



# **KYOGLÉ COUNCIL**

## **ORDINARY COUNCIL AGENDA**

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

ON MONDAY 27 AUGUST 2012

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 27 August 2012, at 3.30 p.m.**

DECLARATION OF PECUNIARY INTEREST

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

BUSINESS

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

ARTHUR PIGGOTT  
GENERAL MANAGER

COUNCIL PRAYER

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

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

AMEN

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

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

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

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

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DISCLAIMER

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

(ARTHUR PIGGOTT),  
GENERAL MANAGER.

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

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

Each speaker has a maximum allowable time of 5 minutes.

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

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

Speakers are not to debate answers.

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

The maximum duration of this session is 30 minutes.

### **5.8 Public Access (Council Policy)**

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

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

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

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

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

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

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

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

# ORDINARY COUNCIL AGENDA

Monday 27 August 2012

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**ITEM 1      APOLOGIES**

**ITEM 2      OPENING PRAYER**

**ITEM 3      TRADITIONAL LANDS ACKNOWLEDGEMENT**

**ITEM 4      DECLARATION OF INTERESTS**

Nil.

**ITEM 5      QUESTION TIME**

Nil.

**ITEM 6      PUBLIC ACCESS**

A request for public access has been received from;

- Mr Robert Goebel in relation to Housing Entitlements

## **ITEM 7      CONFIRMATION OF MINUTES**

### **7.1   CONFIRMATION OF ORDINARY MINUTES JULY 2012**

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#### **Summary/Purpose**

A copy of the Minutes for the Ordinary Meeting held on 23 July 2012, are included in the attachments to the business paper.

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

- Governance and Community Service

#### **Recommendation**

That the Minutes of the Ordinary Meeting held on 23 July 2012, be adopted.

#### **Attachments**

1. Minutes of the Ordinary meeting held on 23 July 2012 (Separately attached)

## **7.2 CONFIRMATION OF EXTRAORDINARY MINUTES 30 JULY 2012**

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### **Summary/Purpose**

A copy of the Minutes for the Extraordinary Meeting held on 30 July 2012, is included in the attachments to the business paper.

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

- Governance and Community Service

### **Recommendation**

That the Minutes of the Extraordinary Meeting held on 30 July 2012, be adopted.

### **Attachments**

1. Minutes of the Extraordinary meeting held on 30 July 2012 (Separately attached)

**ITEM 8      MAYORAL MINUTE**

Nil.

**ITEM 9      NOTICES OF MOTION**

Nil.

**ITEM 10     QUESTIONS WITH NOTICE FROM COUNCILLORS**

**10.1 QUESTIONS FROM THE JULY ORDINARY MEETING**

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**Summary/Purpose**

This report presents responses to questions asked at the July Council meeting.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Report**

**Question 1**

At the Ordinary Meeting of Council held on 23 July, 2012 Councillor Tom Cooper asked:

Why the public toilets at Pioneer Park Old Bonalbo are closed.

**Response 1**

Due to the deterioration of the public toilets as a result of misuse including disposing of general and construction type waste in the pit, the toilet was closed for a number of weeks to undergo the following:-

- i) closure and capping of the toilet pit;
- ii) ordering and purchase of a new cartridge type toilet ;
- iii) installation of the new toilet by Council Maintenance staff.

The new toilet has been operating for approximately two months and is being maintained by the Old Bonalbo and District Progress Association.

**Question 2**

At the Ordinary Meeting of Council held on 23 July, 2012 Councillor Tom Cooper asked:

On land with any area of tenure, if there are two dwellings built prior to the need for a building entitlement, and one dwelling was destroyed by fire what is Council's position as far as the owners ability to rebuild on the existing site?

## Response 2

The use of a second dwelling is outlined above as having been constructed prior to any need for a building entitlement or consent approval of Council. In order to rebuild such a dwelling which was destroyed by fire the Council's (and the State's) position is as follows:-

- i) Assess the description of land use under the Model Provisions as outlined by the Minister for Local Government on 17 July, 1970, which applied to the Kyogle Interim Development Order, which reads:

"Dwelling-house" means a building intended for use as a dwelling for a single family, together with such outbuildings as are ordinarily used therewith and includes a dwelling in a row of two or more dwellings attached to each other such as are commonly known as semi-detached or terrace buildings".

- ii) Under the provisions of the Environmental Planning and Assessment Act, 1979 – Sect 106 "Existing use" is defined as:

- a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4 of this Part, have the effect of prohibiting that use..

- iii) Assess whether the second dwelling conforms with the provisions of Clause 13(4) of the Kyogle Interim Development Order which reads:

(4) One dwelling-house may be erected on a parcel of land referred to in subclause (1) for each 40 hectares contained within the parcel, provided that any dwelling-house (hereinafter called a worker's dwelling-house) erected after the first dwelling-house has been erected shall only be used to accommodate a person employed or engaged in the use of the parcel for the purposes of agriculture.

Note that in the case mentioned an area of 80 hectares would be required to establish an "existing use".

- iv) Establish the degree of continuity of the existing use.

Under the provisions of Section 107 of the Environmental Planning and Assessment Act 1979 the continuance of and limitations on an existing use are outlined:

- (1) Except where expressly provided in this Act, nothing in this Act or an environmental planning instrument prevents the continuance of an existing use.
- (2) Nothing in subsection (1) authorises:
  - (e) the continuance of the use therein mentioned where that use is abandoned.

- (3) Without limiting the generality of subsection 2(e), a use is presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.

**Question 3**

- Requested representation is made to the Chamber of Commerce, reminding shop owners/personnel to keep mainstreet parking bays free for shoppers.
- Requested information be provided in relation to the Taxi Zone in Kyogle?

**Response**

To be provided prior to the Meeting.

**Question 4**

- Requested staff investigates the new playing surface at the Mallanganee Tennis Court as players have advised it is difficult to play on due to its unevenness?

**Response**

To be provided prior to the Meeting.

**Question 5**

- Brought to Council's attention the poor condition of the public toilets at the Visitor Information Centre and Stratheden Street, requested the matter be investigated.

**Response**

To be provided prior to the Meeting.

**Question 6**

- Queried who is mowing the Wiangaree township; Council staff, contractors or the community?

**Response**

To be provided prior to the Meeting.

**Recommendation**

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



## ITEM 11 DELEGATES REPORTS

Nil.

## ITEM 12 INFORMATION PAPERS

### 12.1 QUARRIES REPORT

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#### Summary/Purpose

This report is to advise Council of quarry operations and budget to 31 July, 2012.

#### Community Strategic Plan Item(s)

- Roads and Infrastructure

#### Report

Stockpiles at each quarry site are currently adequate for the needs of the works program, with additional material planned for excavation at Medhursts Quarry in August.

#### Budget & Financial Aspects

The following is a summary of the quarries budget for 2012/13 as at July 31, 2012:

<u>MILLERS</u>	Budget	YTD	
SALES	159,650	35,960	Approximately 3,700t remains stockpiled on site
COST OF SALES	<u>140,880</u>	<u>31,732</u>	
NET PROFIT / (LOSS)	<u>18,770</u>	<u>4,228</u>	

<u>MEDHURSTS</u>			
SALES	57,680	27,081	Approximately 3,600t remains stockpiled on site
COST OF SALES	<u>43,260</u>	<u>20,311</u>	
NET PROFIT / (LOSS)	<u>14,420</u>	<u>6,770</u>	

<u>GRIFFITHS</u>			
SALES	63,000	10,895	Approximately 5,200t remains stockpiled on site
COST OF SALES	<u>47,250</u>	<u>8,171</u>	
NET PROFIT / (LOSS)	<u>15,750</u>	<u>2,724</u>	

<u>LLOYDS</u>			
SALES	40,000	26,149	Approximately 3,600t remains

COST OF SALES	30,000	19,612	stockpiled on site
NET PROFIT / (LOSS)	<u>10,000</u>	<u>6,537</u>	

**SUMMARY**

SALES	320,330	100,085
COST OF SALES	<u>261,390</u>	<u>79,826</u>
<b>NET PROFIT / (LOSS)</b>	<b><u>58,940</u></b>	<b><u>20,259</u></b>

**Recommendation**

That the quarries report be received and noted

**12.2 WORKS REPORT**

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**Summary/Purpose**

This report provides Council with an update on progress of the works program to 31 July, 2012.

**Community Strategic Plan Item(s)**

- Roads and Infrastructure
- Village Life
- Waste & Water

**Report**

**Maintenance and Construction Works**

The maintenance grading crew completed their work in the Green Pigeon area, and moved into the Horseshoe Creek area in July. However, the area was too wet and the crew moved out again and completed maintenance grading on Wiangaree Back Road while things dried out a bit in the Horseshoe Creek area. The crew are again in the Horseshoe Creek area to finish off. The second maintenance grading crew east of the range have just finished off the rehabilitation works in Sandilands Street Mallangane, and will be moving back to the Williams Road area to finish off maintenance grading in the area, and they will then be moving to Sargents Road and Homeleigh Road. The west of the range crew has completed their work on Old Lawrence Road, and are currently undertaking works on Goanna Creek Road, before moving in to Mills Road.

Drainage works have been completed at Mallanganee, as well as on Old Lawrence Road, the Clarence Way at the Yabbra slip, and on Goanna Creek Road, and crews will be moving to Mills Road and then to Tabulam village in the next month. Works on the improvements to the large steel pipes under the Summerland Way near Wiangaree have also been completed, as well as drainage maintenance along the Bruxner Highway. The construction of the small levee along Bonalbo Street Woodenbong has been completed by Councils contractor, with this contractor now moving to Bonalbo to complete drainage improvements there.

The restoration of the slip on the Clarence Way in Yabbra Forest has been completed, with the road pavement above the slip to be repaired in the next couple of weeks. Some further temporary works were also undertaken on the landslip at the end of Theresa Creek Road. The temporary stabilisation works have commenced on the landslip on the Summerland Way north of Imbreys Road, and it is hoped that these works will be completed within the first two weeks of August, and that permanent restoration works may commence immediately after. Council is working with the Roads and Maritime Services to ensure the works are undertaken as soon as possible. It is hoped that the heavy vehicle restrictions can be lifted after the temporary stabilisation works are completed, subject to concurrence from the RMS.

Heavy patching works have been completed on the Mount Lindesay Road, and are currently underway on Kyogle Road. The construction crew will be completing further heavy patching works on Kyogle Road, Bentley Road and Afterlee Road in the coming weeks, with rehabilitation of the northern section of Wiangaree Back Road to follow.

Vegetation control works are underway on the Clarence Way and Afterlee Road. Signage improvement work on the Bruxner Highway has been completed, and a similar project will be starting on the Summerland Way north of the Woodenbong turn off.

Bridge works have been completed at Needhams Road and on Flowers Bridge on Findon Creek Road. Abutments have been constructed on the Ghinni Ghi Road bridge, and the deck will be placed in the next two weeks which should see the bridge reopened soon after. The works on the Billy Mays Point bridge on Paddys Flat Road have been programmed for October. The resealing works planned for July have been deferred due to the cold weather, and will likely be undertaken in September.

### Customer Action Requests

See separate attached report and graphs on Customer Action Requests (CAR) received for the period 1 July 2012 - 31 July 2012. At its Ordinary Meeting of July 23, 2012 Council resolved;

*That previous information in relation to Customer Requests which has been in the Council newsletter and the information which is provided on Council's website be presented to Council's August meeting for Councillors information and review.*

The following information relating to Customer Action Requests is taken from the Road Network Management Plan which is published on Councils web site;

### **6.3 Service Requests from the Community**

*Service requests from the community are a valuable source of knowledge about the state of the Road Network between inspections. Each request is registered with Council's customer services section and recorded using the Customer Action Request System.*

*Each request is then assigned to a staff member who will investigate the request by way of making a physical inspection of the site and recording the details of the inspection.*

#### **6.4 Service Requests from Council Staff**

*Council staff regularly travel the Road Network on the way to and returning from work locations at various points throughout the LGA. During this travel Council staff are encouraged to inspect and report any Defects encountered using Council's Customer Request System. Once a customer request is logged it is handled as any other request.*

#### **6.5 Customer Action Request System**

*In most instances, the Technical Services Assistant or other customer service staff are the first people to record the nature of a customer request. The decision process that proceeds after the request has been received, is as vital as that of repairing the road.*

*Customer requests when received are recorded through the use of the **DataWorks** record management system. **DataWorks** makes the initial record of the customer request, and prints this information onto an applicable hard copy Customer Action Request Form template, which is transferred to the appropriate officer, usually one of the two Maintenance Overseers. During this process **DataWorks** also creates "Tasks" assigned to relevant Council officers to ensure customer requests are followed up. Any outstanding or non-actioned "Tasks" are also reviewed by the General Manager and the department heads regularly.*

*In the case where the customer services officer deems the complaint to have the potential to create an immediate hazard, verbal contact is to be made with a works department staff member as soon as possible detailing the nature of the complaint.*

*The officer receiving the complaint completes a section of the Customer Action Request Form documenting the method of notification to the appropriate staff member, and places the hard copy form in the appropriate officers tray.*

*The relevant inspection officer will document the details of the inspection and record any Defects identified. This information is then passed onto the appropriate staff member for action, if any is required.*

*The Customer Action Request Form is then completed by the actioning officer and the completed form returned to the Technical Services Assistant. The details of the follow-up are then recorded in the **CAR Database** developed in house to track inspection and action response times, and other information as required. The "Tasks" generated in **DataWorks** are then signed off by the Technical Services Assistant.*

The following information is taken from articles previously published in Councils newsletter;

May/June 2012;

#### **Dealing with Customer Requests**

*Kyogle Council is committed to providing quality customer service to all ratepayers and residents. Complaints, compliments and customer requests assist in the planning and improvement of Council's assets, systems, procedures and policies. Residents often phone or attend the counter and lodge a complaint or*

*request that an action be taken on an issue. When this happens the request is entered into Councils electronic system, recording the name of the customer and the details of the request. Each request is then assigned to a staff member who will investigate the request, this may involve conducting a physical inspection of the site and recording the details of the inspection. Works are then planned subject to the availability of resources and other priorities. Customers will not receive a written response to a customer request. Written responses are only provided when the customer request is received in writing.*

October 2006;

*Kyogle Council is committed to providing quality customer service to all ratepayers and residents. Complaints (and compliments) and customer requests assist in the planning and improvement of Council's assets, systems, procedures and policies.*

*Council has a Complaint Handling Policy to ensure that all complaints are dealt with fairly and impartially.*

*Complaints or Customer Requests may be lodged with council by person, telephone, facsimile, email or letter. Any staff member may receive a complaint and must follow the procedures set out in the Complaint Handling Policy.*

***What happens when you make a complaint ?***

*When a complaint is received, the staff member receiving the complaint must ensure that the complaint is registered in Councils Electronic Document Management System.*

*You should expect that a complaint of a very minor nature should be dealt with immediately or referred to the appropriate staff member who may be able to resolve the problem on the spot. Complaints of a more serious or complex nature that cannot be resolved on the spot are referred to the relevant Manager for investigation, action and a response to the complainant.*

*The officer investigating the complaint will determine what action will be taken, and communicate this information through phone, in person or by letter.*

*Where a manager has conducted the investigation, the relevant Director must sign off the report. This process must be completed within ten working days of receipt of the complaint, excepting where further information is waiting to be received.*

*The complaint is also referred to the Public Officer (Director Corporate Services) to enable the complaint to be monitored and followed up as necessary.*

*The Public Officer will determine if a complaint should be lodged with an external agency and will contact the complainant to refer that person to the appropriate agency or authority. Copies of the Kyogle Council Complaint Handling Policy are available at Councils Administration Centre.*

***What happens when you make a customer request ?***

*Each customer request is registered in Councils Electronic Document Management System Each registered customer request is assigned a "Task" which forwards the request to a staff member for action. In general, documents are forwarded to the relevant Director who can either action the document themselves or distribute it to a relevant staff member. In some cases the customer requests may go directly to an individual staff member who is responsible for taking action. In all cases a trail must be established within Councils Electronic Document Management System*

*which can be reviewed at any time to ensure that appropriate action has been taken.*

### **Budget & Financial Aspects**

The financial performance summary is provided in the attachments to this report.

### **Recommendation**

That the works program report be received and noted.

### **Attachments**

1. Financial performance summary.
2. Customer Requests report and graphs for the period.

## **12.3 COUNCIL RESOLUTIONS REQUIRING ACTION.**

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### **Summary/Purpose**

This report presents to Council a list of Council resolutions requiring action as at 31 July 2012.

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

- Governance and Community Service

### **Report**

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

### **Recommendation**

That the Council resolutions requiring action report be received and noted.

### **Attachments**

1. Council resolutions requiring action as at 31 July 2012. (Separately attached)

## 12.4 FINANCIAL REPORTS JULY 2012

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### **Summary/Purpose**

This report presents financial reports to Council for information.

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

- Governance and Community Service

### **Background Information**

#### Legislative Requirements

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

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

### **Report**

The following information is presented for information only.

#### (A) Finance Reports

Summary reports outlining Council's financial position as at 31 July, 2012. The reports presented include:

Rates Statement and Graph  
Statement of Bank Balances  
Summary of Investments

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

2. (B) Councillors Travel Expenses Report

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

**Recommendation**

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

**Attachments**

1. Councillors Travel
2. Financial reports

**ITEM 13 GENERAL MANAGER 'S REPORT**

**ITEM 13A TECHNICAL SERVICES REPORT**

Nil.

## ITEM 13B PLANNING SERVICES REPORT

### 13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 JULY 2012 TO 31 JULY 2012

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#### Report

2007/161

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

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2010/58

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

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2011/20

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

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2011/80

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

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2011/102

Property: Lot 11 DP 1058287 Fairy Mount Parish, Rous County.  
Address: Andrew Street Kyogle  
Applicant/Owner: DW McNamara / McNamara & Tierney Pty Ltd  
Proposal: Change of use for landscaping/storage  
Received: Referred To DMP For Comment  
Status: Awaiting additional information

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2011/147

Property: Lot 290 DP 755732 Queebun Parish, Rous County.  
Address: Eggins Road Doubtful Creek  
Applicant/Owner: Newton Denny Chapelle / JG & FJ Lindstrom

Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting additional information

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2011/148

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

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2011/162

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

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2011/180

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

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2011/181

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

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2011/190

Property: Lot B DP 303638 Fairy Mount Parish, Rous County.  
Address: 114-116 Summerland Way Kyogle  
Applicant/Owner: Signcraft / Commonwealth Savings Bank  
Proposal: Advertising structure  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2012/8

Property: Lot 12 DP 1088683 Wiangarie Parish, Rous County.  
Address: Collins Creek Road Collins Creek  
Applicant/Owner: FS Kotzyba / FS Kotzyba & LG Pinto  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2012/14

Property: Lot 13 DP 604460 Fairy Mount Parish, Rous County.  
Address: McDougall Street Kyogle

Applicant/Owner: Newton Denny Chapelle / Kyogle Bowling Club Ltd  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2012/16

Property: Lot A DP 340058 Fairy Mount Parish, Rous County.  
Address: Summerland Way Kyogle  
Applicant/Owner: RD & AM Creighton  
Proposal: Dwelling additions  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2012/19

Property: Lot 2 DP 519081 Wyndham Parish, Rous County.  
Address: Eden Creek Road Kyogle  
Applicant/Owner: Newton Denny Chapelle / RS Cullen  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2012/21

Property: Lot 3 DP 625142 Roseberry Parish, Rous County.  
Address: Findon Creek Road Terrace Creek  
Applicant/Owner: I Huber & M Laidsaar  
Proposal: Convert shed to dwelling  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2012/26

Property: Lot 11 DP 1138648 Loadstone Parish, Rous County.  
Address: Lynches Creek Road Lynchs Creek  
Applicant/Owner: PR Graves / Dendove Pty Ltd  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2012/29

Property: Lot 1 DP 751077 Robertson Parish, Rous County.  
Address: Duck Creek Road Duck Creek  
Applicant/Owner: Newton Denny Chapelle / WH Ralston  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2012/31

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

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2012/32

Property: Lot 18 Sec 1 DP 4973 Fairy Mount Parish, Rous County.

Address: 56 McDougall Street Kyogle  
Applicant/Owner: S MacKinnon  
Proposal: Relocated dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2012/33

Property: Lot 113 DP 790404 Queebun Parish, Rous County.  
Address: Trentys Lane Dyraaba  
Applicant/Owner: Enviro Link Consulting / TK & PA Heaven  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2012/34

Property: Lot 11 DP 792536 Geneva Parish, Rous County.  
Address: Old Cob-O-Corn Road Horse Station Creek  
Applicant/Owner: Newton Denny Chapelle / PD & HA Grills  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2012/35

Property: Lot 11 Sec 1 DP 7628 Geneva Parish, Rous County.  
Address: Smith Street Geneva  
Applicant/Owner: MJ & JM Wright  
Proposal: Shed  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2012/36

Property: Lot 11 DP 1058438 Boorabee Parish, Rous County.  
Address: Doohans Road Boorabee Park  
Applicant/Owner: JL Winslade  
Proposal: Dwelling As Built  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2012/37

Property: Lot 11 DP 1041889 Tabulam Parish, Drake County.  
Address: Clarence Way Culmaran Creek  
Applicant/Owner: Newton Denny Chapelle / JM Barber  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2012/38

Property: Lot 4 DP 11135559 Boorabee Parish, Rous County.  
Address: Andrew Street Kyogle  
Applicant/Owner: RD Hanby & Associates / SM & JM Scarrabelotti  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2012/39

Property:	Lot 1 DP 122685 Boorabee Parish, Rous County.
Address:	Taverners Road Little Back Creek
Applicant/Owner:	MG Hughes
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2012/40	
Property:	Lot 11 DP 788682 Fairy Mount Parish, Rous County.
Address:	Whites Road Homeleigh
Applicant/Owner:	BE & MF Eichmann
Proposal:	Change of use - shed to dwelling
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2012/41	
Property:	Lot 114 DP 751077 Robertson Parish, Buller County.
Address:	Woodenbong Road Bonalbo
Applicant/Owner:	Uniting Church Australia (NSW)
Proposal:	Shed
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2012/42	
Property:	Lot 307 DP 781703 Fairy Mount Parish, Rous County.
Address:	Kyogle Road Kyogle
Applicant/Owner:	Stephen P McElroy & Associates Pty Ltd / PA Bourne
Proposal:	Relocated dwelling & shed & Subdivision
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2012/43	
Property:	Lot 2 DP 709493 Capeen Parish, Rous County.
Address:	Duck Creek Road Duck Creek
Applicant/Owner:	Riordans Consulting Surveyors / SR Barrett
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2012/44	
Property:	Lot 701DP 1001792 Stratheden Parish, Rous County.
Address:	Edenville Road Edenville
Applicant/Owner:	TA & DL Moore
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2012/45	
Property:	Lot 421 DP 7833457 Geneva Parish, Rous County.
Address:	Mockharra Lane Cedar Point
Applicant/Owner:	AK & MA Young
Proposal:	Dwelling additions
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments

2012/46	Property: Lot 131 DP 853941 Toonumbar Parish, Rous County. Address: Stringybark Lane Toonumbar Applicant/Owner: DS Downes / DS Downes & AM Wynd Proposal: Shed Received: Referred To DMP For Comment Status: Awaiting DMP Comments
2012/47	Property: Lot 10 DP 1015174 Mummulgum Parish, Rous County. Address: Bruxner Highway Mummulgum Applicant/Owner: Perry Homes (Aust) Pty Ltd / ID & MJ Parrish Proposal: Dwelling Received: Referred To DMP For Comment Status: Awaiting DMP Comments
2012/48	Property: Lot 7300 DP 1146195 Tabulam Parish, Rous County. Address: Bruxner Highway Tabulam Applicant/Owner: NSW Rural Fire Service / Crown Land Proposal: Shed Received: Referred To DMP For Comment Status: Awaiting DMP Comments
2012/49	Property: Lot 8 Sec 8 DP 6063 Robertson Parish, Rous County. Address: Koreelah Street Bonalbo Applicant/Owner: PA Horne / PA & KA Horne Proposal: Dwelling Received: Referred To DMP For Comment Status: Awaiting DMP Comments
2012/50	Property: Lot 2 Sec 1 DP 17532 Sandilands Parish, Rous County. Address: Sandilands Street Mallanganee Applicant/Owner: Richmond Valley Sheds / DJ Hanley Proposal: Shed Received: Referred To DMP For Comment Status: Awaiting DMP Comments
2012/51	Property: Lot 1 DP 626048 Queebun Parish, Rous County. Address: Knights Road Doubtful Creek Applicant/Owner: MC Saunders & DS Hogg Proposal: Dwelling Received: Referred To DMP For Comment Status: Awaiting DMP Comments
2012/52	Property: Lot 110 DP 43865 Ettrick Parish, Rous County. Address: Iron Pot Creek Road Ettrick Applicant/Owner: Newton Denny Chapelle / LR & PL Murphy Proposal: Subdivision Received: Referred To DMP For Comment

Status:	Awaiting DMP Comments
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2012/53	
Property:	Lot 1 DP 1132969 Hanging Rock Parish, Rous County.
Address:	Lofts Pinnacle Road Lillian Rock
Applicant/Owner:	Newton Denny Chapelle / TJ & LR Morris & NW & P Shedden
Proposal:	Subdivision
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
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2012/54	
Property:	Lot 307 DP 781703 Fairy Mount Parish, Rous County.
Address:	Kyogle Road Kyogle
Applicant/Owner:	Stephen P McElroy & Associates Pty Ltd / PA Bourne
Proposal:	Relocated dwelling & shed & Subdivision
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
<hr/>	

**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 July 2012 to 31 July 2012 be received and noted.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 July 2012 to 31 July 2012 only in relation to DA.../... and DA.../.... In which Councillors ..... have declared an interest be received and noted.

## **ITEM 13C ENVIRONMENT SERVICES REPORT**

Nil.

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

### **13D.1 DEBT RECOVERY AND HARDSHIP POLICY**

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#### **Summary/Purpose**

This report presents to Council an amended Debt Recovery and Hardship Policy for adoption.

#### **Community Strategic Plan Item**

- Governance and Community Service

#### **Background Information**

The Debt Recovery and Hardship Policy was last reviewed by Council at the June 2010 Ordinary meeting.

#### **Report**

The policy has been reviewed and some modifications made to bring it in line with the debt recovery module which has been implemented through the Civica system.

#### Changes made:

- Definitions expanded
- Changes made in Debt Recovery Provisions to include reference to Debt Recovery Module
- Removed section on Water and Sewerage as these charges are now included as part of the rate notice and not a separate account
- Changes made to the way action is taken on debtor accounts.

#### **Recommendation**

That the amended Debt Recovery and Hardship Policy be adopted.

#### **Attachments**

1. Debt Recovery and Hardship Policy (separate attachment)



**Summary/Purpose**

This report presents the minutes of the Corporate & Community Committee meeting held 13 August 2012.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Report**

The minutes of the meeting appear below:

**Kyogle Council**

**Unconfirmed Minutes of the Corporate & Community Services Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 13 August 2012.**

**PRESENT**

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

**IN ATTENDANCE**

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

**MEETING COMMENCEMENT**

The Mayor declared the meeting open at 3.35 p.m.

**ITEM 1 APOLOGIES**

An apology was received from Councillor Lynette Zito.

**130812/ 1 RESOLVED**

Moved Councillor Robert Leadbeatter, seconded Councillor Janet Wilson.

That the apology be accepted.

**CARRIED**

FOR VOTE - Mayor Ross Brown, Councillor Janet Wilson, Councillor Robert Leadbeatter, Councillor Robert Dwyer

ABSENT. DID NOT VOTE - Councillor Lynette Zito

**ITEM 2 OPENING PRAYER**

The Mayor read the opening prayer.

**ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT**

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

#### **ITEM 4 DECLARATION OF INTERESTS**

Nil

#### **ITEM 5 REPORTS**

##### **5.1 MINUTES OF COMMUNITY CULTURAL COMMITTEE.**

###### **130812/ 2 RESOLVED**

Moved Councillor Robert Dwyer, seconded Councillor Robert Leadbeatter.

1. That the report on the Kyogle LGA Community Cultural Committee be received and noted.
2. That Council consider including an acknowledgement of *Pioneers of the Land* with the traditional lands acknowledgement and prayer before each Council/Committee Meeting.
3. That a separate report be presented to Council outlining the reasons for the request that Council consider extending the hours of the Roxy Gallery Co-ordinator.

**CARRIED**

FOR VOTE - Mayor Ross Brown, Councillor Janet Wilson, Councillor Robert Leadbeatter, Councillor Robert Dwyer

ABSENT. DID NOT VOTE - Councillor Lynette Zito

##### **5.2 TRANSPORT SURVEY RESULTS.**

###### **130812/ 3 RESOLVED**

Moved Councillor Robert Leadbeatter, seconded Councillor Janet Wilson.

That the report on the Transport Survey results was received and noted

**CARRIED**

FOR VOTE - Mayor Ross Brown, Councillor Janet Wilson, Councillor Robert Leadbeatter, Councillor Robert Dwyer

ABSENT. DID NOT VOTE - Councillor Lynette Zito

##### **5.3 KYOGLE FARMERS MARKET**

The Mayor Adjourned the meeting at 4.00 pm to allow discussion.

The Mayor reconvened the meeting at 4.05 pm

###### **130812/ 4 RESOLVED**

Moved Councillor Robert Leadbeatter, seconded Councillor Robert Dwyer.

That the Social and Economic Value of the Farmers Market to Kyogle report was received and noted.

**CARRIED**

FOR VOTE - Mayor Ross Brown, Councillor Janet Wilson, Councillor Robert Leadbeatter, Councillor Robert Dwyer

ABSENT. DID NOT VOTE - Councillor Lynette Zito

#### **5.4 EVENT MANAGEMENT GUIDE.**

##### **130812/ 5 RESOLVED**

Moved Councillor Robert Dwyer, seconded Councillor Janet Wilson.

That the Draft Management Guide was received and noted.

**CARRIED**

FOR VOTE - Mayor Ross Brown, Councillor Janet Wilson, Councillor Robert Leadbeatter, Councillor Robert Dwyer

ABSENT. DID NOT VOTE - Councillor Lynette Zito

#### **5.5 PLANT BUDGET REPORT - JULY 2012.**

##### **130812/ 6 RESOLVED**

Moved Councillor Janet Wilson, seconded Councillor Robert Leadbeatter.

That the Plant Budget Report was received and noted.

**CARRIED**

FOR VOTE - Mayor Ross Brown, Councillor Janet Wilson, Councillor Robert Leadbeatter, Councillor Robert Dwyer

ABSENT. DID NOT VOTE - Councillor Lynette Zito

There being no further business the Mayor declared the meeting closed at 4.07 p.m.

### **Recommendation**

1. That the Corporate & Community Services Committee minutes be received and noted.
2. That Council consider including an acknowledgement of *Pioneers of the Land* with the traditional lands acknowledgement and prayer before each Council/Committee Meeting.
3. That a separate report be presented to Council outlining the reasons for the request that Council consider extending the hours of the Roxy Gallery Co-ordinator.

**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.

**Community Strategic Plan Item(s)**

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

**Background Information**

## Legislative 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

This quarter sees the continuation of the revised reporting format, the Quarterly Budget Review Statement for NSW Local Government issued by the Division of Local Government NSW Department of Premier and Cabinet.

A quarterly budget review should act as a barometer of council's financial health during the year. It needs to adequately disclose council's overall financial position, provide sufficient information to enable informed decision making while ensuring transparency in decision making. It is also a means by which councillors can ensure that council remains on track to meet its objectives, targets and outcomes as set out in its management plan/operational plan.

The Division has developed a set of minimum requirements and sample templates to assist councils in meeting their obligations as set out in legislation. The templates will facilitate progress reporting against the original and revised annual budgets at the end of a quarter.

The budget review documentation provided to Council will consist of a combination of the new Quarterly Budget Review Statement (QBRs) as issued by the DLG. This will include;

Statement by the responsible accounting officer on council's financial position at the end of the year based on the information in the QBRs;

Budget Review Income and Expenses Statement  
Budget Review Capital Budget  
Budget Review Cash and Investments position  
Budget Review Key Performance Indicators; and, Budget Review Contracts and Other Expenses

Councillors have also been provided with a document showing a report on the combined budget and Management Plan. The document incorporates any adjustments made in previous reports to Council (eg. Revotes)

At the February 2012 Ordinary Meeting Council considered the Minutes of the Internal Audit Committee. One of the recommendations was about the way the Quarterly Budget Review information is presented. Council resolved that:

1. That a written report be submitted with the Quarterly Budget Review when year to date Actuals vary from Original Budget by 10% or more.
2. That all Financial Reports presented to Council show:
  - a. the Original Budget figure as including revotes;
  - b. both Original and amended Budget figures; and
  - c. variances, both by period and cumulative, to Original Budget.

This information has been incorporated into this review.

The documents for this quarterly review have again been presented in an amended format in accordance with this resolution.

A Summary of bank account balances is attached to the Budget review report.

Conclusion:

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

**Recommendation**

That the June 2012, Quarterly Budget/Management Plan Review Statement be received and noted.

**Attachments**

1. June 2012 Budget/Management Plan Review (attached separately)

**13D.4            2012/13 FINANCIAL ASSISTANCE GRANTS**

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**Summary/Purpose**

This report presents to Council, notice of a negative adjustment for the 2011/12 financial assistance grant which will impact on the level of grants received for 2012/13.

**Community Strategic Plan Item(s)**

- Governance and Community Service
- Roads and Infrastructure

**Report**

Council has received advice from the Local Government Grants Commission of a negative adjustment for the 2011/12 financial assistance grant. A copy of the correspondence is attached to this report.

This correspondence advises that as a result of actual CPI and population numbers being lower than the estimates used by the Commonwealth to determine the 2011/12 grants, a national overpayment in 2011/12 has occurred.

Accordingly, Kyogle Council's grant for 2012/13 has been reduced by \$86,624 to recognise this overpayment.

## **Budget & Financial Aspects**

The estimated financial assistance grant income that was included in the 2012/13 budget adopted in June 2012 will now need to be amended downwards by \$55,000 at the next quarterly budget review (September 2012 quarter) to reflect the actual grant funds that will be received. It is anticipated that this amendment will be able to be achieved without impacting on the 2012/13 works program.

## **Recommendation**

That the 2012/13 Financial Assistance Grants report be received and noted.

## **Attachments**

1. Local Government Grants Commission correspondence dated July 2012.

**Summary/Purpose**

This report presents to Council, information on cost implications of matters arising from the June 2012 Internal Audit Committee Minutes.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Previous Council Consideration**

On 25 June, 2012, Council resolved:

That as part of the Councillor Induction Program commencing September 2012, Council consider engaging an independent consultant to deliver an education program on Integrated Planning with a financial management component.

That the General Manager provides ongoing budget training as part of the Management Plan process.

That Councillors be provided with the key assumptions made when preparing the budget and the mismatch of revenue and expenditure prior to adoption of the Draft Management Plan.

That the Statement of Significant Variances presented to Council with the Quarterly Budget Review Statements includes the impact of any recommended changes with respect to the management/operational plan, including potential impacts on goals, objectives and strategies.

That the General Manager provides the Internal Audit Committee at the July meeting with a cost benefit analysis for the purchase of a program to integrate the General Ledger and Budget into Civica.

That Council is advised of the cost implications prior to the implementation of any of the above.

**Report**

Staff are currently awaiting some external advice on costings in relation to the above resolutions. It is anticipated that this advice will be received by 24 August, 2012 and upon receipt, an addendum report will be provided to enable the item to be considered by Council.

**Recommendation**

To be separately provided

**Summary/Purpose**

This report presents a Community Funding Support Policy to Council for its consideration

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Previous Council Consideration**

On 24 October, 2011, Council resolved:

That Council develops policy, procedures and protocols for assessing the requests that come from regional and local groups in relation to the Regional Development Australia fund.

**Report**

Attached to this report is a draft Community Support Policy which will apply not only to RDA funding requests, but all requests for support of grant applications for Council's consideration.

**Recommendation**

That the Community Funding Support Policy be adopted

**Attachments**

1. Draft Community Funding Support Policy

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

### **13E.1 MINUTES OF EXTRA MEETING OF KYOGLE LGA CULTURAL COMMITTEE**

---

#### **Summary/Purpose**

This report presents to Council the Minutes of the extra meeting of the Kyogle LGA Cultural Committee held August 20, 2012.

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

- Governance and Community Service

#### **Background Information**

The Kyogle LGA Community Cultural Committee was established in December 2011. This was identified as one of the high priority goals in the Cultural Strategy that has been adopted by Council.

#### **Previous Council Consideration**

At the April 2012 Ordinary meeting the following resolution was made:

That the Kyogle LGA Community Cultural Committee be requested to show how points 1 and 2 in the feedback provided by the RDA will be addressed in any further application for funding for the Cultural Hub.

That the Kyogle LGA Cultural Committee be requested to review the opportunities that may exist for redevelopment of the KMI Hall once the Rural Fire Services have vacated the premises.

The Kyogle LGA Community Cultural Committee be requested to liaise with RDA in questioning whether Council funds expended on redevelopment of the KMI Hall would be considered as Kyogle Council's contribution to the development of cultural hub.

#### **Report**

A meeting of the Committee was held on August 20, 2012. The Committee responded to the points raised in the resolution which appear as an attachment. The Committee has also made several recommendations to Council.

#### **Committee Recommendations**

- 1 That Council accepts the offer from Janelle Saffin's Office to have Southern Cross University review and make suggestions for improving the application.

2. That Council be requested to strongly support the submission of the Cultural Hub project to the third round of the RDA funding.
3. Committee requests that a Councillor be appointed to be part of the Kyogle LGA Cultural Committee when the Committees are established at the September 2012 Ordinary Meeting.

### **Recommendation**

1. That the responses made by the Kyogle LGA Cultural Committee be received and noted.
2. That Council accepts the offer from Janelle Saffin's Office to have Southern Cross University review and make suggestions for improving the application.
3. That Council considers the appointment of a Councillor to the Kyogle LGA Cultural Committee at its September 2012 Ordinary meeting.

### **Attachments**

1. Minutes August 20, 2012 (separate attachment)

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

### **13F.1 DESTINATION 2036.**

---

#### **Summary/Purpose**

This report presents a draft submission to the Independent Local Government Review Panel for Council consideration.

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

- Governance and Community Service

#### **Background Information**

The NSW Government in conjunction with the Destination 2036 project has appointed an Independent Local Government Review Panel which has been tasked with developing options to improve the strength and effectiveness of local government in NSW.

The Panel will be consulting widely throughout the review process seeking the views of the NSW community and other stakeholders, it will make evidence based recommendations to government and will look at pros and cons of different options for change.

#### **Report**

The first stage of the Panel's consultation, which started with the launch of the 'Strengthening Your Community' Consultation Paper, July 2012 will look at the issues facing local communities and the councils that serve them now and over the next 25 years. To assist in this process the panel are calling for written submissions addressing the following questions:

1. What are the best aspects of NSW local government in its current form?
2. What challenges will your community have to meet over the next 25 years?
3. What 'top 5' changes should be made to local government to help meet your community's future challenges?

Attached to this report is a draft written submission for lodgement by the due date of 14 September, 2012.

#### **Recommendation**

1. That the Destination 2036 Report is received and noted

2. That Council authorises the lodgement of the attached submission to the Independent Local Government Review Panel in response to the stage one consultation phase.

### **Attachments**

1. Draft written submission to the Independent Local Government Review Panel (Separately attached Councillors only)

## **13F.2 KYOGLE COUNCIL ORGANISATIONAL REVIEW.**

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### **Summary/Purpose**

This report presents to Council the final report on the Kyogle Council Organisational Review that was commissioned during 2011.

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

- Governance and Community Service
- Roads and Infrastructure

### **Background Information**

In late 2011, Kyogle Council commissioned COMPLETE Urban to conduct a review into the Technical Services Department. The project brief prepared by Kyogle Council specified that the review of the organisation was to be conducted with the aim of identifying possible improvements to the structure and work practices as well as a review of the role of outsourcing

### **Report**

Attached to this report is the final report prepared by COMPLETE Urban following their review which includes 72 Recommendations and an organisation structure recommendation.

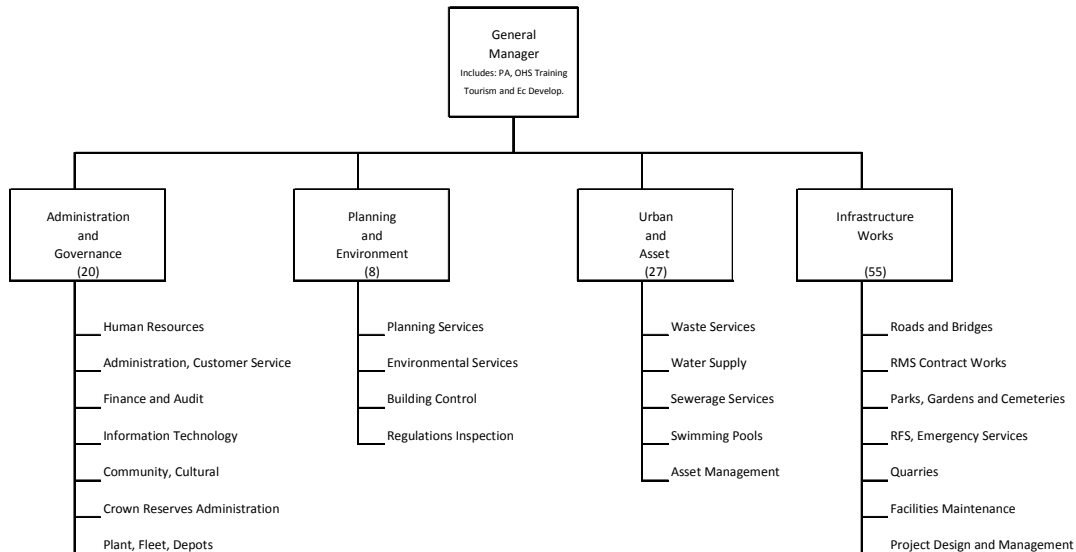
### **Recommendations**

Some of the recommendations contained within the report are supported by management, some of the recommendations are not supported by management and other recommendations, whilst supported, may not be achievable within the resources available to Council. It is proposed that the recommendations contained within the report be reported and commented on as part of the quarterly review process, commencing with the September 2012 quarter budget review.

### **Structure**

The COMPLETE Urban report contains four options for organisational structures with their recommendation being for an aligned services structure containing five departments “Option 4”.

Following discussions with staff, Councillors and other Councils the General Manager’s preferred structure is a modified version of Option 4 with four departments as follows:



This structure combines the Asset Management and Waste, Water, Sewer departments/functions as suggested by COMPLETE Urban in their Option 4 into one department and also includes the following additional changes:

Plant, Fleet and Workshops fall under Administration and Governance. These activities were previously separated from the works activities so that:

- they were run as a business operation.
- only plant that is needed on a regular basis and is able to recover sufficient funds for their replacement at the end of their economic life are held in the fleet.
- taxation consequences were adequately considered when providing private use of vehicles.
- plant usage is maximised

RMS contract works fall under Infrastructure works as they are similar operations and enables staff to be more easily transferred to and from these works.

Quarries fall under infrastructure works to enable staff to be more easily allocated to other works activities when no quarry activity is occurring.

Crown reserves administration falls under administration and governance as it involves liaising and coordinating with community representatives and ensuring that regulatory requirements are met. Works such as mowing, maintenance etc. on crown reserves that are controlled by Council are considered to fall under the parks and gardens and/or facilities maintenance functions.

Ranger activities fall under planning and environment as regulations inspection.

Occupational Health and Safety and Tourism and Economic Development report directly to the General Manager to provide more direct control over these activities and to enable health and safety concerns to override operational concerns.

#### Departmental Line Managers

It has been recommended by the Consultative Committee that the adopted 10 grade salary system will need amendment (via the inclusion of Executive levels) to cater for the new award provisions that allow the appointment of staff on fixed term contracts only in very limited situations. Reviews of industrial requirements and discussions with other Councils have however indicated that this is not necessary and that a more appropriate way to deal with the grading of the managers of each of these departments is via an enterprise agreement which may cover conditions such as rates of pay, hours of work, reasonable additional hours, flexible working hours, special leave, allowances and reimbursement and equipment standards. A sample enterprise agreement has been separately provided to Councillors on a confidential basis for their information.

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

It is considered that the transition from the current structure with three departments managed by Directors on fixed term contracts to four departments managed by permanent staff on an enterprise agreement can be achieved without increasing the overall ongoing employment costs of the Council. If any redundancies arise as a result of the transition, there may be an additional one-off cost for Council in the current financial year. It is estimated that there could be from 0-5 redundancies as a result of this transition.

#### **Recommendation**

1. That the Kyogle Council Organisational Review Report be received and noted.
2. That the recommendations contained within the COMPLETE Urban – Kyogle Council Organisational Review report be reported and commented on as part of the quarterly review process, commencing with the September 2012 quarter budget review.
3. That Council amends its organisational structure to a four (4) department structure as outlined and recommended within this report.
4. That Council authorises the engagement of the Local Government and Shires Association to assist/deal with the preparation and negotiation of an Enterprise Agreement to cover line/departmental managers and with the preparation of new position descriptions where necessary.

#### **Attachments**

1. COMPLETE Urban – Kyogle Council Organisational Review (separate attachment).



**Summary/Purpose**

This report provides Council with information and seeks Council's adoption of a date for the Council Picnic Day.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Background Information**

Clause 18B (Holidays) of the Local Government (State) Award provides:

- (i) Union Picnic Day shall for the purposes of this award be regarded as a holiday for employees who are financial members of the union(s). The Union Picnic Day shall be on such day as is agreed between the council and the union(s).
- (ii) The union(s) shall advise the council of financial members as at the time of the Union Picnic Day. Such advice must be given at least two weeks prior to the Union Picnic Day.
- (iii) Employees who are not financial members of the union(s) and who *are* required to work on Union Picnic Day, shall be paid ordinary pay for their normal working day.
- (iv) Employees who are not financial members of the union(s) and who are not required to work on Union Picnic Day, may apply to council to take annual leave, time off in lieu of overtime, leave without pay, such other leave as may be approved by council, or may be required by council to make up time.

**Report**

Council has received a request for the Picnic Day holiday to be on Tuesday 6 November, 2012.

It is recommended that this date be approved in accordance with the Award provisions.

**Recommendation**

That Council designate Tuesday 6 November, 2012 as a Union Picnic Day holiday.



**ITEM 14 URGENT BUSINESS WITHOUT NOTICE**

Nil.

**ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING**

Nil.

**ITEM 16 CONFIDENTIAL BUSINESS PAPER**

**16.1 CONTRACTUAL CONDITIONS OF SENIOR STAFF.**

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**Reason for Confidentiality**

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

- (a) personnel matters concerning particular individuals



APPENDIX / ATTACHMENTS

# KYOGLE COUNCIL



# ATTACHMENTS

## ORDINARY COUNCIL MEETING

ON 27 AUGUST 2012



12.4 FINANCIAL REPORTS JULY 2012

**COUNCILLORS TRAVEL EXPENSES**  
**Jul-12**

COUNCILLOR NAME	KLMS CLAIMED		CURRENT KM RATE	AMT REIMBURSED	
	MONTHS	YTD		MONTH	YTD
E Bennett	0	0	0.74	0.00	0.00
R. Brown	0	0	0.74	0.00	0.00
T. Cooper	0	0	0.74	0.00	0.00
R. Dwyer	0	0	0.74	0.00	0.00
J. O'Reilly	224	224	0.74	165.76	165.76
R. Leadbeatter	0	0	0.74	0.00	0.00
L. Passfield	0	0	0.74	0.00	0.00
J. Wilson	0	0	0.74	0.00	0.00
L. Zito	0	0	0.64	0.00	0.00
<b>Total</b>	<b>224</b>	<b>224</b>		<b>165.76</b>	<b>165.76</b>

**Notes**

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

# Kyogle Council



## Financial Reports 31 July, 2012

### 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 31 JULY 2012

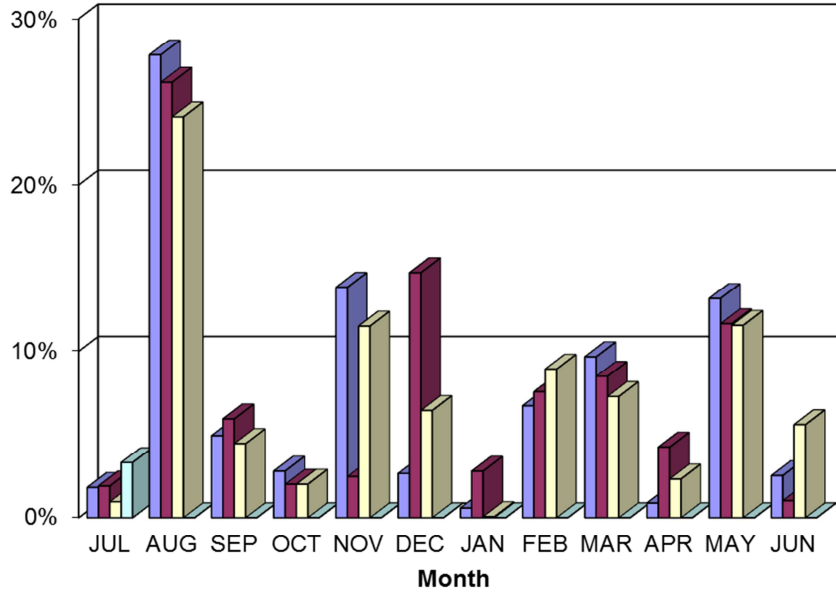
	ARREARS 1-Jul-12	NET CHARGES 2012-2013	PAYMENTS	OUTSTANDING BALANCE	PERCENTAGE COLLECTED
RATES, SERVICES AND INTEREST	1,264,571.25	6,226,665.56	247,312.65	7,243,924.16	3.30%

PRESENTED TO COUNCIL AUGUST 2012

**Note:**

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

### Rate Collections Analysis % Collected Each Month



■ 2009/2010     
 ■ 2010/2011     
 ■ 2011/2012     
 ■ 2012/2013

# KYOGLÉ COUNCIL

## STATEMENT OF BANK BALANCES AS AT

31-Jul-12

	CLOSING BANK BALANCE	INVESTMENT BALANCE
FUND	31-Jul-12	31-Jul-12
<b>GENERAL FUND</b>		
UNRESTRICTED	(7,383,135.46)	6,700,000.00
INTERNALLY RESTRICTED	791,937.82	2,000,000.00
STATE HIGHWAYS	1,369,566.95	
QUARRIES	867,050.07	
PLANT	6,207,982.47	
EXTERNALLY RESTRICTED	235,249.55	3,700,000.00
	2,088,651.40	12,400,000.00
<b>RESTRICTED</b>		
WATER SUPPLIES	492,358.36	
SEWERAGE SYSTEMS	450,852.13	500,000.00
DOMESTIC WASTE	254,866.06	
ORDINARY TRUST	20,761.19	
	1,218,837.74	500,000.00
<b>CONSOLIDATED FUNDS</b>	<b>3,307,489.14</b>	<b>12,900,000.00</b>

**KYOGLE COUNCIL**

**SUMMARY OF INVESTMENTS AS AT 31/07/12**

	<b>BANK</b>	<b>TYPE</b>	<b>TERM</b>	<b>AMOUNT</b>	<b>RATE P.A.</b>	<b>DUE DATE</b>
1	SUNCORP METWAY	TERM DEPOSIT	31 DAYS	1,400,000.00	4.60%	August 16, 2012
2	COMMONWEALTH	TERM DEPOSIT	30 DAYS	2,000,000.00	4.75%	August 29, 2012
3	SUNCORP METWAY	TERM DEPOSIT	60 DAYS	2,000,000.00	4.72%	September 11, 2012
4	BANKWEST	TERM DEPOSIT	62 DAYS	1,500,000.00	4.50%	September 20, 2012
5	COMMONWEALTH	TERM DEPOSIT	60 DAYS	3,000,000.00	4.80%	September 21, 2012
6	BANKWEST	TERM DEPOSIT	105 DAYS	3,000,000.00	5.00%	October 25, 2012
				12,900,000.00		
<b>PRESENTED TO COUNCIL ON AUGUST 27, 2012</b>						
I hereby certify that the above investments have been made in accordance with section 625 of the Local Government Act, 1993, the Local Government ( General ) Regulation 2005 and Councils Investment Policy.						
( GLENN ROSE ) <u>RESPONSIBLE ACCOUNTING OFFICER</u>						

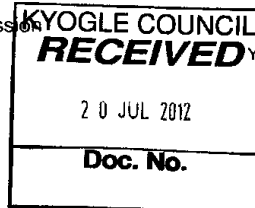
**13D.4**

**201213 FINANCIAL ASSISTANCE GRANTS**



**Local Government  
Grants Commission**

NSW Local Government Grants Commission  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541



OUR REFERENCE: A289082  
YOUR REFERENCE:  
CONTACT: Bruce Wright  
(02) 4428 4132  
bruce.wright@dlg.nsw.gov.au

Mr Arthur Piggott  
General Manager  
Kyogle Council  
PO Box 11  
KYOGLE NSW 2474

13 July 2012

Dear Mr Piggott

I am writing about the 2012-13 financial assistance grants and in particular a significant **negative** adjustment for the 2011-12 grants.

Each year's financial assistance grant recommendations are based on forward estimates of the consumer price index (CPI) and population shares across states. The escalation factor each year is designed to reflect real per capita terms increases. Accordingly, each year an adjustment is required for the previous year's grants that takes into account variations in the actual CPI and population shares compared to the estimates used to determine that year's grants.

As a result of the actual CPI figures and population numbers being lower than the estimates used by the Commonwealth to determine the 2011-12 grants a national **overpayment** in 2011-12 of \$52,875,758 has occurred.

The NSW share of the national overpayment amounts to \$15,657,597, which is made up of \$10,942,936 for the general purpose component and \$4,714,661 for the local roads component.

Because of the significance of the 2011-12 adjustment the Commonwealth has provided the estimated grant details for budgeting purposes. However, Council is advised that the details are provided in confidence and are not for media comment or publication. Council is also advised that the final 2012-13 recommendations will be subject to approval by the Commonwealth Minister for Regional Australia, Regional Development and Local Government, the Hon Simon Crean MP.

The total national estimated entitlement for 2012-13 amounts to \$2,191,829,800, which represents a 4.4% increase on the 2011-12 adjusted amount. Of this \$1,117,780,000 was paid to local authorities as an advance on 12 June 2012.

T 02 4428 4132 F 02 4428 4199 TTY 02 4428 4209  
E grants@dlg.nsw.gov.au W <http://www.dlg.nsw.gov.au> (follow the "Commissions & Tribunals" links)

The NSW general purpose component for 2012-13 is estimated to be \$489,438,862, an increase of 3.8%. The NSW share of the local roads component is estimated to be \$195,448,864, an increase of 4.4%. Overall the estimated entitlement to NSW for 2012-13 is expected to be \$684,887,726, an increase of 4% on the 2011-12 adjusted amount.

The estimated grant details for Kyogle Council are shown in the table below:

**2012-13 Estimated Entitlement:**

General Purpose Component:	\$2,230,742	
Local Roads Component:	<u>\$1,483,574</u>	<u>\$3,714,316</u>

**LESS 2012-13 Advance (paid on 12 June 2012):**

General Purpose Component:	\$1,161,946	
Local Roads Component:	<u>\$754,437</u>	<u>\$1,916,383</u>

**LESS 2011-12 CPI/Population Share Adjustment:**

General Purpose Component:	\$50,939	
Local Roads Component:	<u>\$35,685</u>	<u>\$86,624</u>

**2012-13 Cash Payments:**

General Purpose Component:	\$1,017,857	
Local Roads Component:	<u>\$693,452</u>	<u>\$1,711,309</u>

Council's estimated total cash payments for 2012-13 of \$1,711,309 will be paid as follows:

<u>Date</u>	<u>Amount</u>
<b>Not before</b> 16 August, 2012	: \$427,827.25
<b>Not before</b> 16 November, 2012	: \$427,827.25
<b>Not before</b> 18 February, 2013	: \$427,827.25
<b>Not before</b> 16 May, 2013	: \$427,827.25

If you have any questions please contact the Commission's Executive Officer, Bruce Wright, on (02) 4428 4132.

Yours sincerely



**Grahame Gibbs**  
Deputy Chairperson

