



KYOGLÉ COUNCIL

ORDINARY MEETING AGENDA

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

ON MONDAY 25 OCTOBER 2010

Commencing at 3.30 p.m.

GENERAL MANAGER: ARTHUR PIGGOTT

Dear Councillor,

In accordance with the provisions of the Local Government (General) Regulation 2005, you are hereby notified of the following Ordinary Meeting to be held at the Kyogle Council Chambers, on **Monday 25 October 2010, at 3.30 p.m.**

DECLARATION OF PECUNIARY INTEREST

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

BUSINESS

- Item 1 Apologies
- Item 2 Opening Prayer
- Item 3 Traditional Lands Acknowledgement
- Item 4 Declaration of Interests
- Item 5 Question Time
- Item 6 Public Access
- Item 7 Deputations
- Item 8 Matters Determined without Further Debate
- Item 9 Confirmation of Minutes
- Item 10 Mayoral Minute
- Item 11 Notices of Motion
- Item 12 Questions with Notice from Councillors
- Item 13 Reports from Delegates
- Item 14 Information Reports
- Item 15 Reports from General Manager
 - A Technical Services Section
 - B Planning Services Section
 - C Environmental Services Section
 - D Corporate Services Section
 - E Community Services Section
 - F General Manager's Section
- Item 16 Urgent Business Without Notice
- Item 17 Questions for Next Ordinary Meeting
- Item 18 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 end the session.

Speakers are not to debate answers.

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

The maximum duration of this session is 30 minutes.

5.8 Public Access (Council Policy)

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

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

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

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

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

5.9 Deputations to Council (Council Policy)

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

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

ORDINARY MEETING AGENDA

Monday 25 October 2010

INDEX TO BUSINESS PAPER

ITEM	PRECIS	PAGE
ITEM 1	APOLOGIES	1
ITEM 2	OPENING PRAYER	1
ITEM 3	TRADITIONAL LANDS ACKNOWLEDGEMENT	1
ITEM 4	DECLARATION OF INTERESTS	1
ITEM 5	QUESTION TIME	1
ITEM 6	PUBLIC ACCESS	1
ITEM 7	DEPUTATIONS	1
ITEM 8	MATTERS DETERMINED WITHOUT FURTHER DEBATE	1
8.1	MATTERS DETERMINED WITHOUT DEBATE	1
ITEM 9	CONFIRMATION OF MINUTES	2
9.1	CONFIRMATION OF ORDINARY MINUTES - 27 SEPTEMBER 2010	2
ITEM 10	MAYORAL MINUTE	3
10.1	MAYORAL MINUTE - TELECOMMUNICATION SERVICES	3
ITEM 11	NOTICES OF MOTION	4
11.1	NOTICE OF MOTION, COUNCILLOR LINDSAY PASSFIELD - SOLAR INSTALLATION	4
11.2	NOTICE OF MOTION, COUNCILLOR JANET WILSON - MINISTER FOR REGIONAL AUSTRALIA SIMON CREAM	6
ITEM 12	QUESTIONS WITH NOTICE FROM COUNCILLORS	9
ITEM 13	DELEGATES REPORTS	9
13.1	DEPUTY MAYOR ATTENDANCES - SEPTEMBER 2010	9
ITEM 14	INFORMATION PAPERS	11
14.1	WORKS PROGRAM REPORT	11
14.2	QUARRIES REPORT	13
14.3	PLANT BUDGET REPORT - SEPTEMBER 2010	15

14.4	MONTHLY FINANCIAL REPORT	19
ITEM 15	GENERAL MANAGER 'S REPORT	21
ITEM 15A	TECHNICAL SERVICES REPORT	21
ITEM 15B	PLANNING SERVICES REPORT	21
15B.1	DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD SEPTEMBER 1, 2010 TO SEPTEMBER 30, 2010	21
15B.2	CONFIRMATION OF PLANNING & ENVIRONMENT COMMITTEE MINUTES	30
15B.3	RECREATIONAL DIRT BIKE RIDING IN KYOGLE LOCAL GOVERNMENT AREA	33
ITEM 15C	ENVIRONMENT SERVICES REPORT	37
15C.1	STATE OF THE ENVIRONMENT REPORT 2010	37
ITEM 15D	CORPORATE SERVICES REPORT	39
15D.1	DRAFT ECONOMIC DEVELOPMENT POLICY	39
15D.2	COMMUNITY CULTURAL & ECONOMIC COMMITTEE MINUTES 11 OCTOBER 2010	41
15D.3	SEPTEMBER QUARTER BUDGET/MANAGEMENT PLAN REVIEW	43
ITEM 15E	COMMUNITY SERVICES REPORT	45
15E.1	CHRISTMAS/NEW YEAR CLOSEDOWN	45
15E.2	PECUNIARY INTEREST RETURNS	46
ITEM 15F	GENERAL MANAGER'S REPORT	47
ITEM 16	URGENT BUSINESS WITHOUT NOTICE	47
ITEM 17	QUESTIONS FOR NEXT ORDINARY MEETING	47
ITEM 18	CONFIDENTIAL BUSINESS PAPER	47
APPENDIX / ATTACHMENTS		1
9.1	CONFIRMATION OF ORDINARY MINUTES - 27 SEPTEMBER 2010	2
14.4	MONTHLY FINANCIAL REPORT	41
15B.3	RECREATIONAL DIRT BIKE RIDING IN KYOGLE LOCAL GOVERNMENT AREA	46
15D.2	COMMUNITY CULTURAL & ECONOMIC COMMITTEE MINUTES 11 OCTOBER 2010	48

ITEM 1 APOLOGIES

ITEM 2 OPENING PRAYER

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

ITEM 4 DECLARATION OF INTERESTS

Nil.

ITEM 5 QUESTION TIME

Nil.

ITEM 6 PUBLIC ACCESS

A request for public access has been received from:-

- Ms Danielle Mulholland regarding Development Application 2010-0039 Multiple Occupancy.
- Solicitor Bob Kelly regarding Development Application 2010-0104 Tabulam Bottle Shop.

ITEM 7 DEPUTATIONS

Nil.

ITEM 8 MATTERS DETERMINED WITHOUT FURTHER DEBATE

8.1 MATTERS DETERMINED WITHOUT DEBATE

Summary/Purpose

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

Report

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

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

Recommendation

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

ITEM 9 CONFIRMATION OF MINUTES

9.1 CONFIRMATION OF ORDINARY MINUTES - 27 SEPTEMBER 2010

Summary/Purpose

A copy of the Minutes for the Ordinary Meeting held on 27 September 2010, is included in the attachments to the business paper.

Recommendation

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

Attachments

1. Minutes of the Ordinary meeting held 27 September 2010.

ITEM 10 MAYORAL MINUTE

10.1 MAYORAL MINUTE - TELECOMMUNICATION SERVICES

Summary/Purpose

This report seeks a Council resolution in relation to telecommunication services.

Community Strategic Plan Item(s)

- Governance & Community Service

Background Information

On 14 September 2010, Telstra announced plans to close its call centre located in Grafton during November 2010.

This decision will result in a loss of over 100 jobs to the area and is predicted to have a \$1 million impact on the Local Government Area.

Report

Lismore City Council recently considered a report on this matter and resolved to:

1. Write to David Thodey, Telstra CEO, condemning the decision to close the Grafton Call Centre and seeking assurance that the Lismore Call Centre will be maintained.
2. Request the General Manager to prepare a report reviewing our telecommunication accounts and available alternative providers.
3. Support a recommendation by Clarence Valley Council to the next meeting of NOROC encouraging NOROC members to review their telecommunication accounts.

It was noted in this report that the Lismore call centre in Goonellabah employs approximately 180 people. The Lismore and surrounding community (including Kyogle) would be greatly affected if this call centre was to also close.

Kyogle Council should therefore join Lismore City Council in seeking assurances from Telstra that the Lismore call centre will not suffer the same fate as the Grafton call centre.

The General Manager has advised that staff have recently implemented changes to Council's telecommunications accounts that will generate ongoing savings. It is however considered that if the NOROC members decide to review their telecommunications accounts, that Kyogle Council should take part as this would support our fellow NOROC

members and could result in further savings through a joint approach to telecommunications.

Recommendation

That Council:

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

ITEM 11 NOTICES OF MOTION

11.1 NOTICE OF MOTION, COUNCILLOR LINDSAY PASSFIELD - SOLAR INSTALLATION

Summary/Purpose

This item presents to Council a Notice of Motion received from Councillor Lindsay Passfield for Ordinary meeting to be held 25 October 2010.

Report

The Notice of Motion is as follows;



NOTICE OF MOTION

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

That Council investigate the feasibility of installing solar electric panels on one of Council's larger buildings with a view to offsetting energy costs.

This initiative would provide community leadership in renewable energy and could ultimately result in Council's buildings becoming carbon neutral.

Signed:

L. Passfield
.....

Date: 18 October 2010

Note:

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

Recommendation

For Council's determination.

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

Summary/Purpose

This item presents to Council a Notice of Motion received from Councillor Janet Wilson for Ordinary meeting to be held 25 October 2010.

Report

The Notice of Motion is as follows;



NOTICE OF MOTION

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

The following is taken from a report(Rural ABC) about Minister Crean's address to the National press club on Thursday, 30/09/2010.

"The Minister for Regional Australia, Simon Crean, says he wants to give local communities a real voice.

He's told the National Press Club that the Federal Government's new plan will see solutions coming from the bush rather than Canberra.

Mr Crean says 55 Regional Development Australia committees around the country will be one way for the regions to communicate their priorities.

But he warns the new power comes with responsibility.

"We don't want wishlists. We want communities to be able to take responsibility for charting their economic, social and environmental well-being and devise a way forward that stacks up against sound socio-economic principles."

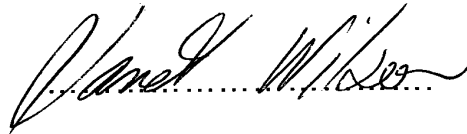
The need for strategic planning and community engagement has never been more important and to support a process of developing a plan for arguing the case for this LGA, I am proposing the following motions:

1. That council set up a working party to include expertise from within the community and external expertise to develop a sustainable events policy and plan which is inclusive of good environmental practice. That the terms of reference for this working party be returned to the community services, economic and cultural committee for deliberation before the work is carried out.
2. That council convene a working party of people with expertise in broadband technology to provide council with a report on how this technology can be used to support the economic development of this LGA. That the terms of reference that are established by this working

party be returned to the community, economic and cultural service committee for deliberation before further work is carried out.

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

Signed:

A handwritten signature in black ink, appearing to read "Daniel Wilson", written over a dotted line.

Date:

8 October 2010

Note:

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

Recommendation

For Council's determination.

ITEM 12 QUESTIONS WITH NOTICE FROM COUNCILLORS

Nil.

ITEM 13 DELEGATES REPORTS

13.1 DEPUTY MAYOR ATTENDANCES - SEPTEMBER 2010

Summary/Purpose

The following summarises the Deputy Mayor Attendances for the period 1st September to 30th September 2010.

Date	Attendance
18/9/2010	Walk for Life, Kyogle
18/9/2010	Kyogle Amateur Swimming Club 75 th Anniversary Dinner
27/9/10	Active Kyogle Seniors' Challenge Launch
29/9/10	NSW Police Memorial Ceremony

Report

1. The Walk for Life is an event held in conjunction with the Kyogle Reconciliation Group to raise awareness of chronic diseases in our indigenous population and, given the number of events taking place on the same day, was well attended. Members of the community, who ranged in age from young children to septuagenarians, were encouraged to walk a predetermined route as many times as they could. People were also able to do Tai Chi, play footy on the oval, enjoy a barbeque lunch and listen to live music.
2. The Kyogle Amateur Swimming Club 75th Anniversary Dinner was the culmination of the celebrations for current and ex-members of the Club. The majority of the attendees at the Dinner (approximately 170) were from out of town which is pleasing both from the Club's perspective and from an economic point of view for the town. An impressive display of memorabilia, including old swimming costumes, newspaper clippings, trophies, medals, and photos, was on view.
3. The Launch was held at Grove House. The Seniors' Challenge is part of the Active Kyogle project, a project funded by the Federal Government, run in conjunction with North Coast Area Health and managed by Ms Pat Anderson from Kyogle Together. The total funds allocated to the project is \$560,000 which is being spent throughout the LGA over three years on health education, participatory challenges such as this one for seniors and previous ones for school

children, and a gym. The Active Kyogle project will continue to be a great economic boost for Kyogle.

4. While no longer Deputy Mayor on 29th September, I attended the NSW Police Memorial Ceremony as a Councillor as previously arranged with the Police. Due to the lateness of our mayoral elections, it was too late to change the programme with only one day's notice. I was honoured to be asked to read one of the prayers at the service. Councillor Ernie Bennett was also in attendance, along with Councillors Jenny Dowell (Mayor Lismore) and Stuart George (Deputy Mayor Richmond Valley).

Recommendation

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

ITEM 14 INFORMATION PAPERS

14.1 WORKS PROGRAM REPORT

Summary/Purpose

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

Community Strategic Plan Item(s)

- Roads and Infrastructure

Report

Rural and Urban Works

Maintenance grading has been carried out on Knights Road, Pines Road, Smiths Creek Road, Haystack Road and Yabbra Road during the past month and will continue on roads in the Yabbra, Edenville and Eden Creek areas in the next month.

Rehabilitation of 900 metres of Omagh Road south of Mockharra Lane and of 1.5km of Fawcetts Plain Road is in progress. The works have been delayed by wet weather early in October but are expected to be completed by the end of the month.

Replacement of the concrete footpaths in Geneva Street (north side) between Summerland Way and Ettrick Street is continuing.

Regional Road Works.

Pothole patching and slashing of road shoulders has been carried out on Clarence Way, Kyogle Road and Bentley Road during the month.

Installation of guardrail on the new bridges on Clarence Way has been completed.

State Road Works

Routine maintenance works including bitumen patching, roadside slashing and weed control has continued during the month.

Action requests

A total of 37 action requests were received during the month of September, summarised as follows:

Requests for maintenance to sealed roads:
Findon Creek Road, Clarence Way.

Requests for maintenance to unsealed roads:

Shorts Road, Simpkins Creek Road, Smiths Creek Road, Connells Road, Knights Road, Dunns Road, Horseshoe Creek Road, Peacock Creek Road, Baraimal Lane, Wynedin Road, Eden Creek Road, Pines Road.

Requests for repairs to bridges and culverts:

Dyraaba Road, Tree Fern Road, Wiangaree Back Road, Bendalls Road, Afterlee Road.

Requests for attention to urban streets:

Anzac Drive.

Requests for attention to trees, vegetation:

Omagh Road, Brown Knob Road, Geneva Street, Gonpa Road, Erwin Street.

Requests for attention to signs:

Wiangaree village, Roseberry Creek Road.

Financial Performance – Major Works

The following is an updated report on the financial performance of major works as at September 30, 2010.

FINANCIAL PERFORMANCE MAJOR WORKS (RTA AND COUNCIL)

SEPTEMBER					
RTA WORKS	BUDGET	EXPENDITURE YEAR TO DATE	% COMPLETE	COMMENTS	
FLOOD RESTORATION ROADS - 21 / 5 / 09	155,850	9,360	30		
MR 150 - CONSTRUCT TURN OUT TO SH 16	50,000	0	0	Subject to additional RTA funds	
MR 361 - REHAB APPROACHES BEAN CK NO. 3	82,370	10,146	80	Programmed Feb/ March 2011	
MR 361 - REHAB SMITHS PIT NORTH STAGE 2	214,000	0	0	Programmed April/May 2011	
MR 361 - REHAB SMITHS PIT SOUTH	174,000	0	0	Programmed April/May 2011	
MR 361 - REHAB BOOMI CREEK APPROACHES	254,000	0	0	Programmed June 2011	
BRIDGE REPLACEMENT - BEAN CK NO. 4	331,720	224,812	85		
BRIDGE REPLACEMENT - BOOMI CREEK	600,000	0	0	To call tenders October 2010	
	1,861,940	244,318			
COUNCIL WORKS					
MAIN STREET WORKS - RLCIP	1,200,000	124,907	12		
FLOOD RESTORATION ROADS - 21 / 5 / 09	1,189,653	428,517	35		
RESEAL FINDON CREEK ROAD	60,000	0	0	Programmed Feb 2011	
INITIAL SEAL BROWN KNOB ROAD	150,000	0	0	Programmed Nov/Dec 2010	
REHAB FAWCETTS PLAIN ROAD	150,000	27,330	20		
REHAB OMAGH ROAD	90,000	19,111	20		
REHAB DUCK CK ROAD	85,778	0	0	Programmed Feb 2011	
RESHEETING EAST / WEST CONNECTION	150,000	0	0	Subject to negotiations with S/Forests	
RESHEETING YABBRA ROAD	60,000	27,703	50		
RESHEETING NEEDHAMS ROAD	50,000	0	0	Programmed Dec 2011	
RESHEETING HILLYARDS ROAD	50,000	0	0	Programmed Dec 2010	
BRUMBY PLAINS RD BRIDGE 18 - 670	71,604	95,582	100		
TERRACE ROAD BRIDGE 124 - 98	400,000	0	0	To call tenders Oct 2010	
MONTGOMERYS BRIDGE 73 - 4457	278,074	25,080	0	Further report to Council on options	
DUCK CREEK ROAD BRIDGE 138 - 18852	112,457	0	0	Programmed May/June 2011	
DYRAABA CREEK ROAD BRIDGE 54 - 5110	190,000	2,136	0	Programmed April/May 2011	
IRONPOT CREEK ROAD BRIDGE 73 - 7641	190,000	1,296	0	Programmed June/July 2011	
SEXTONVILLE ROAD CULVERT (BRIDGE 38 - 12417)	90,000	0	0	Programmed April 2011	
HILLYARDS ROAD - BRIDGE 14 - 712	190,000	6,051	0	Programmed March/April 2011	
GRADYS CK / LIONS RD REHAB OF 2 CULVERTS	90,000	0	0	Programmed Feb/March 2011	
GRADYS CREEK ROAD REPLACE BOX CULVERT	90,000	300	0	Programmed Dec 2010	
KYOGLA FLOOD MITIGATION WORKS	368,049	8,010	5		
JUNCTION ST / CURTOIS ST	55,000	0	0	Programmed April/May 2011	
BONALBO DRAINAGE	60,000	0	0	Programmed Feb /March 2011	
	5,420,615	766,023			
	7,282,555	1,010,341			

NB: PROJECTS INCLUDED WHERE TOTAL PROJECT VALUE EXCEEDS \$50,000.

Recommendation

That the Works Program report be received and noted.

14.2 QUARRIES REPORT

Summary/Purpose

This report is to advise Council of quarry operations and budget to 7 October, 2010.

Community Strategic Plan Item(s)

- Roads and Infrastructure

Report

No crushing has been carried out at Council's quarries in the past month.

Stockpiles of road base are available at Medhursts, Millers and Lloyds Pits for use as required.

Materials are currently being used from Medhursts and Millers quarries for road maintenance and flood damage repairs.

Budget & Financial Aspects

The following is a summary of the Quarries budget for 2010/11 at the end of September.

QUARRY	Budget Annual	Budget YTD	YTD 30/09/2010	Comments
<u>MEDHURSTS</u>				
SALES	173,000	43,250	1356	
COST OF SALES	129,750	32,437	1,017	
NET PROFIT / (LOSS)	43,250	10,813	339	
<u>GRIFFITHS</u>				
SALES	75,000	18,750	9,934	
COST OF SALES	56,250	14,062	7,451	
NET PROFIT / (LOSS)	18,750	4,688	2,483	
<u>MILLERS</u>				
SALES	220,000	55,000	6,840	
COST OF SALES	189,640	47,300	5,882	
NET PROFIT / (LOSS)	30,360	7,700	958	
<u>LLOYDS</u>				
SALES	40,000	10,000	0	

COST OF SALES	34,400	8,600	0
NET PROFIT / (LOSS)	5,600	1,400	0

QUARRY	Budget Annual	Budget YTD	YTD 30- 30/09/2010	Comments
<u>SUMMARY</u>				
SALES	508,000	127,000	18,130	
COST OF SALES	410,040	102,399	14,350	
NET PROFIT / (LOSS)	97,960	24,601	3,780	

EXPENSES	Budget Annual	Budget YTD	YTD 29.4.10	Comments
DEPRECIATION	10,984	2,746	0	
OTHER EXPENSES	3,075	768	6,888	Rehab Goodings Pit
	14,059	3,514	6,888	

TOTAL OPERATING	83,901	21,087	(3,108)
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CAPITAL

QUARRY DEVELOPMENT	0	0	0
STOCK MOVEMENT	0	0	0
ACCUMULATED DEPRECIATION	(10,984)	(2,746)	0
	(10,984)	(2,746)	0

NET SURPLUS/(COST)	94,885	23,833	(3,108)
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Recommendation

That the Quarries report be received and noted.

14.3 PLANT BUDGET REPORT - SEPTEMBER 2010

Summary/Purpose

This report presents updated plant data as at 30 September, 2010 for Council's information.

Community Strategic Plan Item(s)

- Roads and Infrastructure

Report

Copies of the following reports appear below:

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

1. Plant Acquisitions/Sales 2010/2011

PLANT ACQUISITIONS/SALES 2010/2011						
as at 30 September, 2010						
to be replaced	Purchase	Estimated Cost			Actual Cost	
		Trade	Net	Purchase	Trade	Net
Light Vehicles						
4wd wagon	30,000	5,000	25,000	0	0	0
4wd Utility	376,000	218,500	157,500	0	0	0
Utility	52,500	20,000	32,500	0	0	0
	458,500	243,500	215,000	0	0	0
Quantities						
4wd Wagon	1	0	1	0	0	0
4wd Utility	10	10	0	0	0	0
Utility	2	3	(1)	0	0	0
Heavy Plant - (Trade)						
Grader (2)	414,000	134,000	280,000	0	0	0
2 tonne truck kyogle spray/sign	50,000	0	50,000	45,445	0	45,445
13,000 ltr water tank(141)	45,000	3,000	42,000	0	0	0
12,000 ltr water tank(355)	30,000	3,000	27,000	0	0	0
Front deck mower - Kyogle	40,000	5,000	35,000	28,182	0	28,182
Front deck mower - Bonalbo	40,000	0	40,000	28,182	0	28,182
Tractor + bucket - Kyogle sewer	50,000	0	50,000	72,636	0	72,636
Call out trailer - Bonalbo	20,000	0	20,000	0	0	0
(Tipper crane truck)					23,786	-23,786
	689,000	145,000	544,000	174,445	23,786	150,659
Small Plant						
Misc.	45,000		45,000	35,200	9,904	25,296
PA Ride on mowers	10,000	2,000	8,000	6,682	0	6,682
	55,000	2,000	53,000	41,882	9,904	31,978
	1,202,500	390,500	812,000	216,327	33,690	182,637
* Trading utility on this purchase						
** Trade related to 2009/2010 purchase						

2. Plant and Depot Operations Report

	Budget	Budget YTD	YTD			
PLANT & DEPOT OPERATIONS	Annual		30.09.10	COMMENTS		
OPERATING						
<u>PLANT INCOME</u>	2,546,160	636,540	1,053,140			
<u>PLANT EXPENDITURE</u>						
FRINGE BENEFIT TAX	16,974	0	4,150			
PLANT M & R	1,387,254	346,815	271,934			
DEPRECIATION EXP VEHICLE FLEET	628,141	157,035	157,035			
	2,032,369	503,850	433,119			
NET SURPLUS/(LOSS)	513,791	132,690	620,021			
<u>PROFIT ON SALE OF PLANT</u>						
PROCEEDS ON SALE OF PLANT & EQUIPMENT	390,500	40,000	33,690			
BOOK VALUE OF SOLD PLANT & EQUIPMENT	292,875	0	0			
	97,625		33,690			
<u>OTHER INCOME</u>						
PRIVATE USAGE CONTRIBUTIONS STAFF VEHICLES	41,610	6,500	6,415			
OTHER INCOME	0	0	0			
	41,610	6,500	6,415			
<u>DEPOT EXPENSES</u>						
KYOGLE DEPOT	58,365	9,590	9,037			
BONALBO DEPOT	23,686	5,200	6,102			
WOODENBONG DEPOT	7,283	1,000	1,172			
	89,334	15,790	16,311			
TOTAL OPERATING	563,692	123,400	643,815			
CAPITAL						
<u>NON CURRENT ASSETS</u>						
DEPOT IMPROVEMENTS	80,000	0	0	Money for fuel storage systems. Not yet purchas		
PLANT PURCHASES	1,202,500	240,000	209,055			
BOOK VALUE SOLD ASSETS	(292,875)	0	0			
ACCUMULATED DEP'N - VEHICLE FLEET	(628,141)	(157,035)	(157,035)			
	361,484	82,965	52,020			
TOTAL CAPITAL	361,484	82,965	52,020			
NET SURPLUS/(COST) OF ACTIVITY	202,208	40,435	591,795			

3. Plant Budget Report (by plant item)

As at September 30, 2010				
	PLANT ITEM	INCOME	EXPENDITURE	PROFIT/LOSS
2	CAT 12H GRADER	29,800	7,454	22,346
3	CAT 12H GRADER	31,950	7,978	23,972
4	CAT 140H GRADER	32,760	6,736	26,024
5	JOHN DEERE 770D GRADER	33,652	9,361	24,291
24	DINGO K94 MINI DIGGER	2,160	656	1,504
25	MINI EXCAVATOR	14,550	3,717	10,833
26	STREET SWEEPER	4,260	955	3,305
27	CLARK BOBCAT	3,275	383	2,892
28	CAT 938G LOADER	10,412	2,513	7,899
32	CAT 324DL EXCAVATOR	38,010	10,182	27,828
33	CAT 324DL EXCAVATOR	34,125	9,284	24,841
34	CATERPILLAR IT28G LOADER	5,215	25,648	-20,433
35	CATERPILLAR 966H LOADER	21,262	5,405	15,857
36	CATERPILLA 816F COMPACTOR	31,725	8,929	22,796
40	FRANNA MOBILE CRANE	13,267	1,269	11,998
41	CAT FORKLIFT	1,600	258	1,342
51	HYSTER DRAWN GRID ROLLER	4,990	1,160	3,830
52	GRID ROLLER-COATES	5,410	295	5,115
62	JOHN DEERE 315SG BACKHOE	1,787	342	1,445
63	CAT 432D BACKHOE	5,395	955	4,440
64	KOMATSU WB97S BACKHOE	6,160	906	5,254
71	CASE MX90C TRACTOR	8,360	1,755	6,605
72	CASE MX200 TRACTOR	17,290	6,303	10,987
73	CASE MX210 TRACTOR	18,445	6,848	11,597
74	CASE INTER 595-2W/D	0	0	0
78	MCCORMICK MC105	11,430	5,318	6,112
79	MCCORMICK MC115	2,880	674	2,206
80	JOHN DEERE 2085 TRACTOR	1,300	499	801
88	MCCONNEL REACH MOWER	8,505	683	7,822
101	ISUZU NPR250 CAB CHASSIS	3,600	846	2,754
135	ISUZU JETMASTER 2000	30,281	7,954	22,327
137	ISUZU NPR 400 TIPPER MAXIL	11,608	432	11,176
139	ISUZU GIGA 385CXY TIPPER	22,262	9,843	12,419
140	ISUZU NPR 400L CRANE/TIPPE	4,640	629	4,011
141	ISUZU FVZ1400M TRUCK/WATER TANK	12,545	1,980	10,565
142	ISUZU NPR400L TIPPER	22,080	1,220	20,860
143	ISUZU FVZ1400L	38,870	2,220	36,650
144	ISUZU NPR400L TIPPER	14,180	717	13,463
145	ISUZU NPR400L TIPPER	12,080	2,490	9,590
146	ISUZU NPR400L TIPPER	15,120	1,944	13,176
147	ISUZU FRR525 TIPPER	10,240	2,270	7,970
148	ISUZU FVZ1400 TIPPING TRUCK	50,460	1,515	48,945
149	KENWORTH T401 PRIME MOVER	17,170	4,954	12,216
150	KENWORTH T350 TIPPER	19,207	8,847	10,360
151	KENWORTH T350 TIPPER	26,715	10,545	16,170
152	ISUZU FXZ 1500 TIPPER	17,310	1,837	15,473

Recommendation

That the Plant Budget Report be received and noted.

14.4 MONTHLY FINANCIAL REPORT

Summary/Purpose

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

Background Information

Legislative Requirements

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

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

Report

The following information is presented for information only.

1. (A) Finance Reports

Summary reports outlining Council's financial position as at 30 September, 2010. The reports presented include:

- Rates Statement
- Statement of Bank Balances

- Summary of Investments

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

2. (B) Councillors Travel Expenses Report

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

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

Recommendation

That the Monthly Finance Report be received and noted.

Attachments

1. Financial Reports
2. Councillors Travel

ITEM 15 GENERAL MANAGER 'S REPORT

ITEM 15A TECHNICAL SERVICES REPORT

Nil.

ITEM 15B PLANNING SERVICES REPORT

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

Report

2006/159

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

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

2009/6

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

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

2009/32

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

2009/46

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

2009/126

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

2010/12

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

2010/39

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

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

2010/74

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

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
2010/104	
Property:	Lot 14 DP 20701 Tabulam Parish, Drake County.
Address:	Bruxner Hwy Tabulam
Applicant/Owner:	RJ & KJ Kelly
Proposal:	Bottle Shop
Received:	Referred To DMP For Comment
Status:	For Council consideration
2010/107	
Property:	Lot 1 DP 305744 Fairy Mount Parish, Rous County.
Address:	Anzac Dr Kyogle
Applicant/Owner:	Stephen P McElroy / Ritchies Stores Pty Ltd
Proposal:	Carpark
Received:	Referred To DMP For Comment
Status:	Awaiting Applicant's Comments
2010/122	
Property:	Lot 1 DP 595113 Toonumbar Parish, Rous County.
Address:	Crossleys Road, Toonumbar
Applicant/Owner:	Riordans Consulting Surveyors / Dr BK Perry
Proposal:	Subdivision 2 Lots
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
2010/127	
Property:	Lot 20 DP 751050 Capeen Parish, Buller County.
Address:	Clarence Way Bean Creek
Applicant/Owner:	Newton Denny Chapelle / AT & AL Harwood
Proposal:	Subdivision By Boundary Adjustment
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
2010/132	
Property:	Lot 102 DP 755707 Fairy Mount Parish, Rous County.
Address:	Walters Rd Horseshoe Creek
Applicant/Owner:	Kyogle Dirt Bike Club / KE & V Kook
Proposal:	Trail Bike Rides
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
2010/141	
Property:	Lot 13 DP 1011652 Jiggi Parish, Rous County.
Address:	Kyogle Rd Cawongla
Applicant/Owner:	Newton Denny Chapelle / PV Hallpike & FM Hopkins
Proposal:	Subdivision
Received:	Referred To DMP For Comment

Status:	Awaiting DMP Comments
2010/143	
Property:	Lot 5 DP 4973 Fairy Mount Parish, Rous County.
Address	McDougall St Kyogle
Applicant/Owner:	Noel Francis Reynolds / NF Reynolds
Proposal:	Garage Extension
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
2010/145	
Property:	Lot 7 Sec 3 DP 11813 Tabulam Parish, Drake County
Address	Lawrence St Tabulam
Applicant/Owner:	Adrian Kenneth Keefe / AK & C Keefe
Proposal:	Dwelling On Consolidated Lot
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
2010/146	
Property:	Lot 13 DP 1112691 Wiangarie Parish, Rous County.
Address	Summerland Way Kilgra
Applicant/Owner:	John Edward Creighton / JE & BW Creighton
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
2010/148	
Property:	Lot 30 DP 1040731 Toonumbar Parish, Rous County.
Address	Afterlee Road, Ghinni Ghi
Applicant/Owner:	All Steel Garages & Sheds / Sumalco Pty Ltd
Proposal:	Dwelling & Shed
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
2010/150	
Property:	Lot 122 DP 806090 Jiggi Parish, Rous County.
Address	Kyogle Rd Cawongla
Applicant/Owner:	Newton Denny Chapelle / DH Sleeth & ZM Armstrong
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
2010/151	
Property:	Lot 37 DP 1064252 Runnymede Parish, Rous County.
Address	Rosewood PI Kyogle
Applicant/Owner:	Leslie Albert Roy / BL & KA Descovich
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
2011/3	
Property:	Lot 22 DP 826414 Fairy Mount Parish, Rous County.
Address	Green Pigeon Rd Horseshoe Creek
Applicant/Owner:	Unique Building Solutions / WJ& BM Jarrett Pty Ltd
Proposal:	Dwelling

Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
<hr/>	
2011/7	
Property:	Lot 563 DP 850175 Runnymede Parish, Rous County.
Address	Runnymede Rd Kyogle
Applicant/Owner:	Newton Denny Chapelle / RT & CM O'Neill
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Awaiting RFS & ARTC Comments
<hr/>	
2011/9	
Property:	Lot 1 DP 1154142 Dyraaba Parish, Rous County.
Address	Pigman Rd Dyraaba
Applicant/Owner:	Fay Loretta June Hunt
Proposal:	Dwelling Alterations And Additions, Shed
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
<hr/>	
2011/12	
Property:	Lot 10 DP 1130005 Fairy Mount Parish, Rous County.
Address	Whites Rd Homeleigh
Applicant/Owner:	Arthur Edward Piggott / AE & CL Piggott
Proposal:	Pool Shed
Received:	Referred To DMP For Comment
Status:	Approved by Council
<hr/>	
2011/13	
Property:	Lot 1 DP 790288 Tabulam Parish, Rous County.
Address	Clarence Way Tabulam
Applicant/Owner:	Murray David Ings
Proposal:	Quarry
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
<hr/>	
2011/14	
Property:	Lot 73 DP 6029 Stratheden Parish, Rous County.
Address	Pines Rd Edenville
Applicant/Owner:	Landpartners / JR Mamet
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Awaiting RFS Comments
<hr/>	
2011/15	
Property:	Lot 10 DP 1132977 Fairy Mount Parish, Rous County.
Address:	Killaloe Rd Green Pigeon
Applicant/Owner:	David James Orr / DJ Orr & SL Patten
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2011/17	
Property:	Lot 132 DP 864913 Donaldson Parish, Buller County.
Address:	Lindsay Creek Rd Lindesay Creek
Applicant/Owner:	Andrew David Vallance / AD & SM Vallance
Proposal:	As Built Dwelling Additions & Pool
<hr/>	

Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
<hr/>	
2011/18	
Property:	Lot 12 DP 1040514 Queebun Parish, Rous County.
Address:	Trentys Lane Doubtful Creek
Applicant/Owner:	Harold John Standfield / HJ Standfield
Proposal:	Quarry
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
<hr/>	
2011/19	
Property:	Lot 79 DP 755719 Loadstone Parish, Rous County.
Address:	Voltz Road The Risk
Applicant/Owner:	SA Foster / SA & JL Foster
Proposal:	Rural shed
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2011/20	
Property:	Lot 13 DP 1081723 Fairy Mount Parish, Rous County.
Address:	Kyogle Rd Homeleigh
Applicant/Owner:	Coastline Building Certification / PJ & SJ Owen
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/21	
Property:	Lot 11 DP 1095015 Fairy Mount Parish, Rous County.
Address:	Green Pigeon Road Green Pigeon
Applicant/Owner:	PW Dempsey / PW & AE Dempsey
Proposal:	Dwelling additions
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2011/22	
Property:	Lot 270 DP 4517 Fairy Mount Parish, Rous County.
Address:	Stratheden St Kyogle
Applicant/Owner:	Kyogle Council / Kyogle Council
Proposal:	Art Gallery, Museum, Library Extension
Received:	Referred To DMP For Comment
Status:	On public display
<hr/>	
2011/23	
Property:	Lot 4 DP 730840 Fairy Mount Parish, Rous County.
Address:	Wyangarie St Kyogle
Applicant/Owner:	Lake Noorinbee Pty Ltd / WHK
Proposal:	Advertising sign
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2011/24	
Property:	Lot 14 DP 1022277 Ettrock Parish, Rous County.
Address:	Smiths Creek Road Smiths Creek
Applicant/Owner:	WH Delaforce / WH & IP Delaforce

Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2011/25	
Property:	Lot 1 DP 435758 Ettrick Parish, Rous County.
Address:	Ghinni Ghi Rd Ghinni Ghi
Applicant/Owner:	Peter Daniel Wallbank / PD & A Wallbank
Proposal:	Relocation Of Multi Purpose Room & Verandah
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/26	
Property:	Pt Lot 1 DP 174736 Geneva Parish, Rous County.
Address:	Omagh Road Cedar Point
Applicant/Owner:	All Steel Garages / AL Hill
Proposal:	Rural shed
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2011/27	
Property:	Lot 1 DP 532643 Sandilands Parish, Rous County.
Address:	Bulmers Road Mallanganee
Applicant/Owner:	Daly International / Transgrid
Proposal:	Telecommunications tower
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2011/28	
Property:	Lot 3 DP 759111 Donaldson Parish, Rous County.
Address:	MacPherson St Woodenbong
Applicant/Owner:	Genesis Two Pty Ltd / TH Strand
Proposal:	Renovation & Licenced Cafe
Received:	Referred To DMP For Comment
Status:	On public display
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2011/29	
Property:	Lot 131 DP 630646 Babyil Parish, Rous County.
Address:	Sextonville Rd Sextonville
Applicant/Owner:	Design Evolutions / ZW Robinson
Proposal:	Dwelling Additions
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/30	
Property:	Lot 21 DP 869244 Sandilands Parish, Drake County.
Address:	Bruxner Hwy Mallanganee
Applicant/Owner:	Ardill Payne & Associates / FK & JB Holmes
Proposal:	Quarry Extension
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2011/31	
Property:	Lot 1 DP 627364 Ettrick Parish, Rous County.
Address:	Blackhorse Rd Eden Creek
Applicant/Owner:	Matthias & Juanita O'Callaghan / Blackhorse Creek Pty Ltd

Proposal: Dwelling Additions
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/32

Property: Lot 10 DP 1088893 Loadstone Parish, Rous County.
Address: Ferndale Rd Lynchs Creek
Applicant/Owner: Lyn Michel Stevens / LM Stevens
Proposal: As Built Carport
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/33

Property: Lot 21 DP 846492 Jiggi Parish, Rous County.
Address: Cawongla Rd Cawongla
Applicant/Owner: A Gautsch-Rutter / A & G Gautsch-Rutter
Proposal: Change Of Use, Farmstay
Received: Referred To DMP For Comment
Status: Referred to adjoining owners for comment

Recommendation

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

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

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

15B.2 CONFIRMATION OF PLANNING & ENVIRONMENT COMMITTEE MINUTES

Summary/Purpose

This report presents the minutes of the Planning & Environment Committee meeting held 11 October, 2011.

Strategic Priority Area

Environment and Pastoral

Report

The minutes of the meeting appear below:

Kyogle Council

Unconfirmed Minutes of the Planning & Environment Committee Meeting held in the Council Chambers, Stratheden Street, Kyogle, on October 11, 2010.

PRESENT

Councillor Ross Brown and Councillor Lynette Zito.

IN ATTENDANCE

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

ELECTION OF CHAIR

The Councillors present elected Councillor Ross Brown to Chair the meeting in the absence of the Mayor.

MEETING COMMENCEMENT

The Chair declared the meeting open at 2.30 pm.

ITEM 1 APOLOGIES

An apology was received from Councillor Ernie Bennett.

RESOLVED

Moved Councillor Ross Brown, seconded Councillor Lynette Zito.

That the apology was received.

CARRIED

FOR VOTE - Unanimous vote
ABSENT - Ernie Bennett

ITEM 2 OPENING PRAYER

The Chair read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Chair read the traditional lands acknowledgement.

ITEM 4 DECLARATION OF INTERESTS

Nil

ITEM 5 REPORTS

Moved Councillor Lynette Zito, seconded Councillor Ross Brown

That the order of business was changed and that Item 5.2 be considered first.

CARRIED

FOR VOTE - Unanimous vote

ABSENT - Ernie Bennett

Item-5.2 DEVELOPMENT APPLICATION 2010-104 - BOTTLE SHOP

Councillor Ross Brown in the Chair ruled to adjourn the meeting at 2.31pm.

Mr Ken Kelly addressed the meeting in support of Development Application 2010-104 - Bottle Shop and advised that the layout of the drive through may be required to be reconsidered dependent on RTA requirements.

Sergeant Grant Martin OIC Tabulam Police Station addressed the meeting and discussed the potential impact of the proposed bottle shop and advised that 70% of cases attended by Tabulam Police are alcohol crime or violence related, which is one third more than the national average and 80% of man hours are taken with alcohol related violence and crime. It was advised that the NSW Police had lodged an objection to the application with the Office of Liquor and Gaming.

The meeting resumed at 2.49 p.m.

Committee Recommendation

Moved Councillor Ross Brown, seconded Councillor Lynette Zito

That Council refuses the development application by Clarence Investment Holdings Pty. Ltd to establish a Bottle Shop outlet at 8608 Bruxner Highway. The reasons for refusal are :-

- 1. It is considered that a Bottle Shop outlet at the proposed location is not in the overall public interest.
- 2. That upon consideration of a substantial number and substantiated grounds for objection Council has determined in favour of the objections.

CARRIED

FOR VOTE - Unanimous vote

ABSENT - Ernie Bennett

Item-5.1 DEVELOPMENT APPLICATION 2010-122 - RURAL SUBDIVISION

Councillor Ross Brown in the Chair ruled to adjourn the meeting at 2.51pm.

Tony Riordan of Riordan's Consulting Surveyors addressed the meeting in relation to matters outstanding and advised that it was his belief that the requested information had been previously addressed. Mr Riordan questioned Council's position with regard to the right of carriageway and advised that should no determination be made, his client will investigate invoking Section 182 of the Roads Act.

The Chair ruled to resume the meeting at 3.10pm.

Committee Recommendation

Moved Councillor Zito, seconded Councillor Brown

That the report was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT - Ernie Bennett

Moved Councillor Ross Brown, seconded by Councillor Lynette Zito

That a further report be provided to the Planning and Environment Committee inclusive of legal advice which covers the following issues, but not restricted to those issues.

- a) The issue of the unsigned s88B instrument
- b) The issue of the previous resolution of Council of February 21, 2000
- c) The legal position with regard the granting of right of carriageway to more than one lot, specific to this development.

This issue is to be given high priority and the report provided within sixty (60) days.

CARRIED

FOR VOTE - Unanimous vote
ABSENT - Ernie Bennett

MEETING CLOSURE

There being no further business the Chair declared the meeting closed at 3.14 p.m.

Recommendation

1. That the Planning and Environment Committee Meeting Minutes of 11 October 2010, be received and noted.
2. That Council refuses the development application by Clarence Investment Holdings Pty. Ltd to establish a Bottle Shop outlet at 8608 Bruxner Highway. The reasons for refusal are :-
 - a) It is considered that a Bottle Shop outlet at the proposed location is not in the overall public interest.
 - b) That upon consideration of a substantial number and substantiated grounds for objection Council has determined in favour of the objections.

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.

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

Summary/Purpose

The purpose of this report is to provide Council with information which provides an update on the activities of Dirt Bike riding particularly on Crown lands, following a stakeholders meeting held on 16 August, 2010.

Strategic Plan Link(s)

Environment and Pastoral

Background Information

There has been and continues to be a growing emphasis and level of visitation to the Kyogle Local Government Area , particularly at weekends, of large numbers of dirt and trail bikes, both being ridden into the area or trailered into the area, following which they utilise a range of tracks and locations which traverse all types of land tenure.

In addition to the popularity of utilising Crown lands for the purpose of dirt and trail bike riding, similarly a growing number of property owners throughout the region are utilising private lands for recreation dirt and trail bike riding. This aspect of trail bike riding is also generating a large number of complaints from property owners adjoining or surrounding the properties on which the dirt bikes are operating.

Previous Council Consideration

At its Ordinary Meeting held on 17 May, 2010 Council considered a Notice of Motion received from Cr. Lindsay Passfield and resolved:

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

Report

When contacted, NSW State Forests stated that Council would be better positioned to convene the meeting, which is what transpired. On 16 August, 2010 a meeting was convened with a range of stakeholders including representatives from Kyogle Council, (Cr. Lindsay Passfield (Chair), John Hession), NSW National Parks and Wildlife Service, NSW State Forests, Land and Planning Information (Lands), Upper Clarence Combined Landcare Inc., Australian Dirt Bike Adventures, Kyogle Dirt Bike Club, Northern Landcare

Support Services, Tourism Operator/landholder, Bonalbo and District Development Association, Woodenbong Progress Association, Urbenville Progress Association/ Bowls Club and Motorcycling Queensland. A copy of the Minutes of that meeting is provided in the attachments.

The issues discussed included:-

- Ongoing unregulated use of dirt bikes on Crown land in particular due to land degradation, traffic and safety, camping, waste, public health and general safety issues.
- The legitimate use of dirt bikes as a recreational activity, but that the bikes need to be registered and driven by licensed riders. In the commercial sense, e.g. Australian Dirt Bikes, a Special Purpose Permit is favoured which would require regulation. The No. 1 issue is the increasing use of unlicensed and unregistered bikes/riders.
- The issue of frequency and numbers of riders from South East Queensland, which are usually registered.
- There are large numbers of unregistered bikes which continue to enter and use the National Parks in an unregulated manner.
- A suggestion was raised to implement a licensing arrangement where the riders pay for the use of Crown lands and National Parks with a percentage of the payments going directly back to the particular authority.
- It was also raised that this would provide the opportunity to stipulate a code of conduct under which riders would operate.
- There is a need for sign posting for speed limits through State Forests. This is a grey area as it appears that only the Police can act on negligent driving by riders.
- In Victoria a recreational registration is available which might be a consideration for the State of New South Wales.
- With the closing down of a number of Gold Coast Tracks, there is a distinct need for family rider events to be catered for.
- There are many riders who are attracted to return to the area (Woodenbong) after the operation of an organised event.
- There have been issues such as cutting of fences on private property by bike riders. There needs to be mapping available indicating where bikes may or may not travel.
- In the Victorian instance, information on tracks, whether and when they are open or closed at certain times of the year, with mapping and co-ordinates are available.

- Noise and unlawful use of private land are major issues to communities and residents.
- Lease of Crown Lands to clubs for the conduct of events is a consideration, whereby a permit system could be arranged including dates/exclusion zones etc.

The attendees agreed to resolve as follows:-

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

Conclusion

It is considered that the range of issues relating to the use of dirt bikes on Crown Lands are not only of a local, but also a regional, state and interstate scale. Whilst Kyogle Council can head towards the preparation of a Policy for the operation of off road motorcycle facilities within its Local Government Area, there are a number of matters which will require comprehensive discussion and correspondence with State Department Heads or Ministers prior to formulating a Policy which can be fully implemented, particularly where it involves the use of Crown Lands, including State Forests and National Parks.

Recommendation

1. That Council develop a policy for the location and operation of off road motorcycle facilities within the LGA.
2. That Council request State Forests to review their multiple landuse policy and its application, particularly with respect to managing user conflicts; environmental issues; compliance mechanisms; and the generation of commercial returns.

3. That Kyogle Council request the NSW State Government to enact legislation to enable Forests NSW to issue Recreational Dirt Bike Permits as a means of regulating this activity and generating an income stream to pay for enforcement.
4. That Council implement the accepted recommendation of the Sense of Place Community Advisory Committee regarding the development and printing of an on road motorcycle touring brochure.
5. That all Crown Land Managers and Council implement motorcycle education / awareness initiatives, including through the use of licensed event organisers such as Australian Dirt Bike Adventures.
6. That Council actively participates in any future off road motorcycle compliance initiatives.

Attachments

1. Record of Dirt Bike Meeting held August 16, 2010

ITEM 15C ENVIRONMENT SERVICES REPORT

15C.1 STATE OF THE ENVIRONMENT REPORT 2010

Summary/Purpose

To present to Council the draft Supplementary State of the Environment Report – 2010 that will form part of Council's Annual Report.

Background Information

New South Wales Councils are required by the Local Government Act 1993 and the Local Government (General) Regulation to produce comprehensive State of the Environment (SoE) reports every four (4) years. Kyogle Council developed its last comprehensive report in 2009.

It has been determined by the State Government that until such time as an overall Integrated Planning and Reporting framework is prepared in accordance with the guidelines set by the Department of Premier and Cabinet - Division of Local Government, Councils are required to produce an annual supplementary report.

Previous Council Consideration

The following table briefly describes the nature and content of Council's previous SoE reports.

Summary of Previous SoE Reports

Report Year	Report
1994	first and comprehensive report.
1995 - 1999	supplementary reports.
2000	comprehensive report.
2001 - 2003	supplementary reports.
2004	comprehensive report
2004 - 2008	Supplementary reports
2009	Comprehensive report

Report

This report has been prepared to fulfil the legislative requirement for the preparation of a supplementary report and to identify Council's progress toward actioning recommendations of the 2009 comprehensive SoE report over the past twelve month period.

SoE reports are produced to record environmental trends and conditions at national, state, regional and local levels and to guide decision-making and management of activities across all community sectors so that adverse environmental impacts can be avoided or addressed.

The reports achieve this through establishing indicators for the eight (8) agreed sectors of the environment and using these indicators to build and record environmental trends and conditions from which recommendations for action can be determined.

Subsequent reporting can consist of two components, firstly the updating of the indicators to further demonstrate trends, and secondly, reporting action to date in addressing recommendations.

Updating of indicators is dependant on the development and dissemination of information by a variety of organisations such as the Australian Bureau of Statistics, the Premiers Department, the Bureau of Meteorology, Department of Natural Resources, and Department of Environment and Climate Change as well as Kyogle Council. In the period since the completion of the 2009 comprehensive report, some of the information required has been obtained from the relevant parties, but other information required has yet to be updated or released. This, coupled with the slow rate of change of many of the indicators in a rural community, limits the usefulness of an indicator update at this point in time. It is more suitable, therefore, to focus in this reporting period on action taken to date in addressing the 38 recommendations contained in the 2009 comprehensive SoE report.

The State of the Environment Annual Supplementary Report 2010 is provided as an attachment to the Business Paper.

Recommendation

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

Attachments

1. State of the Environment - Annual Supplementary Report 2010 (separately attached).

ITEM 15D CORPORATE SERVICES REPORT

15D.1 DRAFT ECONOMIC DEVELOPMENT POLICY

Summary/Purpose

This report presents the Draft Economic Development Policy (as amended at the workshop 8 September, 2010) to Council and seeks a resolution to place the document on public exhibition.

Community Strategic Plan Item(s)

- Economic Development

Previous Council Consideration

Council considered the following report at the August 2010 Ordinary meeting.

Sustainable Kyogle – An Economic Development Policy has been developed by the Kyogle Community Economic Development Committee. The initiative has been undertaken with funding from Kyogle Council and NSW Department of Industry and Investment.

The Policy has been developed based on a series of consultation meetings held in February 2010, assessing links with existing Council plans and strategies and assessing links with neighbouring regions. The Kyogle Community Economic Development Committee engaged Deborah Wilson Consulting Pty Ltd to facilitate the consultation.

Ten focus groups were established throughout the LGA covering both industry and community bases.

The draft policy aims to establish a vision for a Sustainable Kyogle, which is:

- A **sustainable community** – retaining the region's current high quality of life, creating employment for the community and attracting services that respond to the needs of the community in the town of Kyogle and villages in Kyogle LGA.
- A **sustainable environment** – working to retain the high quality natural and rural environment and biodiversity of the region and ensuring that this high quality natural environment can continue to be enjoyed by visitors and residents – a lasting environmental legacy in Northern New South Wales.
- A **sustainable economy** – retaining existing key industry sectors such as agriculture, forestry and current business investment and encouraging business growth in new and emerging industries.
- A focus on **sustainable practices** – covering energy usage (solar and gas), built environment, sustainable industry practices and creating a leading example of locally driven sustainable development.

- An **active regional partner** – working with surrounding regions in New South Wales and Queensland to create partnerships, shared initiatives and investment that generate a wider regional economic benefit.
- Investment in **infrastructure** – to support community and economic development for the LGA.

At this meeting it was decided:

1. That Council seek a report on how the Draft Economic Development Policy can be implemented and prioritised over a timeframe that fits with the integrated planning process.
2. That Growing Kyogle (Kyogle Community Economic Development Committee Inc.) be thanked for their contribution in facilitating the Development of the Draft Economic Development Policy.
3. That the report Economic Development Policy was received and noted.
4. That Council workshop the Draft Economic Development Policy before placing a document on public exhibition.

Report

A workshop was held on 8 September, 2010 to review the document presented by Growing Kyogle. At this workshop, various amendments were made to the document, among those changes are the removal of the columns titled "theme and outcomes" from the tables detailing the areas of focus for the policy. This information has been retained and will be used in the development of the accompanying strategy/action plan. Further subsequent changes have been made to ensure continuity of the Sense of Place document. The un-actioned items outlined in this document will also be used in the development of the accompanying strategy/action plan.

Recommendation

That the Draft Economic Development Policy as amended be placed on public exhibition for a period of 28 days.

Attachments

1. Draft Economic Development Policy as presented by Growing Kyogle (separate attachment)
2. Council amended Draft Economic Development Policy (separate attachment)

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

Summary/Purpose

This report presents the minutes of the Community Cultural & Economic Committee Meeting held 11 October 2010,

Community Strategic Plan Item(s)

- Economic Development

Report

Kyogle Council

Unconfirmed Minutes of the Community Cultural & Economic Committee Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 11 October 2010.

PRESENT

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

IN ATTENDANCE

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

MEETING COMMENCEMENT

The Deputy Mayor declared the meeting open at 3.33 p.m.

ITEM 1 APOLOGIES

An apology was received from Councillor Ernie Bennett.

111010/ 1 RESOLVED

Moved Councillor Robert Dwyer, seconded Councillor Lynette Zito.

That the apology be accepted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ernie Bennett

ITEM 2 OPENING PRAYER

The Deputy Mayor read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Deputy Mayor read the traditional lands acknowledgement.

ITEM 4 DECLARATION OF INTERESTS

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

o Item 5.2 – KMI Foyer

Reason for Declaration – (Junior) Vice-President Kyogle Sub-branch RSL

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

o Item 5.1 – Futures Funding Applications

Reason for Declaration – Board of Kyogle Together

ITEM 5 REPORTS

Item-5.1 FUTURES FUNDING APPLICATIONS

Due to lack of a quorum this item was unable to be discussed.

Item-5.2 KYOGLE MEMORIAL INSTITUTE FOYER

Due to lack of a quorum this item was unable to be discussed.

MEETING CLOSURE

There being no further business the Deputy Mayor declared the meeting closed at 3.36 p.m.

Recommendation

1. The Community Cultural & Economic Committee meeting minutes be received and noted.
2. That Council fund the following Futures Funding applications:
 - a) Kyogle Care Connections \$7,000 (\$3,500 from the Woodenbong/Urbenville fund and \$3,500 from the Bonalbo Old Bonalbo fund)
 - b) Tabulam Chamber of Commerce \$3,500 (from the Mummulgum / Mallanganee / Tabulam fund).
 - c) Growing Kyogle \$13,000 (from the whole of LGA fund)
3. That the report on the Kyogle Memorial Institute Foyer be received and noted.
4. That the Foyer shop be made available to the RSL for “one off” use consistent with the current use by community groups.
5. That possible grant funding sources be investigated to restore the shop back to the original foyer entry concept.

Attachments

1. Agenda

Summary/Purpose

This report arises out of the statutory requirement to conduct a review of budget performance and a review against targets identified in the Management Plan following the close of each quarter.

Background InformationLegislative Requirements

Clause 203 of the Local Government (General) Regulation 2005 requires that:

- (1) Not later than 2 months after the end of each quarter, the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the management plan that the council has adopted for the relevant year, a revised estimate of the income and expenditure for that year.
- (2) A budget review statement must include or be accompanied by:
 - (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and
 - (b) if that position is unsatisfactory, recommendations for remedial action.
- (3) A budget review statement must also include any information required by the Code to be included in such a statement.

Section 407 of the Local Government Act 1993 requires the General Manager to report to Council on the extent which performance targets set by the Management Plan have been achieved during that quarter.

Report

The combined format is in line with the format that was adopted in the Management Plan. The document incorporates any adjustments made in previous reports to Council (eg. Revotes).

A detailed explanation of the budget variances is outlined in each budget area, which shows actual income and expenditure against forecast estimates.

A Summary of bank account balances is attached to this report.

Conclusion:

The revised financial position of Council is considered to be satisfactory.

Recommendation

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

Attachments

1. September 2010 Budget/Management Plan Review (attached separately)

ITEM 15E COMMUNITY SERVICES REPORT

15E.1 CHRISTMAS/NEW YEAR CLOSEDOWN

Summary/Purpose

The purpose of this report is to advise Council of periods of office closure and construction and maintenance closedown as well as the date of the Council Christmas Party.

Report

Office Closure

The office closure period this year is to be from Friday 24 December, 2010 to Friday 7 January, 2011 inclusive. The office will reopen on Monday 10 January, 2011.

Construction and Maintenance Close Down

As with previous years, Council's construction and maintenance activities will scale down over the Christmas/New Year break with most 'outside' staff taking leave (a minimal work crew will be retained to provide essential services). The period of the closedown is 24 December, 2010 to 21 January, 2011 inclusive. Resuming Monday 24 January, 2011.

Christmas Party

The Christmas Party (Councillors are invited to attend) is to be held 23 December, 2010, at a venue to be determined.

Recommendation

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

15E.2 PECUNIARY INTEREST RETURNS

Summary/Purpose

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

Background Information

Legislative Requirements

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

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

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

Report

Pecuniary interest ordinary returns have been completed by Councillors and other designated persons. All returns have been received by 30 September, 2010. The returns are now contained within the Register of Returns that may be viewed by members of the public.

Recommendation

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

ITEM 15F GENERAL MANAGER'S REPORT

Nil.

ITEM 16 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 17 QUESTIONS FOR NEXT ORDINARY MEETING

Nil.

ITEM 18 CONFIDENTIAL BUSINESS PAPER

Nil.

APPENDIX / ATTACHMENTS

KYOGLE COUNCIL



ATTACHMENTS

ORDINARY COUNCIL MEETING

ON 25 OCTOBER 2010

9.1 CONFIRMATION OF ORDINARY MINUTES - 27 SEPTEMBER 2010

Kyogle Council

Unconfirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 27 September, 2010.

PRESENT

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

IN ATTENDANCE

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

MEETING COMMENCEMENT

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

ITEM 1 APOLOGIES

Nil

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor read the traditional lands acknowledgement.

Councillor Bennett called for one minute silence to acknowledge the passing of former Councillor Pollard.

ITEM 4 DECLARATION OF INTERESTS

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

- Item 16B.1 Development Applications Received, Determined and Outstanding for the period 1 August 2010 - 31 August 2010 - 2009/18
Reason for Declaration – adjoining land owner
-

Director of Corporate & Community Services declared an interest in the following item/s:

- Item 16B.1 Development Applications Received, Determined and Outstanding for the period 1 August 2010 - 31 August 2010 - 2010/149 & 2011/07
Reason for Declaration - Relative of property owner and property owner.

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

- Item 16B.1 Development Applications Received, Determined and Outstanding for the period 1 August 2010 - 31 August 2010 - 2011/12 and 2011/07
- Item 16B.3 Development Application 2011/12 - Pool shed
Reason for Declaration - applicant and property owner.

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

- Item 16B.1 Development Applications Received, Determined and Outstanding for the period 1 August 2010 - 31 August 2010 - 2007/188
Reason for Declaration – previous preparation of SOE affects prior to being employed by Kyogle Council.

Cr. Ernie Bennett declared an interest in the following item/s:

- Item 16B.1 Development Applications Received, Determined and Outstanding for the period 1 August 2010 - 31 August 2010 - 2010/106
Reason for Declaration – Leasing paddock from property owner
- Item 16B.2 Principal Local Environmental Plan
Reason for Declaration – ability to subdivide will be affected by proposed changes.

Cr. Lindsay Passfield declared an interest in the following item/s:

- Item 16B.2 Principal Local Environmental Plan
Reason for Declaration - has family whose ability to subdivide will be affected by proposed changes.

Cr. John O'Reilly declared an interest in the following item/s:

- Item 16B.2 Principal Local Environmental Plan
Reason for Declaration - has family whose ability to subdivide will be affected by proposed changes.

Cr. Tom Cooper declared an interest in the following item/s:

- Item 16B.2 Principal Local Environmental Plan
Reason for Declaration - ability to subdivide will be affected by proposed changes.

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

- Item 16B.2 Principal Local Environmental Plan
Reason for Declaration - has family whose ability to subdivide will be affected by proposed changes.

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

- Item 16B.2 Principal Local Environmental Plan
Reason for Declaration - ability to subdivide will be affected by proposed changes.

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

- Item 15.4 Kyogle Memorial Institute Foyer
Reason for Declaration - Junior Vice of President of the Kyogle sub-branch RSL

ITEM 5 ANNUAL APPOINTMENTS

5.1 ELECTION OF MAYOR

Councillor Ross Brown vacated the position of Chair.

The Returning Officer (being the General Manager) advised:

- “As required by the Local Government Act 1993, Section 227, the election of Mayor was to be by the Councillors from among their numbers”.
- “The election procedure will be in accordance with Schedule 7 of the Local Government (General) Regulation 2005”.
- “The Local Government Act appoints the General Manager (or a person appointed by the General Manager) as the Returning Officer. “I will be the Returning Officer. Mrs Carol O'Neill, Director Corporate & Community Services, has been appointed Assistant Returning Officer.”
- “Council is required to determine whether the election is to be by ordinary ballot or open voting or preferential voting. This will require a resolution of Council”.

270910/ 1 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

That the Returning Officer (being the General Manager) conduct the election of the Mayor in accordance with Schedule 7 of the Local Government (General) Regulation 2005 and that the election be by ordinary ballot.

CARRIED

FOR VOTE - Unanimous vote

The Returning Officer asked if there were any nominations without notice for the position of Mayor.

Nil were received.

The Returning Officer advised that he had received three (3) nominations for the position of Mayor –

- Councillor Ross Brown
- Councillor Ernie Bennett
- Councillor Lynette Zito

The Returning Officer then conducted a draw for positions on the ballot paper.

The Returning Officer called for the Assistant Returning Officer to draw the names.

Councillor Bennett drew first position on the ballot paper, Councillor Brown drew position number two and Councillor Zito drew third position on the ballot paper.

Ballot papers were distributed to each Councillor by the Assistant Returning Officer.

The Returning Officer removed the ballot papers, and counted the ballot papers. The counting was checked by the Assistant Returning Officer.

Councillor Brown received the least votes and was therefore eliminated.

The Returning Officer then conducted a draw for positions on the ballot paper for the remaining candidates.

Councillor Zito drew first position on the ballot paper and Councillor Bennett drew position number two on the ballot paper.

Ballot papers were distributed to each Councillor by the Assistant Returning Officer.

The Returning Officer removed the ballot papers, and counted the ballot papers. The counting was checked by the Assistant Returning Officer.

The Returning Officer then declared Councillor Bennett elected as Mayor.

Councillor Bennett - five (5) votes

Councillor Zito – four (4) votes

5.2 ELECTION OF DEPUTY MAYOR

270910/ 2 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

That a Deputy Mayor be elected for the Mayoral term by the Councillors from among their numbers.

CARRIED

FOR VOTE - Unanimous vote

The Returning Officer (being the General Manager) advised:

- "The election procedure will be in accordance with Schedule 7 of the Local Government (General) Regulation 2005".

- “I will be the Returning Officer. Mrs Carol O'Neill, Director Corporate & Community Services, has been appointed Assistant Returning Officer.”
- “Council is required to determine whether the election is to be by ordinary ballot or open voting or preferential voting. This will require a resolution of Council”.

The Returning Officer asked if there were any late nominations without notice for the position of Deputy Mayor.

Nil nominations were received.

The Returning Officer advised that he had received two (2) nominations for the position of Deputy Mayor –

- Councillor Wilson
- Councillor Zito

Councillor Zito then withdrew her nomination.

The Returning Officer then declared Councillor Wilson elected as Deputy Mayor.

Councillor Bennett assumed the position of Chair.

5.3 COUNCIL COMMITTEES 2010-11

270910/ 3 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That the Council Committees report was received and noted.

FOR VOTE - Unanimous vote

270910/ 4 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

1. That the following Committee List and Councillor memberships were adopted:

Committee	Councillor Member(s)
Community , Cultural & Economic	Mayor Councillor Zito Councillor Dwyer Councillor Wilson
Governance	Mayor Councillor Wilson Councillor Zito
Local Emergency Management	Councillor Wilson
Traffic	Councillor Leadbeatter
Works Committee	Mayor Councillor Cooper Councillor Dwyer Councillor O'Reilly Councillor Zito

FOR VOTE - Unanimous vote

270910/ 5 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

2. That the following Committee List and Councillor memberships were adopted:

General Manager's Review	Mayor Deputy Mayor Councillor Cooper (effective 1 October 2010)
--------------------------	--

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

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

270910/ 6 RESOLVED

Councillor Ross Brown, seconded Councillor Tom Cooper.

3. That the following Committee List and Councillor memberships were adopted:

Planning & Environment	Mayor Councillor Zito Councillor Brown
------------------------	--

FOR VOTE - Unanimous vote

270910/ 7 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Dwyer

4. That the following Committee List and Councillor memberships were adopted:

Waste & Water	Mayor Councillor Cooper Councillor Dwyer Councillor Brown
---------------	--

FOR VOTE - Unanimous vote

5.4 COUNCIL DELEGATES 2010-11

270910/ 8 RESOLVED

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

That the current Delegates list and memberships were received and noted.

CARRIED

FOR VOTE - unanimous vote

An amendment was moved by Councillor Ross Brown, seconded by Councillor Lynette Zito

That Council adopts the following Delegates List and memberships (Councillors and staff) as:

Organisation	Delegate(s)
Australia Day Committee – Kyogle and Woodenbong	Councillor Passfield Councillor Dwyer
Australia Day Committee – West of the Range	Councillor Cooper
Rural Financial Counselling Service NSW Northern Region	Councillor Zito
Kyogle Chamber of Commerce	Councillor Dwyer
NSW Rural Fire Service “Service Level Agreement” Committee	Mayor Councillor Wilson
NOROC (Northern Rivers Regional Organisation of Councils)	Mayor
Downs to Rivers Action Committee (Tenterfield Council Secretariat)	Councillor Passfield
Summerland Way Promotional Committee	Councillor Passfield
Kyogle Bushfire Management Committee	Councillor Leadbeatter
Far North Coast Weeds	Councillor Bennett
Richmond-Upper Clarence Regional Library Committee	Councillor Dwyer Councillor Zito
Shires Association of New South Wales “A” Division	Mayor
National Timber Councils Taskforce	Councillor Bennett Councillor Passfield
Timber Industry Working Party	Councillor Passfield Councillor Bennett Councillor Dwyer
Police Accountability Community Team (PACT)	Mayor

The amendment then became the MOTION.

The motion was put to the vote and was CARRIED.

270910/ 9 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

That Council adopts the following Delegates List and memberships (Councillors and staff) as:

Organisation	Delegate(s)
Australia Day Committee – Kyogle and Woodenbong	Councillor Passfield Councillor Dwyer
Australia Day Committee – West of the Range	Councillor Cooper
Rural Financial Counselling Service NSW Northern Region	Councillor Zito
Kyogle Chamber of Commerce	Councillor Dwyer
NSW Rural Fire Service “Service Level Agreement” Committee	Mayor Councillor Wilson
NOROC (Northern Rivers Regional Organisation of Councils)	Mayor
Downs to Rivers Action Committee (Tenterfield Council Secretariat)	Councillor Passfield
Summerland Way Promotional Committee	Councillor Passfield
Kyogle Bushfire Management Committee	Councillor Leadbeatter
Far North Coast Weeds	Councillor Bennett
Richmond-Upper Clarence Regional Library Committee	Councillor Dwyer Councillor Zito
Shires Association of New South Wales “A” Division	Mayor
National Timber Councils Taskforce	Councillor Bennett Councillor Passfield
Timber Industry Working Party	Councillor Passfield Councillor Bennett Councillor Dwyer
Police Accountability Community Team (PACT)	Mayor

CARRIED

FOR VOTE - Unanimous vote

ITEM 6 QUESTION TIME

- Mrs Reardon addressed the meeting in relation to sale of flood prone land located on the Flat and was of the belief that Council had resolved to purchase any vacant land in flood prone area located on the Flat.

The General Manager advised that Council cannot restrict an owner from selling land located on the Flat. Mrs Reardon was also advised that there were currently no funds in the budget for the acquisition of this land.

ITEM 7 PUBLIC ACCESS

Having declared an interest in Item 15.4 - KMI Foyer, Councillor Zito left the meeting at 4.08 p.m.

- Mr Tom Fitzgerald addressed Council in relation to the report "Kyogle Memorial Institute Foyer" and presented a petition of 575 signatures supporting the restoration of the Front entrance to the KMI.

Councillor Lynette Zito returned to the meeting at 4.12pm.

ITEM 8 DEPUTATIONS

Nil.

ITEM 9 MATTERS DETERMINED WITHOUT FURTHER DEBATE

9.1 MATTERS DETERMINED WITHOUT DEBATE

There were no items identified.

ITEM 10 CONFIRMATION OF MINUTES

10.1 CONFIRMATION OF ORDINARY MINUTES - 16 AUGUST 2010

270910/ 10 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

That the Minutes of the Ordinary Meeting held 16 August 2010 were adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 MAYORAL MINUTE

Nil.

ITEM 12 NOTICES OF MOTION

12.1 NOTICE OF MOTION, COUNCILLOR LYNETTE ZITO - COUNCIL LOGO

270910/ 11 RESOLVED

Councillor Lynette Zito, seconded Councillor Ross Brown.

- a) That Council consider updating its logo by way of an open competition; and
- b) That five hundred dollars (\$500) be approved from the sundry administration expenses budget as the prize for this competition.

CARRIED

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

AGAINST VOTE - Tom Cooper

A motion was moved by Councillor Robert Dwyer, seconded Councillor John O'Reilly
That any future logo retain the words Gateway to the Rainforest.

Councillor Dwyer withdrew the motion.

12.2 NOTICE OF MOTION, COUNCILLOR LYNETTE ZITO - ORDINARY MEETING COMMENCEMENT TIMES

A motion was moved by Councillor Lynette Zito, seconded Councillor Robert Dwyer.

That the Ordinary Council meeting be held at 6.00 pm on alternate months commencing with the November 2010 meeting.

The motion was put to the vote and was LOST.

FOR VOTE - Janet Wilson, Lynette Zito, Robert Dwyer

AGAINST VOTE - Ernie Bennett, John O'Reilly, Lindsay Passfield, Robert Leadbeatter, Ross Brown, Tom Cooper

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

1. That Council hold the November, December 2010 and February 2011 Ordinary Meetings of Council starting at 6.00 pm to ascertain the level of public interest in attending.
2. That following these three (3) meetings, Council reviews the timing of future Ordinary Meetings of Council.

An amendment was moved by Councillor Robert Dwyer, seconded by Councillor Janet Wilson.

1. That Council hold the March and April 2011 Ordinary Meetings of Council starting at 6.00 pm to ascertain the level of public interest in attending.
2. That following these two (2) meetings, Council reviews the timing of future Ordinary Meetings of Council.

The amendment was put to the vote and was LOST.

FOR VOTE - Robert Dwyer and Janet Wilson

AGAINST VOTE - Ernie Bennett, Lindsay Passfield, John O'Reilly, Robert Leadbeatter, Ross Brown, Tom Cooper and Lynette Zito

Councillor Passfield withdrew the motion.

12.3 NOTICE OF MOTION, COUNCILLOR LINDSAY PASSFIELD - OCTOBER ORDINARY MEETING

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

1. That Kyogle Council cancel its scheduled October 2010 Ordinary meeting.

The motion was put to the vote and was LOST.

FOR VOTE - Lindsay Passfield

AGAINST VOTE - Ernie Bennett, John O'Reilly, Robert Leadbeatter, Ross Brown, Tom Cooper, Robert Dwyer, Janet Wilson and Lynette Zito

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

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

The motion was put to the vote and was CARRIED.

270910/ 12 RESOLVED

Councillor Janet Wilson, seconded Councillor Robert Dwyer.

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

CARRIED

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

AGAINST VOTE - Lindsay Passfield, Robert Leadbeatter, Tom Cooper

12.4 NOTICE OF MOTION, COUNCILLOR JOHN O'REILLY - WORKS COMMITTEE MEETINGS

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

That Works committee meetings be held on the same day as Ordinary meetings of Council.

The motion was put to the vote and was LOST.

FOR VOTE - John O'Reilly, Lynette Zito, Robert Dwyer, Tom Cooper

AGAINST VOTE - Ernie Bennett, Janet Wilson, Lindsay Passfield, Robert Leadbeatter, Ross Brown

A motion was moved Councillor Ross Brown, seconded Councillor Janet Wilson

That the Works Committee be abandoned and that the business be presented to the Ordinary meeting of Council.

The motion was put to the vote and was CARRIED.

270910/ 13 RESOLVED

Councillor Ross Brown, seconded Councillor Janet Wilson.

That the Works Committee be abandoned and that the business be presented to the Ordinary meeting of Council.

CARRIED

FOR VOTE - Ernie Bennett, Janet Wilson, Lindsay Passfield, Lynette Zito, Robert Leadbeatter, Ross Brown

AGAINST VOTE - John O'Reilly, Robert Dwyer, Tom Cooper

12.5 NOTICE OF MOTION, COUNCILLOR JOHN O'REILLY - ORDINARY MEETING 4TH MONDAY

270910/ 14 RESOLVED

Councillor John O'Reilly, seconded Councillor Lynette Zito.

That Ordinary meetings of Council be held on 4th Monday of each month commencing from the October 2010 meeting.

CARRIED

FOR VOTE - Janet Wilson, John O'Reilly, Lynette Zito, Robert Dwyer, Tom Cooper

AGAINST VOTE - Ernie Bennett, Lindsay Passfield, Robert Leadbeatter, Ross Brown

ITEM 13 QUESTIONS WITH NOTICE FROM COUNCILLORS

13.1 QUESTIONS WITH NOTICE, COUNCILLOR JANET WILSON

270910/ 15 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lynette Zito.

That the Questions With Notice, Councillor Janet Wilson report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

**13.2 QUESTION WITH NOTICE, COUNCILLOR TOM COOPER - DRAINAGE WORKS
IN BONALBO**

270910/ 16 RESOLVED

Councillor Tom Cooper, seconded Councillor Ross Brown.

That the Question with Notice, Councillor Tom Cooper – Drainage Works in Bonalbo was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 14 DELEGATES REPORTS

14.1 DEPUTY MAYOR ATTENDANCES

270910/ 17 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

That the information contained in the Deputy Mayor Attendances for the period 1 August to 31 August 2010 was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 15 INFORMATION PAPERS

15.1 SUMMERLAND WAY PROMOTIONAL COMMITTEE MINUTES _ AUGUST 2010

270910/ 18 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That the minutes of the Summerland way Promotional Meeting held at Kyogle on August 13, 2010 were received and noted.

CARRIED

FOR VOTE - Unanimous vote

15.2 WORKS COMMITTEE MEETING - AUGUST

270910/ 19 RESOLVED

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

That the minutes of the Works Committee Meeting held August 16, 2010 were received and noted.

CARRIED

FOR VOTE - Unanimous vote

15.3 MONTHLY FINANCIAL REPORT

270910/ 20 RESOLVED

Councillor Lynette Zito, seconded Councillor Tom Cooper.

That the Monthly Finance Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

15.4 KYOGLE MEMORIAL INSTITUTE FOYER

Having declared an interest in Item 15.4 Councillor Lynette Zito left the meeting at 5.43 p.m.

270910/ 21 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

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

CARRIED

FOR VOTE - Unanimous vote

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

2. That Council acknowledges the presentation by Tom Fitzgerald of the 578 signatures supportive of the restoration of the entrance to the original condition.

The motion was put to the vote and was CARRIED.

270910/ 22 RESOLVED

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

2. That Council acknowledges the presentation by Tom Fitzgerald of the 578 signatures supportive of the restoration of the entrance to the original condition.

CARRIED

FOR VOTE - Unanimous vote

Councillor Lynette Zito returned to the meeting at 5.46 p.m.

15.5 EXTENSION OF TIME FOR SUBMISSION OF FINANCIAL STATEMENTS

270910/ 23 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Dwyer.

That the report on the Extension of time for the submission of financial statements was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 16 GENERAL MANAGER 'S REPORT

ITEM 16A TECHNICAL SERVICES REPORT

16A.1 WASTE & WATER COMMITTEE

270910/ 24 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

1. That the minutes of the Waste and Water Committee Meeting held September 8, 2010 were received and noted.
 2. That the General Manager be authorised to accept the grant offer under the State Floodplain Management Program as per the letter of offer received from the Hon Frank Sartor AO MP dated August 18, 2010.
 3. That Council adopt the Draft Kyogle Council Development Servicing Plan 1: Kyogle and Villages water supply, sewerage and stormwater services for the purposes of advertising and seeking submissions from the public.
 4. That Council adopt the following charging options for the purpose of advertising the draft Kyogle Council Development Servicing Plan 1: Kyogle and Villages water supply, sewerage and stormwater service;
 - Water Supply – Option B
 - Sewerage – Option B
-

➤ Stormwater – Option B

CARRIED

FOR VOTE - Unanimous vote

16A.2 PROPOSED ROAD CLOSURE CONNELLS ROAD

270910/ 25 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

That the report on the Proposed Road Closure Connells Road was received and noted.

CARRIED

FOR VOTE - Unanimous vote

16A.3 RURAL FIRE SERVICE ZONING PROPOSAL

270910/ 26 RESOLVED

Councillor Ross Brown, seconded Councillor John O'Reilly.

1. That the Rural Fire Service Zoning Proposal report was received and noted.
2. That Council supports the zoning proposal in principle.
3. That the General Manager be authorised to hold further discussions with the Rural Fire Service, Richmond Valley Council and Lismore City Council to refine the Zoning agreement document and confirm the method of apportioning costs paid to the RFS and to the Council administering the zone budget on Council's behalf and that a further report be brought back to Council prior to execution of the agreement.

CARRIED

FOR VOTE - Unanimous vote

16A.4 NAMING OF BRIDGE ON CLARENCE WAY

270910/ 27 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

1. That the proposal to name the Tooloom Creek No 2 bridge on Clarence Way north of Urbenville the "Charlotte Page Bridge" be advertised and public submissions be invited on the proposals.
2. That a further report be presented to Council on any submissions received.

CARRIED

FOR VOTE - Unanimous vote

ITEM 16B PLANNING SERVICES REPORT

**16B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND
OUTSTANDING FOR THE PERIOD AUGUST 1, 2010 TO AUGUST 31, 2010**

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

That Development Application 2010/122 is brought to the Planning and Environment Committee for consideration.

The motion was put to the vote and was CARRIED.

270910/ 28 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

That Development Application 2010/122 is brought to the Planning and Environment Committee for consideration.

CARRIED

FOR VOTE - Unanimous vote

270910/ 29 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

1. That, with the exception of the following items in which Councillor Ernie Bennett, Councillor Ross Brown, the Director of Planning & Environmental Services, the Director of Corporate & Community Services and the General Manager have declared an interest,

- Cr Ernie Bennett 16B.1 Development Applications Received, Determined and Outstanding DA 2010/106
- Cr Ross Brown 16B.1 Development Applications Received, Determined and Outstanding DA 2009/18

- Director of Planning & Environmental Services 16B.1 Development Applications Received, Determined and Outstanding DA 2007/188
- Director of Corporate & Community Services 16B.1 Development Applications Received, Determined and Outstanding DA 2010/149 & 2011/07
- General Manager 16B.1 Development Applications Received, Determined and Outstanding DA 2011/12 & 2011/07

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

CARRIED

FOR VOTE - Unanimous vote

Having declared an interest in Item 16B.1 Councillor Ernie Bennett, Councillor Ross Brown, the Director of Corporate & Community Services, The Director Planning & Environmental Services and the General Manager left the meeting at 6.04 p.m.

The Deputy Mayor assumed the chair.

270910/ 30 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

That the information contained in the report Development 1 August 2010 to 31 August 2010 only in relation to DA10/106, DA09/18, DA07/188, DA10/149, DA11/07, DA11/12 in which Councillor Ernie Bennett, Councillor Ross Brown, the Director of Planning & Environmental Services, Director of Corporate & Community Services and the General Manager have declared an interest were received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown, Ernie Bennett, John O'Reilly

Councillor Ernie Bennett, Councillor Ross Brown, the Director of Planning & Environmental Services, the Director of Corporate & Community Services and the General Manager returned to the meeting at 6.05 p.m.

The Mayor resumed the Chair.

16B.2 PRINCIPAL LOCAL ENVIRONMENTAL PLAN

Declarations of interest in Item 16B.2 were received from Councillors Robert Leadbeatter, Ernie Bennett, Lindsay Passfield, John O'Reilly, Tom Cooper, and Robert Dwyer.

The General Manager advised an exemption from the Minister of Planning for the Local Environmental Plan has been sought and has been received for this particular matter.

270910/ 31 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

1. That Part 1 Heritage Items and Part 2 Heritage Conservation Areas of Schedule 1 to draft Kyogle Local Environmental Plan 18 be amended from the exhibition draft to exclude:
 - i) those items which have been demolished or approved for demolition;
 - ii) Montgomery's Bridge, Tabulam Bridge, The Risk Station Bridge and the Green Pigeon Bridge;
 - iii) the six items the subject of submissions lodged during the public exhibition period;
 - iv) cottages, residences, manses, parsonages, houses, homes and Geneva Omagh where they have not been listed on a voluntary basis (note that this retains homesteads);
 - v) proposed Conservation Areas with the exception of the Kyogle Town Conservation Area which is to be retained.
2. That Schedule 5 of the draft principal Kyogle Local Environmental Plan 2010 equal Schedule 1 of draft Kyogle Local Environmental Plan 18.
3. That a copy of the draft principal Kyogle Local Environmental Plan 2010 and the attached Section 64 Report be forwarded to the Director General under Section 64 of the *Environmental planning and Assessment Act 1979* (pre 1 July 2009 amendments) requesting a certificate certifying that the draft plan may be publicly exhibited.
4. That, subject to compliance with any lawful direction issued by the Director-General, the draft principal Kyogle Local Environmental Plan 2010 be subject to public notice and exhibition for a period of ninety (90) days.
5. That, prior to the exhibition period, Council staff are authorised to make amendments to the draft principal Kyogle Local Environmental Plan 2010 subject to the endorsement of the Department of Planning, the General Manager and those inclusions or exclusions as resolved by Council at the September 27, 2010 Ordinary Meeting.

6. That a report for information purposes be presented to Council as soon as practicable detailing the amendments made to the draft principal Kyogle Local Environmental Plan 2010 from the date of this resolution to the date of exhibition.

CARRIED

Councillor Passfield and Councillor Brown called for a division

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

CARRIED

FOR VOTE - Unanimous vote

16B.3 DEVELOPMENT APPLICATION 2011/12 - POOL SHED

Having declared an interest in item 16B.3 the General Manager left the meeting at 6.36 p.m.

270910/ 32 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

That Council issue Development Consent Notice 2011/0012 for the proposed construction of a pool shed subject to the following conditions.

SUBJECT TO THE CONDITIONS SPECIFIED in this notice being:

1. The development being carried out substantially in accordance with the plans received by Council on July 30, 2010, except where amended by the following conditions of consent.
2. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the development application registered in Councils records as Development Application No 11/12 on July 30, 2010, and that any alteration, variation or extension to the use for which approval has been given would require further development approval.
3. This development consent is limited to a period of five (5) years in accordance with the *Environmental Planning and Assessment Amendment (Development Consents) Act 2010*. Following the expiration of this period the consent will lapse unless work relating to the development is physically commenced before the date on which the consent would otherwise lapse.

PC - COMPLIANCE MATTERS

4. Notice of Commencement of work at least two (2) days prior to any building or ancillary work being carried out must be submitted to Council on the relevant form.
5. The land use shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.
6. The hours of work for any noise generating activity of the proposed development are to be limited to the following time restrictions:

Monday to Friday	- 7.00am to 6.00pm
Saturday	- 8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

7. The proposed landuse shall not result in the emission of offensive noise.

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

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

a person who is:

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

or

(ii) if the offensive noise is made in premises that are a public place - within or outside those premises.

8. Measures shall be put in place to control stormwater runoff. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:

- adjoining land
- natural drainage courses
- constructed drainage systems, or
- waterways.

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

9. All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.
10. A certificate of Builders' Indemnity Insurance registered with an approved insurer under the Home Building Act 1997, is required to be submitted and approved by the Principal Certifying Authority prior to the commencement of work.
11. Burning of site refuse and materials is not permitted and all such materials shall be prevented from escaping onto adjoining land and shall be maintained in a tidy manner on site at all times.
12. The roofing must have a low reflective finish.
13. The proposal to comply with the requirements of the Work Cover Authority of NSW.
14. Footings and/or slabs must be in accordance with AS 2870 – 1996, "Residential Slabs and Footings".
15. All footings shall bear on natural ground having an even, uniform bearing capacity not subject to differential bearing values upon stable, firm and undisturbed foundations, free from roots and fill.
16. The timber frame used in the structure shall be in compliance with AS 1684 – 1999, Residential Timber Framed Construction.
17. The metal roof and wall cladding is to be installed in accordance with AS 1562 – 1992, Design and Installation of Sheet Roof and Wall Cladding.

NOTE: All roof capping and flashing to be scribed on a Dwelling.

18. The stairs must comply with the design criteria of Part 3.9.1 of the Building Code of Australia, Housing Provisions in respect of stair width, landing design and tread and riser design.

19. Where the height of the structure above finished ground level is greater than 1.0 metre, a continuous balustrade a minimum of:
 - a) 1.0 metre high above the finished floor level of decks, landings, balconies and the like, and
 - b) 865 mm high above the nosings of the stair treads or floor of ramp,must be provided. The maximum permissible opening in the balustrade is 125 mm.
20. If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required;
 - a) at the commencement of the building work, erosion control, safety signs and site toilet facilities to be erected.
 - b) prior to pouring any in-situ reinforced concrete building element.
 - c) prior to covering of the framework for any floor, wall, roof or other building element.
 - d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
21. That no tree in the road reserve shall be damaged, destroyed or removed without the written consent of the Council.
22. Prior to carrying out any works within a public road reserve, the proponent shall complete an application under Council's Road Reserve Management Plan and receive written approval from Council. Satisfactory arrangements for restoration with Council's Technical Services Department shall also be required, with all works constructed according to Council's Development, Design and Construction Manuals (as amended). All costs shall be the responsibility of the proponent.
23. All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.
24. All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.
25. No vehicular accesses may be constructed or opened onto a Council road without the prior written approval of Council.
26. The development must not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, light, waste water, waste products, grit or oil, traffic generation or otherwise.
27. The building must be clad in low-reflective material and finished in hues and tones that are characteristic of the local rural environment.

Advisory Notes:

Reasons for the imposition of the conditions are set out as follows:

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

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

2. To ensure the effective implementation of the objectives of the Environmental Planning and Assessment Act 1979, Local Government Act 1993, the Building Code of Australia and respective Australian Standards where applicable.
3. To ensure that local amenity is maintained and that the development does not adversely impact upon the lawful use of the subject land and its surrounds.

CARRIED

FOR VOTE - Unanimous vote

Councillor Passfield and Councillor Brown called for a division

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

CARRIED

The General Manager returned to the meeting at 6.37 p.m.

16B.4 CONDUCT OF ILLEGAL DISPOSAL OF WASTE

270910/ 33 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

1. That the report regarding the matter of conducting an unlawful land use was received and noted.
2. That Council proceed with issuing a show cause/ warning letter to each known offender and/or land owner who is undertaking the unlawful disposal of waste on private property prior to proceeding toward the enforcement phase of issuing Notices of intention to give an Order or Penalty Infringement Notices as warranted by each instance.
3. That Council again places an article in the Council Newsletter outlining to the community that there are severe consequences to be faced if Council and/or the Department of Environment, Climate Change and Water are contacted regarding matters of illegal dumping of waste.

CARRIED

FOR VOTE - Unanimous vote

A motion was foreshadowed by Councillor Ross Brown, seconded by Councillor Tom Cooper

4. That a further report is brought to Council which addresses the potential of Council to act as a receival centre of concrete slabs and dry fill for reuse by Council.

The motion was put to the vote and was CARRIED.

270910/ 34 RESOLVED

Councillor Ross Brown, seconded Councillor Tom Cooper.

4. That a further report is brought to Council which addresses the potential of Council to act as a receival centre of concrete slabs and dry fill for reuse by Council.

CARRIED

FOR VOTE - Unanimous vote

ITEM 16C ENVIRONMENT SERVICES REPORT

**16C.1 VILLAGE MAINTENANCE AGREEMENT RENEWAL - BONALBO & DISTRICT
PROGRESS ASSOCIATION**

270910/ 35 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

1. That the report regarding the renewal of the village maintenance agreements with the Bonalbo and District Progress Association Council was received and noted.
2. That the Mayor and General Manager be authorised to sign and affix the Council seal to the Village Maintenance Agreement between Kyogle Council, and the Bonalbo and District Progress Association.

CARRIED

FOR VOTE - Unanimous vote

ITEM 16D CORPORATE SERVICES REPORT

16D.1 RATEPAYER PAYMENT INCENTIVE SCHEME

270910/ 36 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lindsay Passfield.

1. That Council draw three winning entries and that subject to eligibility, prize winners be notified by mail.
2. That the winners names be published in Council's Newsletter.

The three Winners drawn were:-
CM & PA Chalmers, WV Hall and JA McNabb

CARRIED

FOR VOTE - Unanimous vote

ITEM 16E COMMUNITY SERVICES REPORT

16E.1 FINANCIAL ASSISTANCE APPLICATIONS

A motion was moved by Councillor Ross Brown, seconded Councillor John O'Reilly.

That Council grant financial assistance to the following applicants:

Local Organisations

Applicant	Reason for Request	Funds granted
Kyogle Garden Club	To purchase trophies for the next five (5) years.	200
Bonalbo Sub-branch RSL of Australia	To assist with additional costing associated with improvements to Patrick McNamee Park.	262
Muli Muli Ladies Aboriginal Co-op.	To form a group to make arts, crafts and floral arrangements.	250
Muli Muli Ladies Aboriginal Corporation	To set-up a garden for children, with the help of the elderly titled "Little peoples Garden".	250
Kyogle Youth Environment Society (YES)	To establish YES in Kyogle and purchase seedlings.	250
Tabulam Racing Club	To assist with promotion and advertising the Annual Tabulam Race Day	250
Kyogle High School Under 14's Rugby League Jerseys	To assist with purchasing a set of rugby league jerseys for state competition	500
Urbenville-Woodenbong Senior Day Care	To assist with costs to bring seniors together for social activities and outings.	250
Kyogle Girl Guides	To purchase tents for camping and a hot water system at the centre.	500
Kyogle Fairymount & Eden Creek Preschool	Purchase soft fall for playground.	250
Bundgeam Preschool	Purchase replacement soft fall for children's playground area.	250
Kyogle Bush Turkey Charity Ball	Reimbursement of Council fees associated with Charity Ball held 18 September 2010.	200
Total		\$3,412

Individuals

Applicant	Reason for Request	Funds granted
Gwen Palmer	To assist with costs in attending National Youth Science Forum in Canberra in January 2011.	500
Athol McQueen on behalf of Alleighah Smyth	To assist with purchase of modified car seat to suit cerebral palsy child.	500
Steven Simpson	To assist with costs associated with attending NSW Motocross event	250

	which he has been selected for.	
William Rose	To assist with costs associated with attending State level track events.	250
Robert Rose	To assist with costs associated with attending State level track events.	250
Total		\$1,750

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

That Council grant financial assistance to the following applicants:

Applicant	Reason for Request	Funds granted
Kyogle Garden Club	To purchase trophies for the next five (5) years.	200
Bonalbo Sub-branch RSL of Australia	To assist with additional costing associated with improvements to Patrick McNamee Park.	262
Muli Muli Ladies Aboriginal Co-op.	To form a group to make arts, crafts and floral arrangements.	250
Muli Muli Ladies Aboriginal Corporation	To set-up a garden for children, with the help of the elderly titled "Little peoples Garden".	250
Kyogle Youth Environment (YES) Society	To establish YES in Kyogle and purchase seedlings.	250
Tabulam Racing Club	To assist with promotion and advertising the Annual Tabulam Race Day	250
Kyogle High School Under 14's Rugby League Jerseys	To assist with purchasing a set of rugby league jerseys for state competition	500
Urbenville-Woodenbong Senior Day Care	To assist with costs to bring seniors together for social activities and outings.	250
Kyogle Girl Guides	To purchase tents for camping and a hot water system at the centre.	500
Kyogle Fairymount & Eden Creek Preschool	Purchase soft fall for playground.	250
Bundgeam Preschool	Purchase replacement soft fall for childrens playground area.	250
Kyogle Bush Turkey Charity Ball	Reimbursement of Council fees associated with Charity Ball held 18 September 2010.	200
Bonalbo Garden Club Inc	To provide money as prizes for Bonalbo Centenary gArden Comp.	250
Total		\$3,662

Individuals

Applicant	Reason for Request	Funds granted
Gwen Palmer	To assist with costs in attending National Youth Science Forum in Canberra in January 2011.	500
Athol McQueen on behalf	To assist with purchase of modified	500

of Alleighah Smyth	car seat to suit cerebral palsy child.	
Steven Simpson	To assist with costs associated with attending NSW Motocross event which he has been selected for.	250
William Rose	To assist with costs associated with attending State level track events.	250
Robert Rose	To assist with costs associated with attending State level track events.	250
Total		\$1,750

A motion was foreshadowed by Councillor Lynette Zito.

That Council grant financial assistance to the following applicants:

Applicant	Reason for Request	Funds granted
Kyogle Garden Club	To purchase trophies for the next five (5) years.	200
Bonalbo Sub-branch RSL of Australia	To assist with additional costing associated with improvements to Patrick McNamee Park.	262
Muli Muli Ladies Aboriginal Co-op.	To form a group to make arts, crafts and floral arrangements.	250
Muli Muli Ladies Aboriginal Corporation	To set-up a garden for children, with the held of the elderly titled "Little peoples Garden".	250
Kyogle Youth Environment (YES) Society	To establish YES in Kyogle and purchase seedlings.	250
Tabulam Racing Club	To assist with promotion and advertising the Annual Tabulam Race Day	250
Kyogle High School Under 14's Rugby League Jerseys	To assist with purchasing a set of rugby league jerseys for state competition	500
Urbenville-Woodenbong Senior Day Care	To assist with costs to bring seniors together for social activities and outings.	250
Kyogle Girl Guides	To purchase tents for camping and a hot water system at the centre.	500
Kyogle Fairymount & Eden Creek Preschool	Purchase soft fall for playground.	250
Bundgeam Preschool	Purchase replacement soft fall for childrens playground area.	250
Kyogle Bush Turkey Charity Ball	Reimbursement of Council fees associated with Charity Ball held 18 September 2010.	200
Bonalbo Garden Club Inc	To provide money as prizes for Bonalbo Centenary Garden Comp.	250
Sextonville Rural Fire Brigade	To purchase 15m three rail PVC cattle fence	250
Total		\$3,912

Individuals

Applicant	Reason for Request	Funds granted
Gwen Palmer	To assist with costs in attending National Youth Science Forum in Canberra in January 2011.	500
Athol McQueen on behalf of Alleighah Smyth	To assist with purchase of modified car seat to suit cerebral palsy child.	500
Steven Simpson	To assist with costs associated with attending NSW Motocross event which he has been selected for.	250
William Rose	To assist with costs associated with attending State level track events.	250
Robert Rose	To assist with costs associated with attending State level track events.	250
William Mills	To purchase stage lighting for theatre group productions at Bonalbo Community Hall	250
Total		\$2,000

The amendment was put to the vote and was CARRIED.

The amendment became the motion.

A further amendment was moved by Councillor Lynette Zito and Councillor John O'Reilly

That Council grant financial assistance to the following applicants:

Applicant	Reason for Request	Funds granted
Kyogle Garden Club	To purchase trophies for the next five (5) years.	200
Bonalbo Sub-branch RSL of Australia	To assist with additional costing associated with improvements to Patrick McNamee Park.	262
Muli Muli Ladies Aboriginal Co-op.	To form a group to make arts, crafts and floral arrangements.	250
Muli Muli Ladies Aboriginal Corporation	To set-up a garden for children, with the help of the elderly titled "Little peoples Garden".	250
Kyogle Youth Environment (YES) Society	To establish YES in Kyogle and purchase seedlings.	250
Tabulam Racing Club	To assist with promotion and advertising the Annual Tabulam Race Day	250
Kyogle High School Under 14's Rugby League Jerseys	To assist with purchasing a set of rugby league jerseys for state competition	500
Urbenville-Woodenbong Senior Day Care	To assist with costs to bring seniors together for social activities and outings.	250
Kyogle Girl Guides	To purchase tents for camping and a hot water system at the centre.	500
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Total		\$3,912

Individuals

Applicant	Reason for Request	Funds granted
Gwen Palmer	To assist with costs in attending National Youth Science Forum in Canberra in January 2011.	500
Athol McQueen on behalf of Alleighah Smyth	To assist with purchase of modified car seat to suit cerebral palsy child.	500
Steven Simpson	To assist with costs associated with attending NSW Motocross event which he has been selected for.	250
William Rose	To assist with costs associated with attending State level track events.	250
Robert Rose	To assist with costs associated with attending State level track events.	250
William Mills	To purchase stage lighting for theatre group productions at Bonalbo Community Hall	250
Total		\$2,000

The amendment was put to the vote and was CARRIED.

The amendment then became the MOTION.

The motion was put to the vote and was CARRIED.

270910/ 37 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

That Council grant financial assistance to the following applicants:

Applicant	Reason for Request	Funds granted
Kyogle Garden Club	To purchase trophies for the next five (5) years.	200
Bonalbo Sub-branch RSL of Australia	To assist with additional costing associated with improvements to Patrick McNamee Park.	262
Muli Muli Ladies Aboriginal Co-op.	To form a group to make arts, crafts and floral arrangements.	250
Muli Muli Ladies	To set-up a garden for children, with	250

Aboriginal Corporation	the held of the elderly titled "Little peoples Garden".	
Kyogle Youth Environment Society (YES)	To establish YES in Kyogle and purchase seedlings.	250
Tabulam Racing Club	To assist with promotion and advertising the Annual Tabulam Race Day	250
Kyogle High School Under 14's Rugby League Jerseys	To assist with purchasing a set of rugby league jerseys for state competition	500
Urbenville-Woodenbong Senior Day Care	To assist with costs to bring seniors together for social activities and outings.	250
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Sextonville Rural Fire Brigade	To purchase 15m three rail PVC cattle fence	250
Total		\$3,912

Individuals

Applicant	Reason for Request	Funds granted
Gwen Palmer	To assist with costs in attending National Youth Science Forum in Canberra in January 2011.	500
Athol McQueen on behalf of Alleighah Smyth	To assist with purchase of modified car seat to suit cerebral palsy child.	500
Steven Simpson	To assist with costs associated with attending NSW Motocross event which he has been selected for.	250
William Rose	To assist with costs associated with attending State level track events.	250
Robert Rose	To assist with costs associated with attending State level track events.	250
William Mills	To purchase stage lighting for theatre group productions at Bonalbo Community Hall	250
Total		\$2,000

CARRIED

FOR VOTE - Unanimous vote

16E.2 AFFIXING SEAL STRENGTHENING COMMUNITIES PROGRAM

270910/ 38 RESOLVED

Councillor Brown, seconded Councillor Dwyer.

1. That Council authorises the common seal to be affixed in the presence of the Mayor and General Manager to the service specification managed by Kyogle Council under the Strengthening Communities Program.
2. That Council authorises the Mayor and General Manager to sign the service specification managed by Kyogle Council under the Strengthening Communities Program

CARRIED

FOR VOTE - Unanimous vote

ITEM 16F GENERAL MANAGER'S REPORT

16F.1 CODE OF MEETING PRACTICE

270910/ 39 RESOLVED

Councillor Robert Dwyer, seconded Councillor Ross Brown.

That the amended Code of Meeting Practice was adopted.

CARRIED

FOR VOTE - Unanimous vote

16F.2 ORDINARY MEETING CYCLE 2010-11

270910/ 40 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That Council adopt the following Council and Committee meeting dates

**ORDINARY COUNCIL MEETING DATES
AND VENUES – 2010/2011**

DATE	VENUE
Monday, 25 October 2010, 3.30 p.m.	Kyogle Council Chambers
Monday, 22 November 2010, 3.30 p.m.	Kyogle Council Chambers
Monday, 20 December 2010, 3.30 p.m.	Kyogle Council Chambers
Monday, 28 February 2011, 3.30 p.m.	Kyogle Council Chambers
Monday, 28 March 2011, 3.30 p.m.	Kyogle Council Chambers
Monday, 18 April 2011, 3.30 p.m.	Kyogle Council Chambers
Monday, 23 May 2011, 3.30 p.m.	Kyogle Council Chambers
Monday, 27 June 2011, 3.30 p.m.	Kyogle Council Chambers
Monday, 25 July 2011, 3.30 p.m.	Kyogle Council Chambers
Monday, 22 August 2011, 3.30 p.m.	Kyogle Council Chambers
Monday, 26 September 2011, 3.30 p.m.	Kyogle Council Chambers

**COMMUNITY CULTURAL AND ECONOMIC COMMITTEE MEETING DATES –
2010/2011**

DATE
Monday, 11 October 2010, 3.30 p.m.
Monday, 7 February 2011, 3.30 p.m.
Monday, 4 April 2011, 3.30 p.m.
Monday, 4 July 2011, 3.30 p.m.

GOVERNANCE COMMITTEE MEETING DATES – 2010/2011

DATE
Monday, 8 November 2010, 3.30 p.m.
Monday, 14 February 2011, 3.30 p.m.
Monday, 9 May 2011, 3.30 p.m.
Monday, 8 August 2011, 3.30 p.m.

PLANNING & ENVIRONMENTAL COMMITTEE MEETING DATES – 2010/2011

DATE
Monday, 11 October 2010, 2.30 p.m.
Monday, 7 February 2011, 2.30 p.m.
Monday, 4 April 2011, 2.30 p.m.
Monday, 4 July 2011, 2.30 p.m.

WASTE AND WATER COMMITTEE MEETING DATES – 2010/2011

DATE
Monday, 8 November 2010, 2.30 p.m.
Monday, 14 February 2011, 2.30 p.m.
Monday, 9 May 2011, 2.30 p.m.
Monday, 8 August 2011, 2.30 p.m.

- That Committee meeting dates may be amended as required with the agreement of the member Councillors.

CARRIED

FOR VOTE - Unanimous vote

ITEM 17 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 18 CONFIDENTIAL BUSINESS PAPER

18.01 MOVE INTO CLOSED COUNCIL

Item 18.1 Conduct of an Illegal Land Use - Legal Proceedings

This item is classified CONFIDENTIAL under section 10A(2) (i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following;

g) advice concerning litigation, or advice that would otherwise be privileged

It is not in the public interest and would be contrary to privacy provisions to reveal these details.

Pursuant to section 10A(4), the public were invited to make representations to the council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

270910/ 41 RESOLVED

Councillor Ross Brown, seconded Councillor John O'Reilly.

1. That Council resolve to move into closed council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

CARRIED

FOR VOTE - Unanimous vote

Council closed its meeting at 7.02 p.m. The public and media left the Chamber.

18.02 RESOLUTIONS OF CLOSED MEETING

270910/ 42 RESOLVED

Moved by Councillor Ross Brown, seconded by Councillor Lindsay Passfield.

That Council move out of Closed Council and into Open Council.

CARRIED

FOR VOTE - Unanimous vote

There being no public present, the resolutions of council while the meeting was closed were read to the meeting by the Chair.

18.1 CONDUCT OF AN ILLEGAL LAND USE - LEGAL PROCEEDINGS

1. That the report regarding the matter of conducting an unlawful land use was received and noted.
2. That Council continues to pursue the payment of Penalty Infringement Notices for all parties involved in the unlawful land use at 4806 Kyogle Road, Wadeville.

CARRIED

FOR VOTE - Unanimous vote

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 7.04 p.m.

14.4 MONTHLY FINANCIAL REPORT

Kyogle Council



Financial Reports 30 September, 2010

**Rates Statement
Statement of Bank Balances
Summary of Investments**

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

KYOGLE COUNCIL RATES STATEMENT AS AT 30 SEPTEMBER 2010

	ARREARS 1-Jul-10	NET CHARGES 2010	PAYMENTS	OUTSTANDING BALANCE	PERCENTAGE COLLECTED
RATES	299,307.46	4,377,594.62	1,837,205.66	2,839,696.42	39.28%
SERVICES	368,098.85	1,239,017.73	804,128.38	802,988.20	50.04%
INTEREST	75,088.90	13,273.25	12,122.22	76,239.93	13.72%
TOTALS	742,495.21	5,629,885.60	2,653,456.26	3,718,924.55	41.64%

PRESENTED TO COUNCIL OCTOBER 2010

Note:

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

KYOGLÉ COUNCIL		
STATEMENT OF BANK BALANCES AS AT		
30-Sep-10		
FUND	CLOSING BANK BALANCE 30-Sep-10	INVESTMENT BALANCE 30-Sep-10
GENERAL FUND		
UNRESTRICTED	(1,733,781.37)	3,200,000.00
INTERNALLY RESTRICTED	791,937.82	3,500,000.00
STATE HIGHWAYS	2,212,243.24	
QUARRIES	415,083.38	
PLANT	3,669,977.51	
EXTERNALLY RESTRICTED	235,249.55	700,000.00
	5,590,710.13	7,400,000.00
RESTRICTED		
WATER SUPPLIES	740,738.48	
SEWERAGE SYSTEMS	660,195.18	500,000.00
DOMESTIC WASTE	561,172.97	
ORDINARY TRUST	31,035.21	
	1,993,141.84	500,000.00
CONSOLIDATED FUNDS	7,583,851.97	7,900,000.00

KYOGLE COUNCIL

SUMMARY OF INVESTMENTS AS AT 30/09/10

	BANK	TYPE	TERM	AMOUNT	RATE P.A.	DUE DATE
1	CITIBANK	TERM DEPOSIT	34 DAYS	1,000,000.00	5.30%	October 12, 2010
2	COMMONWEALTH	TERM DEPOSIT	91 DAYS	3,000,000.00	5.10%	October 25, 2010
3	BANKWEST	TERM DEPOSIT	30 DAYS	1,000,000.00	5.25%	October 27, 2010
4	BANKWEST	TERM DEPOSIT	60 DAYS	1,500,000.00	5.55%	November 22, 2010
5	SUNCORP METWAY	TERM DEPOSIT	63 DAYS	1,400,000.00	5.66%	November 29, 2010
				7,900,000.00		
PRESENTED TO COUNCIL ON OCTOBER 25, 2010						
I hereby certify that the above investments have been made in accordance with section 625 of the Local Government Act, 1993, the Local Government (General) Regulation 2005 and Councils Investment Policy.						
(GLENN ROSE)						
<u>RESPONSIBLE ACCOUNTING OFFICER</u>						

COUNCILLORS TRAVEL EXPENSES Sep-10

COUNCILLOR NAME	KLMS CLAIMED		CURRENT KM RATE	AMT REIMBURSED	
	MONTHS	YTD		MONTH	YTD
E Bennett	0	2,132	0.73	0.00	1,556.36
R. Brown	0	0	0.73	0.00	0.00
T. Cooper	980	980	0.73	715.40	715.40
R. Dwyer	0	0	0.73	0.00	0.00
J. O'Reilly	282	282	0.73	205.86	205.86
R. Leadbeatter	0	0	0.73	0.00	0.00
L. Passfield	443	875	0.73	323.39	638.75
J. Wilson	0	0	0.73	0.00	0.00
L. Zito	0	0	0.64	0.00	0.00
Total	1,705	4,269		1,244.65	3,116.37

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.

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

DIRT BIKE MEETING – 16 AUGUST, 2010

GROVE HOUSE – 2.00 PM

In attendance: Councillor Lindsay Passfield, John Hession – Director Planning and Environmental Services – Kyogle Council, Mark Geyle, Jeeny Atkins – NSW National Parks and Wildlife Service, David Wilson, Matt Warn – NSW State Forests, Dan Cupitt – Land and Planning Information (Lands), Terry and Jennifer Moody – Upper Clarence Combined Landcare Inc., Ray Buchanan – Australian Dirt Bike Adventures, Chris Simpson – Kyogle Dirt Bike Club, Peter Stone– Northern Landcare Support Services, Jim Standing – Tourism Operator/landholder, Ian and Barbara Kirkpatrick – Bonalbo and District Development Association, Chris Reid, Graham Reid, Ray Reid and Ivy Reid – Woodenbong Progress Association, Colleen Scofield – Urbanville Progress Association/ Bowls Club, Jim Feehely – Motorcycling Queensland

John Hession welcomed all to the meeting stating that not all present are in favour of the ongoing presence of dirt bikes throughout the Kyogle Local Government Area but that everyone's input is invited. JH introduced Cr. Lindsay Passfield as the Chair of the Meeting. LP stated that he is concerned at the ongoing unregulated use of dirt bikes on Crown land in particular due to land degradation, traffic and safety, camping, waste, public health and general safety issues.

David Wilson accepted the legitimate use of dirt bikes as a recreational activity, but that the bikes need to be registered and driven by licensed riders. In the commercial sense, e.g. Australian Dirt Bikes, a Special Purpose Permit is favoured which would require regulation. The No. 1 issue is the increasing use of unlicensed and unregistered bikes/riders.

Terry Moody stated that there is an issue with the frequency and numbers of riders from South East Queensland, which are usually registered.

Jenny Atkins stated that there are large numbers of unregistered bikes which continue to enter and use the National Parks in an unregulated manner.

Ian Kirkpatrick suggested the implementation of a licensing arrangement where the riders pay for the use of Crown lands and National Parks with a percentage of the payments going back directly to the particular authority.

Dan Cupitt agreed and in addition stated that this would provide the opportunity to stipulate a code of conduct under which riders would operate.

Peter Stone stated that there is a need for sign posting for speed limits through State Forests. This is a grey area as it appears that only the Police can act on negligent driving by riders.

Chris Simpson mentioned that in Victoria a recreational registration is available which might be a consideration for the State of New South Wales.

Ray Buchanan stated that he has 20 years experience in Queensland in the industry and agreed with the Permit/Registration scenario. With the closing down of a number of Gold Coat Tracks, there is a distinct need for family rider events to be catered for.

Jim Standing stated that there are many riders who are attracted to return to the area (Woodenbong) after the operation of an organized event. This brings a benefit of tourism, not only the dirt bikes but also the road bikes which are increasing in numbers.

Chris Reid stated that there have been issues such as cutting of fences on private property by bike riders. There needs to be mapping available indicating where bikes may or may not travel.

Terry Moody stated that in the Victorian instance information on tracks, whether and when they are open or closed at certain times of the year, with mapping and co-ordinates are available.

Jim Standing stated that noise and unlawful use of private land are major issues to communities and residents.

Dan Cupitt stated that lease of Crown lands to Clubs for the conduct of events is a consideration, whereby a permit system could be arranged on a permit system including dates/exclusion zones etc.

Lindsay stated that brochures with information relating to the above could be placed at accommodation houses/hotels and tourist information centres.

Terry Moody offered to draft a list of recommendations/outcomes from the meeting.

The meeting closed at 2.20 pm with the Chairperson – Lindsay Passfield thanking all for their attendance and input.

15D.2

COMMUNITY CULTURAL & ECONOMIC COMMITTEE MINUTES 11
OCTOBER 2010



KYOGLE COUNCIL

COMMUNITY CULTURAL & ECONOMIC

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

ON MONDAY 11 OCTOBER 2010

Commencing at 3.30 p.m.

GENERAL MANAGER: **ARTHUR PIGGOTT**

Dear Councillor,

In accordance with the provisions of the Local Government (Meetings) Regulation 1993, you are hereby notified of the following Community Cultural & Economic Meeting to be held at the Kyogle Council Chambers, on Monday 11 October 2010 at 3.30 p.m.

DECLARATION OF PECUNIARY INTEREST

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

BUSINESS

- | | |
|--------|-----------------------------------|
| Item 1 | Apologies |
| Item 2 | Opening Prayer |
| Item 3 | Traditional Lands Acknowledgement |
| Item 4 | Declaration of Interests |
| Item 5 | Reports from General Manager |

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 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.

COMMUNITY CULTURAL & ECONOMIC

Monday 11 October 2010

INDEX

ITEM	PRECIS	PAGE
ITEM 1	APOLOGIES	1
ITEM 2	OPENING PRAYER	1
ITEM 3	TRADITIONAL LANDS ACKNOWLEDGEMENT	1
ITEM 4	DECLARATION OF INTERESTS	1
ITEM 5	REPORTS	1
Item-5.1	FUTURES FUNDING APPLICATIONS	1
Item-5.2	KYOGLE MEMORIAL INSTITUTE FOYER	4
APPENDIX / ATTACHMENTS		8
		9

ITEM 1 APOLOGIES

ITEM 2 OPENING PRAYER

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

ITEM 4 DECLARATION OF INTERESTS

Nil.

ITEM 5 REPORTS

Item-5.1 FUTURES FUNDING APPLICATIONS

Summary/Purpose

This report presents the Futures funding applications to the committee for consideration and discusses the process of assessing the applications.

Community Strategic Plan Item(s)

- Economic Development

Report

Assessment of Applications

When the Futures Committee was operational, the applications for Futures Funding were considered by a committee that consisted of Staff, Councillors and Community Representatives that represented the various areas,

At the last meeting of the Futures Committee that was held in April 2009 the following was recommended to Council:

That a report be presented to the May Council meeting considering the merger of the Futures Committee and the Community and Cultural Committee

That should Council agree to the merger of the Community and Cultural Committee and Futures Committee, the merged Community and Cultural Committee will utilise working parties and focus groups to prepare reports to Council on community economic needs.

Since that time there have been two rounds of funding considered and the applications have been assessed by Community Representatives.

The organisation of these meeting has been difficult. At the first meeting held in October 2009, only two community people were in attendance. Both these people were also members of the organisations that had submitted applications and had to declare an interest in their application, leaving only one community person involved in the assessment.

The second meeting that was to be held on June 1, 2010 was abandoned. As a number of apologies were received that resulted in only one person being able to attend.

The applications were then considered in July, with three people attending and one member declaring an interest.

It is considered that the Council resolution to use focus groups does not commit Council to using community representatives to consider the applications.

Applications received:

Applicant	Amount	Allocation	Project
Kyogle Together Inc.	\$13,000	LGA Project	Delivering activities outlined in the 2009 to 2014 Social Plan
Kyogle Family Support Services	\$7,263.82	LGA Project	“Out of the dark and into the light” an exhibition of art work created by women surviving domestic violence
Kyogle Community Economic Development Committee	\$11,842.00	Kyogle Project	1. Development of an Industry, Business and Community Data Base in hard copy with internet access. 2. Initial assessment and planning for seminar economic development managers and associated from North Coast and SE Qld to develop linking strategies
Kyogle District Care Connections Inc.	\$7,000.00	Woodenbong/Urbenville/Bonalbo and Old Bonalbo	Supporting Independence – Finding out what you need to remain living independently.
Tabulam Chamber of Commerce	\$3,000.00	Tabulam	Promotional signage displaying Tabulam businesses upon entering Tabulam.
Kyogle Writers Group	\$600.00	Kyogle Project	A one day workshop for writers group with a qualified workshop tutor.
Kyogle and District Historical Society Inc	\$10,000	LGA Project	Ramblings of the timber industry publications.

Budget & Financial Aspects

An allocation of \$40,000 has been included in the 2010/2011 Management Plan; this is to be allocated as follows:

LGA Projects	\$13,000
Kyogle Projects	\$13,000
Bonalbo / Old Bonalbo Projects	\$ 3,500
Woodenbong / Urbenville Projects	\$ 3,500
Mummulgum / Mallanganee / Tabulam Projects	\$ 3,500
Range to Range (Cawongla / Barkersvale) Projects	\$ 3,500

Recommendation

That the Committee considers the Futures Funding applications.

Attachments

1. Futures Funding applications – Confidential separate attachment.
2. Assessment of applications

Item-5.2 KYOGLE MEMORIAL INSTITUTE FOYER

Summary/Purpose

This report updates the committee with investigations relating to the KMI Foyer

Community Strategic Plan Item(s)

- Village Life (town and village development)

Previous Council Consideration

At Council's Ordinary meeting held 21 June the following was resolved;

That Council consult with/survey the community in relation to:-

1. The proposal to restore the original foyer entry of the Kyogle Memorial Institute.
2. The proposed use of the foyer area by the Kyogle RSL as an office, meeting room and display area.
3. That Council consult with Senior Centre Incorporated, with the current usage of the building under their lease agreement and the current service/business agreement for the potential to review those documents to resolve the current situation.

A further report was considered at the September 2010 Ordinary meeting and this report appears below.

An advertisement was placed in the Express Examiner on July 14, 2010 that sought community input. An article was also included in the July 2010 council Newsletter. The following information was provided in the advertisement.

Council is seeking community input in relation to the original foyer area of the Kyogle Memorial Institute (KMI) Hall.

Alterations to the foyer of the KMI, which included the relocation of the entrance to Stratheden Street and the creation of a shop front in place of the previous Summerland Way foyer, were carried out during 2003.

Recently, Council resolved to investigate the feasibility of returning the main entrance of the KMI to its original concept. It is estimated that the cost of the works required to be undertaken to restore the shop back to the original foyer entry concept would be in excess of \$100,000.

The Kyogle Sub Branch of the Returned Services League has recently expressed an interest in utilising the existing KMI Hall foyer shopfront as its office, meeting room and display area.

In order to assist Council with its decision on this matter, we are seeking community comment/feedback. Full details and survey forms are available on Councils' website www.kyogle.nsw.gov.au, at the Administrative building and at various other locations until Friday 6 August, 2010. Your input into this matter would be greatly appreciated.

A total of 86 responses were received during the submission period. The responses were able to be categorised as follows:

51 responses	In favour of retaining shopfront in its existing form for use by RSL.
31 responses	In favour of restoring the entrance to original condition
3 responses	In favour of retaining shopfront in its existing form for commercial use.
1 response	In favour of retaining shopfront in its existing form for use by RSL.

In relation to Part 3 of Councils resolution 3; *That Council consult with Senior Centre Incorporated, with the current usage of the building under their lease agreement and the current service/business agreement for the potential to review those documents to resolve the current situation.*

In attempting to organise this meeting Staff were initially invited to attend a meeting of the management committee that was held on September 10, 2010. Later communication was that attendance would not be possible. Staff members have now been invited to attend the next scheduled meeting which is to be held on October 1, 2010.

It is expected that a further report will be presented to the October Ordinary meeting.

Report

The General Manager and Director Corporate and Community Services attended a meeting with the management committee of the Senior Centre on September 28, 2010.

At this meeting it was indicated that the privacy issues regarding the RSL not having their own room had been remedied.

In a separate discussion with the president of the RSL it was indicated that the size of the room is still an issue and that the RSL may still be interested in the use of the Foyer shop.

It was suggested at the September Ordinary meeting that the shop should remain as is and be available for use by community groups until such a time as grant funding is obtained for the proposed restoration. The shop would then be able to be made

available to the RSL for “one off” type occasions as it will also be available for other community groups.

Budget & Financial Aspects

There is no funding available in the current budget to carry out the alterations. Council’s Building and Environmental staff have estimated that the works required to be undertaken to restore the shop back to the original foyer entry concept would be in excess of this amount and likely to be in excess of \$100,000.

Recommendation

1. That the report on the Kyogle Memorial Institute Foyer be received and noted.
2. That the Foyer shop be made available to the RSL for “one off” use consistent with the current use by community groups.
3. That possible grant funding sources be investigated to restore the shop back to the original foyer entry concept.

APPENDIX / ATTACHMENTS

KYOGLE COUNCIL



ATTACHMENTS

COMMUNITY CULTURAL & ECONOMIC

ON 11 OCTOBER 2010

Item-5.1 FUTURES FUNDING APPLICATIONS

Eligibility Criteria

A project is eligible for consideration by the Futures Committee if the application addresses the following

1. The project has been identified as a priority through one of council's community planning processes identified above.
2. The applicants can demonstrate community support for the project.
3. The project plan and budget are realistic and fit within Council's allocated budget for the town, village or whole LGA.
4. The organisation can demonstrate that it can manage projects and public funds.
5. The project is auspiced by an organisation that is a legal entity (eg is Incorporated, Lands Council or Local Government).
6. The organisation has public liability cover and other relevant insurance cover.
7. The organisation can contribute financial or in-kind contributions to the project.

Eligibility Criteria	Kyogle Together Inc.	Kyogle Family Support Services	Kyogle Community Economic Development Committee	Kyogle District Care Connections Inc.	Tabulam Chamber of Commerce	Kyogle Writers Group	Kyogle and District Historical Society Inc
1. The project has been identified as a priority through one of council's community planning processes identified above.	Yes	Yes	Yes	Yes	No	No	No
2. The applicants can demonstrate community support for the project.	Application form does no clearly ask for this information	Application form does no clearly ask for this information	Application form does no clearly ask for this information	Application form does no clearly ask for this information	Application form does no clearly ask for this information	Application form does no clearly ask for this information	Application form does no clearly ask for this information
3. The project plan and budget are realistic and fit within Council's allocated budget for	Yes	Yes	Yes	Yes	Yes	Yes	Yes

the town, village or whole LGA.							
4. The organisation can demonstrate that it can manage projects and public funds.	Yes	Yes	Yes	Yes	Not stated	Yes	Not stated
5. The project is auspiced by an organisation that is a legal entity (eg is Incorporated, Lands Council or Local Government).	Yes	Yes - Incorporated	Not stated	Yes - Incorporated	Not stated	Not stated	Yes - Incorporated
6. The organisation has public liability cover and other relevant insurance cover.	Yes	Yes	Yes	Yes	Not stated	No	Not stated
7. The organisation can contribute financial or in-kind contributions to the project.	Yes	Yes	Yes	Yes	Yes	Yes	Yes