



KYOGLÉ COUNCIL

COUNCIL MEETING AGENDA

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

ON MONDAY, 12 MAY, 2014

Commencing at 5.00 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, 12 May, 2014, at 5.00 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.

COUNCIL MEETING AGENDA

Monday 12 May 2014

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- 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

7.1 CONFIRMATION OF THE MINUTES OF THE 14 APRIL, 2014 ORDINARY MEETING

REPORT BY: GENERAL MANAGER'S OFFICE
CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

Summary/Purpose

A copy of the Minutes for the Ordinary Meeting held on 14 April, 2014 is included in the attachments to the business paper.

Community Strategic Plan Item(s)

- Governance and Community Service

Recommendation

That the Minutes of the Ordinary Meeting held on 14 April, 2014 be adopted.

Attachments

1. Minutes of the Ordinary meeting held on 14 April, 2014 (separately attached).
-

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

**9.1 NOTICE OF MOTION -- CR LINDSAY PASSFIELD; HEALTH SERVICES
FOR THE BONALBO AND DISTRICT COMMUNITY**

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

Summary/Purpose

This item presents to Council a Notice of Motion received from Councillor Lindsay Passfield for the Ordinary meeting to be held on 12 May 2014.

Community Strategic Plan Item(s)

- Governance and Community Service
- Village Life

Report

A copy of the Notice of Motion follows;



NOTICE OF MOTION

KYOGLE COUNCIL RECEIVED
2 MAY 2014
Doc. No. 434241

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

That Kyogle Council writes to the NSW Minister for Health, the Hon Jillian Skinner, requesting the following information in relation to provision of medical services to the Bonalbo and district community:

1. What medical services are currently being provided;
2. What plans are in place to restore local hospital services; and
3. In relation to these plans, what is the projected timeline for the re-instatement of comprehensive health services.

Signed:

L. Passfield.....

Date:

2 MAY 14.....

Councillor comments:

Since the retirement of Dr Trevor Tierney in 2011, the Bonalbo and district community has experienced a major decline in the availability of health services, particularly access to local hospital accommodation and treatment.

During the intervening period, and in response to widespread community concern, many commitments have been made by politicians and Northern NSW Local Health District bureaucrats in relation to the restoration of comprehensive health care services. However, the situation remains unresolved.

Recent speculation surrounding the forthcoming Federal Budget, the appointment of the Hon. Mike Baird as Premier of NSW and the resulting Cabinet reshuffle present an opportunity to refocus government attention on this very important and long overdue issue.

Recommendation

Not required. Outlined in Notice of Motion.

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM THE LAST COUNCIL MEETING

REPORT BY GENERAL MANAGER
CONTACT GENERAL MANAGER ARTHUR PIGGOTT

Summary/Purpose

This report presents responses to questions raised by Councillors at the last Council Meeting.

Community Strategic Plan Item(s)

- Roads and Infrastructure

Report

The following question was raised at the last Council Meeting. The response was provided by the Executive Manager Infrastructure Works.

Cr Lindsay Passfield:

1. Are there any short-term measures Council can undertake to lift the load limit from the bridge upstream of Young's property on Duck Creek Road? The 10-tonne load limit is making it impossible for the 15 farming families living past the bridge to efficiently transport beef cattle to market or receive fuel and other deliveries.

Response

The Duck Creek Bridge referred to by Cr Passfield has been recently reinspected. One girder has a major structural failure present which is the reason the 10 tonne load limit has been applied. A bypass road, because of the nature of the terrain, will be difficult and likely to be unsuitable to double decker cattle trucks. The bridge overseer has advised that the failed girder may be tommed to provide a temporary solution to the heavy vehicle problem. The load limit would, however remain in place and vehicles in excess of 10 tonnes would need approval each time the bridge was to be used. This bridge is proposed to be replaced in 2014/15 subject to Council budgetary approval.

Recommendation

That the report on Questions from the Last Council Meeting be received and noted.

ITEM 11 DELEGATES REPORTS

11.1 DELEGATES REPORT -- MEETING ON GAS PROJECTS IN THE NORTHERN RIVERS/NORTH COAST

REPORT BY: COUNCILLOR MAGGIE CREEDY
CONTACT: COUNCILLOR MAGGIE CREEDY

Summary/Purpose

The following delegates report in respect of a meeting on Wednesday, 16 April, 2014, between NSW Minister for Resources and Energy the Hon Anthony Roberts, his department representatives, and invited Councillors and senior staff from Kyogle, Richmond Valley and Lismore City councils has been provided by Councillor Maggie Creedy for the information of Councillors.

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Economic Development
- Environmental and Planning

Background Information

The report represents details of a meeting on Wednesday, 16 April, 2014 at Casino, between NSW Minister for Resources and Energy the Hon Anthony Roberts, his department representatives, and invited Councillors and senior staff from Kyogle, Richmond Valley and Lismore City councils. The subject of the meeting was Gas Projects in the Northern Rivers/North Coast.

Report

The meeting between Minister Roberts, his department representatives, invited Councillors and senior staff from Richmond Valley, Lismore City, and Kyogle councils was held on Wednesday, 16 April, 2014 at the Richmond Valley Council Chambers.

Government representatives present included:

- Minister for Resources and Energy, the Hon Anthony Roberts MP and his Resources Advisor Adrian Pryke.
- Scot MacDonald, Member of NSW Legislative Council

NSW Trades and Investment representatives included:

- Director of the Office of Coal Seam Gas Rachel Connell and CSG Inspector Alex Whiteside (Bachelor of Engineering, Petroleum);
- Manager Technical Support and Petroleum Op (from the Division of Resources and Energy) Steve Barry and Stakeholder Engagement Manager Tania McShane;

- Land and Water Commissioner (from the Office of Agricultural Sustainability and Food Security) Jock Laurie.

Also in attendance were:

- Richmond Valley Mayor and a number of Richmond Valley Councillors and senior staff;
- Lismore Deputy Mayor and a number of Lismore City Councillors and some senior staff;
- Clarence Valley Mayor;
- Kyogle Council Deputy Mayor and General Manager.

Two presentations were made by the Office of Coal Seam Gas.

The first presentation was an over view of CSG titles, applications, reforms and their application in relation to the Bentley well site and the announcement of the cancellation of two PELA in the Northern Rivers; PELA 127 and 128.

The second presentation, made by gas engineer Alex Whiteside, was about "well integrity".

During the presentations there was much discussion and a number of questions asked of both the Minister and his staff. Some of the discussions and answers included:

- Minister Roberts stated that "Bentley was the most heavily regulated well ever drilled", that department inspectors would be on site during the whole operation and would be checking all of Metgasco's work and all their test results including well casing tests.
- Lismore Deputy Mayor asked for a guarantee that there would be no risks involved with the Bentley well, Jock Laurie's reply was "everything we do in life involves some risk, so it is impossible to guarantee that any enterprise is completely risk free."
- Discussion about the number of water wells in NSW, approximately 160,000 (4,000 in the Northern Rivers) and that most of these were un-regulated and may allow water, gases and minerals to mix and contaminate different water tables, surface water and underground water at different levels. Jock Laurie said "more damage is done to water and the water table by water wells then gas wells which are very strictly regulated."
- Lismore Deputy Mayor asked about the water "contamination" caused by Santos in the Pilliga Scrub, the engineers reply was it was a small leak into a 22m x 22m self-contained pond that was not connected in any way to any other water and that Santos had reported it themselves.
- The question of "base line" water testing was raised. The answer was that all waterways within 2 kilometres of the Bentley site were being tested now and

that they would be tested again immediately after drilling concluded and again later.

- The issue of forced entry for exploration drilling was raised which was answered by a Metgasco representative who stated that “Metgasco only entered into voluntary agreements”.
- Cr Maggie Creedy asked the Minister about the AGL and Santos agreement allowing landowners to say no to exploration and mining on their land. Minister Roberts’s reply was that although this agreement was not legally binding it did raise the very important matter of property rights and the right of the landowner to say yes as well as to say no.
- Lismore Deputy Mayor said that people were concerned about damage to the natural beauty of the area. Metgasco said they were very aware of the natural beauty of the area and of maintaining it.
- Minister Roberts stated that every area had good reasons why mining should not go ahead there but sometimes the Government had to go with the “greater good” principle.

Recommendation

That the delegates report provided by Councillor Maggie Creedy in respect of the meeting on Gas Projects in the Northern Rivers/North Coast be received and noted.

ITEM 12 INFORMATION PAPERS

12.1 COUNCIL RESOLUTIONS REQUIRING ACTIONS

REPORT BY GENERAL MANAGER

CONTACT GENERAL MANAGER ARTHUR PIGGOTT

Summary/Purpose

This report presents to Council a list of Council resolutions requiring action as at 30 April, 2014.

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, 2014 (separately attached).

12.2 FINANCIAL REPORT

REPORT BY: ADMINISTRATION & COMMUNITY

**CONTACT: EXECUTIVE MANAGER ADMINISTRATION & COMMUNITY
CAROL O'NEILL.**

Summary/Purpose

This report presents financial reports to Council for information.

Community Strategic Plan Item(s)

- Governance and Community Service

Background Information

Legislative Requirements

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

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

Report

The following information is presented for information only.

(A) Finance Reports

Summary reports outlining Council's financial position as at 30 April, 2014. The reports presented include:

Rates Statement and Graph
Statement of Bank Balances
Summary of Investments

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

2. (B) Councillors Travel Expenses Report

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

Recommendation

That the information contained in the Monthly Finance Report – April 2014 be received and noted.

Attachments

1. Councillors Travel
2. Financial reports

ITEM 13 GENERAL MANAGER'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

Nil.

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 APRIL 2014 TO 30 APRIL 2014

**REPORT BY PLANNING & ENVIRONMENT
CONTACT EXECUTIVE MANAGER PLANNING & ENVIRONMENT GREG MEYERS**

Summary/Purpose

This item presents to Council the Development Applications received, determined and outstanding for the period 1 April, 2014 to 30 April, 2014.

Report

Listings attached.

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, 2014 to 30 April, 2014 be received and noted.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 April, 2014 to 30 April,

2014 only in relation to DA../... and DA../.... In which Councillors have declared an interest be received and noted.

Attachments

1. Development applications received April 2014
2. Development applications determined April 2014
3. Development applications outstanding April 2014

13B.2 OUTCOME OF PUBLIC EXHIBITION OF KYOGLE DEVELOPMENT CONTROL PLAN 2014

REPORT BY: PLANNING AND ENVIRONMENT
CONTACT: A/EXECUTIVE MANAGER PLANNING AND ENVIRONMENT
LACHLAN BLACK

Summary and Purpose

This report presents to Council the outcomes of public exhibition of Draft Kyogle Development Control Plan 2014, including a summary of submissions received and changes made to the document in response to matters raised in submissions. This report also seeks a resolution to adopt the revised Kyogle Development Control Plan 2014.

Previous Council Consideration

Council at its Ordinary meeting of December 9 2013 resolved;

1. That Council endorse the draft Kyogle Development Control Plan 2014.
2. That pursuant to Part 3 Division 2 Clause 18 of the Environmental Planning and Assessment Regulation 2000 public exhibition of the draft DCP be carried out as detailed in this report.
3. That the draft DCP be reviewed in light of feedback and submissions made.
4. That a further report be presented to Council on this matter following the conclusion of public exhibition and subsequent review of the draft DCP.

Council received this report at its 14 April 2014 meeting but deferred the matter to a Councillor Workshop for further discussion and explanation. The workshop was held on Monday 28 April 2014.

The outcomes and further inclusions and clarifications have now been addressed and are discussed further in the report section below.

Community Strategic Plan Item(s)

- Environmental and Planning

Report

Councillor Workshop 28 April 2014.

A number of matters were discussed at the Councillor workshop and following the explanations and workings of the DCP it was agreed that several clarifications be included to assist interpretation and confirmation that there may be other alternative measures and ways of meeting the identified Performance Criteria in addition to the Acceptable Solutions identified in the document.

The following paragraphs in section 1.7 in the Introduction has been bolded and highlighted as has the Note at the start of the Development Guidelines in each section of the DCP which provides the Table of Performance Criteria and Acceptable Solutions:

The Acceptable Solutions generally represent a preferred way of complying with the Performance Criteria however, there are other ways that an application can be shown to meet a Performance Criteria. A proposal that seeks to pursue an alternative solution to a stated Acceptable Solution must provide sufficient information to demonstrate how the corresponding Performance Criterion has been met.

Note: the Acceptable Solutions represent one way to meet the Performance Criteria. Applicants that choose not to, or that cannot meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.

It was also agreed that clarification be included confirming that the buffers identified in the Appendices relate to activities/buildings/land uses on adjoining land not party to the proposed development. In addition, clarification that Surrounding Area has a similar meaning.

The following Notes have been included in the DCP Introduction chapter under section 1.8 Definitions:

NOTE:

Buffers – the numerical buffer distances identified in the Appendices generally refer to the distance between the proposed development and the specified activity/building on an adjoining property not party to the proposed development.

Surrounding Area referred to in Land Use Conflict generally refers to the area outside the development site.

Clarification has also been inserted at each relevant Appendix which is identified by italics below:

Table C1.1 Recommended minimum buffer distances (metres), ***between proposed development and building/activity on adjoining land not associated with proposal***

Table C2.1 Acceptable minimum buffer distances between dwellings and other land uses ***on adjoining land not associated with proposal***

Table C3.1 Recommended minimum buffer distances between dwellings and other land uses ***on adjoining land not associated with proposal***

Table C9.1 Recommended minimum buffer distances between accommodation buildings and other land uses *on adjoining land not associated with proposal*

There are some minor spelling/typographical corrections required such as Water bodies; superseding, fire fighters and verandas. These will be corrected in conjunction with the incorporation of the identified changes.

Public exhibition and consultation undertaken

In accordance with Council resolution 091213/12 public exhibition of the draft Kyogle Development Control Plan 2014 (DCP) was undertaken as required by Part 3 of the *Environmental Planning and Assessment Regulation 2000*. Specifically, this involved:

1. Copies of the draft DCP were made available for viewing by the public at the following locations; Council Administration building, Mallanganee Post Office, Woodenbong Post Office, Tabulam Post Office, Old Bonalbo Post Office, Cawongla Store and Bonalbo Post Office.
2. Public notices were placed in the Richmond River Express Examiner on 15 January and Northern Star on 18 January giving notice of the draft DCP and;
 - inviting submissions and providing details of how the public could make submissions;
 - advising locations of copies of the draft DCP and dates and times available for inspection; and,
 - advising dates, times and locations of public information and engagement sessions.
3. A notice was placed on Council's website on 15 January stating the above.
4. An article was placed in the January/February edition of Council's newsletter stating the above.
5. Four public information and engagement sessions staffed by Council's planning staff were held. These were:
 - Kyogle Memorial Institute, Tuesday 28 January 4pm-6pm.
 - Bonalbo Bowling Club, Wednesday 29 January 1pm-4pm.
 - Woodenbong Public Hall, a Thursday 30 January 1pm-4pm.
 - Kyogle Council administration building, Tuesday 18 February 9am-12pm.
6. Notification was sent to relevant State government agencies including; RailCorp, Roads and Maritime Service, Office of Water, Department of Primary Industries, Department of Planning and Infrastructure and the Office of Environment and Heritage as well as Australian Rail Track Corporation.
7. Notification was sent to key stakeholders in the land use and development field including; real estate agents, planning and engineering consultants and survey firms servicing the Kyogle local government area.
8. A further notice was placed in the Richmond River Express Examiner on 12 February giving notice of public exhibition, places and times for inspection of the DCP and closing date for submissions.

Clause 18 of Part 3 Division 2 of the *Environmental Planning and Assessment Regulation 2000* states that a draft DCP must be publicly exhibited for at least 28 days. The public exhibition period commenced on 15 January 2014 and ended on 28 February 2014 being a total period of 45 days.

Outcomes of public engagement and submissions received

Two people attended the public information sessions; both sought to learn more about the DCP. Neither person subsequently made a submission.

Two submissions were received from members of the public:

- One submission objected solely to the provisions of Ch. 2 Subdivision regarding connection of electrical power to new lots, specifically the Acceptable Solution that requires 'connection of lots to reticulated electrical network to the satisfaction of Essential Energy'. No changes were made to the DCP in response to this submission as; a) Essential Energy is the appropriate authority to certify the adequacy of new connections to the electrical network, and; b) the corresponding Performance Criteria permits alternative supply of power to new lots where it can be demonstrated that stand-alone power supply is more cost effective than connection to the reticulated network and connection to the reticulated network is physically and legally feasible.
- The other submission from a member of the public expressed general support for the document but made suggestions for changes to various development guidelines to improve consistency and development outcomes. Many of the suggested changes were incorporated as they were reasonable and rational suggestions and improved the consistency and clarity of the document.
- One submission was received from a consultancy firm. The submission expressed general support for the document but made suggestions for changes to development guidelines in Ch. 2 Subdivision. Some of the suggested changes were incorporated, others suggesting Acceptable Solutions are overly restrictive were not incorporated as it is considered the associated Performance Criteria provide adequate flexibility and some of the suggestions would have undermined certain Objectives of Ch.2.
- Submissions were received from four State government agencies. No agencies expressed any objection to the DCP and two agencies made suggestions for additional Objectives and changes to some development guidelines to strengthen development outcomes and improve consistency. Some of these suggestions were incorporated where it was felt they were reasonable and improved the clarity and consistency of the document.

In summary, all submissions except one expressed general support for the document or raised no objection. A number of submissions made suggestions for additional or altered content and many of these suggestions were adopted in full or part. Submissions received are included in **Appendix 2** of this report.

Changes made to the DCP as publicly exhibited

No major changes were made to the content or structure of the document. Some changes have been made in response to matters raised in submissions received and

some changes have been made following review and trial use of the DCP by Planning and Environment staff. The changes made generally involve;

- changes to the wording of Objectives, Performance Criteria and Acceptable Solutions to clarify or strengthen intended outcomes;
- additional statements or words to enhance or better define how applicants can demonstrate compliance with Performance Criteria and Acceptable Solutions;
- additional provisions relating to preservation of cultural heritage and land use conflict avoidance in response to submissions made by Office of Environment and Heritage and Department of Primary Industries;
- some changes to improve consistency between chapters in regard to building on slopes, setbacks to watercourses and managing heritage impacts;
- changes to correct grammatical and formatting errors, and;
- changes to document set out eg. grouping of development types in public notification matrix table of Ch. 6.

The final DCP document is included in **Appendix 1**. Changes made are shown in Track Changes with comments provided where explanation of the change and/or the reason for the change was required. It is felt that the changes made have improved the consistency and clarity of the document and has resulted in a DCP that better articulates State agency, stakeholder and community expectations. If the recommendations of this report are followed the DCP will commence on the date public notice is given of the approval of the DCP.

Budget and Financial Aspects

This report has no financial implications other than the costs of public notice. This is anticipated to be met by the existing Planning and Environment Department budget.

Recommendations

1. That Council endorse the changes made to Kyogle Development Control Plan 2014 following its public exhibition and review of submissions received.
2. That pursuant to Part 3 Division 3 Clause 21(1)(b) of the *Environmental Planning and Assessment Regulation 2000* Council approve Kyogle Development Control Plan 2014.
3. That pursuant to Part 3 Division 3 Clause 21(2) of the *Environmental Planning and Assessment Regulation 2000* public notice of the approval of the DCP be given in the Richmond River Express Examiner.
4. That pursuant to Part 3 Division 3 Clause 21(4) of the *Environmental Planning and Assessment Regulation 2000* the commencement date of the Kyogle Development Control Plan 2014 shall be 1 June 2014 and shall be identified in the public notice identified in 3 above.

Division:

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

Attachments

Appendix 1 Kyogle Development Control Plan 2014 (showing proposed changes in Track Changes) Circulated to Councillors electronically.
Appendix 2 Submissions received.

ITEM 13C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 13D CORPORATE SERVICES REPORT

13D.1 MARCH 2014 QUARTERLY BUDGET REVIEW

REPORT BY: ADMINISTRATION & COMMUNITY

**CONTACT: EXECUTIVE MANAGER ADMINISTRATION & COMMUNITY
CAROL O'NEILL**

Summary/Purpose

This report arises out of the statutory requirement to conduct a review of budget following the close of each quarter.

Community Strategic Plan Item(s)

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

Background Information

Legislative Requirements

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

- (1) Not later than 2 months after the end of each quarter, the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the management plan that the council has adopted for the relevant year, a revised estimate of the income and expenditure for that year.
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- (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 which previously required the General Manager to report to Council on the extent which performance targets set by the Management Plan have been achieved during that quarter has been repealed.

The new requirement is that the Delivery Plan be reviewed and reported to Council six monthly. The first review was reported to the February 2013 Council meeting.

Report

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

At the February 2012 Ordinary Meeting Council considered the Minutes of the Internal Audit Committee. One of the recommendations was in relation to 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 again been incorporated into this review.

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

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

Conclusion:

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

Recommendation

1. That the March 2013, Quarterly Budget Review Statement be received and noted.
2. That Council approve the variation of estimates contained in the table attached.

Attachments

1. March 2014 Budget Plan Review (attached separately)

13D.2 CHANGES TO WARD BOUNDARIES

REPORT BY: ADMINISTRATION & COMMUNITY

CONTACT: EXECUTIVE MANAGER ADMINISTRATION & COMMUNITY
CAROL O'NEILL

Summary/Purpose

This report presents the issue of changing ward boundaries to Council following a period of public exhibition for adoption.

Previous Council Consideration

This issue was considered by Council in November 2013, at this time the following report was presented:

Section 211 of the Local Government Act states:

- (1) The council of an area divided into wards must keep the ward boundaries under review.*
- (2) If:*
 - (a) during a council's term of office, the council becomes aware that the number of electors in one ward in its area differs by more than 10 per cent from the number of electors in any other ward in its area, and*
 - (b) that difference remains at the end of the first year of the following term of office of the council, the council must, as soon as practicable, alter the ward boundaries in a manner that will result in each ward containing a number of electors that does not differ by more than 10 per cent from the number of electors in each other ward in the area.*
- (3) Nothing in subsection (2) prevents a council that has become aware of the discrepancy referred to in subsection (2) (a) from altering its ward boundaries before the end of the first year of the following term of office of the council.*

Report

Legislation

Section 210A Local Government Act 1993 details the processes that must occur in relation to consultation, public notice and exhibition of proposals regarding ward boundaries.

210A Consultation, public notice and exhibition of proposals regarding ward boundaries

- (1) Before dividing a council's area into wards or altering a council's ward boundaries, the council must:*

- (a) *consult the Electoral Commissioner and the Australian Statistician to ensure that, as far as practicable, the proposed boundaries of its wards correspond to the boundaries of appropriate subdivisions (within the meaning of the Parliamentary Electorates and Elections Act 1912) and census districts, and to ensure that the proposed boundaries comply with section 210 (7), and*
 - (b) *prepare and publicly exhibit a plan detailing the proposed division or alteration (the "ward boundary plan").*
- (2) *The council must give public notice of the following:*
 - (a) *the place at which the ward boundary plan may be inspected,*
 - (b) *the period for which the plan will be exhibited (being a period of not less than 28 days),*
 - (c) *the period during which submissions regarding the ward boundary plan may be made to the council (being a period of not less than 42 days after the date on which the ward boundary plan is placed on public exhibition).*
- (3) *The council must, in accordance with its notice, publicly exhibit the ward boundary plan together with any other matter that it considers appropriate or necessary to better enable the plan and its implications to be understood.*
- (4) *Any person may make a submission to the council regarding the ward boundary plan within the period referred to in subsection (2) (c).*
- (5) *The council must consider submissions made in accordance with this section.*

Review of Wards

A review of the current ward boundaries has been undertaken with three options being presented as attachments to this report.

A summary of major changes and maps appears in a separate attachment to this document. The three options presented change the distribution of the population between A, B and C Wards to achieved the required distribution. Of the three options presented Option 1 is recommended as the most desirable distribution of electors.

Consultation with NSW Electoral Commission

Once Council determines its preferred option, the proposed changes must be provided to the NSW Electoral Commission for approval prior to the required public exhibition period.

Report

Appropriate consultation was conducted with the NSW Electoral Commission and approval for the proposed alteration as presented in Option 1 was obtained on January 21, 2014 prior to the advertisement being placed.

The proposed changes to Council Ward Boundaries, inviting public comment appeared in the Express Examiner, on the Council website and the Council newsletter. Correspondence also was sent to all ratepayers who were impacted by the change. Council received two telephone enquiries where further clarification was requested.

A display featuring the proposed Ward changes was set up in the Council Administrative Centre foyer.

Submissions closed on April 15, 2014. No submissions were received.

Recommendation

That the amended Ward boundaries (map attached) be adopted by Council.

Attachments

1. Map of Ward boundaries (separate attachment)

ITEM 13E COMMUNITY SERVICES REPORT

Nil.

ITEM 13F GENERAL MANAGER'S REPORT

Nil.

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

ITEM 16 CONFIDENTIAL BUSINESS PAPER

**16.1 ARCHITECTURAL SERVICES FOR KYOGLE MEMORIAL HALL
REFURBISHMENT**

REPORT BY: URBAN AND ASSETS

**CONTACT: EXECUTIVE MANAGER URBAN AND ASSETS GRAHAM
KENNETT**

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

