



# **KYOGLÉ COUNCIL**

## **ORDINARY COUNCIL MEETING AGENDA**

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

ON MONDAY 27 FEBRUARY 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 February 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 MEETING AGENDA

Monday 27 February 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**

Nil.

**ITEM 7 CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF ORDINARY MINUTES**

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**Summary/Purpose**

A copy of the Minutes for the Ordinary Meeting held on 19 December, 2011, is included in the attachments to the business paper.

**Recommendation**

That the Minutes of the Ordinary Meeting held on 19 December, 2011, be adopted.

**Attachments**

1. Minutes of the Ordinary meeting held on 19 December, 2011 (Separately attached)

## **ITEM 8 MAYORAL MINUTE**

### **8.1 MAYORAL MINUTE - NOROC MEETING REPORT**

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#### **Summary/Purpose**

To provide Council with an update on NOROC related issues.

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

- Governance and Community Service

#### **Report**

A detailed report will be provided prior to the Ordinary Meeting.

#### **Recommendation**

That the Mayoral Minute - NOROC Meeting report be received and noted.



## **ITEM 9 NOTICES OF MOTION**

### **9.1 NOTICE OF MOTION, CLR ROBERT DWYER - POEO ACT**

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#### **Summary/Purpose**

This item presents to Council a Notice of Motion received from Councillor Robert Dwyer for the Ordinary meeting to be held on 27 February 2012.

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

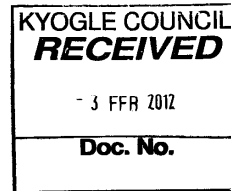
- Governance and Community Service

#### **Report**

The Notice of Motion is as follows;



## NOTICE OF MOTION



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

That this council write to the state minister for the environment, Robyn Parker, voicing our concerns with regards to the NSW Governments move to amend the Protection of the Environment Operations (POEO) Act 1997, these amendments will mean that local Government will no longer have representation on the Environment Protection Authority (EPA) Board.

I further move, that a copy of the letter to the minister for the environment, Robyn Parker, be forwarded to our local state member, Mr Thomas George, and also to the minister for local Government / minister for Northern Rivers, Mr Don Page, requesting they take our concerns to the floor of parliament

Signed: Councillor Robert Dwyer

Date: 1/2/2012

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.

## **9.2 NOTICE OF MOTION; CLR ROBERT DWYER - CBD SIGNAGE**

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### **Summary/Purpose**

This item presents to Council a Notice of Motion received from Councillor Robert Dwyer for the Ordinary meeting to be held on 27 February 2012.

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

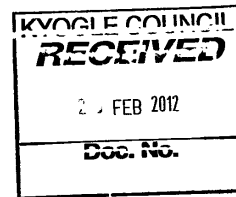
- Governance and Community Service

### **Report**

The Notice of Motion is as follows;



**NOTICE OF MOTION**



**I Councillor Robert Dwyer , hereby give notice that at the next ordinary meeting of council I will move:**

**That council undertake a review of all signs within the Kyogle CBD area and remove/replace out of date and non- conforming signs.**

**Signed: Councillor R C Dwyer**

**Date: 20/2/2012**

**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.

### **9.3 NOTICE OF MOTION, CLR ROBERT DWYER - POLICY FOR OVERGROWN ALLOTMENTS**

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#### **Summary/Purpose**

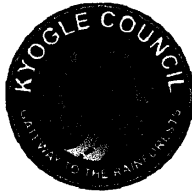
This item presents to Council a Notice of Motion received from Councillor Robert Dwyer for the Ordinary meeting to be held on 27 February 2012.

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

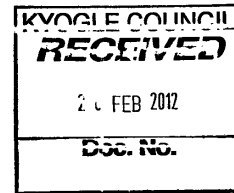
- Governance and Community Service

#### **Report**

The Notice of Motion is as follows;



**NOTICE OF MOTION**



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

**That council look to develop a policy that will enable it to be able to address the concerns of residents neighbouring onto overgrown, derelict blocks of land whether they be occupied or otherwise.**

*R. C. Dwyer*

**Signed: Councillor R C Dwyer**

**Date: 20/2/2012**

**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.

## **9.4 NOTICE OF MOTION, CLR ROBERT DWYER - INSTALLATION OF CATTLE GRIDS**

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### **Summary/Purpose**

This item presents to Council a Notice of Motion received from Councillor Robert Dwyer for the Ordinary meeting to be held on 27 February 2012.

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

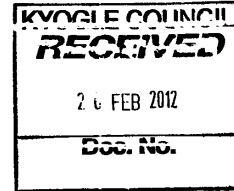
- Governance and Community Service

### **Report**

The Notice of Motion is as follows;



**NOTICE OF MOTION**



**I Councillor Robert Dwyer , hereby give notice that at the next ordinary meeting of council I will move:**

**That council review it's policy on the installation of grids in an attempt to overcome a situation that may occur where neighbours are in protracted dispute as to the legality of such structures and there conformity to specifications.**

**Signed: Councillor R C Dwyer**

**Date: 20/2/2012**

**Note:**

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

**Recommendation**

For Council's determination.



**ITEM 10            QUESTIONS WITH NOTICE FROM COUNCILLORS**

Nil

**ITEM 11            DELEGATES REPORTS**

Nil.

**ITEM 12            INFORMATION PAPERS**

**12.1 OUTSTANDING COUNCIL RESOLUTIONS**

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**Summary/Purpose**

This report presents to Council a list of outstanding resolutions as at 31 December , 2011.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Report**

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

**Recommendation**

That the Outstanding Council Resolutions report be received and noted.

**Attachments**

1. Outstanding Council Resolutions as at 31 December 2011. (Separately attached)

## **12.2 ON SITE SEWAGE MANAGEMENT SYSTEMS AND REGULATION OF SWIMMING POOLS**

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### **Summary/Purpose**

The report aims to present to Council a report addressing the questions contained in the following Notice of Motion and Council resolution.

### **Background Information**

At its Ordinary Meeting held on 19 December, 2011, following consideration of a Notice of Motion prepared by Cr. Robert Leadbeatter, Council resolved to:

Request the General Manager to provide a report on;

Current progress, costs and statistics on what has been carried out to date in relation to Onsite sewage management systems (OSMS) inspections including high, medium and low risk systems. Budgetary expenditure in relation to this and a timeframe to undertake all inspections.

How Council regulates swimming pool compliance in the Kyogle local government area.

### **Report**

As outlined in the attachment to this report, current progress, costs and statistics for the above activities are outlined below:-

### **OSMS**

For the period from December 2010 until January 2012, 357 audit inspections of OSMS have been completed. In addition, throughout this period over 100 inspections were conducted for upgrade and new system installations.

Council's records for inspections previously undertaken up until April 2011 (totalling 1,571) indicate 405 systems are in the high risk, 287 in the medium risk, 749 in the low risk and 130 unrated. Of the 357 recent inspections undertaken it is estimated that 44 are high risk, 28 are medium risk and 285 are low risk.

The budget for expenditure against OSMS in the current financial year is \$90,661. This expense is funded from OSMS charges that are levied on an annual basis.

In addition to the 2,784 systems registered, it is estimated that there may be in excess of 500 unregistered systems operating throughout the Kyogle Local Government Area. With an increase of up to 150 new registrations for new OSMS per year, a total number of OSMS of approximately 3,534 is estimated by the Year 2015. Given that between 350 and 400 inspections are achievable per annum when the weather permits access to properties and that a balance of 1,606 systems remain to be inspected up to that time, all

systems (apart from up to 60% of the unregistered systems) will have been inspected by the end of the 2017/2018 financial year, after which the cycle will be repeated.

### **Swimming Pools**

There are a total of 237 approved swimming pools which are documented within the whole of the Kyogle Local Government Area. Council's Swimming Pool Register commenced in 1973. Apart from the critical stage inspections which are undertaken by Council's Building Inspector during and at completion of swimming pool construction, Council does not have a separate compliance program for the routine inspection of all swimming pools. However, while officers are on routine inspections at which swimming pools are installed, details are recorded for any follow-up which may be required. Council has been advised by the Division of Local Government, Department of Premier and Cabinet in January 2012 of a Discussion Paper prepared as part of an initiative to review the Swimming Pools Act 1992. The purpose of the review includes the following:-

1. Require the NSW Government to develop and maintain an on-line, State-wide register of swimming pools, through the Division of Local Government, Department of Premier and Cabinet, containing certain prescribed information about the pool including (but not limited to) address, type of pool, date of construction/installation as well as date of any inspection and result.
2. Require that each swimming pool owner register their swimming pool via the on-line, State-based register at no cost using a standard form approved under the Swimming Pools Regulation 2008 (the Regulation). This includes swimming pools that form part of a tourist and visitor accommodation complex, and other multi-occupancy developments such as strata and company titles including town house and unit complexes. This would be a once-only registration process. Pool owners would be provided with the alternative of requesting that their local council complete the on-line registration process on their behalf using a standard form completed by the pool owner, at a cost of no more than \$10.
3. Require that, as part of the registration process, pool owners undertake a 'self-certification' process of their pool by completing a safety checklist and a statement that, to the best of their knowledge, the barrier complies with the standard required by the Act at the time the pool was built. Pool owners would be provided with the option of requesting that their local council or a private certifier undertake the certification process on their behalf for a prescribed, maximum fee for local councils and at market cost for private certifiers.
4. Establish a new offence for failing to register a swimming pool attracting a penalty notice amount of \$220, with a maximum penalty of \$2,200, with a transitional period of twelve months so that there is sufficient time for pool owners to be notified of the requirement to register the pool.

It is therefore expected that if this review proceeds as suggested in the discussion paper, that additional fees and charges will be required to be introduced in addition to provision of additional staff resources in order to implement the ongoing compliance of swimming pools in the Kyogle Local Government Area.

## **Recommendation**

That the report Onsite Sewage Management Systems and Regulation of Swimming Pools be received and noted.

Attachment: Statistics and Map of recently inspected areas (Councillors only)

## **12.3 FINANCIAL REPORTS -JANUARY 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, with additional detail available through inspection of the monthly cheque warrant.

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

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

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

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

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

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

### **Recommendation**

That the information contained in the Monthly Finance Report – January 2012 be received and noted.

### **Attachments**

1. Financial Reports
2. Councillors Travel

## 12.4 DWELLING ENTITLEMENTS

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### Summary/Purpose

The report aims to present to Council a report addressing the potential to grant existing lots with a building entitlement.

### Background Information

Council, following consideration of a Notice of Motion prepared by Cr. Lindsay Passfield at the Ordinary Meeting held on 28 November, 2011 resolved:

That Council, provide a report to the Ordinary meeting of Council February 2012, on the potential for Council to include within its review of the Local Environmental Plan and its Settlement Strategy, a proposal to grant every block of land a basic building entitlement, subject to normal development application conditions being met.

### Report

It is estimated that there are currently 4,283 rural lots within the whole of the Kyogle Local Government Area. The breakdown of those which have or do not have a dwelling entitlement is outlined as follows:

- there are currently 1,268 dwellings established on farmland on allotments with an area greater than 40 hectares;
- there are a total of 1,895 allotments having an area less than 40 hectares comprising:-
  - 830 recognised rural residential allotments with an area of between 2 and 40 hectares;
  - 500 (estimated) closed road;
  - 565 allotments which would not currently contain a dwelling entitlement.

Council's Local Growth Management Strategy outlines those areas which have been approved and strategically designated as urban settlement or areas zoned or to be zoned in the future for rural residential development.

The State prepared Far North Coast Regional Strategy 2006-2031 has outlined the need for 3,000 additional dwellings over this planning period to cater for growth. Council's Local Growth Management Strategy has been prepared with this requirement in mind.

The above strategies provide for the establishment of 790 allotments and subsequent dwellings to be developed in those areas now zoned for rural residential development. By comparison, it has been estimated and outlined in the Kyogle Local Growth Management Strategy that of the 3000 additional dwellings required up to the Year 2031, a total of 765 dwellings will establish in the rural areas of the Kyogle Local Government Area

The allocation of an additional 565 allotments with a dwelling entitlement would result in an immediate increase of 18.8% of the additional housing stock required for growth throughout Kyogle up to the Year 2031. There would be both negative and positive outcomes from such an initiative and these are summarised below:-

### **Positive Outcomes**

Affordability – the additional opportunities for dwellings to be built on available parcels within family holdings would provide greater choice for family members to reside on or near the family farm.

Choice – greater choice in terms of location and establishment of dwellings throughout the Kyogle Local Government Area.

### **Negative Outcomes**

As previously outlined in determining the proposed limitations and restrictions on subdivision of rural land, the spread of dwellings in areas having a poor standard of road and access to their sites is consistent with the similar spread of concessional lots in areas where there is sub-standard road to a number of locations.

Whilst such an initiative would possibly provide greater choice in terms of establishing a dwelling, it would also impact on those areas which are zoned or designated for future rural residential or small rural allotments adjoining each of the Village areas.

The establishment of additional dwellings within areas or allotments currently under viable agricultural production could be negatively impacted upon in a similar means as does indiscriminate subdivision of land where the proximity of additional residences is not always compatible with ongoing agricultural activities.

### **Department of Planning Concurrence**

Whilst it is possible for Council to allocate a dwelling entitlement to all rural allotments having an area less than 40 hectares, this will be subject to the approval by the Minister of Planning of any proposed amendments to the draft LEP.

In addition, a separate clause will be required to be included in the LEP, outlining that formal approval of a dwelling will be subject to further consideration regarding the suitability of the site with respect to accessibility, topography and any other constraints.

### **Conclusion:**

On balance it is considered that the collective negative impacts outweigh the positive should the availability of dwelling entitlements be immediately increased by a factor of 18.8% of the total additional housing stock required up to the Year 2031. Such an initiative would potentially detract from the orderly allocation and provision of allotments with dwelling entitlements as allocated and provided for in the Kyogle Local Growth Management Strategy. It would also open up the potential conflict as was activated with the creation of additional concessional allotments located throughout the Kyogle Local Government Area as stated above.

### **Recommendation**

That the Dwelling Entitlements report be received and noted.

**ITEM 13            GENERAL MANAGER 'S REPORT**

**ITEM 13A         TECHNICAL SERVICES REPORT**

**13A.1             TECHNICAL SERVICES COMMITTEE MEETING FEBRUARY 2012**

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**Summary/Purpose**

This report presents the minutes of the Technical Services Committee Meeting held on Monday, February 13, 2011.

**Community Strategic Plan Item(s)**

- Roads and Infrastructure
- Waste & Water

**Report**

The minutes of the meeting appear below

**Kyogle Council**

**Unconfirmed Minutes of the Technical Services Committee Meeting held in the Council Chambers, Stratheden Street, Kyogle, on February 13, 2011.**

**PRESENT**

Cr. R. Brown (Mayor in the Chair), Cr. J. O'Reilly, Cr. L. Passfield, and Cr. T. Cooper.

**IN ATTENDANCE**

The General Manager, the Acting Director: Technical Services, the Personal Assistant: Technical Services.

**MEETING COMMENCEMENT**

The Mayor declared the meeting open at 1:34 pm

**ITEM 1 APOLOGIES**

An apology was received from Robert Dwyer

**RESOLVED**

Moved Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

That the apology be accepted

**CARRIED**

**ITEM 2 OPENING PRAYER**

The Mayor read the opening prayer.



### ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor read the traditional lands acknowledgement.

### ITEM 4 DECLARATION OF INTERESTS

Nil

### ITEM 5 REPORTS

#### Item-5.1 QUARRIES REPORT

Committee's Recommendation

Moved Councillor Lindsay Passfield, seconded Councillor Tom Cooper.

That the quarries report be received and noted.

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

#### Item-5.2 DRAFT DRINKING WATER QUALITY POLICY

**Committee's Recommendation**

Moved Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That the report on the Draft Drinking Water Quality Policy be received and noted
2. That Council adopt the Draft Drinking Water Quality Policy presented to Councils Ordinary Meeting of December 19, 2011 for the purposes of placing on public exhibition and advertising for submissions from the public.

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

#### Item-5.3 NAMING OF UNNAMED ROAD NUMBER 304

**Committee's Recommendation**

Moved Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That the report on naming of un-named road number 304 be received and noted.
2. That, under section 162 of the Roads Act 1993, Council adopts the proposed road name shown below and serve notice of this name on Australia Post, the Registrar-General and the Surveyor General as required under Section 7 of the Roads (General) Regulation 2000, prior to Gazettal.

<b>Road No.</b>	304
<b>Description of Route</b>	The un-named road near the village of Woodenbong starting from Lindsay Creek Road and running in a westerly direction through Lot 7016 DP 1072312 and immediately to the north of the adjoining Lot 7005 DP 1055056 then through to the western most boundary of Lot 7 DP 751059
<b>Proposed Road Name</b>	Recreation Road
<b>Reason</b>	Un-named road

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

**Item-5.4 WORKS PROGRAM REPORT**

**Committee’s Recommendation**

Moved Councillor Tom Cooper, seconded Councillor John O'Reilly.

- 1. That the Works Program report be received and noted

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

**Committee’s Recommendation**

Moved Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

- 2. That Council obtain quotes for headworks associated with the bridges identified in the budget as a single contract.

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

**MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 2:34 pm.

**Recommendation**

- 1. That the minutes of the Technical Services Committee Meeting (13/02/12) be received and noted.
- 2. That Council adopt the Draft Drinking Water Quality Policy presented to Councils Ordinary Meeting of December 19, 2011 for the purposes of placing on public exhibition and advertising for submissions from the public.
- 3. That, under section 162 of the Roads Act 1993, Council adopts the proposed road name shown below and serve notice of this name on Australia Post, the Registrar-General and the Surveyor General as required under Section 7 of the Roads (General) Regulation 2000, prior to Gazettal.

<b>Road No.</b>	304
<b>Description of Route</b>	The un-named road near the village of Woodenbong starting from Lindsay Creek Road and running in a westerly direction through Lot 7016 DP 1072312 and immediately to the north of the adjoining Lot 7005 DP 1055056 then through to the western most boundary of Lot 7 DP 751059
<b>Proposed Road Name</b>	Recreation Road
<b>Reason</b>	Un-named road

- 4. That Council obtain quotes for headworks associated with the bridges identified in the budget as a single contract.

**Summary/Purpose**

This report is to provide Council with information relating to a request received from the Woodenbong Golf Club.

**Community Strategic Plan Item(s)**

- Governance and Community Service
- Village Life
- Economic Development
- Waste & Water

**Background Information**

The Woodenbong Golf Club is situated on Golf Links Road to the south west of the village of Woodenbong. The club house is located on Lot 124 DP 751059, and is connected to town water, and has a septic tank system which gravity feeds directly to the sewage treatment works. The water meter is currently located inside the sewage treatment works grounds, and the pipeline that runs from the meter to the clubhouse runs through Lot 139 DP 823666, as does the discharge line from the septic tank system. The golf club is also a partner in the Woodenbong effluent reuse scheme, whereby they use treated effluent from the sewage treatment works to irrigate the golf course.

Clause 131 of the Local Government (General) Regulation 2005 provides that:

**131 Procedures for writing off rates and charges**

- (1) The council must, from time to time, by resolution, fix the amount of rates and charges above which any individual rate or charge may be written off only by resolution of the council.
- (2) An amount of rates or charges of or below that amount can be written off either by resolution of the council or by order in writing of the council's general manager. In the absence of a resolution under subclause (1), rates and charges can be written off only by resolution of the council.
- (3) A resolution or order writing off an amount of rates or charges must:
  - (a) specify the name of the person whose debt is being written off, and
  - (b) identify the account concerned, and
  - (c) specify the amount written off,or must refer to a record kept by the council in which those particulars are recorded.
- (4) An amount of rates or charges can be written off under this clause only:
  - (a) if there is an error in the assessment, or
  - (b) if the amount is not lawfully recoverable, or
  - (c) as a result of a decision of a court, or
  - (d) if the council or the general manager believes on reasonable grounds that an attempt to recover the amount would not be cost effective.
- (5) The fact that an amount of rates or charges is written off under this clause does not prevent the council concerned from taking legal proceedings to recover the amount.
- (6) The general manager must advise the council of rates and charges written off by written order of the general manager.

## **Report**

The golf club has written to Council to request assistance with the cost of a recent high water bill which resulted from a leak in the pipeline between the meter and the club house, and for the relocation of the water and sewerage pipelines through Lot 139 DP 823666 so that the property can be sold without any encroachments or easements. (site picture separately attached)

Council does not normally assist water supply customers with the costs of water consumption for any reason, other than for those on dialysis. However, in this case, the nature of the water service installation has contributed to the excessive consumption, in that the meter is located remotely from the property boundary. The water consumption for the period 1-7-2011 to the 30-9-2011 was 1454kL, resulting in consumption charges of \$2,493. The average quarterly consumption charges over the previous two years is around \$350. As the Local Government Act only allows for charges to be written off in certain circumstances, it will be recommended to the Golf Club that they apply for a waiver of interest and request funding assistance for the water usage debt.

There have been a number of examples in the past where Council has allowed installation of water service connections where meters are not located within the property being serviced. This type of arrangement is not in accordance with the requirements of the Local Government Act and its regulations. Over the last few years, Council has taken action to rectify the situation and installed either new mains or new services to allow the relocation of the water meters to within the land being serviced, at or near the boundary with the adjoining road reserve. Recent examples are Omagh Road, Yongurra Road, Collins Creek Road and Wiangaree Back Road in Kyogle. Similarly, where septic tank systems have existed in village areas serviced by reticulated sewerage, Council has taken action to construct extensions to the sewerage system to facilitate connection of properties to the gravity sewerage system, thereby eliminating the need for septic tanks and pump out lines. Again, this has been done at Councils expense, with the decommissioning and reconnection costs being borne by the owners. Recent examples include Merrigan Street and Saville Street in Kyogle. In the case of the Woodenbong Golf Course, the septic tank system cannot be eliminated and the club house converted to gravity sewerage due to the topography. However, a septic pump out system, where the pump out line is located in the road reserve with a discharge into the gravity sewerage system in Roseberry Street, where the rising main from Muli Muli discharges, is feasible.

## **Budget & Financial Aspects**

In other cases Council has funded the installation of the infrastructure that would remain in Council ownership, with property owners only being required to cover the costs of reconnection where this was not done during the course of the construction works. Any costs would be charged to the capital works area of the Water or Sewer fund, depending on the works being undertaken. It would be consistent with previous similar issues for the water service relocation to be done by Council at its expense, including installation of the new meter and reconnection to the premises. The cost of this work is estimated at \$8,500 and there are sufficient funds in the 2011/12 budget to undertake these works.

The relocation of the sewerage pump out line would not generally be something that Council would cover the costs of, as this does not provide an extension of the sewerage system, but is dealing with relocation of a privately owned pipeline. However, the site

investigation has shown that it would be possible to install both the new water service and septic pump out line in the same trench, at the same time, at minimal extra cost. The golf club would still then be required to install a pump on the existing tank to allow for the septic system to discharge to the gravity sewerage system in Roseberry Street.

As such, it is proposed that Council would undertake the installation of the new water service and meter, and install the sewerage pump out line at the same time, with the cost of the materials being covered by the golf club. The President of the golf club has advised that this would be a satisfactory outcome, but asked if it was possible for the payment for the materials to be made after the property was sold. In this regard Council would be required to initially cover the costs, and invoice the golf club upon completion of the works and/or sale of the adjoining land.

### **Recommendation**

1. That the report on the Woodenbong Golf Club Water and Sewerage be received and noted
2. That Council undertake works required to relocate the water meter to the Woodenbong Golf Club so that it is within Lot 124 DP 751059 within the current financial year.
3. That Council undertake the works required to relocate the septic pump out line for the Woodenbong Golf Club to within the public road reserve and connect the line to the sewerage system at the same time as the new water service is installed, with the costs of any materials being billed to the Woodenbong Golf Club.

### **Attachments**

1. Letter from the President of the Woodenbong Golf Club dated January 9, 2012. (separately attached for Councillors only)

**ITEM 13B PLANNING SERVICES REPORT**

**13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 NOVEMBER 2011 TO 31 JANUARY 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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2011/34

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

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2011/79

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

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2011/80

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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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2011/89

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

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2011/101

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

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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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2011/105

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

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2011/108

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

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2011/120

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

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2011/125

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

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2011/126

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

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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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2011/165

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

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2011/177

Property: Lot 2 DP 870731 Jiggi Parish, Rous County.  
Address: Kyogle Road Cawongla  
Applicant/Owner: IM Hackett  
Proposal: As built dwelling & additions  
Received: Referred To DMP For Comment

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Status:	Approved subject to conditions
<hr/>	
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
<hr/>	
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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2011/183	
Property:	Lot 2 DP 610154 Geneva Parish, Rous County.
Address:	Smith Street Geneva
Applicant/Owner:	PJ Brown
Proposal:	Dwelling additions
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2011/184	
Property:	Lot 211 DP 1118243 Loadstone Parish, Rous County.
Address:	Moore's Road The Risk
Applicant/Owner:	AM & JE Seegel
Proposal:	Shed & As Built Dwelling
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2011/185	
Property:	Lot 1 DP 357065 Fairy Mount Parish, Rous County.
Address:	Ettrick Street Kyogle
Applicant/Owner:	S Szoko / Gugin Gudduba Aboriginal Land Council
Proposal:	Change of use - retail shop
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2011/186	
Property:	Lot 202 DP 871434 Sherwood Parish, Rous County.
Address:	Roseberry Creek Road Roseberry Creek
Applicant/Owner:	Plans First / Elkington-Allen Pty Ltd
Proposal:	Dwelling additions
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2011/187	
Property:	Lot 142 DP 755734 Runnymede Parish, Rous County.
Address:	7 Groom Street Kyogle
Applicant/Owner:	JK Cuneen
Proposal:	Advertising structure

Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2011/188	
Property:	Lot 11 DP 628570 Loadstone Parish, Rous County.
Address:	Gradys Creek Road Gradys Creek
Applicant/Owner:	DW & KA Gibson
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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2011/189	
Property:	Lot 2 Sec 3 DP 17765 Robertson Parish, Rous County.
Address:	9 Johnson Street Bonalbo
Applicant/Owner:	AG Martin
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
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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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2011/191	
Property:	Lot 2 DP 1162285 Fairy Mount Parish, Rous County.
Address:	43 Colin Street Kyogle
Applicant/Owner:	SR Higgins
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
<hr/>	
2012/1	
Property:	Lot 1 DP 534722 Fairy Mount Parish, Rous County.
Address:	41 Campbell Road Kyogle
Applicant/Owner:	GA & WL Johnston
Proposal:	Shed
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
<hr/>	
2012/2	
Property:	Lot 9 Sec 8 DP 759111 Donaldson Parish, Rous County.
Address:	16 Dalmorton Street Woodenbong
Applicant/Owner:	RS Prosser / RS & RJ Prosser
Proposal:	Shed
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 December 2011 to 31 January 2012 be received and noted.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period period 1 December 2011 to 31 January 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 FINANCIAL MANAGEMENT POLICY**

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**Summary/Purpose**

This report presents the Financial Management Policy to Council for adoption following a period of public exhibition

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Previous Council Consideration**

At the November Council meeting it was resolved:

2. That the Draft Financial Management Policy recommended to Council, as amended was adopted.
3. That the Draft Financial Management Policy be placed on public exhibition for a period of 28 days.

**Report**

The public exhibition period was advertised in the Council Newsletter, with a closing date of January 20, 2012.

No submissions were received during the exhibition period.

**Recommendation**

That the Financial Management Policy be adopted

**Attachments**

1. Financial Management Policy – separate attachment

**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 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

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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).

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

There are a number of projects in the current works program where completion in the 2011/12 financial year is unlikely. These are as follows;

1. The upgrades to the intersection of the Clarence Way (MR150) and the Bruxner Highway (SH16) as there are no matching funds from the RTA (now Roads and Maritime Services or RMS)
2. The re-sheeting of the east west connection as the land matters that need to be resolved between Forests NSW and National Parks before works can commence, may be some years away from being resolved.
3. Tabulam Road Rehabilitation as the detailed design prepared prior to the flood damage in the area may not be able to be followed. Geotechnical investigation works have commenced to establish if the creek bank can be stabilised and allow the rehabilitation to proceed on the current alignment or not. Results will not be available for about 8 to 10 weeks. It is likely that even if the creek bank can be stabilised that the extent of works will exceed the approved flood damage amount of \$72,470, and a revised estimate would need to be approved by the RMS prior to commencement of works.

There are also a number of bridges which are in very poor condition and have either temporary bypass structures in place, or have highly restricted weight limits. These bridges are at various stages of construction, with some having on ground works commenced and ceased in previous financial years, and others with replacement pipes or decks purchased and ready for installation, but no funds available in the current budget to replace. The highest priorities in order are as follows;

1. Yabba Road 152-9706 – Bridge to be replaced with pipes, pipes previously purchased, ready for construction, weight limit on bridge, and splash crossing side track in place
2. Sawpit Creek Road bridges 120-2596 and 120-4113 – bridges to be replaced with pipes, pipes previously purchased, ready for construction

3. Findon Creek Road bridge 54-8482 – bridge to be replaced with new concrete bridge, piles driven, deck purchased, ready for construction to complete, temporary timber bridge in place on side track
4. Dyraaba Road bridge 43-5110 – bridge to be replaced with new concrete bridge, ready for construction
5. Blackwoods Lane 21-164 - bridge to be replaced with new concrete bridge, piles driven, girders purchased, ready for construction to complete, sidetrack in place
6. Walsh Road 77-185 – bridge to be replaced with new concrete bridge, piles driven, girders purchased, ready for construction to complete, temporary timber bridge in place
7. Paddys Flat Road 134-28260 – timber bridge in very poor condition, needs girders replaced, splash crossing side track in place, boundary bridge with Tenterfield Shire Council

Incorporated into this budget review are changes to funding to defer the road works mentioned above, and to fund bridgeworks 1, 2, 3, 4, and 7 mentioned above.

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**

1. That the December 2011, Quarterly Budget/Management Plan Review Statement be received and noted.
2. That Council approve the variation of estimates contained therein.

**Attachments**

1. December 2011 Budget/Management Plan Review (attached separately)

**Summary/Purpose**

This report presents the minutes of the Internal Audit Committee meeting held 13 February 2012.

**Report**

The minutes of the meeting appear below:

**Kyogle Council**

**Unconfirmed Minutes of the Internal Audit Committee Meeting held in the Council Chambers, Stratheden Street, Kyogle, on 13 February 2012.**

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**PRESENT**

Cr. L. Zito (Chair), Mr Andrew Stevens and Mr John Watkins.

**IN ATTENDANCE**

Mr Arthur Piggott, General Manager – from 9.08 am to 9.42 am

**MEETING COMMENCEMENT**

The Chairperson declared the meeting open at 8.05am.

**ITEM 1 APOLOGIES**

Nil

**ITEM 2 OPENING PRAYER**

The Chairperson read the opening prayer.

**ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT**

The Chairperson read the traditional lands acknowledgement.

**ITEM 4 DECLARATION OF INTERESTS**

Nil

**ITEM 5 REPORTS****Item-5.1 MINUTES OF DECEMBER MEETING****RESOLVED**

Mr Andrew Stevens, seconded Mr John Watkins

1. That the Minutes of the Internal Audit Committee be received and noted by the Committee.

**CARRIED**

FOR VOTE – Unanimous vote



**Item-5.2 BUDGETING PROCEDURES**

**RESOLVED**

Mr John Watkins, seconded Mr Andrew Stevens

1. That the report on budgeting procedures be received and noted.

Mr Piggott joined the meeting at 9.08 am.

Mr Piggott left the meeting at 9.42 am.

**CARRIED**

FOR VOTE – Unanimous vote

**RESOLVED**

Mr Andrew Stevens, seconded Mr John Watkins

2. That a written report be submitted with the Quarterly Budget Review when year to date Actuals vary from Original Budget by 10% or more.

**CARRIED**

FOR VOTE – Unanimous vote

**RESOLVED**

Mr Andrew Stevens, seconded Mr John Watkins

3. 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.

**CARRIED**

FOR VOTE – Unanimous vote

**Item-5.3 ADVERTISEMENTS FOR AUDIT SERVICES**

**RESOLVED**

Mr John Watkins, seconded Mr Andrew Stevens

1. That the updated report regarding the advertisement for Audit Services, both external and internal, be received and noted.

**CARRIED**

FOR VOTE – Unanimous vote

**RESOLVED**

Mr Andrew Stevens, seconded Mr John Watkins

2. That responses to the advertisement for the internal audit services come to the next Internal Audit Committee meeting.

**CARRIED**

FOR VOTE – Unanimous vote

Next meeting 10 April 2012, 8.00 am

## **MEETING CLOSURE**

There being no further business the Chairperson declared the meeting closed at 10 am.

## **Recommendation**

1. That the Minutes of the Internal Audit Committee are received and noted.
2. That a written report be submitted with the Quarterly Budget Review when year to date Actuals vary from Original Budget by 10% or more.
3. 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.
4. That responses to the advertisement for the internal audit services come to the next Internal Audit Committee meeting.

**ITEM 13E      COMMUNITY SERVICES REPORT**

**13E.1            REQUEST FOR SPONSORSHIP - KYOGLE CINEMA**

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**Summary/Purpose**

This report presents to Council a request for sponsorship received from Growing Kyogle for the Kyogle Cinema.

**Community Strategic Plan Item(s)**

- Governance and Community Service
- Village Life
- Economic Development

**Report**

Correspondence received from Growing Kyogle requesting sponsorship follows;



# KYOGLLE COMMUNITY CINEMAS

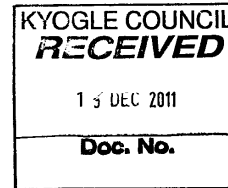


PO BOX 50, KYOGLE. NSW 2474

ABN 63 509 498 645

15<sup>th</sup> December 2011

Mr Arthur Piggott  
Kyogle Council  
PO Box 11  
Kyogle NSW 2474



Dear Arthur

The Cinema complex in Kyogle has been closed since March 2011. *Growing Kyogle* has recognised the loss of this outstanding facility to our community and are delighted to inform you that they have successfully negotiated a 3 year lease with the owners so that once again Kyogle and the surrounding area will have its cinema.

As well as entertainment, the Cinemas will create employment and training for our Youth, be a tourist and visitor destination and also promote Kyogle LGA businesses and the many attractions throughout our region. Due to our "Not for Profit" status we are seeking your support in the form of sponsorship to facilitate the progress of this project.

To assist your deliberations I advise that *Growing Kyogle* is the trading name of Kyogle Community Economic Development Committee Inc. and is the community's voice on economic development issues within the *Kyogle Local Government area*.

You are invited to become a sponsor and we are offering the following benefits to your business as listed below:

LEVEL	GOLD	SILVER	BRONZE
<b>FIRST YEAR SPONSORSHIP</b>	<b>\$3000</b>	<b>\$1500</b>	<b>\$500</b>
An onscreen 30 secs – 1 min advertisement of your business, (supplied by you), before each movie (Assistance can be provided with production)	YES	NO	NO
Your Logo or business name shown on screen before each movie identifying you or your business as a sponsor. Level of sponsorship to be shown.	YES	YES	YES
Your logo or business name identified on programme flyers	YES	YES	NO
Free movie passes	20	10	5

In addition to the above benefits a member of your organization would be invited to participate at the regular meetings of *Growing Kyogle* to further the development of this and other projects designed to assist the economic development of the Kyogle LGA.

We ask that you give this request for sponsorship your urgent and favorable consideration. We look forward to further discussions with you or your representative. Please feel free to contact Joan on (02) 6633 9143 if you would like to speak to us in person.

Yours faithfully,

**Peter J Baxter**  
President – Growing Kyogle (KCEDC)

*Growing Kyogle & Kyogle Community Cinema are the trading names of Kyogle Community Economic Development Committee Inc*

Growing Kyogle have been advised to apply for funding under either the Futures or Financial Assistance Programs. The next round of funding for both of these funding programs will close on March 31, 2012 and will be considered at the April Meeting

## **Recommendation**

That Council the report on the request for sponsorship for the Kyogle Cinema be received and noted.

## **13E.2 MINUTES OF CORPORATE & COMMUNITY MEETING**

---

### **Summary/Purpose**

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

### **Report**

The minutes of the meeting appear below:

#### **Kyogle Council**

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

#### **PRESENT**

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

#### **IN ATTENDANCE**

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

#### **MEETING COMMENCEMENT**

The Mayor declared the meeting open at 3.25 p.m.

#### **ITEM 1 APOLOGIES**

An apology was received from Councillor Robert Dwyer.

#### **RECOMMENDATION**

Moved Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

That the apology be accepted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Robert Dwyer

#### **ITEM 2 OPENING PRAYER**

The Mayor read the opening prayer at a previous meeting held.

#### **ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT**

The Mayor read the traditional lands acknowledgement.

**ITEM 4 DECLARATION OF INTERESTS**

Cr. Janet Wilson declared a perceived conflict of interest in the following item/s:  
o Item 5.2 – RV friendly town  
Reason for Declaration – a member of the Kyogle Showground Trust.

**ITEM 5 REPORTS**

**Item-5.1 PLANT BUDGET REPORT -JANUARY 2012**

**RECOMMENDATION**

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

That the Plant Budget Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Robert Dwyer

**Item-5.2 RV FRIENDLY TOWN**

Having declared a perceived conflict of interest in Item 5.2 Councillor Janet Wilson left the meeting at 3.25 p.m.

**RECOMMENDATION**

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

That Council proceed with an application to register Kyogle as “RV Friendly”.

CARRIED

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Robert Dwyer, Janet Wilson

Councillor Janet Wilson returned to the meeting at 3.33 p.m.

**Item-5.3 DESTINATION MANAGEMENT PROGRESS REPORT**

**RECOMMENDATION**

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

That the Destination Management Progress Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Robert Dwyer

**MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 3.49 p.m.

**Recommendation**

1. That the Minutes of the Corporate & Community Services committee are received and noted.
2. That Council proceed with an application to register Kyogle as “RV Friendly”.

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

### **13F.1            2012 LOCAL GOVERNMENT ELECTIONS**

---

#### **Summary/Purpose**

This report presents to Council an update on the upcoming 2012 Local Government Elections.

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

- Governance and Community Service

#### **Previous Council Consideration**

At the Ordinary Council Meeting held on 28 November, 2011, Council resolved:

That Council retain the Electoral Commission NSW to administer its elections (other than the election of the Mayor and Deputy Mayor by Councillors), constitutional referendums and polls until the conclusion of the 2012 ordinary election for Councillors.

That Council holds a referendum in conjunction with the 2012 ordinary election for Councillors.

That Council holds a workshop on 12 December 2011 to frame the questions to be asked in the Referendum.

#### **Report**

The NSW Electoral Commission were notified of the above resolutions by the due date of 30 November, 2011.

Correspondence was received from the Electoral Commission in December, 2011 confirming this advice and requesting councils to advise them by 30 April, 2012 of their intention to hold a constitutional referendum and/or council poll. The actual wording will not be required until 30 June.

As the referendum details are not required until 30 June, 2012, it was decided to defer the workshop to frame referendum question(s) until a later date to allow more time to consider what question(s) will be asked.

The Electoral Commission have proposed to group Kyogle, Lismore, Richmond Valley and Clarence Valley Councils under the one returning officer located in Lismore.

A draft election calendar has been supplied to councils by the Electoral Commission and a copy is attached to this report.

**Recommendation**

That the 2012 Local Government Elections report is received and noted.

**Attachments**

1. Draft Election Calendar (separately attached)



**Summary/Purpose**

This report presents to Council, the report on the Inquiry into the Australian forestry industry.

**Community Strategic Plan Item(s)**

- Roads and Infrastructure
- Village Life
- Economic Development
- Environmental and Planning

**Report**

Attached to this report is a copy of a summary of the report on the Inquiry into the Australian forestry industry titled "Seeing the forest through the trees" which contains a list of nineteen recommendations arising from the inquiry.

The full report can be accessed from the following web address:

<http://www.aph.gov.au/house/committee/arff/forestry/report.htm>

**Recommendation**

That the Inquiry Into the Australian Forestry Industry Report is received and noted.

**Attachments**

1. Seeing the forest through the trees summary report.

**Summary/Purpose**

This report provides details of a request for contribution towards the campaign coordinated by the Australian Local Government Association (ALGA) to achieve constitutional recognition of Local Government.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Background Information**

Since 2008, ALGA has devoted considerable resources on behalf of local councils to developing the case for constitutional reform and the recognition of local government. The need for reform was highlighted in 2009 in a High Court judgement (Pape vs Federal Taxation Commissioner) that indicated that the Federal Government does not have the power to directly fund Local Government to achieve national objectives.

The current Federal Government has committed to holding a national referendum (anticipated in 2013) on whether local government should be recognised in the Australian Constitution.

**Report**

ALGA has requested State and Territory Local Government Associations to seek contributions from member councils to a large scale national advertising campaign to gain public support for a “yes” vote.

Attached to this report is a copy of correspondence received from the NSW Local Government and Shires Associations (LGSA) advising that Kyogle Council’s contribution will be \$13,960.14 plus GST payable over three years. Should the referendum or the national advertising campaign not go ahead, then any instalments paid will be refunded.

**Budget & Financial Aspects**

Council has not allocated any funding in the 2012/2013 and subsequent year budgets for the constitutional recognition of Local Government.

## **Recommendation**

That Council will factor into its 2012/2013 and subsequent two year budgets, total funding of \$13,960.14 plus GST for contribution towards the constitutional recognition of local government.

## **Attachments**

1. NSW LGSA correspondence dated 9 January, 2012

### **ITEM 14 URGENT BUSINESS WITHOUT NOTICE**

Nil.

### **ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING**

Nil.

### **ITEM 16 CONFIDENTIAL BUSINESS PAPER**

#### **16.1 EXTERNAL AUDIT TENDER**

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#### **Reason for Confidentiality**

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

- (d) commercial information of a confidential nature



APPENDIX / ATTACHMENTS

# KYOGLE COUNCIL



# ATTACHMENTS

## ORDINARY COUNCIL MEETING

ON 27 FEBRUARY 2012

## 8.1 MAYORAL MINUTE - NOROC MEETING REPORT

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### Draft Minutes of the NOROC Ordinary Meeting Clarence Valley Council Chambers 5 February 2012

The meeting opened at 10:30am.

**Members present:**

Cr Phil Silver (President)	Ballina Shire
Cr Jenny Dowell (Deputy President)	Lismore City
Cr Ritchie Williamson	Clarence Valley
Cr Ross Brown	Kyogle
Cr Barry Longland	Tweed
Cr John Chant	Richmond River County Council
Cr Basil Cameron	Byron Shire
Cr Col Sullivan	Richmond Valley

Mr Paul Hickey	Ballina Shire
Mr Gary Murphy	Lismore City
Mr Mike Rayner	Tweed Shire
Mr Wayne Halcrow	Richmond Valley
Mr Arthur Piggott	Kyogle Shire
Mr Graeme Faulkner	Byron Shire
Mr Kyme Lavelle	Rous Water

**In Attendance:**

Ms Ann Lewis	Small Talk Communications
Ms Carolyn McNally	Transport for NSW

**Apologies:  
(11/12:R10)**

Cr Jan Barham	Byron Shire
Scott Greensill	Clarence Valley
Garry Hemsworth	Lismore City
John Truman	Ballina Shire

**Resolved (Dowell / Chant)**

That the apologies for the meeting on 5 February 2012 be accepted.

**2. Minutes  
(11/12:R24)**

**Resolved (Dowell / Cameron)**

Minutes of meeting held 25 November 2011 at the Clarence Valley Council Chambers, Maclean, be accepted.

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**3. Coal seam gas  
(11/12:R25)**

**Resolved (Dowell/Sullivan)**

1. That NOROC seeks legal advice on behalf of member councils in relation to the implications of imposing moratoriums on seismic testing, exploration and other coal seam gas activities on roadside reserves and council-controlled land.
2. That NOROC writes to the NSW Premier urging the NSW Government to develop planning protocols and allow for differing community views to be considered in relation to coal seam gas. This will allow councils to make decisions on behalf of communities who don't support coal seam gas.

**4. Executive Officer's Report  
(11/12:R26)**

**Resolved (Brown/Chant)**

That NOROC notes the contents of the Executive Officer's report.

**5. Far North Coast Transport Strategy  
(11/12:R27)**

**Resolved (Dowell/Brown)**

1. That NOROC notes the contents of this report on the NSW Long Term Transport Plan and the presentation from Ms Carolyn McNally.
2. That NOROC prepare a submission to the NSW Transport Masterplan discussion paper.

**6. Destination 2036 Draft Action Plan  
(11/12:R28)**

**Resolved (Brown/Sullivan)**

That NOROC endorses the Executive Officer's submission on the Destination 2036 Draft Action Plan.

**7. Comparative Analysis of ROCs in NSW and WA  
(11/12:R29)**

**Resolved (Dowell/Brown)**

That NOROC notes the contents of this report on the Comparative Analysis of ROCs in NSW and WA.

**8. Resource Sharing  
(11/12:R30)**

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**Resolved (Dowell/Sullivan)**

That NOROC notes the contents of this report on the resource sharing programs underway.

**9. Regional Digital Strategy  
(11/12:R31)**

**Resolved (Dowell/Brown)**

That NOROC notes the contents of this report and a cheque for \$10,000 be sent to RDA Northern Rivers for the development of the Northern Rivers Regional Digital Strategy.

**10. Status report on Structural Reform and the county councils  
(11/12:R32)**

**Resolved (Williamson/Brown)**

1. That NOROC receives and notes this report and formally requests the UTS Centre for Local Government attend the May meeting of NOROC to present its final report.
2. NOROC extend a formal invitation to Don Page, Minister for Local Government, to attend the next meeting.

**11. Proposed changes to the NOROC constitution  
(11/12:R33)**

**Resolved (Dowell/Brown)**

That NOROC approve the proposed changes to the Constitution as set out within this report and as previously communicated to members.

**12. Financial Report  
(11/12:R34)**

**Resolved (Dowell/Cameron)**

That NOROC notes the contents of this financial report which details the latest bank reconciliations and cash flow movements.

**Next meeting to be held on 4 May 2012 at Ballina Council Chambers**

**Meeting closed at 12:10pm**



# Kyogle Council



## Financial Reports 31 January 2012

Rates Statement  
Statement of Bank Balances  
Summary of Investments

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

## RATES STATEMENT

## KYOGLE COUNCIL RATES STATEMENT AS AT 31st JANUARY 2012

	ARREARS 1-Jul-11	NET CHARGES 2011-2012	PAYMENTS	OUTSTANDING BALANCE	PERCENTAGE COLLECTED
RATES, SERVICES AND INTEREST	862,860.89	7,090,538.66	4,222,311.58	3,731,087.97	53.09%

PRESENTED TO COUNCIL FEBRUARY 2012

**Note:**

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

# KYOGLE COUNCIL

## STATEMENT OF BANK BALANCES AS AT 31-Jan-12

FUND	CLOSING BANK BALANCE 31-Jan-12	INVESTMENT BALANCE 31-Jan-12
<b>GENERAL FUND</b>		
UNRESTRICTED	(6,624,037.15)	6,700,000.00
INTERNALLY RESTRICTED	791,937.82	2,000,000.00
STATE HIGHWAYS	1,476,375.69	
QUARRIES	804,021.03	
PLANT	5,688,869.39	
EXTERNALLY RESTRICTED	235,249.55	3,700,000.00
	2,372,416.33	12,400,000.00
<b>RESTRICTED</b>		
WATER SUPPLIES	655,312.82	
SEWERAGE SYSTEMS	314,769.41	500,000.00
DOMESTIC WASTE	397,244.17	
ORDINARY TRUST	19,548.19	
	1,386,874.59	500,000.00
<b>CONSOLIDATED FUNDS</b>	<b>3,759,290.92</b>	<b>12,900,000.00</b>

## KYOGLE COUNCIL

### SUMMARY OF INVESTMENTS AS AT 31/12/11

	BANK	TYPE	TERM	AMOUNT	RATE P.A.	DUE DATE
1	SUNCORP METWAY	TERM DEPOSIT	67 DAYS	1,400,000.00	5.58%	January 9, 2012
2	COMMONWEALTH	TERM DEPOSIT	91 DAYS	3,000,000.00	5.55%	January 23, 2012
3	SUNCORP METWAY	TERM DEPOSIT	61 DAYS	2,000,000.00	5.64%	February 13, 2012
4	CITIBANK	TERM DEPOSIT	60 DAYS	2,000,000.00	5.26%	February 17, 2012
5	BANKWEST	TERM DEPOSIT	91 DAYS	3,000,000.00	6.00%	March 12, 2012
6	BANKWEST	TERM DEPOSIT	90 DAYS	1,500,000.00	6.00%	March 20, 2012
				12,900,000.00		
<b>PRESENTED TO COUNCIL ON FEBRUARY 27, 2012</b>						
<p>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.</p>						
<p>( GLENN ROSE ) RESPONSIBLE ACCOUNTING OFFICER</p>						

## KYOGLE COUNCIL

### SUMMARY OF INVESTMENTS AS AT 31/01/12

	BANK	TYPE	TERM	AMOUNT	RATE P.A.	DUE DATE
1	SUNCORP METWAY	TERM DEPOSIT	30 DAYS	1,400,000.00	5.50%	February 8, 2012
2	SUNCORP METWAY	TERM DEPOSIT	61 DAYS	2,000,000.00	5.64%	February 13, 2012
3	CITIBANK	TERM DEPOSIT	60 DAYS	2,000,000.00	5.26%	February 17, 2012
4	BANKWEST	TERM DEPOSIT	91 DAYS	3,000,000.00	6.00%	March 12, 2012
5	BANKWEST	TERM DEPOSIT	90 DAYS	1,500,000.00	6.00%	March 20, 2012
6	COMMONWEALTH	TERM DEPOSIT	91 DAYS	3,000,000.00	5.50%	April 23, 2012
				12,900,000.00		
<b>PRESENTED TO COUNCIL ON FEBRUARY 27, 2012</b>						
<p>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.</p>						
<p>( GLENN ROSE ) RESPONSIBLE ACCOUNTING OFFICER</p>						

## COUNCILLORS TRAVEL EXPENSES

Jan-12

COUNCILLOR NAME	KLMS CLAIMED		CURRENT KM RATE	AMT REIMBURSED	
	MONTHS	YTD		MONTH	YTD
E Bennett	1,248	6,646	0.74	923.52	4,918.04
R. Brown	0	0	0.74	0.00	0.00
T. Cooper	980	1,960	0.74	725.20	1,450.40
R. Dwyer	0	0	0.74	0.00	0.00
J. O'Reilly	288	582	0.74	213.12	217.56
R. Leadbeatter	0	0	0.74	0.00	0.00
L. Passfield	1,222	3,048	0.74	904.28	2,255.52
J. Wilson	0	0	0.74	0.00	0.00
L. Zito	0	0	0.64	0.00	0.00
<b>Total</b>	<b>3,738</b>	<b>12,236</b>		<b>2,766.12</b>	<b>8,841.52</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.