following discussions with the current owner of Lloyds Pit an application will be made in the next month for extension of the development approval for that pit for a further 10 years to enable material from that pit to continue to be used for road maintenance in the area.

Budget & Financial Aspects

The following is a summary of the quarries budget for 2010/11 at June 30, 2011 subject to completion of final costings for the financial year.

QUARRY	Budget Annual	Budget YTD	YTD 30/06/2011	Comments
<u>MEDHURSTS</u>				
SALES	173,000	173,000	394,299	
COST OF SALES	129,750	129,750	295,724	
NET PROFIT / (LOSS)	<u>43,250</u>	<u>43,250</u>	<u>98,575</u>	
<u>GRIFFITHS</u>				
SALES	75,000	75,000	93,957	
COST OF SALES	56,250	56,250	70,467	
NET PROFIT / (LOSS)	<u>18,750</u>	<u>18,750</u>	<u>23,490</u>	
<u>MILLERS</u>				
SALES	220,000	220,000	300,901	
COST OF SALES	189,640	189,640	258,775	
NET PROFIT / (LOSS)	<u>30,360</u>	<u>30,360</u>	<u>42,126</u>	

<u>LLOYDS</u>			
SALES	40,000	20,000	11,196
COST OF SALES	34,400	17,200	9,628
NET PROFIT / (LOSS)	5,600	2,800	1,568

QUARRY	Budget Annual	Budget YTD	YTD30/06/11	Comments
<u>SUMMARY</u>				
SALES	508,000	488,000	800,353	
COST OF SALES	410,040	392,840	634,594	
NET PROFIT / (LOSS)	97,960	95,160	165,759	

EXPENSES	Budget Annual	Budget YTD	YTD 15/06/11	Comments
DEPRECIATION	10,984	10,069	10,069	
OTHER EXPENSES	3,075	2,500	2,533	Rates, Phone etc
	<u>14,059</u>	<u>12,569</u>	<u>12,602</u>	
TOTAL OPERATING	83,901	82,591	153,157	

CAPITAL

QUARRY DEVELOPMENT	0	0	0
STOCK MOVEMENT	0	0	0
ACCUMULATED DEPRECIATION	(10,984)	(10,069)	(10,069)
	<u>(10,984)</u>	<u>(10,069)</u>	<u>(10,069)</u>
NET SURPLUS/(COST)	94,885	92,660	163,226

Recommendation

That the Quarries Report be received and noted.

12.6 WORKS PROGRAM REPORT

Summary/Purpose

This report provides an update to Council on the progress of the work program on local, regional and state roads to July 12, 2011.

Community Strategic Plan Item(s)

- Roads and Infrastructure

Report

Rural and Urban Works.

Maintenance grading has been carried out on Dyraaba Road and Old Dyraaba Road and will continue in the Dyraaba / Dobies Bight area for the next month. Culvert repairs and maintenance grading on Richmond Range Road have also been completed.

Interim grading works have been carried out on the following roads to attend to major potholed areas prior to commencing the routine maintenance grading program for the 2011/12 financial year: Sargents Road, Homeleigh Road, Homestead Road, Pines Road, Horseshoe Creek Road and Roseberry Creek Road.

Maintenance grading will continue in the Terrace Creek / Findon Creek and Cawongla areas in the next month.

Replacement of the timber bridge on Ironpot Creek Road, 7.6km from Ettrick and the timber bridge on Sextonville Road, Dobies Bight have been completed and work is continuing on the Hillyards Road bridge.

Work on the Main Street Redevelopment project is continuing. Footpath replacement in the Summerland Way north of Geneva street will be completed by the end of the month and work will then commence on the footpaths on both sides of the Summerland Way between Stratheden Street and Wyangarie Street. All works on this project are expected to be completed by December 2011.

Following approval for disaster relief funding for local roads, work is in progress on restoration of slips on Williams Road. Other flood damage restoration works are being undertaken in conjunction with the routine maintenance program.

Regional and State Roads

Work is continuing on pavement rehabilitation on the Summerland Way at Roseberry and on the Boomi Creek bridge replacement on Clarence Way.

Routine maintenance works have continued during the month with slashing and bitumen patching being carried out on State and Regional Roads.

Heavy patching on Bruxner Highway near Dyraaba Road and Mallanganee has been completed during the past month.

Action Requests

A total of 60 action requests relating to roads were received in June 2011, summarised as follows:

Requests for maintenance to sealed roads:

Summerland Way, Horseshoe Creek Road, Sextonville Road, Boorabee Creek Road, Bentley Road, Clarence Way, Brown Knob Road, Gradys Creek Road, Ettrick Road, Lions Road, Duck Creek Road.

Requests for maintenance to unsealed roads:

Gabal Road, Doohans Road, Horseshoe Creek Road, Dyraaba Road, Terrace Road, Ironpot Creek Road, Oxbow Road, Lavelles Road, Wiangaree Back Road, Roseberry Creek Road, Main Creek Road, Homestead Road, Sargents Road, Homeleigh Road, Paddys Flat Road, Richmond Range Road, Lamberton Lane, Green Pigeon Road, Gonpa Road, Killaloe Road, Ferndale Road.

Requests for repairs to bridges, culverts and causeways:

Stony Chute Road, Terrace Road, Gill Street, Sandilands St-Bonalbo, Clarence Way, Bingeebeebra Road, Knights Road.

Requests for attention to urban streets, footpaths and drainage:

Anderson Street, Colin Street, Woodenbong Road-Bonalbo.

Requests for attention to trees, vegetation:

Afterlee Road, Eden Creek Road, Sargents Road, Collins Creek Road, Terrace Road.

Financial performance Major Works

The following is an updated report on the financial performance of major works as at June 30, 2011:

FINANCIAL PERFORMANCE MAJOR WORKS (RTA AND COUNCIL)				
to June 30 2011				
RTA WORKS	BUDGET	EXPENDITURE YEAR TO DATE	% COMPLETE	COMMENTS
FLOOD RESTORATION ROADS - 21 / 5 / 09	155,850	155,850	100	Incorporated with maintenance program
FLOOD RESTORATION ROADS DEC 2010	623,519	450,650	70	Funding approved June 2011 - Balance to be revoted.
MR 150 - CONSTRUCT TURN OUT TO SH 16	50,000	0	0	Subject to additional RTA funds
MR 361 - REHAB APPROACHES BEAN CK NO. 3	82,370	104,699	100	Overexpenditure to be transferred to Bean Creek Bridge construction
MR 361 - REHAB SMITHS PIT NORTH STAGE 2	214,000	0	0	Unspent funds to be revoted
MR 361 - REHAB SMITHS PIT SOUTH	174,000	7,739	0	Unspent funds to be revoted
MR 361 - REHAB BOOMI CREEK APPROACHES	254,000	0	0	Unspent funds to be revoted
BRIDGE REPLACEMENT - BEAN CK NO. 4	331,720	330,435	100	Construction completed. Awaiting final costs.
BRIDGE REPLACEMENT - BOOMI CREEK	600,000	107,180	0	Contract - in progress.
	2,485,459	1,156,553		
COUNCIL WORKS				
MAIN STREET WORKS - RLCP	1,200,000	472,302	29	Delayed due to wet weather and flood emergency work 6 month extension requested programmed completion now Feb 2012
FLOOD RESTORATION ROADS - 21 / 5 / 09	1,189,653	1,195,632	100	incorporated with maintenance program
FLOOD RESTORATION ROADS DEC 2010	1,730,600	44,014	2	Funding approved June 2011 - Balance to be revoted.
RESEAL FINDON CREEK ROAD	60,000	19,309	95	Reseal completed - awaiting final costs.
INITIAL SEAL BROWN KNOB ROAD	150,000	126,691	95	Construction completed - awaiting final costs
REHAB FAWCETTS PLAIN ROAD	150,000	180,242	100	Overexpenditure financed from Section 94 funds.
REHAB OMAGH ROAD	90,000	86,269	95	Construction completed - awaiting final costs
REHAB DUCK CK ROAD	85,778	323	0	Deferred to 2011/12
RESHEETING EAST / WEST CONNECTION	150,000	0	0	subject to negotiation with State Forests
RESHEETING YABBRA ROAD	60,000	55,566	90	Work completed - awaiting final costing
RESHEETING NEEDHAMS ROAD	50,000	51,891	99	Work completed
RESHEETING HILLYARDS ROAD	50,000	0	0	Deferred to completion of Hillyard Rd bridge
BRUMBY PLAINS RD BRIDGE 18 - 670	96,978	96,977	100	Budget adjusted as reported Feb 2011.
TERRACE ROAD BRIDGE 124 - 98	550,000	58,400	0	Contract - in progress
MONTGOMERYS BRIDGE 73 - 4457	128,074	50,307	0	Balance of funding to be used to upgrade abutments
DUCK CREEK ROAD BRIDGE 138 - 18852	112,457	0	0	Defer to 2011/12 and review funding
DYRAABA CREEK ROAD BRIDGE 54 - 5110	190,000	35,792	0	Preconstruction costs incurred. Construction to be deferred to 2011/12
IRONPOT CREEK ROAD BRIDGE 73 - 7641	190,000	200,059	98	In progress
SEXTONVILLE ROAD CULVERT (BRIDGE 38 - 12417)	90,000	40,954	90	In progress
HILLYARDS ROAD - BRIDGE 14 - 712	190,000	97,302	0	In progress
GRADYS CK / LIONS RD REHAB OF 2 CULVERTS	0	0	0	Job deferred. \$90000 allocated transferred to Box culv replacement
GRADYS CREEK ROAD REPLACE BOX CULVERT	180,000	190,686	100	Overexpenditure due to cost of side track required and delay due to wet weather.
KYOGLE FLOOD MITIGATION WORKS	368,049	117,544	10	Consultants fees
JUNCTION ST / CURTOIS ST	55,000	0	0	Construction deferred to 2011/12
BONALBO DRAINAGE	60,000	58,288	99	Completed - awaiting final costs
	7,176,589	3,178,548		
	9,662,048	4,335,101		
NB: PROJECTS INCLUDED WHERE TOTAL PROJECT VALUE EXCEEDS \$50,000.				

Recommendation

That the Works Program report be received and noted.

12.7 DEVELOPMENT APPLICATION 2011.0034 CEDAR POINT QUARRY

Summary/Purpose

This report aims to inform Council about the status of the development application for an extractive industry at 904 Edenville Road, Cedar Point, which is to be determined by the Joint Regional Planning Panel.

Community Strategic Plan Item(s)

- Environmental and Planning

Previous Council Consideration

At its Ordinary Meeting held on 18 April, 2011 Council resolved:-

That Council will provide a submission to the Joint Regional Planning Panel in relation to development application 2011/34

Report

Council is advised that the Assessment Report prepared by Council staff has been completed and forwarded to the determining authority, being the Joint Regional Planning Panel – Northern Region for its action.

The Chair, Northern Region Joint Regional Planning Panel has determined that an independent peer review of the above Assessment Report will be commissioned and funded by the Panel Secretariat.

A Regional Panel determination meeting will be arranged once the peer review report has been completed and Council will be advised of the meeting date. A copy of the Peer Review Report will be placed on the Regional Panel website (www.irpp.nsw.gov.au) for a minimum of 14 days prior to the scheduled Regional Panel determination meeting. Council's Assessment Report has been placed on this website and a link has also been placed on the Kyogle Council website.

The Regional Panel will consider both Council's Assessment Report and the Peer Review Report, as well as any issues raised by registered speakers at the Regional Panel determination meeting prior to making a decision on the application.

Council may now wish to consider whether it is in a position to prepare the content of its submission to the Joint Regional Planning Panel or whether it intends to await the publishing of the peer review report prior to preparing its submission.

Recommendation

That the Development Application 2011.0034 Cedar Point Quarry Report is received and noted.

ITEM 13 GENERAL MANAGER 'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

Nil.

ITEM 13B PLANNING SERVICES REPORT

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

2007/161

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

2007/188

Property: Lot 32 DP 1047834 Queebun Parish, Rous County
Address: Carruthers Rd Doubtful Creek
Applicant/Owner: John Joseph Hession / Tasmanian Plantation Pty Ltd
Proposal: Subdivision
Received: Referred to Department of Lands & RFS for Comment
Status: Consultant to advise

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

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

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

2009/18

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

2010/58

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

2010/80

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

2010/88

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

2010/93

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

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

2010/122

Property: Lot 1 DP 595113 Toonumbar Parish, Rous County.
Address: Crossleys Road, Toonumbar

Applicant/Owner: Riordans Consulting Surveyors / Dr BK Perry
Proposal: Subdivision 2 Lots
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2010/132

Property: Lot 102 DP 755707 Fairy Mount Parish, Rous County.
Address: Walters Rd Horseshoe Creek
Applicant/Owner: Kyogle Dirt Bike Club / KE & V Kook
Proposal: Trail Bike Rides
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2010/150

Property: Lot 122 DP 806090 Jiggi Parish, Rous County.
Address: Kyogle Rd Cawongla
Applicant/Owner: Newton Denny Chapelle / DH Sleeth & ZM Armstrong
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/13

Property: Lot 1 DP 790288 Tabulam Parish, Rous County.
Address: Clarence Way Tabulam
Applicant/Owner: Murray David Ings
Proposal: Quarry
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/20

Property: Lot 13 DP 1081723 Fairy Mount Parish, Rous County.
Address: Kyogle Rd Homeleigh
Applicant/Owner: Coastline Building Certification / PJ & SJ Owen
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/28

Property: Lot 3 DP 759111 Donaldson Parish, Rous County.
Address: MacPherson St Woodenbong
Applicant/Owner: Genesis Two Pty Ltd / TH Strand
Proposal: Renovation & Licenced Cafe
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

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

2011/34

Property: Lot 12 DP 582916 Stratheden Parish, Rous County.

Address Edenville Rd Cedar Point
Applicant/Owner: Rodney John Graham / PA Carlill
Proposal: Quarry
Received: Referred to DMP for Comment
Status: Awaiting DMP Comments

2011/37
Property: Lot 24 DP 6798 Runnymede Parish, Rous County.
Address Highfield Rd Kyogle
Applicant/Owner: Unique Building Solutions / GA Johnston
Proposal: Duplex
Received: Referred To DMP For Comment
Status: Awaiting Applicant's Comments

2011/39
Property: Lot 3 DP 260848 Ettrick Parish, Rous County.
Address Afterlee Rd Smiths Creek
Applicant/Owner: D & J Lamberton / DA Lamberton & Jonathan
Proposal: Multiple Occupancy
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

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: Awaiting DMP Comments

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

2011/80
Property: Lot 11 DP 1101053 Hanging Rock Parish, Rous County.
Address: Williams Rd Barkers Vale
Applicant/Owner: GM Project Development / GA Little & GF Behrend
Proposal: Expansion of a Landsharing Community
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

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

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

2011/89

Property: Lot 2 DP 811042 Fairy Mount Parish, Rous County.
Address: Etrick Street Kyogle
Applicant/Owner: BA Taylor / MJ & BA Taylor
Proposal: Shed
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/97

Property: Lot 69 DP 751059 Donaldson Parish, Rous County.
Address: Macpherson Street Woodenbong
Applicant/Owner: PL Taylor / PL & KJ Taylor
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/98

Property: Lot 1 DP 590880 Dondaldson Parish, Rous County.
Address: Roseberry Lane Woodenbong
Applicant/Owner: BJ Crain
Proposal: Shed & verandah
Received: Referred To DMP For Comment
Status: Approved subject to conditions

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

2011/101

Property: Lot 52 DP 1076878 Geneva Parish, Rous County.
Address: Etrick Street Kyogle
Applicant/Owner: AR Davie / BE & IM McGrath
Proposal: Shed addition
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

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

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

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

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

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

2011/116

Property: Lot 11 DP 628570 Loadstone Parish, Rous County.
Address: Gradys Creek Road Gradys Creek
Applicant/Owner: DW & KA Gibson
Proposal: Shed
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

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

2011/121

Property: Lot 161 DP 789599 Roseberry Parish, Rous County.
Lot 1 DP 54044 Toonumbar Parish, Rous County.
Lot 109 DP 755751 Warrazambil Parish, Rous County.
Lot 1 DP 533834 Geneva Parish, Rous County.
Address: Various

Applicant/Owner: Southern Queensland Trials Association Inc
Proposal: Trial event
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

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: Awaiting DMP Comments

2011/124

Property: Lot 141 DP 1035844 Geneva Parish, Rous County.
Address: Afterlee Road, Horstation Creek
Applicant/Owner: JR & KA Burley / HG Mueller & JR & KA Burley
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/125

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

2011/126

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

2011/127

Property: Lot 1 SP 71758 Fairy Mount Parish, Rous County.
Address: Wyangarie Street Kyogle
Applicant/Owner: A Kinross-Rowe / Tarongo Land Pty Ltd
Proposal: Additions to units
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

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

2011/129

Property: Lot 1 DP 123616 Sandilands Parish, Rous County.
Address: Deep Creek Road Mallanganee
Applicant/Owner: Unique Building Solutions / IM Hewetson Pty Ltd
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/130

Property: Lot 177 DP 755734 Runnymede Parish, Rous County.
Address: George Street Kyogle
Applicant/Owner: Dept of Public Works / Dept of Education
Proposal: Education Facility additions
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2011/131

Property: Lot 22 DP 1134080 Geneva Parish, Rous County.
Address: Afterlee Road Eden Creek
Applicant/Owner: K Tearle & M May
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Approved subject to conditions

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

2011/133

Property: Lot 312 DP 1115305 Peacock Parish, Buller County.
Address: Peacock Creek Road Gorge Creek
Applicant/Owner: Techton Building Services / Faulks Holdings Pty Ltd
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Approved subject to conditions

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

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

2011/136

Property: Lot A DP 403007 Fairy Mount Parish, Rous County.
Address: Summerland Way Kyogle
Applicant/Owner: SM Chaplin / RV & KH Shears
Proposal: Change of Use
Received: Referred To DMP For Comment
Status: Approved subject to condtions

2011/137

Property: Lot 7007 DP 1075470 Donaldson Parish, Rous County.
Address: Glennie Street Woodenbong
Applicant/Owner: Industry and Investment NSW
Proposal: Shed
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/138

Property: Lot 11 DP1033388 Geneva Parish, Rous County.
Address: Saville Street Geneva
Applicant/Owner: JJ Hurley / RB & ML Harrison
Proposal: Shed
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/139

Property: Lot 1 Sec 5 DP 6063 Robertson Parish, Rous County.
Address: Sandilands Street Bonalbo
Applicant/Owner: Louisa's Fine Foods (A Division of Caringa Enterprises)
Proposal: Shed
Received: Referred To DMP For Comment
Status: Approved subject to condtions

2011/140

Property: Lot 3 DP 629885 Wiangaree Parish, Rous County.
Address: Collins Creek Road New Park
Applicant/Owner: Unique Building Solutions / DR & LJ Bordin
Proposal: Dwelling additions
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/141

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

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:	Awaiting DMP Comments
<hr/>	
2011/143	
Property:	Lot 5 DP 608234 Hanging Rock Parish, Rous County.
Address:	McClelland Road Barkers Vale
Applicant/Owner:	TC Cleak
Proposal:	Dwellings (as built)
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
<hr/>	
2011/144	
Property:	Lot 6 DP 1125879 Dyraaba Parish, Rous County.
Address:	Dyraaba Road Piora
Applicant/Owner:	ML & AK Ditrich
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/145	
Property:	Lot 8 Sec 11 DP 759111 Donaldson Parish, Rous County.
Address:	Richmond Street Woodenbong
Applicant/Owner:	BL & GP Watson
Proposal:	Sheds
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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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:	Awaiting RFS Comments
<hr/>	
2011/147	
Property:	Lot 290 DP 755732 Queebun Parish, Rous County.
Address:	Eggin 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

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

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 June 2011 to 30 June 2011 be received and noted.

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

**13B.2 DEVELOPMENT APPLICATION 2008.122 - IGA RITCHIES
SUPERMARKET AND SPECIALTY SHOPS**

Summary/Purpose

This report has been prepared for Council in order to make a determination on a submission made by the applicant seeking a review of the Section 94 Kyogle Rural and Urban Roads Contribution Plan and the Section 64 Headworks charges for water, sewerage and stormwater infrastructure specified in Condition 47 (of original deferred commencement issue) of development consent relating to this application. In this instance the applicant has requested that Council waive the payment of the total amount of contributions payable, totalling \$114,620.80.

Community Strategic Plan Item(s)

- Environmental and Pastoral

Background Information

Council received a Development Application 2008/122 on 14 March, 2008 for the development of a Supermarket comprising a floor area of 1714 square metres and three (3) Specialty Shops and Storage. The application also proposed to demolish an existing building/s on part of the site.

Applicant:	Stephen McElroy and Associates Pty. Ltd.
Owner:	Ritchies Stores Pty. Ltd.
Property:	Lot 11 DP 853992 and Lot 5 DP5113
Property Address:	7-31 Summerland Way
Zone:	2 (v) Village
Locality:	Kyogle
Proposal:	Erect a Building comprising a Supermarket and 3 Specialty Shops and Demolition of Existing Building
Zoning Requirements:	Permissible with Council Consent

Report

On 23 June, 2008 Council at its Ordinary Meeting resolved to approve the development application.

The development is nearing completion and on 13 July, 2011 Council received correspondence from the proponent, Ausdevelopments ,(refer attached) requesting that Council waive part or all of the Section 94 Urban Roads and Section 64 Water, Sewer and Drainage Headworks contributions payable.

The particular condition which the applicant has requested be reviewed by Council is Condition 44 (of amended consent issued 27 March, 2009), which is inserted in part:-

Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and the Kyogle Section 94 Contributions Plan – Urban and Rural Roads 2002 (as amended) are required. Kyogle Council levies these contributions for the provision of public amenities and/or public services in such a manner as will meet the increased demand for those amenities and/or services arising from this development as identified in the attached schedule. The contributions shall be calculated in accordance with the Kyogle Council Section 94 Contributions Plan – Urban and Rural Roads Section 94 Contributions Plan. The rates and amounts applying at the date of this notice, **totalling \$114,620.80**, are set out in the schedule for your information.

The applicant, in accordance with the provisions of Council's Section 94 Contributions Plan – Urban and Rural Roads (as amended), in particular Sections 4.4 and 4.5 of this Plan, requests Council to waive either in part or the total amount of contributions.

The relevant sections of the Plan are outlined below:-

4.4 Council Contributions

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

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

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

4.5 Method of Calculating Discount

4.5.1 Discount for Urban Areas

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

It is noted that no such provision is available under the provisions of either Section 64 of the Local Government Act, 1993 or under the Contributions Plan dated 1992 relating to Water Supply, Sewerage or Drainage Headworks.

Council is advised that at its Ordinary Meeting held on 23 June, 2008 at which it made a determination in favour of this development application, the consideration of the contributions payable under the provisions of Section 94 included the discounted amount for the Urban Area, being 28 Equivalent Tenements at \$1293.60 per ET, totalling \$36,220.80.

Whilst Council could further resolve to discount or waive part or all of this amount, in accordance with the provisions of 4.4.1 of the Section 94 Plan, Council will either:

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

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

Conclusion

Whilst it is acknowledged that the proponent has and continues to provide substantial donations to community organisations and has constructed additional carparking provision for the facility over and above that required by the consent approval, this does not detract from the requirement for Council to comply with the provisions of Clause 4.4.1 of the Section 94 Plan, i.e. providing a payment or a material public benefit equivalent to any amount discounted and in accordance with the budgetary framework set by Council within the relevant area.

Recommendation

That the request for a waiver of part or all of the S94 Urban Roads and S64 Water, Sewer and Drainage Headworks charges as outlined in Condition 44 of the consent approval is not granted and that the conditions as originally imposed on development consent 2008.0122 be retained.

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

13B.3 PROCESSING AND FINALISATION OF LONG STANDING DEVELOPMENT APPLICATIONS

Summary/Purpose

The purpose of this report is to provide Council with information which provides an update on the procedures in place and any additional to be adopted in the processing and finalising of long standing development applications.

Strategic Plan Link(s)

Environment and Pastoral

Background Information

The issues surrounding the retention of long standing development applications in the system are outlined as follows.

Following the cut-off date of February, 2007 at which Council would no longer receive lodgement of development applications containing proposed subdivision of concessional allotments, there has been a follow up period for those applications which had not addressed or submitted additional details in accordance with the LEP 17 requirements. Applicants were requested up to two and sometimes three times to lodge the additional details and were advised that should those details not be submitted, a likely outcome would be refusal of the development application. There are now two such outstanding development applications proposing the subdivision of concessional allotments.

Report

Over the last four years the processing of those development applications which have been in the system for a period greater than two years without any progress has proceeded as follows:-

- i) Council forwarding a request to the applicant outlining any outstanding matters to be addressed by the applicant in order for Council to make a determination on the development application. Such requests usually included the submission of an agricultural suitability/classification of the land, land contamination report, availability of services, bushfire assessment report etc, where such applications involved the proposed subdivision of concessional allotments or other rural allotments containing the minimum area of 40 hectares;
- ii) Council forwarding a request to the applicant outlining any additional matters to be addressed by the applicant, including the preparation and submission of a bushfire assessment report, details such as the type of effluent treatment system to be installed, buffer treatment and separation from adjoining land uses, noise impact assessment report etc. where

applications relate to a range of land use types, e.g. tourist cabins, dwellings, trail bike riding and Intensive Commercial Rabbit Farming;

- iii) Council forwarding a follow up request after a period of 3 to 6 months, depending on the scale of the development application, for the outstanding issues to be submitted to Council;
- iv) In some instances Council forwarding a third and final request to the applicant for the outstanding matters to be submitted and advising that should the details not be submitted within a period of 60 days, that it will be likely that the development application will be refused.

The above action has resulted in the processing and refusal of the majority of outstanding development applications. Currently there are a total of 12 outstanding development applications comprising:-

2 x 2007 (concessional allotment applications);
3 x 2008 being 2 rural subdivisions and 1 for an extension to a Commercial Rabbit Farm;
7 x 2010, being 3 rural subdivisions, 1 tourist cabin, 1 dwelling, 1 Dirt Bike Trail Ride and a storage shed.

The two development applications dated 2007 are currently outstanding as Council awaits the preparation and submission of additional information.

The 2008 development applications are currently outstanding as Council awaits the preparation and submission of additional information.

All 2010 development applications also remain outstanding as Council is awaiting the preparation and submission of further details in order to determine these applications.

Conclusion

Based on the range of outstanding issues and level of justification by the applicants for not already submitting further details in support of their development applications, it is considered that each of the applicants/consultants for the applicants be contacted by Council including a request to provide Council with the status of the outstanding matters and that should these not be submitted within a period of 60 days from the date of notification, the development applications will be determined based on the level of content contained in the documentation on each respective development application file at that time.

Recommendation

That the report "Processing and finalisation of long standing development applications" be received and noted.

ITEM 13C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 13D CORPORATE SERVICES REPORT

13D.1 INTEREST RATE ON OVERDUE RATES AND CHARGES

Summary/Purpose

This report seeks a Council resolution in relation to the rate of interest on overdue rates and charges for 2011/2012.

Community Strategic Plan Item(s)

- Governance and Community Service

Background Information

Section 566 of the *Local Government Act 1993* provides as follows:

566 Accrual of interest on overdue rates and charges

- (1) Interest accrues on rates and charges that remain unpaid after they become due and payable.
- (2) Interest accrues on a daily basis.
- (3) The rate of interest is that set by the council but must not exceed the rate specified for the time being by the Minister by notice published in the Gazette.
- (4) Accrued interest is, for the purpose of its recovery, taken to be a rate or charge which is due and payable.
- (5) Interest continues to accrue on unpaid rates or charges even though judgment for payment of the rates or charges may have been obtained in a court. Interest is not payable on the judgment debt, despite any other Act.

Previous Council Consideration

At the time of adoption of the 2011/2012 Management Plan (27 June, 2011), no advice had been received from the Division of Local Government as to the Rate of Interest to apply on rates and charges. Accordingly a rate equivalent to the 2010/2011 interest rate (9%) was adopted.

Report

On 8 July, 2011, the Division of Local Government notified Councils that the maximum interest rate on overdue rates and charges for 2011/2012 is to be 11%.

It should be noted that this is the maximum interest rate that Councils can charge for overdue rates and charges and that they may elect to charge a lesser interest rate if they so wish.

It is considered that the interest rate should be set at a high enough level so as to deter ratepayers from using Council rates as a type of credit facility.

Accordingly it is recommended that Council amend the rate of interest on overdue rates and charges to apply for 2011/2012 to 10%.

Recommendation

That Council amend the Rate of Interest, to apply for the 2011/2012 rating year, on rates, charges, and debtor accounts which remain unpaid after they become due and payable, to 10% per annum, accruing on a daily basis, in accordance with Section 566 of the Local Government Act 1993;

Attachments

1. DLG Circular 11-15

ITEM 13E COMMUNITY SERVICES REPORT

13E.1 KYOGLE FAIRMOUNT FESTIVAL

Summary/Purpose

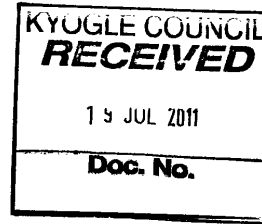
Correspondence has been received from the Kyogle & District Chamber of Commerce seeking support for an upcoming event "Kyogle Fairymount Festival"

Community Strategic Plan Item(s)

- Governance and Community Service

Report

A copy of the correspondence received is following;



The General Manager
Kyogle Council
PO Box 11
Kyogle NSW 2474
18th July 2011

Dear Arthur,

I am writing to you on behalf of Chamber to ask for Councils support in an exciting new event that Chamber has planned for Kyogle and District, an event that has constantly been asked for by the general public and one that will put the spirit back into the town.

The plan is to revive The Kyogle Fairymount Festival but with a new direction and to ultimately turn the festival into an Art, Craft & Music Festival.

To achieve this Chamber will start of with a small "Musical Instrument Expo" that will show case locally made musical instruments, (new, used, old antique, weird, wonderful and exotic) and also promote Music and the Arts as a major component of the Kyogle Lifestyle & what it means to the people of Kyogle & District. The idea for this expo has developed from the extraordinary amount of talent & skills of our local musicians & musical instrument makers.

Chamber will be seeking funding to employ a Co Ordinator to pull the whole thing together and has already had encouraging talks with Mr Pieter Verasdonck regarding State Government funding.

To obtain funding Chamber must show a high level of support from Kyogle residents which can be achieved by the support of our local Council, Service Clubs and organizations.

Bearing this in mind we are asking Council for a letter of ongoing support and any assistance they can give, either in kind or monetary, comparative to past festivals.

At this point in time Chamber has had preliminary talks with various service clubs, organizations, musicians and instrument makers in the district and all have given their support in principal and we are only awaiting formal support by way of letter.

A percentage of proceeds from the event will be channeled back into the community via the service clubs and organisations with a portion to be allocated to upgradeing the Amphitheatre (permanent stage area)

Looking forward to your favourable reply and if you require any further information please do not hesitate in contacting Kyogle Chamber of Commerce.

Yours sincerely

A handwritten signature in black ink, appearing to read "Joanne Moore". The signature is written in a cursive style and is positioned above the printed name and title.

Joanne Moore
President

Recommendation

For Council's determination.

ITEM 13F GENERAL MANAGER'S REPORT

13F.1 COUNCIL ELECTIONS 2012

Summary/Purpose

This report provides Council with information relating to the conduct of the 2012 Local Government elections and with information requested on the probable cost if a referendum were undertaken by Council.

Community Strategic Plan Item(s)

- Governance and Community Service

Previous Council Consideration

Council has previously resolved to be provided with an estimate of costs to hold a referendum in conjunction with the 2012 Local Government elections to seek direction of the future governance in the Kyogle LGA on the following matters:

- (a) the election of the Mayor;
- (b) the existing system of three wards; and
- (c) the number of councillors

Report

In Circular 11-11 (attached), the Division of Local Government (DLG) notified Councils of amendments to the Local Government Act making the general manager responsible for the administering of council elections. The amendments also allow a council to enter into a contract with the State Electoral Commission to administer the council's elections.

The DLG is currently preparing a regulation and guidelines that are intended to assist councils in making an informed choice as to whether or not to conduct their own elections. It is anticipated that this documentation will be available in late July.

If Council wishes to engage the Electoral Commission to administer the 2012 elections it must resolve to do so by 31 October, 2011 (or such later date as may be prescribed by the regulation).

In Circular 11-12 (attached), the DLG has notified councils of amendments to constitutional arrangements for councils. Included among these amendments is the limited opportunity for councils to reduce their councillor numbers and/or abolish all of its wards without the need for a referendum.

In order to meet the 28 November, 2011 deadline, Council should make a decision on these two issues by its September 2011 Ordinary meeting.

Council received a request from the state Electoral Commission to meet and discuss the amendments relating to elections along with a checklist of items that should be considered when deciding how the elections will be administered. A copy of the documentation is attached to this report.

A meeting was held on 6 July where the Electoral Commission advised that it anticipated the 2012 election costs to be equivalent to the previous election costs plus an allowance for CPI increases. On this basis it is estimated that the cost for the Electoral Commission to run the 2012 Local Government elections would be approximately \$56,000. They also advised that the cost of holding a referendum in conjunction with the ordinary elections was estimated to be 20% of the ordinary election cost. i.e. approximately \$11,000.

It is recommended that at its September, 2011 Ordinary Meeting Council makes decisions in relation to:

1. Whether or not to apply to the Minister for Local Government to reduce its councillor numbers.
2. Whether or not to apply to the Minister for Local Government to abolish its Wards.
3. How its 2012 Local Government elections will be administered and (subject to the above decisions) whether or not it will hold a referendum in conjunction with those elections.

It is further recommended that in the interim period, in order to assist with these decisions, that Council seeks community feedback in relation to 1 and 2 above.

Recommendation

That Council seeks community opinion as to:

1. Whether or not to apply to the Minister for Local Government to reduce its councillor numbers.
2. Whether or not to apply to the Minister for Local Government to abolish its Wards.

Attachments

1. DLG Circular 11-11
2. DLG Circular 11-12
3. Correspondence from Electoral Commission

Summary/Purpose

This report presents to Council a draft Community Engagement Strategy for consideration.

Community Strategic Plan Item(s)

- Governance and Community Service

Background Information

Following the commencement of the Local Government Amendment (Planning and Reporting) Act 2009, amendments to the Local Government (General) Regulation 2005 have now been made.

The Local Government (General) Amendment (Planning and Reporting) Regulation 2010 commences on 1 March 2010. The amendments to the Regulation will apply to Group 1 councils from 1 July 2010, Group 2 councils from 1 July 2011 and Group 3 councils from 1 July 2012.

A Ministerial Order was actioned by the Hon Barbara Perry MP, Minister for Local Government on 18 February, 2010 which categorised Kyogle Council as a Group 3 Council for the implementation of the IPRF (i.e. the amendments apply from 1 July, 2012).

Division of Local Government (DLG) requirements provide as follows:

“Each council must prepare and implement a Community Engagement Strategy based on social justice principles for engagement with the local community in developing the Community Strategic Plan. “

“The Community Strategic Plan should be developed and delivered as a partnership between council, state agencies, community groups and individuals. It should address a broad range of issues that are relevant to the whole community. “

“As a minimum, the Community Engagement Strategy prepared and implemented by Council must identify relevant stakeholder groups within the community and outline methods that will be used to engage each group. “

Report

DLG Guidelines state that:

“The Community Strategic Plan essentially addresses four key questions for the community:

- Where are we now?
- Where do we want to be in 10 years' time?
- How will we get there?
- How will we know we've arrived?

Council's role is to guide the community through these important discussions and to document the response in a meaningful plan. However, it should be clearly understood that it is not the council's responsibility to deliver every aspect of the Community Strategic Plan.

It is important to explain this during the engagement process, or the community will not take ownership of the document and may develop unreasonable expectations about Council's role in the delivery process.

The Community Strategic Plan should aim for a partnership – what can individuals, community groups, state agencies and Council do to deliver the desired outcomes? It should also aim to establish partnerships or other arrangements to minimise the chance of the plan becoming a 'shelf document'.

As the minimum timeframe for the Strategic Plan is to be 10 years, it was considered appropriate to extend the Community Strategic Plan out to 2025.

Accordingly the attached Draft Community Engagement Strategy - 2025 Strategic Plan is now presented for Council's consideration.

Recommendation

1. That the Community Engagement Strategy report be received and noted
2. That Council place the draft Community Engagement Strategy - 2025 Strategic Plan on public display for a period of 28 days and call for submissions.

Attachments

1. Draft Community Engagement Strategy - 2025 Strategic Plan (separate attachment)

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

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 25 JULY 2011

12.4 FINANCIAL REPORTS - JUNE 2011

COUNCILLORS TRAVEL EXPENSES Jun-11

COUNCILLOR NAME	KLMS CLAIMED		CURRENT KM RATE	AMT REIMBURSED	
	MONTHS	YTD		MONTH	YTD
E Bennett	2,800	9,300	0.74	2,072.00	6,817.00
R. Brown	0	0	0.74	0.00	0.00
T. Cooper	1,176	4,568	0.74	870.24	3,356.80
R. Dwyer	0	0	0.74	0.00	0.00
J. O'Reilly	0	454	0.74	125.56	331.42
R. Leadbeatter	0	152	0.74	0.00	112.48
L. Passfield	1,609	7,017	0.74	1,190.66	5,192.58
J. Wilson	0	0	0.74	0.00	0.00
L. Zito	0	0	0.64	0.00	0.00
Total	5,585	21,491		4,258.46	15,810.28

Notes

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

Kyogle Council



Financial Reports 30 June, 2011

Rates Statement
Statement of Bank Balances
Summary of Investments

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

RATES STATEMENT

KYOGLE COUNCIL RATES STATEMENT AS AT 30 JUNE 2011

	ARREARS 1-Jul-10	NET CHARGES 2010-2011	PAYMENTS	OUTSTANDING BALANCE	PERCENTAGE COLLECTED
RATES, SERVICES AND INTEREST	742,495.21	7,061,749.44	6,941,383.76	862,860.89	88.94%

PRESENTED TO COUNCIL JULY 2011

Note:

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

KYOGLE COUNCIL

STATEMENT OF BANK BALANCES AS AT 30-Jun-11

FUND	CLOSING BANK BALANCE 30-Jun-11	INVESTMENT BALANCE 30-Jun-11
GENERAL FUND		
UNRESTRICTED	(3,927,408.44)	4,200,000.00
INTERNALLY RESTRICTED	791,937.82	2,500,000.00
STATE HIGHWAYS	658,295.69	
QUARRIES	685,553.23	
PLANT	4,526,970.84	
EXTERNALLY RESTRICTED	235,249.55	3,700,000.00
	2,970,598.69	10,400,000.00
RESTRICTED		
WATER SUPPLIES	776,251.56	
SEWERAGE SYSTEMS	780,163.42	500,000.00
DOMESTIC WASTE	257,063.99	
ORDINARY TRUST	40,921.90	
	1,854,400.87	500,000.00
CONSOLIDATED FUNDS	4,824,999.56	10,900,000.00

NB: These figures are subject to futher year end adjustments.

KYOGLE COUNCIL

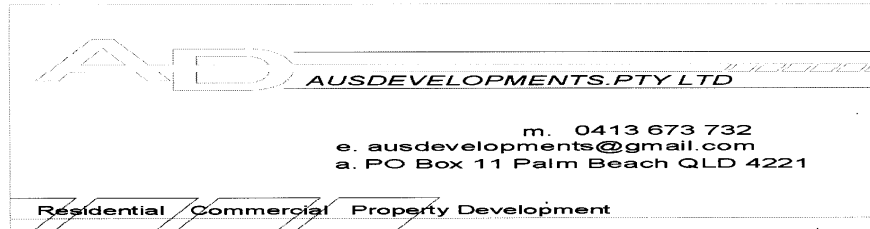
SUMMARY OF INVESTMENTS AS AT 30/06/11

	BANK	TYPE	TERM	AMOUNT	RATE P.A.	DUE DATE
1	SUNCORP METWAY	TERM DEPOSIT	35 DAYS	1,400,000.00	5.70%	July 4, 2011
2	SUNCORP METWAY	TERM DEPOSIT	60 DAYS	2,000,000.00	5.80%	July 15, 2011
3	CITIBANK	TERM DEPOSIT	63 DAYS	2,000,000.00	5.71%	July 18, 2011
4	BANKWEST	TERM DEPOSIT	60 DAYS	1,500,000.00	5.80%	July 22, 2011
5	BANKWEST	TERM DEPOSIT	61 DAYS	1,000,000.00	5.80%	August 9, 2011
6	COMMONWEALTH	TERM DEPOSIT	60 DAYS	3,000,000.00	5.05%	August 23, 2011
				10,900,000.00		

PRESENTED TO COUNCIL ON JULY 25, 2011

I hereby certify that the above investments have been made in accordance with section 625 of the Local Government Act, 1993, the Local Government (General) Regulation 2005 and Councils Investment Policy.

.....
(GLENN ROSE)
RESPONSIBLE ACCOUNTING OFFICER

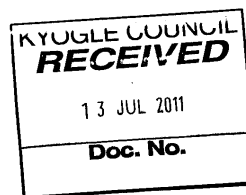


12 July 2011

The General Manager
Kyogle Shire Council
Private Bag 3
Kyogle NSW 2474

Attention: Mr John Hession

Dear Mr Hession



Application to waive S94 and S64 contributions specified in Condition 47 of Development Consent 08/122

I refer to our recent discussions where a proposition was put to you, to waive part or all of the contributions for the S94 Kyogle Rural and Urban Roads Contribution Plan and the S64 headworks charges for water, sewerage and stormwater infrastructure specified in Condition 47 of development Consent 08/122. I now wish to formalise our application to waive the fees as discussed.

The investment by Ritchies Stores Pty Ltd in providing a state of the art shopping Centre is a huge investment in the local community and will benefit all residents and property owners within the Kyogle Council area. Not only will Kyogle's residents have a much wider range of products available, it will negate the need to shop out of town and will reduce the money being spent out of town. There will be added opportunities to employ local people and will provide additional opportunity for employment within the speciality shops as well as providing much needed additional medical and allied services to the town. This will create a more competitive environment than currently exists in Kyogle and the leakage out of town of shoppers will be reduced, thus providing more opportunity for other commercial businesses to increase their patronage.

The construction of the carefully designed and aesthetically attractive Kyogle Shopping Centre has created an 'entry statement' to town and reflects the town's art deco profile and gateway to the rainforests theme, as has been widely viewed and acknowledged on Prime Television.

As part of the development project a substantial investment has been made in external works with the construction of public footpaths, additional traffic management in the

P.O. Box 11 Palm Beach QLD 4221
Mobile: 0413 673732
Email: ausdevelopments@gmail.com

surrounding streets and the reconstruction of Roxy Lane. Further, an additional 30 car park spaces have been provided on land adjacent to the shopping Centre to provide residents of Kyogle much needed off road car parking and a new water main has been constructed within the road reserve of Roxy Lane. Upgraded water sub-mains were also provided to several shops which are serviced by the new Roxy Lane main and existing retaining walls were strengthened and reconstructed to ensure the safety of the public, adjacent residential properties and to ensure the longevity of the Kyogle Shopping Centre development.

Ritchies Stores Pty Ltd have invested over \$850,000.00 in the provision of car park land and external civil infrastructure works which approaches 10% of the overall project cost and which is a significant contribution to public assets.

In addition to the capital works investment, Ritchies, through its Community Benefit Card program, has donated in excess of \$300,000.00 to a raft of organisations in the Kyogle township and surrounds. The program is continuing with payments made directly to organisation's bank accounts on a monthly basis.

It is respectfully requested that the Section 94 and Section 64 contributions amounting to \$114,620.50 be waived on the basis that Ritchies Stores Pty Ltd have effectively invested close to \$1.2 million into the Kyogle community and will continue to donate additional funds to local community organisations through their Community Benefits Scheme.

Your careful consideration of this matter will ultimately lead to additional development projects in the Kyogle township being undertaken. During the construction of the project and on future projects, a condition of contract is to utilise as much local products, services and skilled labour as possible. During the current project this helped support the community during the recent world economic downturn.

If you have any questions, please contact me at any time.

Yours faithfully



for: Nigel Mercer
Managing Director AusDevelopments Pty Ltd

Attachment 1

KYOGLE COUNCIL

Stratheden Street, Kyogle
 PO Box 11, Kyogle 2474
 Ph: 6632 0295
 Fax: 6632 2632



Office Use Only

DA No. 08/122

Date: June 23, 2008

S94

IMPORTANT TO NOTE

The rates and amounts shown against the various items below are those applicable as at date of original consent. If these levies are not paid within three (3) months of the date of original consent, the rates shall then be increased on an annual basis or part thereof in accordance with the prevailing Australian Bureau of Statistics Consumer Price Index (Brisbane), as applicable at the time of payment.

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 47, as contributions towards the cost of meeting increased demand for public services and amenities that will result from the development, are identified in this Schedule.

The following urban and rural roads contribution levies are charged under Section 94 of the Environmental Planning and Assessment Act 1979 and amounts payable are set out below. The Kyogle Urban and Rural Roads Contribution Plan establishes the rates, timing and method of payment and the strategy and standards for roadworks.

Levy	Account No.	No. of ET's	Cost Per ET \$	Total Amount Calculated	Amount to be Paid
Roads					
Kyogle	11203-002	28	821	1293.60	36220.80

Proponents of Development may be entitled to a discounted rate of contribution in some circumstances. Eligibility and discount amounts are specified in Section 4 of Council's Section 94 Urban and Rural Roads Contributions Plan, pertaining to developments in both Rural and Urban areas. Contributions required by the proponent of development pursuant to the "heavy haulage contribution rate" calculated and specified in clause 2.3.3 shall not be entitled to a discounted rate.

Other Contributions	Account No.	No. of ET's	Cost Per ET \$	Total Amount Calculated	Amount to be Paid
Water Headworks	24006-003	28	1,000	28,000	\$28,000
Sewer Headworks	56003-020	28	1,000	28,000	\$28,000
Drainage Headworks	10288-003	28	800	22,400	\$22,400



Premier & Cabinet
Division of Local Government

Circular to Councils

Circular No. 11-15
Date 8 July 2011
Doc ID. A231848

Contact Helen Pearce
02 4428 4131
helen.pearce@dlg.nsw.gov.au

INFORMATION ABOUT RATING FOR 2011/2012 – MAXIMUM INTEREST RATE ON OVERDUE RATES AND CHARGES

In accordance with section 566(3) of the *Local Government Act 1993*, the Minister for Local Government has determined that the maximum rate of interest payable on overdue rates and charges for the 2011/2012 rating year will be 11%.

Councils should note that the Supreme Court no longer makes a ruling for the interest rate percentage, which was historically the basis for setting the maximum interest rate on overdue rates and charges for local government. The Supreme Court now uses the Reserve Bank cash rate plus 6%, which has been adopted as the methodology for determining the maximum interest rate on overdue rates and charges.

A notice giving effect to this decision was published in the NSW Government Gazette on 8 July 2011.

A handwritten signature in black ink, appearing to read 'Ross Woodward'.

Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

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Premier & Cabinet
Division of Local Government

Circular to Councils

Circular No. 11-11
Date 29 June 2011
Doc ID. A249154 (A)

Contact Helen Damaschin
02 4428 4212
helen.damaschin@dlg.nsw.gov.au

CONDUCT OF ELECTIONS BY COUNCILS – AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993

The NSW Parliament has passed the *Local Government (Amendment) Elections Act 2011* (the Amending Act). The Amending Act was assented to by the Governor on 27 June 2011 and its provisions commenced on that date. The purpose of this circular is to advise councils of the resulting changes to the *Local Government Act 1993* (the Act) concerning the conduct of council elections.

A copy of the Amending Act can be found on the NSW Parliamentary Counsel's Office legislation website at www.legislation.nsw.gov.au.

Section 296 of the Act now provides that council elections (and, by operation of section 18 of the Act, constitutional referendums and polls) are to be administered by the general manager of the council concerned.

However, a council may, within 12 months after an ordinary election of councillors for the area, resolve that the council is to enter into a contract or make arrangements with the Electoral Commissioner for the NSW Electoral Commission to administer all elections for the council (other than elections of mayors and deputy mayors by councillors). If such a contract is entered into or such arrangements made, the Electoral Commissioner is to administer all the elections, constitutional referendums and polls of the council until the conclusion of the following ordinary election for councillors.

Section 55(3) of the Act now provides that a council need not invite tenders before entering into a contract with the Electoral Commissioner for the administration of the council's elections, constitutional referendums and polls.

Where a council decides to conduct its own elections, constitutional referendums and polls, section 296 of the Act makes it clear that the general manager is responsible for their conduct.

Section 296A of the Act provides that the responsibilities of the general manager include appointing a suitably qualified independent returning officer and a substitute returning officer for the council's area, appointing the polling places and determining the fees payable to the returning officer, substitute returning officer and electoral officials. The returning officer is to appoint one or more electoral officials.

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Importantly, section 296A provides that an employee of a council for an area cannot be appointed as a returning officer or substitute returning officer for that area. However, an electoral official may be an employee of the council.

Section 296A also provides that a general manager cannot be appointed as a returning officer, substitute returning officer or electoral official for any area.

The general manager will also be responsible for managing the relevant election costs and preparing a report for the Minister for Local Government on the conduct of each election. The report must disclose, among other things, full and transparent costings for that election. It is already the practice of the Electoral Commissioner to report to the NSW Government on the outcome of council ordinary elections.

While the latter requirement is not included in the Act, it is intended that it will form part of the new regulation and guidelines to be released by the Division of Local Government.

The guidelines will assist councils in understanding the level of service and accountability required of them so that they can make an informed choice whether to conduct their elections.

It is vitally important that councils do not make a final decision on who is to conduct their 2012 ordinary elections until they have considered the new regulation and guidelines.

For the purposes of the conduct of the September 2012 ordinary elections, Schedule 8 of the Act provides that a council may resolve, before 31 October 2011 (or such later date as may be prescribed by the regulation), to retain the Electoral Commissioner to administer its elections (other than elections of mayors and deputy mayors by councillors), constitutional referendums and polls until the conclusion of the 2012 ordinary election for councillors.

If a later date is prescribed, the Division will advise councils forthwith.

The Division is presently developing the necessary regulation and guidelines to complement these amendments. Councils will be notified as soon as the regulation and guidelines have been issued.

Section 434B of the Act provides that the Director General of the Department of Premier and Cabinet may recover the reasonable expenses incurred by the Director General in, or in respect of, the preparation of a Departmental representative's report under Division 1 (Inquiries and reviews) of Part 5 (Inquiries, reviews and surcharging) of Chapter 13 (How are councils made accountable for their actions?) of the Act that relates to the administration of an election by a general manager, including investigation expenses of the Director General or the Departmental representative.

It should be noted that the conduct of the Wollongong City Council and Shellharbour City Council fresh elections on 3 September 2011 are not affected by these changes.

Finally, the Amending Act has also made certain changes affecting councils' constitutional arrangements. Details of these changes are provided in Circular to Councils No 11-12.



Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet



Circular No. 11-12
Date 29 June 2011
Doc ID. A249154 (B)

Contact David Rolls
02 4428 4210
david.rolls@dlg.nsw.gov.au

CONSTITUTIONAL ARRANGEMENTS FOR COUNCILS – AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993

The NSW Parliament has passed the *Local Government (Amendment) Elections Act 2011* (the Amending Act). The Amending Act was assented to by the Governor on 27 June 2011 and its provisions commenced on that date. The purpose of this circular is to advise councils of the resulting changes to the *Local Government Act 1993* (the Act) concerning constitutional arrangements for councils.

A copy of the Amending Act can be found on the NSW Parliamentary Counsel's Office legislation website at www.legislation.nsw.gov.au.

The *Local Government Act 1993* now:

1. enables councils, in certain circumstances, to make an application to the Minister for Local Government for approval to reduce the number of their councillors without the need for approval at a constitutional referendum
2. enables councils, in certain circumstances, to make an application to the Minister for approval to abolish all wards in their areas without the need for approval at a constitutional referendum
3. provides that a by-election need not be held to fill a casual vacancy in the office of a councillor (but not a mayor elected by the electors) if a constitutional referendum has approved a reduction in the number of councillors for the council area but the reduction has not yet taken effect
4. enables councils to apply to the Minister for an order dispensing with the requirement to hold a by-election where a casual vacancy in the office of a councillor (including a mayor elected by the electors of an area) occurs within 18 months before an ordinary election, and
5. contains provisions of a consequential, savings and transitional nature.

Ministerial approvals for reduction in number of councillors without constitutional referendum

Section 224A of the Act now provides councils with a further limited opportunity to make application to the Minister for approval to reduce their councillor numbers without the need for approval at a constitutional referendum.

Applications must be made no later than 5 months after the commencement of the Amending Act, that is, no later than 28 November 2011.

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Section 224A now requires a council to give not less than 42 days public notice of its proposal to resolve to apply to the Minister for Local Government for approval to reduce its councillor numbers. Formerly, not less than 21 days notice was required. In all other respects the procedure for making an application remains the same.

The procedure can now be summarised as follows:

- A council must give not less than 42 days public notice of its proposal to resolve to apply to the Minister for approval to reduce its councillor numbers
- The public notice must:
 - state the place at which, the dates on which, and the times during which the public may inspect the proposed resolution, and
 - invite public submissions on the proposal
- The council must bring the notice to the attention of as many people in its area as possible This is commonly done by doing all of the following:
 - advertising in a newspaper regularly circulating in the council area
 - exhibiting the notice in public areas such as community centres, libraries and public notices boards, and
 - posting the notice on the council's website
- After passing the resolution the council must forward to the Minister:
 - a copy of the resolution
 - a summary of any submissions received by it, and
 - its comments concerning those submissions.

Councils are reminded that section 224A still prevents such applications being made where:

- the reduction would result in the council having less than 5 councillors
- the council is divided into wards and the reduction would result in the number of councillors for each ward being fewer than 3.

Further, as was the case before the amendment:

- where a council receives approval to reduce the number of councillors, the reduction will not take place until the next ordinary elections, however
- by reason of section 294A of the Act, any casual vacancies that occur during this period will not be required to be filled unless the number of councillors on the council would become less than the reduced number approved by the Minister.

Ministerial approvals for abolition of wards without constitutional referendum

Section 210B of the Act allows councils a one-off opportunity to resolve to apply to the Minister to approve the abolition of all wards of their council areas.

Applications must be made no later than 5 months after the commencement of the Amending Act, that is, no later than 28 November 2011.

The steps in the application process are generally the same as those required for the application to reduce councillor numbers as noted above.

Casual vacancies need not to be filled where approval has been obtained at a constitutional referendum to reduce councillor numbers

Section 294B of the Act provides that a by-election is not to be held to fill a casual vacancy in the office of a councillor (but not a mayor elected by the electors) if a constitutional referendum has approved a reduction in the number of councillors for the council area but the reduction has not yet taken effect.

Increase of period before an ordinary election during which by-elections may be dispensed with

Section 294 of the Act now provides that a council may apply to the Minister to dispense with the requirement to hold a by-election for a casual vacancy in the office of a councillor (including a mayor elected by the electors of an area) that has occurred during the 18 months immediately before an ordinary election of the councillors.

Previously, such applications could only be made during the 12 months immediately before an ordinary election of the councillors.

Other amendments concerning the administration of elections

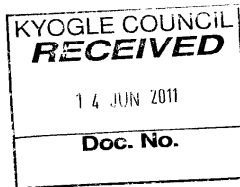
The Amending Act has made councils responsible for the administration of their elections, constitutional referendums and polls. Details of these amendments are provided in Circular to Councils No 11-11.



Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

9 June 2011

Mr Arthur Piggott
Kyogle Council
PO Box 11
KYOGLÉ NSW 2474



Dear Mr Piggott

Request for meeting to discuss arrangements for the conduct of your council's 2012 Local Government Elections

As you are aware, the Minister for Local Government has announced the Government's intention to return to councils responsibility for the conduct of their elections. Councils will, however, have the option to engage the New South Wales Electoral Commission (NSWEC) to conduct their elections. I understand that councils will need to make a decision by 31 October 2011 as to whether they are going to conduct their own election or engage the NSWEC.

I would appreciate the opportunity for my staff to meet with you to discuss issues around this important matter. For your information, I strongly support the option for councils to have a choice as to who conducts their elections. I would nonetheless encourage you to recommend to council that the services of the NSWEC be engaged to conduct your elections.

The purpose of the meeting, therefore, is to discuss a range of matters associated with assisting the council to come to a decision as to whether they wish to conduct their own election or to engage the NSWEC. We would like to commence these meetings from Monday, 5 July 2011, and to have them all concluded by late September. As you are aware, it is a large logistical task to co-ordinate us visiting some 150 councils who will be having elections in 2012.

In order for you to prepare for the meeting, I have attached a high level checklist of tasks that would need to be undertaken if a council decides to conduct its own election. Arrangements are now being made to find suitable times for us to meet with you. I would greatly appreciate the opportunity to personally meet with as many council General Managers as I can physically fit into this tight schedule. I appreciate that you and your senior staff have other commitments, however, as this is a significant policy change and an additional important decision that councils have to make, I would encourage you and your senior staff to make every effort to attend the meeting.

If you have any questions in relation to this please contact Mr Terry Jessop of the NSWEC (Tel 02 9290 5990 or Terry.Jessop@elections.nsw.gov.au) who is co-ordinating these meeting arrangements.

I look forward to meeting as many General Managers as possible in the short time frame.

Yours sincerely



Colin Barry
Electoral Commissioner

Checklist for 2012 Local Government Elections Prepared by New South Wales Electoral Commission			
Consideration	Description	✓	x
Impartiality & Integrity	<p>Elections must be conducted at arms length from mayor & councillors and be seen as such</p> <p>Council employee appointed as returning officer could be seen as compromising that impartiality</p>		
Electoral Administration & Legal	Ensure there is uniform interpretation of electoral legislation inline with NSWEC and other councils, and maintain uniformity with established electoral practices, especially in relation to alleged offences		
Election Forms & Manuals	Identify, prepare and print all forms, declaration envelopes, election official manuals.		
Resources	Acquire, pack & dispatch all materials for polling places, including stationery, ballot boxes, voting screens etc. NSWEC may make dyes available for cardboard equipment		
Ballot Papers	Ballot papers must be printed and held in a secure environment		
Returning Officer	<p>Assuming a council employee would not be appointed, a returning officer will have to be recruited, trained to necessary level of competence and supported for up to 10 weeks (Note: NSWEC ROs would not be available and AEC staff do not have LG election experience)</p> <p>A returning officer would require professional insurance and/or indemnification by council</p>		
Returning Office	<p>Provide adequate office accommodation for returning officer for pre poll voting, secure storage of materials, packing for polling places, vote counting, etc</p> <p>Council would be required to provide computers, printers, copier, phones, etc and ongoing support throughout the election.</p> <p>Council will not have access to a computerised election management system to provide polling place vote estimates; recruitment of election officials; nominations; postal & pre-poll voting & results.</p>		
Clerical Assistance	Council would be required to provide and/or recruit sufficient clerical assistance for enquiries, pre poll & postal voting, visiting declared institutions, recruitment of polling place staff etc		
Polling Place Staff	<p>Returning officer would be required to advertise for, and recruit and train polling place staff,</p> <p>Returning officer would need to develop & implement training program for polling place managers</p>		
Communication & Information	<p>Provide consistent, relevant & timely information to all stake holders, including RPPs, candidates, voters, media, etc</p> <p>Avoid duplicated effort and cost in advertising elections with NSWEC and other councils</p> <p>Stake holders will expect to see election night polling place counts, Sunday check counts, distribution of preferences for optional preferential/proportional representation at least to the NSWEC level</p>		

	Council would need to provide ongoing website management to display general information, candidate information, results		
Polling Places	Councils would need to negotiate with schools etc for the use of their facilities		
Nominations & Candidates	NSWEC would not conduct candidate seminars however Council run seminars would require EF&D presentation by EFA staff Returning officer must be able to verify candidate & proposer enrolment status when nominations lodged Returning officers must deal with nominations in terms of their link to candidates' EF&D obligations		
Election Material	Registration of candidate election material		
Electoral Rolls	NSWEC will provide councils with scannable rolls to enable NSWEC to identify non-voters. Council will need to advise number of issuing points for each polling place, pre-poll & postal		
Proportional Representation Counts	Councillors must be elected according to the prescribed counting system. NSWEC vote counting software could be made available to count ballot papers with Group Voting Squares		
Post Election	Council would need to deal with ongoing issues related to payments to election officials, including superannuation payments etc Election may be subject to appeal to Administrative Decisions Tribunal Council would need to prepare a Report to Parliament on the conduct of the election Council would be required to make submissions to, and appearances before Joint Standing Committee and be subject to JSC recommendations Responsibility for ongoing storage & security of election materials		