



KYOGLÉ COUNCIL

ORDINARY MEETING AGENDA

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

ON MONDAY 28 MAY 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 28 May 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

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

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

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

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

DISCLAIMER

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

(ARTHUR PIGGOTT),
GENERAL MANAGER.

5.7 Question Time (Council Policy)

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

Each speaker has a maximum allowable time of 5 minutes.

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

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

Speakers are not to debate answers.

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

The maximum duration of this session is 30 minutes.

5.8 Public Access (Council Policy)

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

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

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

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

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

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

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

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

ORDINARY MEETING AGENDA

Monday 28 May 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 to address Council has been received from;

- Mr David Liska and Ms Patsy Nagas in relation to Harrison Park and its amenities.
- Ms Caroline Fisher in relation to Item 13B.3 Development Amendment 20030027

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION ORDINARY MINUTES

Summary/Purpose

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

Recommendation

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

Attachments

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

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

9.1 NOTICE OF MOTION; CLR JANET WILSON - COMPLETION OF UPGRADE TO PACIFIC HIGHWAY

Summary/Purpose

This item presents to Council a Notice of Motion received from Councillor Janet Wilson for the Ordinary meeting to be held on 28 May 2012.

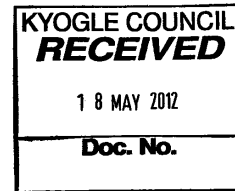
Community Strategic Plan Item(s)

- Governance and Community Service
- Roads and Infrastructure

Report



NOTICE OF MOTION



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

Pacific Highway Up-grade May 2012

It would appear that there is an impasse between the State and Commonwealth Governments about completion of the upgrade to the Pacific Highway

This highway is a State Highway and it is logical that the NSW State Government should contribute on a 50/50 basis for this urgent work. Reduction in the life threatening and continuing fatalities, by completing the upgrade by 2016 as previously agreed, should be the priority of all governments and council has a role to play in ensuring that the original agreement to complete works by 2016 is adhered to.

Motion:

That Kyogle Council make representations to the responsible Commonwealth and State Ministers through all parliamentary representatives in the Northern Rivers Region, urging that a funding arrangement be urgently agreed which would ensure completion of the entire length of the Pacific Highway to dual carriageway standard by 2016.

That Council write to all local governments in the Region to urge them to also undertake representations to the respective State and Commonwealth Ministers through the local parliamentary representatives.

Signed:

Date: 14 May 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 determination.

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTION ON NOTICE; CLR JANET WILSON - CARBON FRAMING

Summary/Purpose

This report presents a response to a question with notice submitted by Councillor Janet Wilson.

Community Strategic Plan Item(s)

- Governance and Community Service
- Environmental and Planning

Report

Question

“What are the benefits for this LGA of carbon farming and how will council support those initiatives to maximise farmer’s economic opportunities under the carbon pricing system?”

Response

The Carbon Farming Initiative is one part of the Federal Government’s Clean Energy Future program, a major part of which is the Carbon Tax. Overall, the program seeks to reduce Australia’s greenhouse gas emissions by putting a price on carbon emissions (and establishing a carbon trading market) in conjunction with a number of other strategies designed to transition Australia’s energy sector to low carbon emission sources and to capture and store carbon, such as through the Carbon Farming Initiative.

Attached to this report is a fact sheet on the CFI; basically the scheme seeks to encourage farmers to reduce emissions from their properties and carry out activities to store carbon on their properties by allowing them to sell carbon credits (for carbon reduced and/or stored) to polluters who need to buy credits to emit carbon. Carbon storage is achieved through activities such as revegetation and increasing carbon content of soil.

The principle benefits for the Kyogle LGA are as for other rural areas, principally; that farmers/landholders can potentially generate additional revenue from their properties/operations, and; the environment will receive benefits through revegetation and improved soil management and fertility amongst other things. At a macro level, the CFI will contribute to the outcomes of the Clean Energy Future program which is

designed to reduce carbon emissions in order to reduce the effects of and aid adaption to climate change.

Whilst the CFI will principally be carried out on private land by farmers, landholders and land managers and will be administered by the Federal Department of Climate Change and Energy Efficiency, there may be some role for local government to assist landholders to be involved by;

- Directing landholders to information about the scheme, if Council receives enquiries;
- informing the community about successful projects (such as through Council's community newsletter), and;
- dealing efficiently with any regulatory approvals that may be required and not imposing conditions that impinge on the viability of a proposal.

The following CFI website contains additional information;

<http://www.climatechange.gov.au/government/initiatives/carbon-farming-initiative/handbook.aspx>

Recommendation

The Question with Notice from Councillor Janet Wilson be received and noted.

Attachments

1. Fact Sheet (separately attached)

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

12.1 MINUTES OF LOCAL EMERGENCY MANAGEMENT COMMITTEE - MAY 2012

Summary/Purpose

This report presents the minutes of the Local Emergency Management Committee Meeting held on May 8, 2012.

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Village Life
- Waste & Water

Report

The minutes of the meeting are attached.

Recommendation

1. That the minutes of the Local Emergency Management Committee meeting held on May 8, 2012 be received and noted.

Attachments

1. Minutes of the LEMC meeting held May 8, 2012

12.2 2012 RATEPAYER/RESIDENTS SURVEY

Summary/Purpose

This report is presented in response to a resolution passed at the April Council Meeting.

Community Strategic Plan Item(s)

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

Previous Council Consideration

At the April Council Meeting, Council resolved:

That Councillors be provided with a report for the next cycle of Council meetings with regards to how management proposes to address the issues within the draft report and Ratepayer/Resident Survey that rate below par.

Report

The items in the survey that have a negative “net proportion satisfied” are as follows:

- Developing and maintaining urban roads
- Developing and maintaining sealed rural roads
- Developing and maintaining unsealed rural roads
- Maintenance of heritage buildings/assets
- Management of Crown reserves
- Rangers/animal control
- Planning and controls for balanced land use
- Handling of development applications
- Attracting and supporting business
- Job creation
- Protecting flora and fauna
- Improving catchment management
- Environmental sustainability education
- Control of weeds
- Community consultation
- Council financial management

It is considered that the primary vehicle for addressing issues such as these is through the Strategic Planning Process.

This process (into which the Resident Survey forms a significant input) provides a vehicle for identifying the main priorities and aspirations for the future of our local government area.

However, these priorities and aspirations cannot be achieved without sufficient resources – time, money, assets and people – to actually carry them out. i.e. Council's ability to fully address the majority of these issues is constrained by the level of resources available to meet the residents needs/wishes.

The Resourcing Strategy is the point where Council assists the community by sorting out who is responsible for what, in terms of the issues identified in the Community Strategic Plan. Some issues will clearly be the responsibility of Council, some will be the responsibility of other levels of government, some will rely on input from community groups or individuals whilst others will not be able to be fully addressed with the resources that are available.

It is also apparent from the comments listed at the end of the report on the resident survey that residents need to be more educated in relation to Council's roles and limitations. This may result in residents being more understanding and perhaps more satisfied with the efforts that Council is making with its limited resources.

Recommendation

That the 2012 Ratepayer/Resident Survey report be received and noted.

12.3 FINANCIAL REPORTS - APRIL 2012

Summary/Purpose

This report presents financial reports to Council for information.

Community Strategic Plan Item(s)

- Governance and Community Service

Background Information

Legislative Requirements

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

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

Report

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

1. (A) Finance Reports

Summary reports outlining Council's financial position as at 30 April 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 – April 2012 be received and noted.

Attachments

1. Financial Reports
2. Councillors Travel

12.4 COUNCIL RESOLUTIONS REQUIRING ACTION

Summary/Purpose

This report presents to Council a list of Council resolutions requiring action as at 30 April 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 30 April 2012. (Separately attached)

12.5 PLANT BUDGET REPORT - APRIL 2012

Summary/Purpose

This report presents information relating to plant costs and performance as at April 30, 2012 for Council's information.

Community Strategic Plan Item(s)

- Roads and Infrastructure

Report

Copies of the following reports appear below:

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

1. Plant Acquisitions/Sales 2011/2012

PLANT ACQUISITIONS/SALES 2011/2012						
as at 30 April, 2012						
to be replaced	Purchase	Estimated Cost			Actual Cost	
		Trade	Net	Purchase	Trade	Net
Light Vehicles						
4wd wagon	130,000	105,000	25,000	131,205	89,011	42,194
4wd Utility	195,000	125,000	70,000	206,862	73,285	133,577 *
Utility/Van	107,000	70,000	37,000	76,701	39,566	37,135
	432,000	300,000	132,000	414,768	201,862	212,906
Quantities						
4wd Wagon	3	4	(1)	3	3	0
4wd Utility	10	9	1	6	3	3
Utility	7	7	0	3	3	0
Heavy Plant - (Trade)						
Grader	375,000	130,000	245,000	349,500	140,909	208,591
Tractor	170,000		170,000			
Grid Roller	100,000		100,000	90,000	0	90,000
Truck - 10m Tipper		80,000	-80,000		82,375	-82,375
Tipping Dog Trailer		40,000	-40,000		40,102	-40,102
W/Shop Truck	65,000	10,000	55,000	51,166	13,236	37,930
Truck-Tipper 4 Tonn	60,000	15,000	45,000	56,900	16,413	40,487
2011-2011 Revotes						
Mini Excavator	120,000	30,000	90,000	112,745	36,838	75,907
Loader	250,000	138,270	111,730			
	1,140,000	443,270	696,730	660,311	329,873	330,438
Small Plant						
Misc.	45,000		45,000	7,509	19,864	-12,355
PA Ride on mowers	16,000	4,000	12,000	11,818	5,780	6,038
	61,000	4,000	57,000	19,327	25,644	(6,317)
	1,633,000	747,270	885,730	1,094,406	557,379	537,027
* Trade not yet sold						

2. Plant Budget Report (by plant item)

	Budget	Budget YTD	30.04.12	Comments
PLANT & DEPOT OPERATIONS			30.04.12	Comments
OPERATING				
PLANT INCOME	3,701,221	3,000,000	3,033,337	
PLANT EXPENDITURE				
FRINGE BENEFIT TAX	16,974	16,974	17,213	
PLANT M & R	1,471,738	1,200,000	984,957	Low level of breakdowns/maintenance
DEPRECIATION EXP VEHICLE FLEET	874,333	728,610	728,610	
	2,363,045	1,945,584	1,730,780	
NET SURPLUS/(LOSS)	1,338,176	1,054,416	1,302,557	
PROFIT ON SALE OF PLANT				
PROCEEDS ON SALE OF PLANT & EQUIPMENT	509,000	509,000	557,379	
BOOK VALUE OF SOLD PLANT & EQUIPMENT	301,661	0	0	
	207,339	509,000	557,379	
OTHER INCOME				
PRIVATE USAGE CONTRIBUTIONS STAFF VEHICLES	42,858	33,000	34,268	
OTHER INCOME	0	0	3,344	
	42,858	33,000	37,612	
DEPOT EXPENSES				
KYOGLA DEPOT	66,641	60,000	56,794	
BONALBO DEPOT	24,397	15,000	11,779	
WOODENBONG DEPOT	7,501	7,000	6,971	
	98,539	82,000	75,544	
TOTAL OPERATING	1,489,834	1,514,416	1,822,004	
CAPITAL				
NON CURRENT ASSETS				
DEPOT IMPROVEMENTS	157,963	150,000	142,031	
PLANT PURCHASES	1,394,730	1,200,000	1,094,407	
BOOK VALUE SOLD ASSETS	(126,535)	0	0	
ACCUMULATED DEP'N - VEHICLE FLEET	(874,333)	(728,610)	(728,610)	
	551,825	621,390	507,828	
TOTAL CAPITAL	551,825	621,390	507,828	
NET SURPLUS/(COST) OF ACTIVITY	938,009	893,026	1,314,176	

3. Plant and Depot Operations

As at 30 April, 2012				
	PLANT ITEM	INCOME	EXPENDITURE	PROFIT/LOSS
3	CAT 12H GRADER	69,090	17,461	51,629
4	CAT 140H GRADER	84,755	21,306	63,449
5	JOHN DEERE 770D GRADER	108,185	27,857	80,328
6	JOHN DEERE 770 G GRADER	80,575	17,582	62,993
24	DINGO K94 MINI DIGGER	4,752	2,264	2,488
25	MINI EXCAVATOR	29,521	2,443	27,078
26	STREET SWEEPER	12,238	3,740	8,498
27	CLARK BOBCAT	14,866	1,693	13,173
28	CAT 938G LOADER	24,615	9,909	14,706
29	KUBOTA EXCAVATOR	33,549	4,063	29,486
32	CAT 324DL EXCAVATOR	101,475	32,429	69,046
33	CAT 324DL EXCAVATOR	73,700	14,961	58,739
34	CATERPILLAR IT28G LOADER	53,550	13,774	39,776
35	CATERPILLAR 966H LOADER	68,640	16,990	51,650
36	CATERPILLA 816F COMPACTOR	28,080	6,125	21,955
40	FRANNA MOBILE CRANE	43,575	6,756	36,819
41	CAT FORKLIFT	2,666	1,784	882
51	HYSTER DRAWN GRID ROLLER	12,972	354	12,618
52	GRID ROLLER-COATES	16,663	4,114	12,549
62	JOHN DEERE 315SG BACKHOE	10,815	2,854	7,961
63	CAT 432D BACKHOE	14,455	5,117	9,338
64	KOMATSU WB97S BACKHOE	32,850	8,432	24,418
71	CASE MX90C TRACTOR	26,100	8,855	17,245
72	CASE MX200 TRACTOR	45,637	16,941	28,696
73	CASE MX210 TRACTOR	52,687	33,275	19,412
78	MCCORMICK MC105	45,695	13,941	31,754
79	MCCORMICK MC115	45,402	9,000	36,402
80	JOHN DEERE 2085 TRACTOR	16,774	3,468	13,306
88	MCCONNEL REACH MOWER	14,100	12,573	1,527 *
101	ISUZU NPR250 CAB CHASSIS	1,827	1,990	-163
135	ISUZU JETMASTER 2000	92,140	23,877	68,263
137	ISUZU NPR 400 TIPPER MAXIL	36,657	4,390	32,267
139	ISUZU GIGA 385CXY TIPPER	57,435	15,920	41,515
140	ISUZU NPR 400L CRANE/TIPPE	40,226	7,306	32,920
141	ISUZU FVZ1400M TRUCK/WATER	40,600	9,090	31,510
142	ISUZU NPR400L TIPPER	28,122	3,111	25,011
143	ISUZU FVZ1400L CRANE TRUCK	104,090	13,309	90,781
144	ISUZU NPR400L TIPPER	54,330	6,774	47,556
145	ISUZU NPR400L TIPPER	56,975	9,027	47,948
146	ISUZU NPR400L TIPPER	30,355	8,407	21,948
147	ISUZU FRR525 TIPPER	37,797	7,199	30,598
148	ISUZU FVZ1400 TIPPING TRUCK	40,300	8,099	32,201
149	KENWORTH T401 PRIME MOVER	85,230	37,283	47,947
150	KENWORTH T350 TIPPER	79,957	41,198	38,759
151	KENWORTH T350 TIPPER	73,797	31,718	42,079
152	ISUZU FXZ 1500 TIPPER	54,145	8,866	45,279
	Notes			
	*Refitted hydraulic pump and motor			

Recommendation

That the Plant Budget Report be received and noted.

ITEM 13 GENERAL MANAGER 'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

13A.1 MINUTES OF TECHNICAL SERVICES COMMITTEE - MAY 2012

Summary/Purpose

This report presents the minutes of the Technical Services Committee Meeting held April 10, 2012.

Community Strategic Plan Item(s)

- Roads and Infrastructure

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 May 14, 2012.

PRESENT

Cr. R. Brown, (Mayor in the Chair), Cr. L. Passfield, Cr. R. Dwyer and Cr. T. Cooper.

IN ATTENDANCE

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

MEETING COMMENCEMENT

The Mayor declared the meeting open at 1.34 p.m.

ITEM 1 APOLOGIES

An apology was received from Councillor John O'Reilly.

RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

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 TITLE ORDINARY MEETING AGENDA

Committee's Recommendation

Moved by Councillor Lindsay Passfield, seconded by Councillor Tom Cooper

That the Works Program report be received and noted.

The motion was put to the vote and was CARRIED unanimously

Item-5.2 ORDINARY MEETING AGENDA

Committee's Recommendation

Moved by Councillor Lindsay Passfield, seconded by Councillor Tom Cooper

That the quarries report be received and noted.

The motion was put to the vote and was CARRIED unanimously

Item-5.3 ROAD NAMING NEW ROADS MAYFIELD ESTATE

Committee's Recommendation

Moved Councillor Tom Cooper, seconded Councillor Robert Dwyer

1. That the report on Road Naming New Roads Mayfield Estate be received and noted.

2. That Council advertises for submissions from the public on the road naming issue listed below;

Current Road Name or Description of Route

The new road created as part of Stage 1a of Development Application 2009-35 that runs from Colin Street in a north easterly direction shown as "Mayfield Drive" on DP 1172403

Proposed Road Name Mayfield Road

Reason Newly constructed road

Current Road Name or Description of Route

The new road created as part of Stage 1a of Development Application 2009-35 that runs from proposed Mayfield Drive in a south easterly direction shown as "Howard Court" on DP 1172403

Proposed Road Name Howard Court

Reason Newly constructed road

The motion was put to the vote and was CARRIED unanimously

Item-5.4 TITLE ORDINARY MEETING AGENDA

Committee's Recommendation

Moved by Councillor Robert Dwyer, seconded by Councillor Tom Cooper

1. That the report on the Draft Drinking Water Quality Policy be received and noted
2. That Council adopt the Drinking Water Quality Policy as per the Draft placed on public display in March 2012.

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 1.51 p.m.

Recommendation

1. That the minutes and reports of the Technical Services Committee meeting held May 14, 2012 be received and noted.
2. That Council advertises for submissions from the public on the road naming issue listed below;

Current Road Name or Description of Route

The new road created as part of Stage 1a of Development Application 2009-35 that runs from Colin Street in a north easterly direction shown as "Mayfield Drive" on DP 1172403

Proposed Road Name: Mayfield Road

Reason Newly constructed road

Current Road Name or Description of Route

The new road created as part of Stage 1a of Development Application 2009-35 that runs from proposed Mayfield Drive in a south easterly direction shown as "Howard Court" on DP 1172403

Proposed Road Name: Howard Court

Reason Newly constructed Road

3. That Council adopt the Drinking Water Quality Policy as per the Draft placed on public display in March 2012.

13A.2 TRANSPORT WORKING GROUP MINUTES

Summary/Purpose

This report presents the minutes of the Transport working Group and the draft Terms of Reference to the committee for information.

Community Strategic Plan Item(s)

- Governance and Community Service

Previous Council Consideration

At the October 2011 Corporate and Community Services Committee meeting it was resolved:

That the Transport Working Group review the terms of reference for this group to;

- Examine the relationship with the Regional Transport plans and initiatives,
- Examine the role of the group in developing policy and planning advice for Council in relation to transport issues.

Report

Minutes of the meeting held March 6 appear below:

Kyogle Public Transport Meeting

Date: Tuesday 6th March 2012

Kyogle Meeting Room 10am

Present: Kate, Ben, Graham, Ken, Nicola,

Apologies: Kym Clark, Malcolm Wallis, Patricia & Russell Small, Bruce Watson

Chair: Ben Riley

Minute taker: Nicola Mercer

Guests: Kon Papadopoulos, Rowle Hull

Minutes approved all true and correct

Chair explained to Kon and Rowle that this forum is to inform the group about the taxi services and that no political stance will be acknowledged.

The guests were asked to present their information to the group.

Kon explained he runs a limousine hire car service, with a van that has wheelchair access. His services will accommodate aged/disability also Veteran Affairs. His service will begin 10th March

Rowle explained to group he will also be managing a taxi service that will be run by 2 drivers starting in March.

Health and Well-Being Expo

Action Kate will check with NRSDC if Ok to hold a stall.

Action Nicola will send out info to the entire group asking for volunteers to promote transport stall and present the survey. The survey will ask questions related to the community needs for a local bus service. Survey draft will be sent out to group for ideas, comment and consent.

Masterplan

Discussion on what to submit to the plan

Action Nicola will draft a copy to the group on what will be submitted points will cover

- bus school safety workshops
- safety flashing lights
- curbside safety
- funding
-

Accessible Transport Booklet

Kate presented the group with the new booklet that has been compiled by NRSDC it covers

- Disability standards for accessible Public Transport
- Transport types: Taxis, Community transport, Bus, Coach & rail, charter& hire cars
- Service providers
- Concessions and Subsidies
- My Travel Guide

Kate will add the new contacts for Kyogle Taxis, she will have copies available on the transport stall and Nicola will distribute them around CBD, Kyogle LGA.

Meeting closed 11.20 am

Next meeting Monday 7th May 10am Kyogle Council upstairs room

The group have also discussed and drafted a Terms of Reference which is separately attached.

Recommendation

1. That the Minutes of the Transport Working Group meeting held March 6, 2012 be received and noted.
2. That the Terms of Reference for the Transport Working Group be endorsed.

Attachments

1. Draft Terms of Reference (separate attachment)

Summary/Purpose

This report is to provide Council with information in relation to the review of the provisions of the Road Reserve Management Plan with respect to the use of footpath areas in the commercial precinct, and roadside fencing.

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Village Life
- Economic Development

Background Information

Council can permit and restrict the use of areas within the public road reserve under the powers granted to it under the Roads Act and its Regulation. Council currently documents this in the Road Reserve Policy and the Road Reserve Management Plan. The Road Reserve Policy is a brief policy statement, and does not require review with respect to the specific requirements discussed in this report, as these are documented in detail in the Road Reserve Management Plan.

Previous Council Consideration

A report was presented to the Planning Committee in July 2011 in relation to the use of road reserves for commercial purposes including signage. The conclusion of the report contained the following text;

Conclusion***Signage***

It is considered that Council should either limit the placement of A frame signage to one only per premises or none at all due to the opportunities for these signs to create a trip or disruptive hazard in the street.

Goods for sale

A consistent approach is required to be implemented for those businesses which display goods for sale within the road reserve. A strip along the shopfront of maximum width 1 metre is considered sufficient and this would allow for pedestrian movement on the balance of the footpath area.

Outdoor Dining

Similarly, the conduct of outdoor dining should be limited to a strip along the shopfront, having a maximum width of 1.5 metres and using portable structures which are to be removed from this location at close of business each day.

Charity Organisations

It is considered that no change to the current arrangements are required for use of the road reserve areas by charitable organisations.

At its Ordinary Meeting of September 26, 2011 Council resolved;

“That the Road Reserve Management Plan be amended as per the recommendations within this report and that the amended Road Reserve Management Plan be brought to Council for approval prior to public display.”

Report

As the main street redevelopment works are now nearing completion in Kyogle, it is appropriate to now seek a resolution from Council that would provide sufficient clarity to allow the Road Reserve Management Plan to be revised with respect to the use of footpath areas for commercial purposes.

Current best practice is to provide a clear strip between 2m and 2.5m wide from the shop fronts to any areas used for outdoor dining and obstructions such as seats, bins, signs, goods etc. For this reason, the main street redevelopment has seen all the new seats placed out along the kerb line, unlike the old Quota seats. This has been the subject of some concern recently, as the day for the removal of the last of the Quota seats nears. The main drivers for these practices are to cater for visually impaired persons and to avoid obstructions that may lead to trips and falls, or impede the flow of pedestrian traffic and lead to pedestrian congestion. There are also other factors such as access for the street cleaning machine, which cannot clean up against the building line when there are permanent obstructions such as seats present.

There are a number of issues associated with the storage of goods for sale and placement of advertising material on the footpath area. This is of particular concern when they are placed within the 2 to 2.5m area immediately in front of the shops. At present there is little to no control over the placement of advertising material and goods for sale in the footpath areas. This opens Council up for public liability claims should an injury arise out of a trip, slip or fall that can be attributed to such material. The items currently placed on the footpath are done so in an ad hoc manner, and present a serious hindrance to pedestrian movements. These items are generally not visually appealing and tend to detract from the overall appearance of the main street. However, there are advantages to the business owners in placing advertising material in particular on the footpath area.

The Chamber of Commerce was consulted in relation to the possibility of the use of the footpath for storage of goods for sale no longer being permitted, and representatives from the Chamber provided a response which raised concerns from their perspective if this was to occur.

Considering all these issues, and the response from the Chamber of Commerce, it is recommended that the use of the footpath be managed in a way that minimises the exposure of Council to liability claims, yet still allows business owners to utilise the footpath under certain conditions.

1. Temporary Footpath Hoardings

These are associated with construction or maintenance works which require short term use of the footpath area to facilitate the works. These are usually either associated with a Development Application, or can be processed through an application to conduct works within the road reserve. These are considered individually and there is no recommendation for any changes to this process.

2. Permanent Structures

In response to community concerns over the seats, there will be two Quota seats left in place until Council finalises its position with respect to footpath usage. These are the ones in front of the old IGA building on the western side, and in front of the Commonwealth Bank building on the eastern side. All others will be removed. There are two more seats to be placed against the kerb line, and two seats remain in reserve, pending finalisation of the review of the provisions of the Road Reserve Management Plan.

In addition to the maintenance of a clear zone in front of the shops, and access for the street cleaning machine, there are a number of other factors to be considered in the location of permanent seat structures against the building line. These are listed as follows;

- The seat will block shop front window displays
- The seats add to the obstructions in heavily trafficked pedestrian areas and can cause congestion
- If the seats are placed against glass there is a high chance of the glass being broken by inappropriate use of the seats where people sit on the back of the seats and lean against the glass.
- Cigarette smoke easily drifts into the adjacent shop entrances
- This is the best location to provide seating out of the weather
- There have been seats used for the “seat of knowledge” against the building line for many years, and this practice is considered as a valuable community service

The seats in Stratheden Street have already been replaced against the building line as requested by members of the community, and in the recent petition presented to Council. Consultation with the Chamber of Commerce and the business owners has identified another suitable site for a further seat to be placed against the building line. This is at the Commonwealth Bank building under the awning, where one of the remaining Quota seats is now. This side of the street is not as heavily trafficked as the western side, and the building has a brick wall where the seat can be placed without being against glass, or blocking any signs or displays. There has been a seat in this location commonly known as the “seat of knowledge” for many years. It is recommended that this seat be replaced with a new seat at the same location.

However, there is not a location anywhere on the western side where a seat can be placed without being backed by glass (even the current location near the IGA has glass at the back of the seat), and the western side of the road has the highest pedestrian traffic. The only locations where it is possible to avoid glass backing is at the front of the top pub, but this location presents other risks associated with the licensed premises that make it an unsuitable location.

It is likely that footpath dining areas are going to be on the western side of the street, and if these are approved, there may be an opportunity to place a seat near the dining area so as to not create an additional obstruction. However, this would then mean that a business owner needs to be willing to allow the seat in front of their shop, and there has not been any business owner volunteering to do this.

It is proposed to make changes to the Road Reserve Management Plan to provide clarification on the issues to be considered, but not restrict the placement of seats against the building line where those issues can be addressed. This will allow future placement of additional seats against the building line if a suitable location can be found.

3. Portable Advertising Structures

It is recommended that the placement of advertising material on the footpath be limited to the use of a single A-frame style sign per business, and that these signs are to be placed within 1m from the kerb line in front of each shop. These signs should be placed at the dividing line of the adjacent car parking bays to avoid interference with car doors and people entering and existing vehicles. No formal application to Council would be required for this, and no fees would apply.

4. Street Vending

As discussed above, it is proposed to allow street vending, or the placement of goods for sale on the footpath under certain circumstances. Under the proposed amendments to the Road Reserve Management Plan street vending or placement of goods for sale within the footpath areas would only be allowed;

- * Where there is a Development consent in place for the activity such as Farmers Markets, or
- * Where it is associated with a charity and has been previously authorised by Council, or
- * In association with Kyogles “Red Hot Sale Day” or other such event previously endorsed by Council, or
- * Where there is a formal Agreement in place between Council and the proprietor of the adjacent business

In this regard, Council can consider an application from any business operating out of adjacent premises for a formal legally binding Agreement to permit street vending. In considering entering into such an Agreement, Council would need to ensure that appropriate conditions were imposed to manage the use of the footpath, and Councils liability. This includes ensuring that the vendor was appropriately insured, and Council indemnified against any Civil Liability claims arising from the commercial use of the footpath area. It is also proposed that all businesses that currently use the footpath in this manner be given a transitional period of six months to apply for and enter into such an Agreement.

As it is recognised that there may be some additional costs associated with holding appropriate insurances, it is proposed to remove any annual fees or application fees that would be applied by Council.

5. Footpath Restaurants

The main street master plan included areas for outdoor dining, which are to be located in the existing parallel kerb parking when the centre parking is removed. However, this is not part of the current works, and may not be constructed for some time. As such, if footpath dining is to be accommodated, it will need to be on the existing footpath. Trying to do this against the kerb line is not practical. If this is going to be allowed, there must be some standard requirements put in place to provide a barrier between the dining area and pedestrians, as well as provide a contrasting colour and barrier to assist the visually impaired. There is also a need for these areas to be treated as food premises, and this means that smoking and the presence of animals cannot be allowed, with the exception of trained guide dogs. As per the previous report considered by Council, a maximum width of 1.5m from the shop front should also be applied. There are no dining areas in use at present that utilise a greater width than this. It is also proposed that all businesses that currently use the footpath in this manner be given a transitional period of six months to apply for and enter into such an Agreement.

6. Roadside Fencing

As the Road Reserve Management Plan was being reviewed with respect to the use of footpath areas, it was also considered appropriate to take this opportunity to review the provisions with respect to roadside fencing, as there have been a number of issues with the current provisions. The main issue in this area was that the current plan specifies a standard for Arterial and Collector Roads that is of a higher standard than that in use across the vast majority of these roads, and as such the plan is onerous and sets a higher standard than that in use, and deemed to be satisfactory for these roads. The current plan is also ambiguous with respect to fencing in village areas where the road classifications specified in the current plan are not specific to these streets. This needs to be clarified. There is also no clarification on the appropriate use of electric fencing, and there have been a number of issues arise where electric fencing has been used instead of roadside fencing of an appropriate standard, resulting in stock being loose on public roads. It is proposed to provide clarification that electric fencing is only to be used in conjunction with a roadside fence of appropriate standard, and only behind this fence, but can be supported by the roadside fence where possible.

Budget & Financial Aspects

There are no financial implications of this recommendation. The current Road Reserve Management Plan and fees and charges provide for an annual lease fee for use of footpath areas, however these fees have never been applied. As such, there is no loss of revenue, and the additional administrative procedures will be managed within existing budget allocations.

Recommendation

1. That the report on the Road Reserve Management Plan Review be received and noted

2. That the draft changes to the Road Reserve Management Plan be placed on public display and submissions called from the public.

Attachments

1. Submission received from the Kyogle Chamber of Commerce on April 4, 2012
2. Draft changes to the Road Reserve Management Plan

13A.4 DRAFT ASSET MANAGEMENT POLICY

Summary/Purpose

This report is to present Council with a draft Asset Management Policy for consideration.

Community Strategic Plan Item(s)

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

Background Information

As part of the Division of Local Governments Integrated Planning and Reporting Framework, Council must adopt an asset management framework, which includes an asset management policy, asset management plans, and an asset management strategy. This forms part of the overall Resourcing Strategy which must be completed to show how the Operational Plan will be implemented.

Report

The purpose of the Asset Management Policy is to show that Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management best practices across all areas of Council. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery.

Council owns and uses approximately \$465M of non-current assets to support its core business of delivery of service to the community.

Asset management practices impact directly on the core business of Council and appropriate asset management is required to achieve our strategic service delivery objectives.

A strategic approach to asset management will ensure that the Council delivers the highest appropriate level of service through its assets. This will provide positive impact on;

- * Members of the public and staff;
- * Council's financial position;
- * The ability of Council to deliver the expected level of service and infrastructure;
- * The political environment in which Council operates; and
- * The legal liabilities of Council.

Council has engaged consultants J Roorda and Associates to prepare Asset Management Plans for the following groups of assets;

1. Waste Management Services
2. Parks and Reserves
3. Water Supply
4. Sewerage Services
5. Plant Equipment and Emergency Services
6. Stormwater and Flood Management
7. Buildings and Community Facilities
8. Transport

Final drafts of these plans are expected to be completed by May 25, 2012 and will be made available to Council as soon as possible. The consultants engagement also includes the preparation of a Core Infrastructure Risk Management Plan, based on the outputs from the Asset Management Plan process. This plan is expected to be completed in conjunction with the Asset Management Plans. This risk based approach will then culminate in the preparation of an Asset Management Strategy. It is in the preparation of this strategy where there will be further detailed consultation with Council to develop strategies for managing these assets in a way that is financially sustainable and the levels of service that can be delivered to the community.

Budget & Financial Aspects

The engagement of the consultants to prepare the Asset Management Plans and Strategy has been funded through the Local Government Reform Fund administered by the Division of Local Government. Aside from the costs of meeting the Integrated Planning and Reporting requirements, there are a number of budget implications associated with asset management and infrastructure service delivery generally. The adoption of an Asset Management Policy does not have any direct budget implications, however, there will be issues that arise out of the Asset Management Plans and Strategy that will have budget implications. These will be considered in some detail during the preparation of the Asset Management Strategy.

Recommendation

1. That the Draft Asset Management Policy report be received and noted
2. That the Draft Asset Management Policy be placed on public display and submissions called from the public.

Attachments

1. Draft Asset Management Policy dated May 21, 2012

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS APPROVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 APRIL 2012 TO 30 APRIL 2012

Report

2007/161

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

2010/58

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

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

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

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

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

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

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

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

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

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

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

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

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

2012/6

Property: Lot 12 DP 1036751 Cougal Parish, Rous County.
Address: Brindle Creek Road, Brindle Creek
Applicant/Owner: Eco System Homes / TE & LJ Levi
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2012/7

Property: Lot 72 DP 815864 Wiangaree Parish, Rous County.
Address: Summerland Way Wiangaree
Applicant/Owner: J McLeod / TLBRJ Pty Ltd
Proposal: Change of use – Service station to pizza shop
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

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: Awaiting DMP Comments

2012/9

Property: Lot 283 DP 755732 Queebun Parish, Rous County.
Address: Dyraaba Road Dyraaba
Applicant/Owner: GR Farrell / TA Sherwen & GR Farrell
Proposal: Dwelling as built
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

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

2012/15
Property: Lot 225 DP 719971 Runnymede Parish, Rous County.
Address: Summerland Way Cedar Point
Applicant/Owner: Newton Denny Chapelle / RW Fuller
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

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

2012/17
Property: Lot 1 DP 456720 Wiangarie Parish, Rous County.
Address: Summerland Way Kilgra
Applicant/Owner: Newton Denny Chapelle / SG Penman
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2012/18
Property: Lot 1 DP 1171512 Ettrick Parish, Rous County.
Address: Ghinni Ghi Road Ghinni Ghi
Applicant/Owner: All Steel Garages & Sheds / PD & A Wallbank
Proposal: Sheds
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

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

2012/20
Property: Lot 2 DP 171087 Geneva Parish, Rous County.
Address: Afterlee Road Eden Creek
Applicant/Owner: Newton Denny Chapelle / RS Cullen
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

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:	Awaiting DMP Comments
<hr/>	
2012/22	
Property:	Lot 2 DP 558627 Geneva Parish, Rous County.
Address:	Saville Street Geneva
Applicant/Owner:	SJ Brosnan / KB & KM Taylor
Proposal:	Carport
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
<hr/>	
2012/23	
Property:	Lot 11 DP 1133275 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
<hr/>	
2012/24	Number not used
2012/25	
Property:	Lot 4 DP 624480 Sherwood Parish, Rous County.
Address:	Imbreys Road Grevillia
Applicant/Owner:	MJ Mirecki
Proposal:	Dwelling additions
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
<hr/>	
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
<hr/>	
2012/27	
Property:	Lot 136 DP 853941 Toonumbar Parish, Rous County.
Address:	Stringybark Lane Toonumbar
Applicant/Owner:	AJ Campbell
Proposal:	Shed
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
<hr/>	
2012/28	
Property:	Lot 21 DP 834552 Wiangaree Parish, Rous County.
Address:	Eagle Court New Park
Applicant/Owner:	AL & LM Garred
Proposal:	Dwelling additions
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
<hr/>	
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

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 April 2012 to 30 April 2012
be received and noted.

2. That the information contained in the report Development Applications Received,
Determined and Outstanding for the period 1 April 2012 to 30 April 2012 only in
relation to DA../... and DA../.... In which Councillors have declared an interest
be received and noted.

**13B.2 MINUTES OF PLANNING & ENVIRONMENT SERVICES COMMITTEE
- MAY 2012**

Summary/Purpose

This report presents the minutes of the Planning and Environment Committee meeting held April 10, 2012.

Community Strategic Plan Item(s)

- Environmental and Planning

Report

The minutes of the meeting appear below;

Kyogle Council

Unconfirmed Minutes of the Planning & Environment Committee Meeting held in the Council Chambers, Stratheden Street, Kyogle, on May 14, 2012.

PRESENT

Cr. R. Brown, (Mayor in the Chair), Cr. L. Zito, Cr. R. Dwyer, Cr. T. Cooper & Cr L. Passfield.

IN ATTENDANCE

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

MEETING COMMENCEMENT

The Mayor declared the meeting open at 2.14 p.m.

ITEM 1 APOLOGIES

An apology was received from Councillor Janet Wilson.

RESOLVED

Moved Councillor Robert Dwyer, seconded Councillor Lynette Zito.

That the apology be accepted.

CARRIED

ITEM 2 OPENING PRAYER & ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor had read the Council prayer and traditional lands acknowledgement at an earlier Committee meeting.

ITEM 4 DECLARATION OF INTERESTS

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

- o Item 5.1

Reason for Declaration – purchasing property with a potential quarry site - these have quarry developments. President of past and futures committee

ITEM 5 REPORTS

Having declared an interest, Councillor Cooper left the meeting at 2.15 p.m.

Item-5.1 DEVELOPMENT APPLICATION - 2003/27 AMENDMENT TO EXTRACTIVE INDUSTRY

Committee's Recommendation

Moved by Councillor Zito, seconded by Councillor Dwyer

1. That the application for S96 modification to Development Application 2003/27 be presented to the May Council meeting for consideration.

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 2.27 p.m.

Recommendation

1. That the Minutes of the Planning & Environment Committee meeting held 14 May 2012 be received and noted.
2. That the application for S96 modification to Development Application 2003/27 be presented to the May Council meeting for consideration.

Summary/Purpose

This report relates to an application for amendment to Development Application 03-027 for the operation of a hard rock quarry, known as Millers Quarry situated on Lot 2 DP 532723 Afterlee Road, Afterlee. The quarry received development consent in May 2003 and since then has been operated by Kyogle Council.

The application to amend the development application and consent seeks a variation to a number of operational controls relating to extraction area, extension of quarry life and permissible extraction rates per annum. This report recommends that only one aspect of the amendment request be approved, relating to the approved extraction amount per annum.

The report has been prepared by Stephen Fletcher, Planning Consultant on behalf of Council.

Community Strategic Plan Item(s)

- Environmental and Planning

Background Information

1. A Development Application (DA) and supporting Environmental Impact Statement (EIS) for the re-establishment operation of the "Miller's Quarry" was lodged with Council by Balanced Planning Systems (on behalf of Council) in 2002.
2. The quarry had operated previously, and whilst the exact date of commencement is not known, it is known that the quarry was used for the construction of Toonumbar dam.
3. Council issued development consent for the quarry in May 2003. The consent issued is for "*the establishment and operation of an extractive industry with an average extractive rate of up to 25000m³ per annum for the first five (5) years and 5000m³ per annum in the 6th to 15th year*".
4. The current development consent relates to Lot 2 DP 532723 Afterlee Road, Afterlee.
5. Since the granting of the consent, Council has operated the quarry to provide basalt material for road construction and maintenance.
6. The annual extraction amount during the first five (5) years of operation varied between 5,823m³ and 11,542m³, well below the permissible amount of 25,000m³. In the following 2 years of operation extraction amounts were 12,696m³ and 11,425m³ respectively.
7. The requested amendment to the application and the consent involves:
 - a. Providing for an extraction rate of up to 18,000m³ per annum with the average in any year over a three year period not to exceed 12,000m³

- b. Extend the life of the quarry to fifteen (15) years from the date of the requested amended consent. Proposed rehabilitation works to be completed within 12 months of that date
- c. Extend the quarry area to the south of that currently approved to provide access to additional resource
- d. Adjust the Section 94 contribution rates so they are based on an average of 15 km transport radius rather than 5 km as currently specified under conditions 18 and 19. This is to reflect the increased demand for the material beyond a 5 km radius.

Report

The particulars of Development Application 2003.027 are as follows:

Current Applicant:	Kyogle Council
Owner:	Mr J. R. Miller
Property:	Lots 2 DP 532723 and Lot 1 DP 1112294 Afterlee Road, Afterlee
Zone:	Non-urban "A" IDO No. 1 – Kyogle
Locality:	Afterlee
Proposal:	Application to amend development consent for operation of extractive industry
Zoning Requirements:	Permissible with development consent

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

Overview of the Subject Site

The site is located on the southern side of Afterlee Road, approximately 17 kilometres west from Kyogle. The site is mostly cleared with the existing quarry dominating. The land slopes to the road with elevation ranging from approximately 220 metres AHD at the southern boundary to approximately 170 metres AHD at the northern boundary. A small watercourse traverses the property near the eastern side boundary. This creek drains into Cob-O-Corn Creek (on the northern side of Afterlee Road), which is part of the Richmond River catchment.

Overview of the Locality

The quarry is located within a rural area. Land parcels vary from concessional lots of approximately 2 hectares to larger agricultural holdings in excess of 130 hectares. The concessional lots are used predominantly for residential and lifestyle purposes. The larger holdings are used for a variety of uses including residential occupation, cattle grazing, plantation timber and selected cropping. Toonumbar National Park and Toonumbar Dam are located approximately 6-7 kilometres to the north.

Within the immediate locality the lots are generally agricultural parcels. Lot 1 DP 1112294 adjoins the site to the west and south and has an area of 104.5 Ha. Adjoining

Lot 5 is Lot 4 DP 242248 (86.56 ha). Lot A DP 388340 (66.56 Ha) adjoins the subject lot to the east. Lot 23 DP 881370 (61.75 Ha) adjoins Lot A.

On the northern side of Afterlee Road lies Lot 64 DP 755706 (80.92 Ha), Lot 84 DP 755706 and Lot 22 DP 881370 (3.87 Ha).

Overview of the Proposed Development

Council issued development consent for the quarry in May 2003. The consent issued is for *“the establishment and operation of an extractive industry with an average extractive rate of up to 25000m³ per annum for the first five (5) years and 5000m³ per annum in the 6th to 15th year”*.

The operation of the quarry involves four typical processes being:

- a) removal of topsoil and overburden above the quarry face areas
- b) blasting the quarry face to win raw product
- c) use of a mobile crusher and screener to achieve the required aggregate sizes for the material, which once processed, is stockpiled within the quarry floor. If required, blending of the material with sand occurs at this stage
- d) Loading of quarry product by rubber tyred loader or excavator into haulage trucks for delivery.

With the original development application an environmental impact statement (EIS) was prepared together with detailed technical reports including a traffic impact assessment, noise impact assessment, fauna and flora assessment and site rehabilitation plan.

The requested amendment to the application and consent are as follows:

1. Amend Condition 2 to provide for extraction of an average 12,000m³ per year for fifteen years from the date of the amendment, with the annual extraction rate limited to 18000m³ in any year, with the average of 12000m³ not to be exceeded over any three year period;
2. Amend Condition 3 to allow for extraction up to 15 years from the date of the amendment, with rehabilitation works to be completed within 12 months of that date;
3. Amend Conditions 18 and 19 relating to Section 94 contributions so as to increase the proposed increased extraction rate and to reflect an increased average haulage distance from 5 kms to 15 kms;
4. Amend Conditions 1 and 5 to provide for an increased extraction area (4800m²);
5. Amend Condition 6 to refer to a revised quarry plan and management plan.

The stated justifications for the requested amendments are summarised as:

- a) Reflect the increased extraction rates over the previous two years;
- b) Provide for increased extraction rates to reflect the increased demand for the product
- c) Secure additional resource life for the quarry to provide for predicted demand for product beyond the current 15 year life of the consent;
- d) Provide additional resource life by securing an additional ancillary extraction area.

Condition 18 applies Section 94 contributions for years 1 to 5 of the quarry. As this period has already expired there is no need to amend the consent as requested.

Legislative Requirements

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

Section 96 (1A) of the Environmental Planning and Assessment Act 1979 relates to modifications to an existing consent involving minimal environmental impact and provides that:

“a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

*(a) it is satisfied that the proposed modification is of minimal environmental impact, and
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be”.

Sections 53 and 54 of Part 2 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000 relates is applied to determine whether a alteration or addition to a development is designated development (and thereby requiring an environmental impact statement). The provisions are reproduced below:

“Part 2 - Are alterations or additions designated development?”

35 Is there a significant increase in the environmental impacts of the total development? Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.

Note: Development referred to in this clause is not designated development for the purposes of section 77A of the Act. This means that section 98 of the Act (Appeal by an objector) will not extend to any such development even if it is State significant development.

36 Factors to be taken into consideration

In forming its opinion as to whether or not development is designated development, a consent authority is to consider:

- (a) the impact of the existing development having regard to factors including:*
- (i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and*
 - (ii) rehabilitation or restoration of any disturbed land, and*
 - (iii) the number and nature of all past changes and their cumulative effects, and*
- (b) the likely impact of the proposed alterations or additions having regard to factors including:*
- (i) the scale, character or nature of the proposal in relation to the development, and*
 - (ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and*
 - (iii) the degree to which the potential environmental impacts can be predicted with adequate certainty, and*
 - (iv) the capacity of the receiving environment to accommodate changes in environmental impacts, and*
- (c) any proposals:*
- (i) to mitigate the environmental impacts and manage any residual risk, and*
 - (ii) to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities”.*

Comment:

In accordance with Section 96(1A) above, in considering whether the proposed alterations to the quarrying activities can be dealt with as an amendment to the original development application and consent Council is required to be satisfied that:

- a) The development to which the consent as modified relates is substantially the same development, and
- b) The proposed modification is of minimal environmental impact.

The current development consent relates only to Lot 2 DP 532723. The proposed expansion of the quarry area to the south lies within Lot 1 DP 1112294. As this parcel was not part of the original application and is not identified within the original development consent, Council cannot now include this land into the quarry operation via this DA amendment application.

The original application sought for the quarry to have a maximum life of 15 years and the consent in its description of the proposal confirms this. It is considered that the Council cannot reasonably approve the extension of the quarry life for an additional nine (9) years as this would have additional and potentially considerable additional impact upon residents of the area. This is discussed further in this report.

It is considered that the proposal to increase the extraction rate within the current limitations of the currently approved quarry area and time frame is a matter for which Council may determine under Section 96 (1A).

In respect of the matters raised under Part 2 of Schedule 3 of the Regulations it is considered that the proposed quarry amendment as relating solely to the increase in annual extraction rates for years 6-15 will not significantly increase the environmental impacts of the total development compared with the existing or approved development. In forming this opinion the following considerations were made:

1. Inspection of the quarry identified that it is operating with minimal impact upon the natural environment. Required earth barriers and sediment control measures utilising an existing dam are in place and operational;
2. It is acknowledged that for operational years 6 and 7, more than twice the 5000m³ per annum of material permitted has been extracted;
3. A large earth mound adjacent to the entrance to the quarry area required as part of site rehabilitation and for noise mitigation has been constructed;
4. There have been no previous applications for amendment of the original development consent or the operating provisions;
5. The scale, character and nature of the quarry will remain essentially unaltered with the increase in quarry extraction rate. The current consent authorised the extraction of a total of 75000m³ of material over the 15 year quarry life. Under the proposed amendment and accounting for the previous extraction figures for years 1-7 the maximum amount that could be extracted is 71521m³, and
6. Amending the extraction rate will not significantly increase quarry impacts on vegetation, air, water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality. In respect of noise the increased extraction rate would have the potential for increased traffic noise. Appropriate mitigation measures include:
 - a. Speed controls for heavy vehicles
 - b. Noise monitoring program
 - c. Annual audit of consent compliance

It is considered that the application to modify the existing consent so as to increase the extraction rate within the current limitations of quarry area and time frame does not necessitate the submission of an environmental impact statement and accordingly can be dealt with by Council under the current application for amendment.

Requests for Additional Information

Nil

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

In determining a development application, a consent authority is required to take into consideration such of the following matters as are of relevance to the development the subject of the development application.

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

Interim Development Order No. 1 – Shire of Kyogle “IDO”

The site is currently zoned non-urban A under the IDO. The use of the site as a quarry is permissible with development consent. The proposed amendments to the consent are permissible under the IDO.

The IDO does not contain any special provisions which affect the permissibility of the proposal.

State Environmental Planning Policies

A number of State Environmental Planning Policies (SEPPs) apply to the site. However none directly affect the proposal given the existing approval for the quarry operation.

North Coast Regional Environmental Plan (NCREP)

Clause 12 of Division 1 - agricultural resources of Part 2 - Rural Development of the NCREP applies and states:

*“Clause 12 - development control - impact of development on agricultural activities
The council; shall not consent to an application to carry out development on rural land unless it has first considered the likely impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop and pasture land.”*

Comment: The quarry operation as currently approved and proposed with this application will not significantly affect agricultural activities within the locality.

Division 3 of Part 2 of the NCREP relates to geological resources. The objectives of the plan in relation to geological resources is to prevent sterilisation of known resources by inappropriate development on or near potential extraction sites.

Comment: The proposal is consistent with this aim.

Clause 18 of Division 3 specifies that *“the council shall not consent to a development application for an extractive industry unless it includes any necessary conditions of consent to require implementation both during and after extractive operations of an erosion and sediment control plan and rehabilitation plan”*.

Comment: The current development consent contains conditions relating to erosion and sediment control and site rehabilitation. No additional provisions are deemed necessary.

The NCREP also contains provisions relating to catchment management. The proposed amendment is consistent with the relevant aims and objectives which encourage the preservation of catchments and the sustainable use of natural resources.

(a)(ii) draft environmental planning instruments

The site is subject to the draft Kyogle Local Environmental Plan 2011. The proposal is not inconsistent with the aims and objectives of the draft plan. The quarry is permissible within the proposed RU1 zoning for the site.

(a)(iii) development control plans

Kyogle Development Control Plan No. 2 – Development in Rural Areas

Council has adopted DCP No 2 – Development in Rural Areas. The DCP contains seven (7) overall objectives to guide developments within the various rural zones. The proposed amendment to the quarry is consistent with the objectives.

Section 3.5 of the DCP buffer distances between dwellings and a number of non-residential uses. The section only applies to the creation of new allotments and requires that new dwellings be sited a minimum of 500-1000 metres from extractive industries (depending upon the scale of operation). As part of the EIS preparation a noise impact assessment was undertaken and approved by council.

(a)(iiia) planning agreements

There is no requirement for a planning agreement with this application.

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

There are no prescribed matters which affect this proposal.

(b) the likely impacts of the development

The proposal to extend the quarry area, whilst assessed as having minimal impact upon the environment is not supported given the legality of extending the quarry working area into Lot 1. For this to occur a new development application for this component of the proposal would be required.

The extension of the life of the quarry for 15 years from the amendment will have the obvious effect of extending the potential for environmental and social impact for this period. It is questionable as to whether the proposed extension of the consent period would be deemed to result in "substantially the same development" to that originally sought and approved and so this aspect of the application is not supported.

The remaining consent modifications sought will not have any significant impact upon the physical environment.

The proposed increase in the permissible annual extraction rate has the potential for additional noise impact, associated primarily with any increase in blasting, crushing/screening and haulage operations.

The present location of the crusher and screener is within proximity to the access road into the quarry. The access is the only opening in the quarry areas and is therefore the principal location point for noise emission during the winning of the quarry material and crushing and screening. It is recommended that the designated crusher and screener area be moved to the south closer to the quarry face and further away from the access. In addition a noise barrier such as a mound or wall should be required between the crusher and screener and the access.

Council has advised that the proposed amendments will not require any change to the frequency of blasting operations, which we are advised occur 1-2 times per year. In addition to the development consent, quarry blasting operations are separately regulated.

Whilst the total amount of material permitted to be extracted under the current consent over the 15 year period is not expected to increase, the proposed amendment will

generate additional truck movements per year for each of the remaining years of operation. This is considered acceptable subject to a requirement that the trucks be restricted to 10 kph along the access road, be prevented from using exhaust brakes along the access road and be fitted with manufacturers approved emission control (muffler) systems.

The existing noise emission limits within the existing consent should remain including the restricted hours of operation.

Given that Council has received previous noise complaints from the closest residents, with any approval for the proposed increased annual extraction rate it is considered appropriate to require that a new noise impact assessment including noise monitoring at the nearest affected residences be undertaken to confirm compliance with the consent requirements. In addition, it is recommended that Council require the submission of a noise management plan and annual compliance report.

(c) the suitability of the site for the development

The proposed amendment to the consent seeks to provide for the continued effective utilisation of a significant basalt resource by the Council. The nature of the operation and its location is considered suitable.

(d) any submissions made

Council notified the amended application to adjoining owners. At the conclusion of the exhibition period (21 days) five (5) submissions (objections) were received from residents within the locality, and a further submission was lodged by the Afterlee hall Committee.

The following points were raised in the submissions (combined):

1. The proposal requires the submission of a new DA and EIS and cannot be approved under Section 79C of the EPA Act;
2. The extension in the quarry area, increased extraction rates and extension of quarry life will have a negative impact on residents lives (loss of amenity) and property. Matters specifically raised relate to noise, dust, sediment escaping, visual impact;
3. Concern that the quarry has been operating beyond its current approved extraction rate;
4. Noise study undertaken with original EIS was inadequate;
5. Objection to increased truck movements;
6. Concern at structural adequacy of wooden Cob-O-Corn bridge and Afterlee Road in general, and
7. Impact the expanded operation will have on the potential for a future dwelling on land within the locality and within the required buffer zone.

The Afterlee Hall Committee is concerned that Afterlee Road may not be able to accommodate the increased truck traffic.

The matters raised in the submissions were taken into consideration as part of the assessment of the application for amendment and in the preparation of this report. A number of points warrant additional comment as follows:

1. As discussed earlier within this report, it is considered inappropriate to accommodate the proposed increase in quarry extraction area and quarry life within a Section 96 amendment. This is not to say that the proposals lack merit or are unsuitable, rather that their consideration should be the subject of a new development application;
2. The proposal to increase the annual extraction rate for the remainder of the approved life of the quarry is suitable for determination under Section 96 (1A). The proposal does not substantially alter the proposal and is of minimal environmental impact;
3. In the event that the expansion of the quarry area is not approved, there will be no additional visual impact;
4. Comments and recommended conditions in relation to additional noise have been made previously in this report;
5. The current consent included dust control measures. These should be strictly applied and enforced to minimise the potential for dust nuisance;
6. The current consent included erosion and sediment control measures and an approved sediment control plan. The control measures should be regularly maintained, and
7. Afterlee Road and the Cob-O-Corn Bridge are capable of accommodating the predicted traffic from the quarry

(e) the public interest

The operation of the quarry represents an appropriate use of the resource. The increase in annual extraction amounts is within the environmental capacity of the site and the locality. The quarry material is used for public benefit by the Council, and accordingly the quarry (and increased extraction rate) is considered to be in the interest of the general public.

Conclusion

Having regard to the assessment undertaken and the submissions received it is recommended that Council:

1. Refuse the application to amend the Development Application and consent as relating to the requested increase in the quarry extraction area and the approved operational life of the quarry
2. Amend the development consent for Development Application 2003/027 as follows:
 - a. Amend condition 2 as follows:

“Development consent is given to extract a maximum of 25000 cubic metres of material per year for the first five (5) years of operation, thence a maximum of 18000m³ for years six (6) to fifteen (15) inclusive provided that the average amount extracted over any three (3) year period does not exceed 12000m³”.

- b. Amend Conditions 18 and 19 to reflect the annual heavy haulage contribution based on an average extraction amount of 12000m³ and an average haulage distance of 15 kilometres
- c. Include additional conditions requiring:
 - i. That the trucks be restricted to 10 kph along the access road, be prevented from using exhaust brakes along the access road and be fitted with manufacturers approved emission control (muffler) systems;
 - ii. The preparation and submission to Council of a new noise impact assessment including noise monitoring at the nearest affected residences confirming compliance with the consent requirements;
 - iii. The submission to Council of a noise management plan with the noise impact assessment. The increased extraction rate is not to commence prior to approval of the plan;
 - iv. Submission of an annual compliance report;
 - v. Movement of the crusher/screener location closer to the quarry face and construction of a noise barrier (earth mound or wall) between the crusher/screener area and the quarry access.

Recommendation

1. That Council refuse the application to amend Development Application 2003/027 and Development Consent 2003/027 as relating to the requested increase in the quarry extraction area and the approved operation life of the quarry.
2. That pursuant to Section 96 (1A) of the *Environmental Planning and Assessment Act 1979*, Council grant amended development consent 2003/027 as follows:
 1. Development of the site being carried out generally in accordance with the Environmental Impact Statement prepared by Balanced Systems Planning Consultants dated July 2002 subject to such amendment as required by any condition specified hereinafter.

Reason: To ensure that the development is carried out in accordance with the terms and limitations of the development application and this consent.

2. Development consent is given to extract a maximum of 25000 cubic metres of material per year for the first five (5) years of operation, thence a maximum of 18000m³ per year for years six (6) to sixteen (16) inclusive provided that the average amount extracted over any three (3) year period does not exceed 12000m³

Reason: To limit the consent and to restrict the scale of operation and number of truck movements.

(Section 96 Amendment – 26.3.2012)

3. All extraction under this consent is to be completed by 30th June 2019 with all required rehabilitation works completed in accordance with this consent by 30th June 2020.

Reason: To limit the operational life of the development.

(Section 96 Amendment – 26.3.2012)

4. Hours of operation for the development are to be within the spread of hours outlined in the Noise Impact Assessment included in the Environmental Impact Statement as prepared by Greg Alderson and Associates Pty Ltd on July 15, 2002 and in compliance with the Environmental Protection Agency's definition of a day and shall not exceed the following table:

Activity	Monday to Friday	Saturday, Sunday and Public Holidays
Quarry processing/extraction	7.00 am – 6.00 pm	In cases of emergency*
Crushing, Washing and Screening	7.00 am – 6.00 pm	In cases of emergency*
Routine Maintenance (satisfying EPA noise design goals)	7.00 am – 6.00 pm	In cases of emergency*
Haulage vehicle entrance/exit	7.00 am – 6.00 pm	In cases of emergency*
Blasting/Drilling	9.00 am – 3.00 pm	Prohibited

- Emergency includes where the General Manager considers the work to be urgent.

Reason: To maintain an appropriate level of amenity to the surrounding residents.

5. Extraction is to occur only within the areas identified in the original development application.

(Section 96 Amendment – 26.3.2012)

6. The establishment, operation and management of the development is to comply with the approved Quarry Management and Operations Plan prepared by Greg Alderson and Associates dated 15 July 2002, as amended by this consent.

Reason: To ensure appropriate management and operational procedures are effected to protect the environment and the amenity of residents.

7. The development shall at all times meet noise emissions criteria, vibration levels and standards relating to airborne pollutants and discharge of wastes to natural water courses as may be specified by the Environment Protection Authority.

Reason: To ensure pollution levels are within acceptable environmental standards.

Noise Pollution

8. The noise amelioration works, road traffic noise and blasting on the site is to be carried out in compliance and consistent with the Noise Impact Assessment included in the Environmental Impact Statement as prepared by Greg Alderson and Associates Pty Ltd on July 15, 2002.

Reason: To minimise the noise impact for surrounding residents, and to maintain an appropriate level of amenity.

Dust Pollution, Air Pollution and Spillage

9. Internal unsealed trafficable areas, quarry floor and stockpiles are to be watered as required to minimise dust generation impacting on the natural or built environment. A water truck is to be available at all times to enable compliance.

Reason: To protect the surrounding environment and residents from dust pollution and nuisance.

10. Any accidental spillage occurring from haulage trucks owned and/or operated by the extraction operator shall be cleaned up by the operator as soon as practicable.

Reason: To protect the environment, and the integrity and safety of the road system from extracted material.

11. All vehicles and machinery used must comply with the Environment Protection Authority (EPA) requirements and be fitted with properly maintained emission controls relevant to their date of manufacture.

Reason: To minimise the effect of pollutants entering the atmosphere due to the operation of machinery and vehicles.

Hazardous Materials

12. All hazardous materials are to be appropriately stored so as to prevent environmental damage in case of spillage or contaminated lands. Oils and lubricants shall be stored in an impermeable bunded and roofed area with holding capacity of 150% of the total volume of all containers. Fuel and oil shall be only handled or transferred in designated areas on the site.

Reason: To prevent harm being caused to the environment through the accidental spillage of fuels and other chemicals.

13. Storage of explosives shall be in approved containers as specified in AS 2187-1992. Detonators shall be housed separately.

Reason: To ensure safe handling of explosive material.

Water Quality and Sediment Control

14. A Sediment and Erosion Control Plan is to be prepared by a suitably qualified and experienced person to the satisfaction of Council and in conformity with the NSW Government guidelines entitled *Managing Urban Stormwater: Soils and Construction*. The plan is to detail:
- proposed erosion and sediment control strategies to be incorporated in the operation
 - design plans for drainage structures and sedimentation dams. Sediment dams must be designed for a minimum of a 1 in 5 year storm event for stormwater storage and 1 in 2 month event for sediment storage
 - maintenance schedules
 - measures for the diversion of clean water around the quarry site
 - any proposed reuse of water from sedimentation basins
 - location of all drainage lines and waterways
 - an assessment of any aquifer that may be sterilised as a consequence of extraction, and a contingency plan for rehabilitation of an aquifer if there are any adverse impacts as a result of extraction or other works (refer condition 17)
 - proposed groundwater monitoring programs and reporting procedure
 - event based water quality monitoring program incorporated to assess the adequacy of sedimentation dams and compliance with design criteria
 - location and construction details of all proposed monitoring or extraction bores (refer condition 17)

No physical work is to be undertaken under this consent prior to the completion of a Sediment and Erosion Control Plan.

All operations are to be undertaken in compliance with the endorsed Sediment and Erosion Control Plan.

Reason: To protect the environment, to prevent erosion and sedimentation and to protect water quality and aquatic habitats.

15. The installation of a monitoring bore by the proponent to provide for ongoing investigation of ground water levels and aquifer yields. The monitoring bore is to be installed to the satisfaction of the Department of Land and Water Conservation prior to the commencement of stage 2 of the operations (extraction involving lowering of the quarry floor) and is to remain for the life of operations. A monitoring program is to be developed in consultation with the Department of Land and Water Conservation, and the program, once established is to be complied with. The bores will necessitate a license from the Department of Land and Water Conservation.

Transport and Roads

16. All loading and unloading is to take place within the property the subject of this development consent.

Reason: To prevent loading and unloading operations affecting the integrity and safety of the road network, and to constrain impact to within the property.

17. All trucks leaving the site shall be loaded so as not to exceed the legal weight limitations in force at the time.

Reason: To ensure compliance with legislation and to minimise physical impact upon the road system.

18. ~~Section 94 Contribution Conditions yrs 1-5 of quarry operation~~

- 1) ~~Traffic Generation~~

~~Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and the Kyogle Section 94 Contributions Plan – Urban and Rural Roads 2002 (as amended) are required. Kyogle Council levies these contributions for the provision of public amenities and/or public services in such a manner as will meet the increased demand for those amenities and/or services arising from this development as identified in the attached schedule. The contributions shall be calculated in accordance with the Kyogle Council – Urban and Rural Roads Section 94 Contributions Plan. The rates and amounts applying at the date of this notice, totalling \$18,250.00, are set out in the schedule for your information.~~

~~Payments are subject to annual indexation in line with Council's chosen Consumer Price Index (CPI), being CPI Brisbane as published by the Australian Bureau of Statistics. Indexation adjustments shall be included in the final calculation of the contribution amount and paid in accordance with Section 1.8 of Council's Urban & Rural Roads Section 94 Contributions Plan. Determined amounts of contributions remain valid for a period of three (3) months from date of issue. Unpaid contributions at the expiration of this time period shall be subject to pro rata yearly adjustments or CPI indexation.~~

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

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

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

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

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

~~2) Heavy Haulage Contribution~~

~~Payment of heavy haulage contributions under Section 94 of the Environmental Planning and Assessment Act and the Kyogle Section 94 Contributions Plan – Urban and Rural Roads 2002 (as amended) are required. Kyogle Council levies these contributions for the provision of public amenities and/or public services in such a manner as will meet the increased demand for those amenities and/or services arising from this development as identified in the attached schedule. The contributions shall be calculated at the rate(s) in effect on the date the development approval is granted. The rates and amounts applying at the date of this development consent notice total \$20,520.00 per annum and are calculated at the rate of 3.8c/km/tonne with a maximum of 15 km radius haulage distance, are set out in the schedule for your information. The contribution is levied on the basis of the amount of material to be hauled in a twelve-month period as approved by the development consent. The abovementioned rate is to be payable in two (2) equal half yearly instalments of \$10,260.00 paid in July and January of each year. The levy is to be increased annually in accordance with the Consumer Price Index for Brisbane commencing January each year for the life of the development.~~

~~The first instalment is to be paid in July 2003.~~

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

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

~~The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation. **(Section 96 Amendment – 26.3.2012)**~~

19. Section 94 Contribution Conditions yrs 6-16 of quarry operation

Heavy Haulage Contribution

Payment of heavy haulage contributions under Section 94 of the Environmental Planning and Assessment Act and the Kyogle Section 94 Contributions Plan – Urban and Rural Roads 2002 (as amended) are required. Kyogle Council levies these contributions for the provision of public amenities and/or public services in such a manner as will meet the increased demand for those amenities and/or services arising from this development as identified in the attached schedule. The contributions shall be calculated at the rate(s) in effect on the date the development approval is granted. The rates and amounts applying at the date of this development consent notice total \$10,368.00 per annum and are calculated at the rate of 4.8c/km/tonne with a maximum of 15 km radius haulage distance, are set out in the schedule for your information. The contribution is levied on the basis of

the amount of material to be hauled in a twelve-month period as approved by the development consent. The abovementioned rate is to be payable in two (2) equal half yearly instalments of \$5184.00 paid in July and January of each year. The levy is to be increased annually in accordance with the Consumer Price Index for Brisbane commencing January each year for the life of the development.

The first instalment is to be paid in July 2008.

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

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

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

Reason: To ensure the development fairly contributes to the maintenance and up-keep of surrounding road networks.

(Section 96 Amendment – 26.3.2012)

20. The internal access road from the intersection with Afterlee road to the quarry is to be sealed to a width of 6 metres with 1 metre gravel shoulders. This shall be to a point within the property where the access road is not situated on a curve and the grade of the access road does not exceed 16%. The continuation of the access road from this point shall be 4 metre wide gravel pavement on a 6 metre wide formation. Any gate or grid is to be offset a minimum of 20 metres from the edge of Afterlee Road.

Reason: To reduce the potential for erosion, sedimentation, dust, noise and pollution from the haulage of material.

21. The intersection of the access road with the public road is to be upgraded to AUSTRROADS Type A standard for right turns and AUSTRROADS 5.16 desirable treatment for left turns.

Reason: To maintain an adequate level of safety for vehicles entering/exiting the site.

22. The developer shall provide a contribution of \$111,000.00 towards the upgrading of Afterlee Road and associated structures between the entrance to the quarry and the Ettrick Road - Afterlee Road intersection.

Reason: To ensure all required engineering works are carried out to appropriate environmental and structural standards.

23. Accurate records of sales are to be maintained for the purpose of confirming compliance with relevant conditions of this consent and for the levying of section 94 contributions.

Aboriginal Heritage and Endangered/Vulnerable Flora and Fauna

24. Should operations uncover evidence of Aboriginal heritage of the site all work is to cease immediately and the National Parks and Wildlife Service and the Local Aboriginal Land Council are to be contacted. No work is to recommence until the National Parks and Wildlife Service permits such works to continue. In the event the site is subject to a Native Title Claim the relevant claimant must also be contacted.

Reason: To ensure adequate procedures are in place should significant items of Aboriginal heritage be discovered on the site.

25. All operations must comply with the fauna and flora protection measures as outlined in section 6 (Recommendations) of the Flora and Fauna Assessment Report prepared by Landmark Ecological Services, dated June 2002, as amended by any conditions of this consent. In the event that any threatened species, populations, ecological communities or their habitats not addressed in the report are discovered during operations appropriate Plans of Management for those species must be formulated to the satisfaction of Council and the National Parks and Wildlife Service. No further site clearing will take place until the Plan(s) of Management is/are approved.

Reason: To protect the biodiversity and ecological integrity of the region.

Site Rehabilitation

26. A Site Rehabilitation Management Plan is to be prepared by a suitably qualified and experienced person detailing the timing/staging of vegetation removal, method of removal including other approvals required for the works to be carried out, and the sequence of operations and rehabilitation works.

Site rehabilitation works will be provided in a progressive manner in accordance with extraction sequences and staging with respect to this development consent. The method of rehabilitation needs to be detailed with appropriate revegetation strategies indicated including the species list to be used including plant source. The plan is to be submitted to Council and operations are not to commence prior to receipt of Council's approval of the plan. The developer is not to undertake site rehabilitation works with respect to any previous development consent or quarry extraction in accordance with the existing gravel pit agreement with the owner of the property.

All site rehabilitation is to occur in accordance with the approved Site Rehabilitation Management Plan.

Reason: To ensure adequate rehabilitation works are carried out and completed on the site in a progressive manner and in accordance with extraction sequences therefore minimising environmental impacts.

27. All topsoil and overburden shall be progressively stripped from areas to be excavated and stockpiled separately in accordance with the site rehabilitation plan. Stockpiles are to be located away from the general operation of the development area and be preserved for the future rehabilitation of the extraction site.

Topsoil that is stripped is to be stockpiled in a suitable location that has been designed with appropriate sedimentation management practices. Specifically, stockpiles are not to be placed in drainage lines, nor encroach on existing vegetation identified for retention. Within fourteen (14) days of stripping and stockpiling, weather permitting, the stockpiles are to be sown with suitable grass to stabilise them.

Reason: To guarantee the retention and satisfactory stockpiling of topsoil on the site so it can be used in future rehabilitation and landscaping works. To reduce the potential for environmental damage from stockpiles.

Safety, Security and Workers Amenities

28. The operator shall install appropriate signs within the site if required by the Department of Mineral Resources, and in locations where deemed appropriate, alerting the public to any potential hazards.

Reason: To ensure compliance with legislation, the implementation of safe work practices, and to warn the public.

29. Hinged truck warning signs are to be provided on the approaches to the site access. These signs are to be displayed when haulage operations are taking place.

Reason: To provide for the implementation of safe work practices, and to warn the public.

30. The applicant will ensure that the site is secure during non-working hours by the means of appropriate lockable gates and fencing.

Reason: To enable the site to be secured and to prevent unauthorised persons entering the extraction site.

31. Sanitary facilities shall be provided on-site in accordance with the Building Code of Australia (BCA).

Reason: To ensure adequate facilities are provided.

Community Consultation

32. The Council shall appoint a liaison person to represent the applicant and to liaise with the public on the operation of the quarry and implementation and monitoring of conditions of consent.

Reason: To appoint a representative to liaise with the public throughout the operational life of the quarry and its rehabilitation.

33. The Developer shall notify adjoining landowners a minimum of 48 hours prior to blasting occurring on the site.

Reason: To maintain an appropriate level of amenity to the surrounding residents.

34. Submission of an annual compliance report to be submitted within one (1) month of the conclusion of each financial year. The report is to identify compliance with all conditions of this consent. Where non-compliance has occurred the report is to provide details relating to the reason why such non-compliance occurred.

Reason: To maintain the integrity of the consent.

(Section 96 Amendment – 26.3.2012)

35. The undertaking of noise monitoring to cover blasting, crushing and haulage operations within 12 months of issuing the Section 96 Modified Consent. The noise monitoring and reporting is to be conducted by an independent, suitably qualified professional consultant and the results are to be provided to Council for its review.

Reason: To maintain an appropriate level of amenity to the surrounding residents

(Section 96 Amendment – 26.3.2012)

36. Trucks accessing and departing the quarry be restricted to a maximum speed of 10 kph along the access road, be prevented from using exhaust brakes along the access road and be fitted with manufacturers approved emission control (muffler) systems as at the date of their manufacture.

Reason: To maintain an appropriate level of amenity to the surrounding residents

(Section 96 Amendment – 26.3.2012)

Notices

- A. This consent does not authorise the carrying out of any activity that may be prescribed from time to time in the Mines Inspection Act and the Occupational Health and Safety Act, nor does it authorise the carrying out of any such activity in a manner contrary to that so prescribed, except:

(i) where any provision in any such legislation enacted or amended subsequent to consent being granted or amended excludes application to existing practices;

or

(ii) where any such legislation specifically authorises Council to grant consent for any such activity and in any case only to the extent of that authorisation and to the extent consistent with conditions of this consent.

- B. Safety proposals must meet the requirements of both the Workcover Authority of New South Wales and the Department of Mineral Resources.

- C. The proponent shall ensure that all statutory requirements including, but not restricted to those set down by the *Local Government Act 1993*, *Protection of the Environment Operations Act 1997*, *Protection of the Environment Administration Act 1991*, and all other relevant legislation, regulations, Australian Standards, codes, guidelines, and notices, conditions, directions notices and requirements issued pursuant to statutory powers by the Council, the Environmental Protection Authority, Department of Mineral Resources, National Parks and Wildlife Service, Department of Land and Water Conservation and the Roads and Traffic Authority are fully met.

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

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

Summary/Purpose

This report presents the Supplementary Development Assessment report for DA 2011-34 to Council for information.

Community Strategic Plan Item(s)

- Environmental and Pastoral

Report

A Supplementary Development Assessment Report was forwarded to the Joint Regional Planning Panel on 18 May, 2012 as requested by the Panel.

This report (along with other supplementary reports) have now been placed on the website of the Joint Regional Planning Panel and a link to this page has been placed on Kyogle Council's website.

In accordance with the rules of conduct and operation of the Joint Regional Planning Panel, Council may make a submission on the development application to the JRPP.

Recommendation

That the Development Application 2011-34 Cedar Point Quarry report be received and noted.

Summary/Purpose

This report seeks the re-advertising of the amended Draft Kyogle Local Environmental Plan 2012 (LEP).

Community Strategic Plan Item(s)

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

Background Information

Following the implementation of the public exhibition period, a number of issues have been raised by landholders, groups and other individuals with Councillors, staff and in writing. These issues have been discussed by staff with the Department of Planning and have also been presented to Council at a number of Workshops held between 28 November, 2011 and 14 May, 2012 in addition to a previous Workshop attended by Officers of the NSW Department of Planning conducted on 22 August, 2011.

Previous Council Consideration

At its Ordinary Meeting held on 26 September, 2011 Council resolved:-

1. That Kyogle Councillors adopt a position of no confidence in its current form the contents of the Kyogle draft LEP.
2. To enable Councillors to respond to the submission to the current draft LEP at a workshop to be convened in November and staff obtain copies of the current adjoining LEP's of Tenterfield, Clarence Valley, Tweed and Richmond Valley local government areas, with a comparison of Major issues raised by ratepayers in relation to our draft LEP.
3. Due to the underlying concerns of our residents and rate payers in relation to our current Draft LEP – Council organises an open forum on the philosophy behind the Environment Planning Instruments contained in LEP's to be explained to the general public, by inviting State Members Mr Thomas George, Don Page, Jeff Provis, Minister Hazzard, Premier Barry O'Farrell and Deputy Director for Planning Tom Gellybrand and for this forum to be organised in the near future.

Report

Following the extended public exhibition period Council staff have reviewed the content of the 1200 submissions received and in accordance with the LEP Acceleration Fund initiative approved by the Department of Planning, copies of all submissions received have been forwarded to the Consulting Group, Gutteridge Haskins and Davey to review and provide comments and options on how to address the matters raised in the submissions.

The major issues raised and discussed at the most recent Workshop held on 28 November, 2011 were:

1. Zoning of primary production land.

Submissions received objected to the zoning of any land which has the potential to be used for primary production being zoned anything other than RU1.

Options discussed were:-

Modify the draft LEP mapping to include all currently rural zoned land in the RU1 zone unless there is a specific reason not to, such as the severity of a hazard such as flooding or steep land.

Make the additional permissible uses currently exclusive to RU2 (animal boarding or training establishments, camping grounds, cemeteries, crematoria, places of public worship, recreation facilities (outdoor), restaurants or cafes) permissible with consent in the RU1 zone.

Review the land use table for the RU2 zone to reflect the limited locations in which it is used.

OUTCOME

In addition to the above it was discussed that the most appropriate amendments to be made to the mapping are to extend the RU1 into the areas zoned RU2 in the draft. LEP Maps. (Completed)

2. Use of RU2 Zone.

Submissions received objected to the RU2 zone including any land other than land that is not suitable for agriculture.

Options discussed were:-

Those as identified in RU1.

Modify the draft LEP mapping to include the majority of land currently zoned E3 – Environmental Management as RU2.

Include additional suitable objectives which recognise the importance of the landscape and natural environment in addition to the ongoing sustainable primary industry production characteristics of the land, as outlined:

To encourage development that involves restoration and/or enhancement of the natural environment where consistent with the production and landscape character of the land.

To enable development that does not adversely impact on the natural environment, including habitat and waterways.

OUTCOME

Implement the above alterations. (Completed)

3. Privately owned land being zoned E2 or E3.

Submissions received strongly objected to their land being zoned as E3 – Environmental Management.

Options discussed were:-

Restrict the zoning of E3 land to that which is Class 8 in accordance with the provisions of the Agricultural Suitability classes as defined by the Department of Primary Industries, wherein Class 8 containing cliffs, lakes or swamps and other lands unsuitable for agricultural and pastoral production.

Include an objective which recognises and acknowledges that where it is possible, to undertake agricultural land uses,

To encourage the productive use of land for agricultural purposes and permit development that is ancillary to agricultural land uses.

Or

Delete the E3 Zone entirely.

OUTCOME

Restrict the zoning of E3 land to that included in Class 8 capability. (Completed)

4. Privately owned land being listed as a heritage item.

Submissions received objected to heritage listing of land or buildings without the owner's consent and/or payment of compensation.

The advice received from the Heritage Branch of the NSW Department of Planning was discussed which stated:-

When a Council is making a decision as to whether an item should be listed as a result of an objection, the council should consider whether an appropriate justification has been provided by the objector NOT to proceed with the listing.

It was discussed that Council should consider each objection to a proposed heritage listing on its merits and make a site specific decision based on the available information rather than adopt a position of not listing items without the owners' approval.

OUTCOME

Consider the review of specific objections made for individual land or building sites on their merits and further advise those who have items listed accordingly. (Completed)

5. Application of riparian areas.

Submissions lodged objected to the riparian areas as defined in the LEP which made no distinction between a river and a seasonal gully and the restrictions the riparian area creates.

It was discussed that the Natural Resources Sensitivity layers are only considered when a formal DA for a change in landuse is received by Council and should not be confused with the zoning of a property. Also that the inclusion of the mapping and associated clause 7.3 was supported by the Department of Environment, Climate Change and the Department of Water and Energy.

OUTCOME

Mapping overlay and Clause 7.3 to be retained. (Completed)

6. Rural dwelling entitlements

Submissions lodged objected to any limitation on a timeframe being imposed on allotments which currently have a dwelling entitlement.

Implementation of adjoining Councils in addressing this issue was discussed, however the most equitable means of progressing this element is to delete the sunset clause.

OUTCOME

Delete the sunset clause outlining a 10 year timeframe during which an entitlement must be utilised. (Completed)

7. Use of the Forestry RU3 Zone

Submissions lodged objected to the RU3 Forestry zone being imposed on privately owned land without an owner's consent.

It was discussed that land ownership is not a primary factor in determining whether a land use zone such as RU3 is appropriate. However should there be isolated areas of private land included in the RU3 zone, they might more appropriately be included in the RU1 zone.

In addition to the above, the related matters of Food Security and Quarantining of land for food production purposes. The possibility of forestry on private lands requiring consent approval was discussed and has merit. It is noted that Ballina has included Forestry as a consent use in its RU1 and RU2 zones.

OUTCOME

Forestry being amended in the table of zones as a use requiring consent in the RU1 and RU2 zones. (Completed)

8. Environmental overlays on private land.

Submissions lodged objected to placement of any environmental overlays on privately owned rural land.

The overlays include the Vegetation Map (clause 7.2) and the Water map (clause 7.3). It was discussed that each applies when Council is considering a change of land use, but do not impose restrictions on existing uses. It was discussed that Councils must address the issue of environment protection controls in accordance with the relevant Section 117 Ministerial Directions.

OUTCOME

Retain the two overlay maps and respective clauses within the draft LEP.

Council staff have undertaken the mapping amendments. In addition and since the above amendments were discussed the Consultants appointed by Department of Planning - Gutteridge Haskins and Davey (GHD) have completed their review, assessment and made recommendations on the submissions lodged regarding the Draft Kyogle LEP.

In addition to the above outcomes the following amendments have been undertaken to the Draft Kyogle LEP. (Completed)

9. Permissibility of agriculture in the E3 Zone.

As discussed at the Workshop held on 21 November, 2011 amend the land uses within the Table of Zones to permit extensive agriculture without consent in the E3 Environmental Management Zone. (Completed)

10. Commercial Use of Mills Transport site – Summerland Way, Kyogle.

Proposed Zone for the site is B3 Local Centre, in which zone Freight Transport Facilities are prohibited. It is therefore recommended that the site **not** be included in Schedule 1 to allow additional permitted uses for Freight Transport Facilities, Transport Depot and Truck Depots on this site. (Completed)

11. Exempt and Complying

Exempt development for signage for the sale of motor vehicles and trailers does not include farm equipment and motor cycles. Schedule 2 Clause 1 (2) Signs to include Farm Equipment and Motor Cycles as part of this item. (Completed)

12. Deletion of reference to noxious weeds – Camphor Laurels in Heritage Listings.

It is recommended that the references to retaining noxious weeds – Camphor Laurel trees within the heritage listings at Chauval Park, Tabulam and Derriedale, Kyogle be removed and that the other elements of the listings be retained. (Completed)

13. Delete Heritage Listing of 16 Unumgar Street, Woodenbong.

In accordance with the independent Consultant's Report on draft Heritage Listings be upheld and that this listing be removed from the LEP. (Completed)

14. Delete Heritage Listing of 13 Cope Street, Bonalbo.

In accordance with the independent Consultant's Report on draft Heritage Listings be upheld and that this listing be removed from the LEP. (Completed)

15. Delete Heritage Listing of Seventh Day Adventist Church at 8 Bloore Street, Kyogle.

In accordance with the independent Consultant's Report on draft Heritage Listings be upheld and that this listing be removed from the LEP. (Completed)

16. Include listing of the former Slaughterhouse located at 25 Lindsay Street, Woodenbong.

In accordance with the independent Consultant's Report this listing further research be undertaken prior to including the site/structure as a Heritage Item.

17. Include a reference to noxious weeds in Clause 2.8 A as a head of consideration.

Sub-Clause (3)(h) has been included stating "the likelihood of spreading noxious weeds and what can be done to prevent this". (Completed)

18. Amend the RU1 Land Use Table

It is recommended that the land use table of Zone RU1 not be amended to include the land use "camping grounds". (Completed)

19. Amend the objectives Zone RU1.

It is recommended that the following objective be added to RU1 "To enable development compatible with the rural and environmental nature of the land". (Completed)

20. Amend the land use tables as they relate to the land use definition, "Mining"

That the Land Use Tables for Zones RU1, RU2, RU3 and RU4 be amended by deleting the definition – "Mining" to be replaced with "open cut mining". (Completed)

21. Amend the objectives to RE1

It is recommended that an additional objective be included stating "To provide for tourism related uses that support the recreational purpose of the land". (Completed)

22. Amend Maps

That the anomalies identified by the Office of Environment and Heritage be corrected as follows:

LZN 002E near Tabulam Village the Jubullum Flat Camp Aboriginal Area be zoned E1 (currently zoned RU2);

LZN 003A – Border Ranges National Park railway alignment and Lions Road, to be zoned E3 (currently zoned E1). (Completed)

23. Amend reference Clause 5.10 Heritage Conservation

It is recommended that the anomalies/additions outlined by Office of Environment and Heritage be corrected as follows:

Amend Note 2 of Clause 5.10 to refer to Schedule 5 (currently Schedule 1);

Amend Schedule 5, Part 3 Archeological Sites to include the two Aboriginal Places listed on the OEH website, provided that this is supported by the local Aboriginal custodians. (The local Aboriginal custodians are to be notified prior to inclusion).

24. Property Specific Request

That part of Lot A DP182184 & whole of Lot 413 DP851099, Kyogle Road, Kyogle be included in IN1 General Industry Zone, be upheld. (Completed)

25. Land Use Table

In order to carry out private forestry on rural land, the definition “forestry” should be a use permissible with consent in the RU2 zone as well as the RU1 Zone. The request should be upheld. (Completed)

Recommendation

1. That the Draft Kyogle Local Environmental Plan 2012 report be received and noted.
2. That Council advises the Department of Planning of the extent of amendments that Council has determined are to be made to the Draft Kyogle LEP as outlined in this report.
3. That Council places the re-drafted Local Environmental Plan 2012 and associated documentation on public exhibition for a period of 30 days.

ITEM 13C ENVIRONMENT SERVICES REPORT

13C.1 NORTH EAST WASTE FORUM MEMBERSHIP

Summary/Purpose

This item provides a report for the Committee in order to determine if the benefits to be achieved in renewing membership of the North East Waste Forum in the forthcoming 2012/2013 financial year warrant the annual membership fee for the service.

Previous Council Consideration

At the Ordinary Meeting of Council held on 23 April, 2012 Council considered a report on the North East Waste Forum with a view to considering whether Council seeks renewed membership of the Forum.

Council received and noted the report as further clarification on the level of membership fees was required.

Report

Following is the body of the report which was presented to the April Ordinary meeting;

For the past two years the North East Waste Forum (NEWF) has performed strongly under a new Memorandum of Agreement (agreement). An independent review of Resource Sharing Opportunities in the region conducted in 2011 by Hyder Consulting concluded that NEWF works well as an education delivery body and serves its purpose to that effect.

In recent times NEWF has indeed continued to deliver high profile education campaigns around waste diversion. However Member Councils have also entered into regional contracts, tenders, and delivered infrastructure through the Host Council arrangement allowed for in the MOA. A tender has recently been awarded to assess greenhouse gas emissions at each landfill facility and provide guidance on opportunities for each Member Council under the Clean Energy Legislation and Carbon Farming Initiative. In addition two hazardous waste infrastructure facilities are close to construction phase. This demonstrates the responsiveness and changing focus of NEWF to meeting operational and infrastructure needs of Member Council's, while also evidence of the robust governance performance of the MOA.

The current NEWF agreement expires on 30 June 2012.

A concurrent process being delivered by the Regional Waste Managers Group (RWMG) is aiming to produce the first piece of work towards a regional waste strategy by June 2012. Both processes are governed by the NEWF MOA, and both are currently being championed by Tweed Shire Council. Clear efficiencies can be gained by rolling the two processes into one. The current anomaly is that Lismore City Council and Kyogle Council participate only in the RWMG process. Invitation has now been made to Kyogle and Lismore to participate completely under the existing NEWF banner.

The NEWF MOA is to be extended to a four-year term to align the planning cycle with the NSW Integrated Planning and Reporting Program. And to allow more long term planning.

The financial contributions have been amended from the previous level of approximately \$10,000 to \$2,731 per annum for Kyogle Council.

The contribution level advised to Council at the April Meeting (\$2,731) was incorrect. On 9 May, 2012 the Co-ordinator North East Waste Forum formally advised that an amount of \$9750 or \$1 per head of population would be payable by Kyogle Council for its Membership per annum over the next four years.

There is now an ongoing need for Regional Waste Managers to work together more closely than they had in the past, due to the recent changes implemented by the Environmental Protection Authority in forcing Councils and their communities to significantly reduce the amounts of general waste being disposed of at landfills. As Kyogle Council has now implemented more recycling activities and the NEWF is now being used as a vehicle for regional waste resource sharing and the contribution level has declined, it is now considered worthwhile to enter into the MOA to become a member of NEWF.

It was previously considered that an investment of some \$9750 per year was not in the best interests of Council or its community. However, there is now an ongoing need for Regional Waste Managers to work together more closely than they had in the past, due to the recent changes implemented by the Environmental Protection Authority in forcing Councils and their communities to significantly reduce the amounts of general waste being disposed of at landfills.

Over the last two to three years, Kyogle Council and Lismore City Council have not been members of the North East Waste Forum. However, due to the increasing need for the Local Governments within the Northern Rivers Region to work collectively towards greater efficiencies and regional infrastructure within the Waste Sector, it is considered an appropriate time to become a member of the Forum, particularly as such membership will align with the work being conducted by the Regional Waste Managers and also as a four year strategic plan horizon is now planned, rather than a year to year operation.

Recommendation

1. That the North East Waste Forum Membership report be received and noted.
2. That Kyogle Council accepts the invitation to participate and join the membership of the North East Waste Forum as from 1 July, 2012 for a four year period, at a cost of \$1 per resident of the Local Government Area.

Summary/Purpose

This report presents to Council a submission to the State Government in relation to the Coal Seam Gas Draft Code of Management for endorsement.

Community Strategic Plan Item(s)

- Environmental and Planning
- Waste & Water

Previous Council Consideration

At the April Council meeting it was resolved:

That Council put a submission to the State Government in relation to the Coal Seam Gas Draft Code of Management

That Council seek an extension of time from the State Government to allow it to formulate a Council response by 30 May, 2012.

Report

In accordance with the above resolution, an extension of time to lodge Council's submission was requested.

An extension was granted to Council, however the extension could only be provided to 14 May, 2012.

Accordingly, staff prepared a submission and forwarded it to Councillors seeking their comments and input into the submission. As a result the following submission was lodged by the extension date:

Kyogle Council comments on Draft Code of Practice for Coal Seam Gas Exploration

Kyogle Council commends the State Government for making efforts to improve the social and environmental responsibility of the Coal Seam Gas industry and for attempting to redress some of the apparent imbalance that exists between the rights of petroleum explorers and landholders. Kyogle Council has reviewed the Draft Code of Practice for Coal Seam Gas exploration and provides the following comments.

Overarching comments

1. Recommendations made by the Legislative Council Inquiry into Coal Seam Gas concerning the Draft Code of Practice should be implemented, specifically; Recommendations 2 and 3.
2. Generally, a Code of Practice is a non-statutory tool that relies on voluntary participation and compliance. Page 3 of the CoP states that 'all CSG explorers will be required to abide by this COP' but provides no mechanism for dealing with non-compliance nor penalties that would apply to non-compliance. Ensuring compliance with the CoP may be difficult as it contains numerous suggested

actions rather than required actions. Kyogle Council would prefer to see the most important requirements of the CoP included as enforceable conditions on the exploration licence.

3. It is stated on page 3 that compliance with the CoP will be included as a condition upon licence renewal however, this provision fails to capture operations under current licences.
4. The structure of the document confuses its key purpose and content, specifically:
 - The purpose of the first page (page 3) is not clear; is it a summary of key actions? Why are these actions separate to the body of the CoP?
 - The CoP includes requirements that are part of the development application process.
 - The inclusion of ancillary sections, that appear to provide general information for the public (Introduction, How will our water be protected?), dilute the key purpose of the CoP which is to provide clear recommendations for CSG explorers on how they should operate and deal with landholders and local communities. Perhaps these parts of the CoP could be included as a separate 'Explanatory Statement' to the CoP.
 - Is the 'Keeping the community informed' section part of the CoP? If so, it should be a subsection of the section titled 'Code of Practice'.
 - The actions and precautions detailed in the section titled 'Some examples of best practice for CSG explorers' should be detailed in the body of the CoP, not tacked on at the end.

Community

5. The CoP contains contradictory requirements for reimbursement of legal costs in relation to review of access agreements, stating on page 9 'the explorer should be willing to reimburse all reasonable legal costs...' and 'they [landholders] must be compensated for reasonable costs...' Recommendation 19 made by the Legislative Council Inquiry into Coal Seam Gas recommends CSG operators be required to reimburse landholders for reasonable legal costs. This should be included as a Condition on grant of exploration licence.
6. Kyogle Council supports the inclusion of conditions relating to community engagement on new or renewed petroleum exploration licences. Kyogle Council would like to see these conditions also applied to existing licences.
7. The mention of horizontal drilling on page 6 should also require CSG explorers to address the possible impacts on properties which adjoin that on which the drilling is proposed to be undertaken.
8. Page 12 outlines the process of good consultation by the explorer. This should include ongoing future mediation between neighbours opposed to the exploration and those who have appointed a Company to investigate by drilling for the resources.

Environment

9. Any requirements that relate to protection of the environment should be included as conditions attached to the exploration licence, for example the undertaking of adopted procedures in the disposal of surplus extracted material including environmental waste products, not included as provisions in the CoP.
10. Page 3 states that CSG companies are required to undertake baseline assessment of aquifers and the potential impacts of CSG development on water resources prior to project approval and development- this should be a requirement of the development application process not a CoP.
11. The provisions relating to disposal or treatment of waste water are vague and inconclusive. Will Council's be requested to store or dispose of brine or waste water at sewage treatment plants or landfills?
12. The CoP advises that residue materials known as cuttings may be buried on the site of exploration; this should be dealt with through a condition on the exploration licence and should require the waste to be deposited in a waste facility capable of receiving such waste. Kyogle Council is concerned that burying waste on site has potential to cause contamination.
13. The issue of noise should be conditioned on the exploration licence as well as being part of the CoP. Requirements should reflect current standards of best practice.
14. The issue of intrusive lighting is not dealt with in the CoP. This should be part of the CoP as well as being conditioned on the exploration licence and reflect current standards of best practice.
15. The CoP and licence conditions should include requirements for the expedient decommissioning and removal of well compounds when use of those wells has ceased. Well compounds should not be used for storage of CSG exploration equipment or materials after the well is capped.

Council operations and requirements

16. Along with a number of other Local Government Authorities, Kyogle Council has imposed a moratorium on any seismic testing, exploration drilling or other road reserve disturbance by the CSG Industry on Council owned infrastructure or infrastructure under Kyogle Council control including the Lions Road.
17. Kyogle Council has informed holders of exploration licences within the Kyogle Local Government Area that prior to the establishment of any " Drilling Camps " that it requests a Development Application(DA) be submitted for processing and approval. Such a DA will require an approved Vehicular Access under Council's Property Access and Addressing Policy and Management Plan. Council is of the opinion that it should be a requirement for the exploration licence holder to lodge a Development Application with the Local Government Authority.
18. Kyogle Council supports the requirement for CSG explorers to engage with key stakeholders, including Councils.
19. Kyogle Council supports the requirement for CSG explorers to provide certain information to Council however, no detail is provided as to what this information entails.
20. The CoP does not include a process for CSG explorers to negotiate with Councils in regard to use of Council roads and bridges. CSG operators should be required to contact Council to determine the suitability of Council controlled roads and bridges to take additional traffic, heavy vehicles and machinery. Kyogle Council area contains many old timber bridges that may not be structurally adequate to support large loads or high traffic volumes. Some Council roads and bridge assets may require upgrading and Council would expect that a CSG explorer would fund any upgrade works in the same way, for example, an operator of a newly approved quarry may be required to pay for upgrading a road or bridge.

Kyogle Council thanks the State Government for the opportunity to make comment on the Draft Code of Practice and looks forward to working with the State Government to ensure that the interests of Kyogle Council, the local community and the environment are protected.

This report now seeks Council endorsement of this submission.

Recommendation

That Council endorses the submission to the Coal Seam Gas Draft Code of Management.

ITEM 13D CORPORATE SERVICES REPORT

**13D.1 DRAFT DELIVERY PROGRAM 2012/2016 AND OPERATIONAL PLAN
2012/2013**

Summary/Purpose

This report presents the 2012/2016 Draft Delivery Program and the 2012/2013 Operational Plan for adoption and placing on public exhibition.

Background Information

In 2009 the Division of Local Government released Integrated Planning and Reporting Framework for all Councils in NSW. As Kyogle Council is a Group 3 Council, the new requirements must be implemented by July 1, 2012.

Report

The Delivery Program directly addresses the objectives and strategies of the Community Strategic Plan (CSP), identifying the principal activities Council will undertake in response within resources available.

The Operational Plan includes a Statement of Revenue Policy, estimated income and expenditure, statement of rates and charges, proposed fees and charges and a statement of proposed borrowings.

and Operational Plan have been prepared based on the six key focus areas identified in the Community Strategic Plan.

The 2012/2016 Draft Delivery Program and the 2012/2013 Operational Plan contains figures for the next four years.

Council has prepared a budget that on the one hand focuses on addressing strategic challenges facing Council (in particular, roads and bridges, quarries, stormwater and flood mitigation, waste, water and sewerage) whilst on the other hand, continuing to achieve satisfactory financial results and prudently maintaining reserves for future requirements.

Public Exhibition

Section 404 of the Local Government Act requires the document to be on public exhibition for at least 28 days. Comments from the community during the draft exhibition period are required to be considered by Council prior to the endorsement of the final Program/Plan.

The 2012/2016 Draft Delivery Program and the 2012/2013 Operational Plan will be placed on Council's Web Site and hard copies will be located at various libraries, general stores and public locations throughout the Council area to allow as many people as possible to read the draft document.

Advertisements will be placed in the Northern Star, Express Examiner and Council's Newsletter advising that the Delivery Program and Operational Plan are on display and calling for submissions.

As the required 28 day display period will extend beyond the next scheduled Ordinary Council meeting it will be necessary to consider the adoption of these plans at an Extraordinary meeting.

Recommendation

1. The Draft Delivery Program 2012/2016 and the Draft Operational Plan 2012/2013 (including Financial Estimates and Fees and Charges), be placed on a 28 day public exhibition, in accordance with Section 405 of the Local Government Act 1993, seeking submissions from the community on its content.
2. That Council hold an extraordinary meeting for the adoption of the Draft Delivery Program 2012/2016 and the Draft Operational Plan 2012/2013 on Thursday 28 June 2012.

Attachments

2012/2016 Draft Delivery Program and the 2012/2013 Operational Plan - provided separately to Councillors.

Summary/Purpose

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

Background InformationLegislative Requirements

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

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

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

Report

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 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

1. That the March 2012, Quarterly Budget/Management Plan Review Statement be received and noted.
2. That Council approve the variation of estimates contained in the table below:

DETAILS	QUARTERLY ADJUST	
	INCOME	EXPENSES
Governance - Employment		(20,000)
Governance - Legal Expenses		(10,000)
Administration - Office Expenses		70,000
Administration - Office Equipment		(70,000)
Finance - Interest Income	150,000	
Finance - Stores Income	10,000	
Finance - Finance Expenses		20,000
Finance - Stores Expenses		10,000
Community Services - Grants	11,378	
Community Services - Grove House		11,378
Swimming Centres - Income	10,000	
Swimming Centres - Operating costs		70,000
Parks & Gardens - Kyogle Expenses		(3,750)
Parks & Gardens - Village Expenses		20,000
Parks & Gardens - Section 94 Contr.	16,250	
Town Planning - Revenue	(10,000)	
Town Planning - Employment costs		(10,000)
Environmental Health- Noxious Plants		8,529
Environmental Health- Recoveries		(8,529)
Building Control - Income	(20,000)	
Animal Control - Income	5,000	
Animal Control - Expenses		10,000
Commercial Waste - Income	13,000	
Commercial Waste - Waste Collection		13,000
Public Cemeteries - Income	20,000	
Public Cemeteries - Kyogle Exp.		20,000
Public Cemeteries - Lawn Cemetery		(8,000)
Public Cemeteries - Other Exp.		8,000
Regional Rds - Flood Grant	240,000	
Regional Rds - MR 361 Expenses		65,000
Regional Rds - Flood Works		240,000
Regional Rds - Main Rd 361		35,000
Regional Rds - Bridges		(220,000)
Urban Local Rds - Grant income	18,500	
Rural Rds - Flood Grant	535,000	
Rural Rds - Maintenance		300,000
Rural Rds - Flood Works		535,000
Engineering & Works - Pte Wks Inc.	15,000	
Engineering & Works - Pte Wks Exp.		15,000
Engineering & Works - Recoveries	71,500	
Engineering & Works -Employment		(75,000)
Emergency Services - Income	(150,443)	
Emergency Services - Expenses		(150,443)
Emergency Services - Capital Income	(1,044,225)	
Emergency Services - Capital Exp.		(1,044,225)
Stormwater Mgmt - Capital exp.		60,000
Water Fund - Charges	20,000	
Water Fund - Management costs		(50,000)
Water Fund - Mains costs		35,000
Water Fund - Raw water costs		(15,000)
Water Fund - Reservoirs		5,000
Water Fund - Treatment costs		82,000
Water Fund - Developer contributions	37,000	
Sewer Fund - Other Income	15,000	
Sewer Fund - Developer Contributions	40,000	
Sewer Fund - Operating costs		(15,000)
Sewer Fund - Mains costs		6,000
Sewer Fund - Pumping Stations		80,000
Sewer Fund - Treatment costs		(16,000)
State Highways - Maintenance Income	170,000	
State Highways - Works Order Income	700,000	
State Highways - MR 83 Maintenance		50,000
State Highways - SH 16 Maintenance		70,000
State Highways - Other Maintenance		50,000
State Highways - Works Order Exp.		700,000
Quarries - Capital Expenses		(60,000)
	872,960	812,960

Attachments

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

ITEM 13E COMMUNITY SERVICES REPORT

13E.1 CRIME PREVENTION POLICY

Summary/Purpose

This report presents a draft Crime Prevention Policy to Council for adoption following the public exhibition period.

Community Strategic Plan Item(s)

- Governance and Community Service
- Village Life
- Economic Development

Background Information

The draft Crime Prevention Policy was developed as part of the funded Safer Suburbs program which included the development of a Crime Prevention Plan for the Kyogle Local Government Area (LGA). Eventually the suite of documents will include a Crime Prevention Policy, Crime Prevention Plan and a Crime Prevention Strategy. Extensive consultation with various sectors of the community was conducted in the development of the policy.

The Crime Prevention Policy for Kyogle LGA guides Council's direction to support communities to be safe places to live, work, play and learn.

Kyogle Council aims to be an active participant in the reduction of crime and antisocial behaviour.

Previous Council Consideration

Council considered the draft policy at the March 2012 Ordinary meeting and resolved to place the document on public exhibition.

Report

Advertisements were placed in the Express Examiner and the Council Newsletter. There were no submissions were received during the exhibition period.

No changes have been made to the document presented to the March 2012 meeting.

Recommendation

That the Kyogle Council Crime Prevention Policy be adopted.

Attachments

1. Crime Prevention Policy – previously distributed with the March 2012 Business Paper.

13E.2 ADOPTION OF CRIME PREVENTION PLAN

Summary/Purpose

This report presents the Crime Prevention Plan to Council for adoption following the public exhibition of the document for 28 days.

Community Strategic Plan Item(s)

- Governance and Community Service
- Village Life
- Economic Development

Background Information

The Crime Prevention Plan has been developed by Coulston Consulting. The project is funded by the Federal Attorney Generals Department under the Safer Suburbs Program.

The Kyogle Council Crime Prevention and Safety Plan aims to foster communities across the Kyogle Local Government Area (Kyogle LGA) that are safe places to live, work, play and learn.

The document is an evidence based strategy combining crime statistics, perceptions of crime and anecdotal information. The document contains a comprehensive crime profile.

Two target offences have been identified and addressed in the Kyogle Council Crime Prevention and Safety Plan. These are:

- Harassment, threatening behaviour and proactive nuisance (this can be considered a proactive response to addressing assaults and offensive behaviour)
- Break and Enter – non dwelling (actions addressing this crime area will have an impact on all other areas concerning theft)

Previous Council Consideration

Council considered the draft Crime Prevention Plan at the March 2012, Ordinary meeting and resolved to place the document on public exhibition.

Report

Advertisements were placed in the Express Examiner and the Council Newsletter.

There were no submissions were received during the exhibition period.

No changes have been made to the document presented to the March 2012 meeting.

Recommendation

1. That the Kyogle Council Crime Prevention and Safety Action Plan be adopted.

Attachments

1. Crime Prevention Plan distributed as a separate attachment with March 2012 Business Paper.

13E.3 BONALBO HOSPITAL

Summary/Purpose

This report presents to Council a written response to its demand for the immediate reinstatement of 24 hour emergency services at Bonalbo Hospital.

Community Strategic Plan Item(s)

- Village Life

Previous Council Consideration

At the April Ordinary Meeting, Council resolved:

That Kyogle Council on behalf of Bonalbo and surrounding residents write to the Northern NSW Local Health District demanding immediate reinstatement of the 24 hour emergency services at Bonalbo Hospital. This correspondence to be copied to the Minister for Health NSW, State Member Mr. Thomas George and Federal Member Ms. Janelle Saffin and local media outlets.

Report

In accordance with the above resolution, correspondence was sent to all parties mentioned.

A response was received from the Northern NSW Local Health District on 16 May, 2012.

A copy of this response is attached to this report.

Recommendation

That the Bonalbo Hospital report be received and noted.

Attachments

1. Correspondence from Northern NSW Local Health District dated 14 May, 2012

ITEM 13F GENERAL MANAGER'S REPORT

13F.1 LOCAL GOVERNMENT REMUNERATION TRIBUNAL

Summary/Purpose

This report requires a determination on the level of Councillor remuneration for the 2012/2013 financial year.

Report

The Local Government Remuneration Tribunal (the Tribunal) sets the range of fees for all councillors and mayors in NSW each year for each category of council.

The Tribunal has determined that an increase of 2.5% in fees for councillors and mayors as appropriate.

Kyogle Council is defined as a Category 4 (Rural) Council

The appropriate fees for Kyogle Council for 2012/2013 are as follows:

	Minimum	Maximum
Councillor Annual Fee	\$7,740	\$10,220
Mayoral Fee	\$8,220	\$22,310

The fees paid for the 2011/2012 were:

Councillor Annual Fee: \$9,970
Mayoral Fee \$21,770

Council has previously adopted the maximum remuneration rates.

Recommendation

That Council adopts the following Councillor and Mayoral fees for 2012/2013:

Councillor Annual Fee - \$10,220
Mayoral Fee - \$22,310

Summary/Purpose

This report updates Council on the progress of a review of the Model Code of Conduct.

Community Strategic Plan Item(s)

- Governance and Community Service

Report

Attached to this report is a copy of Circular number 12-10 in relation to the review of the Model Code of Conduct for Local Councils.

As noted in this circular, the Division now seeks comment on the technical detail of the proposed changes to the model code.

It is recommended that Councillors provide their comments/input to staff who will then compile a submission based upon this input for Council to consider at its meeting to be held on 25 June, 2012.

Recommendation

That the Review of Model Code of Conduct report be received and noted.

Attachments

1. DLG Circular 12-10

Summary/Purpose

Correspondence has been received from Shires Association of NSW seeking a voting delegate from Council for an upcoming ballot in relation to establishing "One Association".

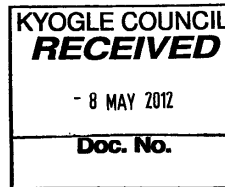
Community Strategic Plan Item(s)

- Governance and Community Service

Report

A copy of the correspondence follows;

Shires Association of NSW



4 May 2012

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

Dear Mr Piggott,

Last week the Executive Committees of both Associations each separately took important formal steps for progressing the proposal to establish "One Association" to the next stage, which is to have the proposal submitted to a secret postal ballot of delegates of the members of each Association.

The Shires Association Executive unanimously resolved in favour of the resolutions.

The formal documentation has been lodged with Fair Work Australia. Shortly Fair Work Australia will engage the Australian Electoral Commission to undertake the secret postal ballot of members' delegates.

Members will be required to supply details of their voting delegate for this ballot and this process needs to be undertaken as a matter of priority, to ensure that the completion of the ballot is not delayed.

It is anticipated that the ballot will occur before the September 2012 Local Government general elections but exact timing will depend on Fair Work Australia.

All Councils need to supply the following to the Association by 31 May 2012:

1. The full name of their voting delegate, and,
2. The private mailing address of the delegate

This is very important as the Association is required to prepare the Roll of Voters for the Australian Electoral Commission.

Your Association will be also providing you with regular communications as this matter progresses through what is now the critical stages of this important initiative.

Some Helpful Information

This process has been ongoing for many years. Current Councillors should be aware of the progress of the matter. The ballot will be best held prior to the September 2012 general elections as new councillors will not be aware of the history or the process and would not be in a position to make an informed decision.

Assuming that the majority of delegates vote "yes" forming One Association would not take place until after 1 March 2013, but no later than 2 June 2013.

A secret ballot is required because it is a requirement under the Fair Work (Registered Organisations) Act. The Associations are federally registered and must comply with this requirement.

GPO Box 7003 Sydney NSW 2001
L8, 28 Margaret St Sydney NSW 2000
Tel: (02) 9242 4000 • Fax: (02) 9242 4111
www.lgsa.org.au • lgsa@lgsa.org.au
ABN 49 853 913 882

Shires Association of NSW



All Shires Association members will have 1 vote.

One of the key principles to come from the One Association Convention held in August 2010 was to enshrine the concept that the overall voting numbers of the Rural/Regional area would be the same as the overall voting numbers of the Metropolitan/Urban areas (which are the Metro councils within the County of Cumberland).

The One Association rules have been developed to ensure equity across the membership in a number of ways. Importantly, the One Association rules provide that only Rural/Regional voting delegates are able to vote for the 10 Rural/Regional Board members and the Rural/Regional Vice President in the same way that only Metropolitan/Urban voting delegates are able to vote for the 10 Metropolitan/Urban Board members and the Metropolitan/Urban Vice President.

The total number of votes for the Metropolitan/Urban Region will be the same as the total number of votes for the Rural/Regional region. At the commencement of the One Association this will be 282 for each Region.

The assets of both Associations will be merged together on the amalgamation date. Neither Association will be financial detrimentally affected in any consequential way by this merger.

Please include this letter in your business paper with this recommendation for you to consider:

That Councillor be nominated as Council voting delegate to take part in the forthcoming secret postal ballot to deal with the matter of One Association, and that their name and personal postal address be forwarded to the Associations to form the Roll of Voters prior to the end of May 2012.

If you have any enquiries at this stage please contact Peter Coulton at the Associations on 9242 4030.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Ray Donald'.

Cr Ray Donald
President

GPO Box 7003 Sydney NSW 2001
L8, 28 Margaret St Sydney NSW 2000
Tel: (02) 9242 4000 • Fax: (02) 9242 4111
www.lgsa.org.au • lgsa@lgsa.org.au
ABN 49 853 913 882

Recommendation

That Mayor Councillor Ross Brown be nominated as Council voting delegate to take part in the forthcoming secret postal ballot to deal with the matter of One Association.

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Nil.

ITEM 16 CONFIDENTIAL BUSINESS PAPER

16.1 TENDER - FWA TRACTOR

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

16.2 TENDER FOR SUPPLY IT WHEEL LOADER 201112-004

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

16.3 MAYORAL MINUTE - DEVELOPMENT APPROVAL PROCESS

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a)&(g) 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
- (g) advice concerning litigation, or advice that would otherwise be privileged

KYOGLE COUNCIL



ATTACHMENTS

ATTACHMENTS

ON 28 MAY 2012

12.3 FINANCIAL REPORTS - APRIL 2012

COUNCILLORS TRAVEL EXPENSES

Apr-12

COUNCILLOR NAME	KLMS CLAIMED		CURRENT KM RATE	AMT REIMBURSED	
	MONTHS	YTD		MONTH	YTD
E Bennett	1,194	7,840	0.74	883.56	5,801.60
R. Brown	0	0	0.74	0.00	0.00
T. Cooper	980	2,940	0.74	725.20	2,175.60
R. Dwyer	0	0	0.74	0.00	0.00
J. O'Reilly	0	832	0.74	0.00	615.68
R. Leadbeatter	0	0	0.74	0.00	0.00
L. Passfield	0	3,048	0.74	0.00	2,255.52
J. Wilson	0	0	0.74	0.00	0.00
L. Zito	0	0	0.64	0.00	0.00
Total	2,174	14,660		1,608.76	10,848.40

Notes

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

Kyogle Council



Financial Reports 30 April, 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 30 April

	ARREARS 1-Jul-11	NET CHARGES 2011-2012	PAYMENTS	OUTSTANDING BALANCE	
RATES, SERVICES AND INTEREST	862,860.89	7,605,553.37	5,801,842.37	2,666,571.89	

PRESENTED TO COUNCIL May
2012

Note:

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

KYOGLÉ COUNCIL

STATEMENT OF BANK BALANCES AS AT 30-Apr-12

FUND	CLOSING BANK BALANCE 30-Apr-12	INVESTMENT BALANCE 30-Apr-12
GENERAL FUND		
UNRESTRICTED	(7,452,558.82)	6,700,000.00
INTERNALLY RESTRICTED	791,937.82	2,000,000.00
STATE HIGHWAYS	1,708,585.12	
QUARRIES	811,853.30	
PLANT	5,963,525.24	
EXTERNALLY RESTRICTED	235,249.55	3,700,000.00
	2,058,592.21	12,400,000.00
RESTRICTED		
WATER SUPPLIES	607,708.30	
SEWERAGE SYSTEMS	384,818.26	500,000.00
DOMESTIC WASTE	166,803.29	
ORDINARY TRUST	29,497.19	
	1,188,827.04	500,000.00
CONSOLIDATED FUNDS	3,247,419.25	12,900,000.00

KYOGLE COUNCIL

SUMMARY OF INVESTMENTS AS AT 30/04/12

	BANK	TYPE	TERM	AMOUNT	RATE P.A.	DUE DATE
1	SUNCORP METWAY	TERM DEPOSIT	32 DAYS	1,400,000.00	5.35%	May 14, 2012
2	BANKWEST	TERM DEPOSIT	32 DAYS	1,500,000.00	5.05%	May 21, 2012
3	COMMONWEALTH	TERM DEPOSIT	30 DAYS	3,000,000.00	5.10%	May 23, 2012
4	COMMONWEALTH	TERM DEPOSIT	60 DAYS	2,000,000.00	5.30%	May 28, 2012
5	BANKWEST	TERM DEPOSIT	91 DAYS	3,000,000.00	5.80%	June 12, 2012
6	SUNCORP METWAY	TERM DEPOSIT	61 DAYS	2,000,000.00	5.50%	June 13, 2012
				12,900,000.00		
PRESENTED TO COUNCIL ON MAY 28, 2012						
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>						

Kyogle Council

Asset Management Policy



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PURPOSE

To set guidelines for implementing consistent asset management processes across all Kyogle Council assets.

VALIDITY

This policy obtains its validity from Council resolution {INSERT TEXT}

OBJECTIVES

To ensure adequate provision is made for the long-term replacement of major assets by:

- Ensuring that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
- Safeguarding Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial resources for those assets.
- Creating an environment where all Council employees take an integral part in overall management of Council assets by creating and sustaining an asset management awareness throughout the Council.
- Meeting legislative requirements for asset management.
- Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.
- Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

SCOPE

This policy applies to all Council activities.

RELATED DOCUMENTS

Council will develop and implement the following documents in relation to this policy;

- Asset Management Strategy
- Asset Management Plans.

The following legislation is relevant to this policy;

- Local Government Act and Regulations under the Act.
- Roads Act
- Civil Liability Act

BACKGROUND

Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management best practices across all areas of Council.

This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery.

Council owns and uses approximately \$465M of non-current assets to support its core business of delivery of service to the community.

Asset management practices impact directly on the core business of Council and appropriate asset management is required to achieve our strategic service delivery objectives.

A strategic approach to asset management will ensure that the Council delivers the highest appropriate level of service through its assets. This will provide positive impact on;

- Members of the public and staff;
- Council's financial position;
- The ability of Council to deliver the expected level of service and infrastructure;
- The political environment in which Council operates; and
- The legal liabilities of Council.

PRINCIPLES

A consistent Asset Management Strategy must exist for implementing systematic asset management and appropriate asset management best-practice throughout all Departments of Council.

All relevant legislative requirements together with political, social and economic environments are to be taken into account in asset management.

Asset management principles will be integrated within existing planning and operational processes.

An inspection regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.

Asset renewals required to meet agreed service levels and identified in infrastructure and asset management plans and long term financial plans will be fully funded in the annual budget estimates.

Service levels agreed through the budget process and defined in Infrastructure and Asset Management Plans will be fully funded in the annual budget estimates.

Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.

Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards.

Future life cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.

Future service levels will be determined in consultation with the community.

RESPONSIBILITY

Councillors are responsible for adopting the policy and ensuring that sufficient resources are applied to manage the assets.

The **General Manager** has overall responsibility for developing an asset management strategy, plans and procedures and reporting on the status and effectiveness of asset management within Council.

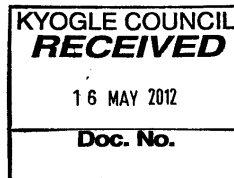
REVIEW

This policy will be reviewed after a period of 4 years from date of adoption

Our Ref: RH_211-12

14 May 2012

Mr Arthur Piggott
General Manager
PO BOX 11
KYOGLE NSW 2474



Health
Northern NSW
Local Health District

Dear Mr Piggott

I refer to your letter received in this Office on 27 April 2012 regarding the Bonalbo Health Service.

The NNSW LHD continued to provide the Night Nursing Shift for three months following the retirement of Dr Tierney. The Night Nursing Shift was retained despite there being no Hospital Inpatients requiring care, in the hope that a new Medical Officer would be recruited and also to ascertain whether there was a demand for Non-Inpatient care during the night time.

Together with the Northern Rivers General Practice Network, the NNSW LHD continues to recruit for a new Medical Officer to transfer to Bonalbo to provide General Practice and Hospital Visiting Medical Officer services.

Whilst I acknowledge the community does not support the decision to suspend the Night Nursing Shift at Bonalbo Hospital I must stress that there has been little use made of the service at night by patients over the last three and a half months, which is consistent with the patient hospital utilisation pattern at most small hospitals the size of Bonalbo Hospital, especially where the Hospital does not have any over-night Medical Officer cover.

The Night Nursing Shift will be restored, when a Medical Officer(s) is recruited to work and live in Bonalbo, who will provide full Medical Officer on-call coverage to the Hospital. To facilitate this NNSW LHD and the Northern Rivers General Practice Network continue to recruit for a new Medical Officer to transfer to Bonalbo to provide General Practice and Hospital Visiting Medical Officer services. While it may take some time to attract a new Medical Officer to Bonalbo, I am confident that a new Medical Officer will set up a General Practice in Bonalbo.

During the period 1 February to 23 April 2012, during a total of 83 nights, only five patients attended Bonalbo Hospital between 11.00pm and 7.00am, who required treatment on the night shift. This is a very small amount of patient care to be provided by two Nurses, over 83 eight hour shifts. The NNSW LHD has suspended the Night Nursing Shift, because it cannot justify operating the most expensive Nursing Shift of the day, when very few patients have been attending the Bonalbo Hospital at night.

Northern NSW Local Health District
ABN 67 284 856 520

Head Office: Crawford House, Hunter Street, LISMORE NSW 2480
All Correspondence: Locked Mail Bag 11, LISMORE NSW 2480
Tel 02 6620 2100 Fax 02 6621 7088
Website www.health.nsw.gov.au/nswlhd

Consultation was held about the decision to suspend the Night Nursing Shift. On 22 March 2012, Mr Vahid Saberi and Dr Michael Douglas met with the Bonalbo SOS Committee for two hours to consult about the temporary removal of the Night Nursing Shift.

I can assure you that the list of Emergency and other key 24/7 Health Service telephone numbers (see attached) was circulated to Bonalbo residents prior to 23 April 2012. In addition I have issued a media release and undertaken numerous radio and television interviews to ensure the information pertaining to the suspension of the Night Nursing Shift was well publicised to Bonalbo residents.

The work undertaken by the Night Nursing Shift in provision of direct clinical care has been very limited as evidenced by the number of patient presentations noted above. Whilst I acknowledge there is some administrative work undertaken by these Nurses during the Night Shift, it is my view this work can be completed on the Day Shift and the Afternoon/Evening Shift. You should note that Nurses on these Shifts at present do not have inpatients to look after, therefore freeing up some of their time to attend to administrative work.

Patients feeling unwell in the day or evening should attend the Hospital prior to 11.00pm, for an assessment by the Nursing Staff. The Nursing Staff have been advised that they can extend the evening shift, after 11.00pm, on overtime rates, if a patient, who has attended the Hospital, before 11.00pm needs continuing treatment after that time.

Should a Bonalbo resident require urgent treatment at night, then "000" should be called to contact the Ambulance Service, which would task the Bonalbo Ambulance to attend and provide care and in the unusual event that the Bonalbo Ambulance is not available in the middle of the night would task the Urbenville Ambulance to attend and provide care. Should the Ambulance Officers determine it is necessary they would take the patient to Casino Hospital, where medical care would be provided. Checking has been undertaken with the NSW Ambulance Service, which has confirmed that Casino Hospital is the "default" or routine Hospital to which Bonalbo patients are taken. Patients are only taken to Lismore Base Hospital (LBH) when they are considered to be experiencing a limited range of more serious health conditions. During the 91 nights from 1 January to 31 March 2012 only six patients from Bonalbo and surrounds required Ambulance transfer to a Hospital. Of these patients only three were taken to LBH.

Ambulance Officers are highly trained and well equipped to manage patient presentations. In fact, Ambulance Officers will soon be trained to interpret and in specific circumstances commence definitive treatment for patients experiencing a heart attack; this is treatment that Nurses could not commence in the absence of a Medical Officer.

Liaison has also been undertaken with the Nurse Manager of the LBH Emergency Department (ED). She has indicated that patients, including Bonalbo and surrounds patients are not discharged from the ED in the middle of the night and told to find their own way back to Bonalbo. There are established protocols for ensuring patients are able to stay within the Hospital at night, either in the ED, a Ward or if appropriate using accommodation available at Crawford House.

Also there is an established protocol for the provision of supported transport back to localities distant from LBH, such as Bonalbo.

Other information that would be of interest to the Council has also been obtained from the LBH ED Nurse Manager and the NSW Ambulance Service. The Nurse Manager advises that LBH prioritises the transfer of patients from Ambulances that service the smaller more distant communities ahead of Lismore and Ballina Ambulances (except where a patient's clinical condition is critical), so as to release these Ambulances more quickly to return to their communities.

The NSW Ambulance Service has provided data that indicates that only six patients were transferred from Bonalbo to LBH in the 91 days from 1 January to 31 March 2012 on the afternoon/evening shift that operates from 2.30pm to 11.00pm. At present the Ambulance Service is collating the data on how many of these six Ambulance journeys did not return to Bonalbo before 11.00pm.

A detailed procedure has been developed for the daily closure of Bonalbo Hospital at 11.00pm and its reopening at 7.00am. This procedure sets out practices that need to be followed to ensure the security of Staff, as well as setting out how the drug keys will be dealt with in accordance with advice received from the Ministry of Health Pharmaceutical Services Branch.

NNSW LHD has undertaken a financial analysis of the changes required from the suspension of the Night Nursing Shift and I acknowledge that there will be some additional costs that will arise due to this change. However, these costs are significantly less than the savings derived from the suspension of the Night Nursing Shift.

I agree with your comments regarding the Hospital in the Home (HITH) service. HITH is to provide a community based alternative model of care for acute and post-acute patients outside of the Hospital Inpatient setting. Given the dispersed nature of the Bonalbo and surrounds population, I agree that the HITH service would not operate as effectively in that community, as it does in a larger town.

The current suspension of the Night Nursing Shift has not stopped the Medical Officer recruitment process; the NNSWLHD and the Northern Rivers General Practice Network are actively continuing efforts to fill this position. Applicants for the Bonalbo Medical Officer position will be told that the Night Nursing Shift will be restored once a Medical Officer is appointed, who will provide a full on-call service to Bonalbo Hospital. Therefore the temporary suspension of the Night Nursing Shift would not dissuade Medical officers from applying to the position of the Bonalbo Hospital Visiting Medical Officer.

Should any further information be required, please do not hesitate to contact Mr Wayne Jones, A/Executive Director Richmond Clarence Health Service Group on telephone (02) 6620 2354.

Yours sincerely



Chris Crawford
Chief Executive

Key Health Service Support Contacts

In the event of a medical emergency



Call 000 ask for AMBULANCE *

DO NOT HANG UP

They will tell you what to do

Ask how long they will be

Call for help, especially if you have chest pain, shortness of breath, dizziness and faintness.

Bonalbo Hospital Emergency Hours * 7.00am - 11.00pm Telephone 6665 1203

Doctors are available at Bonalbo most days including weekends 9.00am – 5.00pm

Health Direct *	1800 022 222	<i>24hr Health Advice Line</i>
Pregnancy Birth & Baby Helpline #	1800 882 436	<i>Support for women, partners & families</i>
Mental Health Help Line #	1800 011 511	<i>Trained staff will talk to you and help you access support</i>
Tresillian 24 Hour *	1800 637 357	<i>Child & Family Health Nurses discuss child care issues</i>
Poisons Information #	131 126	<i>Helpline for possible poison ingestion</i>
Lifeline #	131 114	<i>Counselling Support</i>
Domestic Violence Helpline #	1800 656 463	
Parent Helpline #	132 055	
Casino & District Memorial Hospital #	6662 2111	
Urbenville Multipurpose Service #	6634 1600	

* Already provided to the community

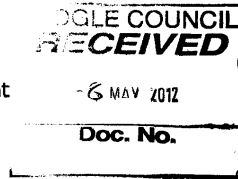
Remainder of numbers will be provided to the community before 23 April 2012

Northern NSW Local Health District
ABN 67 284 856 520

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Premier & Cabinet
Division of Local Government



Circular to Councils

Circular No. 12-10
Date 1 May 2012
Doc ID. A275754

Contact John Davies
02 4428 4139
john.davies@dlg.nsw.gov.au

REVIEW OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS – REQUEST FOR SUBMISSIONS ON CONSULTATION DRAFT

The purpose of this circular is to:

1. advise councils of the progress of the review of the *Model Code of Conduct for Local Councils in NSW* (the Model Code),
2. invite submissions on consultation drafts of the new Model Code, Model Code procedures and proposed amendments to the *Local Government Act 1993*.

Progress of the review

Last year, at the request of the Minister for Local Government, the Division of Local Government commenced a review of the Model Code of Conduct for Local Councils in NSW. The review process has included extensive consultation with councils and other stakeholders, to design a system that supports the highest standards of behaviour in local government, in a simple, clear and cost-effective way. This included:

- 1) A discussion paper to seek the views of stakeholders and any other interested persons on the operation of the current version of the Model Code and areas for improvement.

The Division received a total of 122 submissions in response to its discussion paper from a range of sources including councils, individual council officials, conduct reviewers, unions and industry bodies, Members of Parliament, NSW Government agencies such as the ICAC and the Ombudsman and members of the community.

- 2) A position paper on a draft reform proposal for the Model Code and the misbehaviour provisions of the Act, reflecting feedback to date.

The Division received 93 submissions on the position paper from a similarly broad range of sources as those provided in response to the discussion paper. In addition the Division held a series of workshops around the State to discuss and refine the proposal. Workshops were held in Sydney (including at the LGMA Governance network meeting), Tamworth, Dubbo, Wagga Wagga and Ballina.

Division of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
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Based on the feedback the Division has received from submissions and the workshops a refined proposal has now been developed.

Draft proposals

Drafts of the following have now been issued for comment:

- Proposed amendments to the Model Code (the amendments are highlighted in bold)
- Proposed new procedures for the administration of the Model Code
- Proposed amendments to the *Local Government Act 1993* and Local Government (General) Regulation 2005 (the amendments are highlighted in bold)

The consultation drafts are available on the Division's website at www.dlg.nsw.gov.au.

As foreshadowed in the position paper, the Division now seeks comment on the technical detail of the proposed changes.

The Division requests that submissions be made by email to dlg@dlg.nsw.gov.au.

Alternatively, submissions may be made in writing to the following postal address:

Division of Local Government
Department of Premier and Cabinet
Locked Bag 3015
NOWRA NSW 2541

The Division asks that submissions be received by **Tuesday, 26 June 2012**.

Should anyone wish to contact the Division to discuss the consultation drafts or the Model Code of Conduct Review, they may contact Mr John Davies, the Leader of the Division's Council Governance Team, on telephone 02 4428 4139.



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