

COUNCIL RESOLUTIONS REQUIRING ACTION AS AT 4 DECEMBER 2015

Date	Item Description	RESOLVED	Comments
30/07/12	Easement Agreement	That if an agreement cannot be reached by 1 October, 2012 or the above offer is rejected, Council seeks the approval of the Minister for compulsory acquisition in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .	A meeting was held on August 19, 2015 with the property owners and their legal representative. Council is awaiting a formal response from the legal representative in relation to the proposed acquisition. Further correspondence was sent on November 27, 2015 requesting a response as soon as possible in relation to this matter.
10/12/12	Toonumbar Dam Access Road	That to further progress the issue of Toonumbar Dam Access Road, Council; The Tourism Economic Development Officer and Community Projects Officer further progress the options for contributing funding from a number of sources, including Federal Government funding through Regional Development Australia – Round 5 and State Water.	Project application lodged on July 31, 2015 for Round 2 of the National Stronger Regions Fund for the initial sealing of the remaining gravel sections of Afterlee Road and the Dam Access Road.
11/03/13	Technical Services Committee Meeting 25 February 2013	That Council program Lofts Pinnacle Road for maintenance grading of the road between 1km and 2.5km from Kyogle Road within six months of the completion of the transfer of the Crown Road to Council.	Lofts Pinnacle Road yet to be transferred. Works program to be developed accordingly once transfer completed.
11/03/13	Woodenbong Caravan Park	That Council negotiate a management agreement with the Woodenbong Progress Association for the caravan park/campground located on Crown Reserve 81500.	Awaiting results of application to Minister made in March 2015. Followed up with Crown Lands June 2015 and again in July 2015 and August 2015. No response received to date.

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10/03/14	Review Of Section 94 Developer Contribution Plans	<p>That staff undertake a review of the current Section 94 Plan Work Schedules, and the “<i>per axle maintenance contribution rate</i>” for the heavy haulage levy.</p> <p>That upon completion of the audit of all approved Extractive Industries and the review of the works schedule and heavy haulage levy rate, a workshop be arranged for Councillors and staff to consider the Future of Section 94 & 94A Plans and any course of action regarding the Extractive Industry operations within the shire.</p>	<p>The review of heavy haulage rates is to form a part of Council’s overall review of its Section 94 Contributions Plans with a view of addressing:</p> <ul style="list-style-type: none"> • Consolidation of current separate plans • ET applicability to different uses • Effect of smaller dwelling sizes • Need for parks network plan • Heavy haulage rate • General contribution rates <p>Background information review to be undertaken Sept-Oct with a view to further detailed project plan in November. Project plan to include consideration/need for consultant assistance.</p>
14/07/14	Dick Smith Balloon Landing Anniversary	That a further report be presented to Council detailing the proposed Historic Site Information Bay, including an estimate of costs and proposed funding options.	Currently exploring options and working on design.
13/10/14	Program For The Ongoing Auditing Of Quarries	That upon the completion of the current Quarry Audit program a further report be brought to Council detailing audit findings and a Draft Strategic Audit Plan and Program	An update report is to be presented to Council's February 2016 Ordinary Meeting.
10/11/14	Sale Of Land - Chadburns Quarry	<p>That Council obtain a valuation for the property;</p> <p>That Council offer the land for sale by tender;</p> <p>That a further report be presented to Council outlining the results of the tender.</p>	<p>Valuation to be obtained once rehabilitation works are completed.</p> <p>Rehabilitation works are currently in progress under Contract 1400437.</p> <p>Tenders for sale will be called once rehabilitation works are completed.</p>

Date	Item Description	RESOLVED	Comments
11/5/15	Minutes Of The Gateway To The Rainforest Reserve Trust	That Council refer all enquiries from the Trustees of Crown Reserve 91529 to Crown Lands advising that Council has no interest in being involved in the management of this reserve.	Correspondence sent May 2015, follow up discussions held with Crown Lands June 2015, awaiting formal reply. No reply received to date. Reserve trust meeting held October 12, 2015 -- see report to 9 November Ordinary meeting of Council.
13/07/15	Councillor Numbers	That Council hold a workshop on the matter.	Date for workshop not yet set. It is noted that in discussions with the Minister for Local Government during his visit in July 2015 the Minister advised that he expected a consultation paper on the proposed changes to the Local Government Act to be released later in 2015. A date for the workshop will be scheduled after the release of the consultation paper.
13/07/15	Bridge Replacement Prioritisation Process	That the bridge replacement prioritisation methodology and the other factors that must be considered when allocating budgets and programming of works for bridge replacements listed in this report be included in the next revision of the Road Network Management Plan.	Finalisation of the road network plan will be realised by late January 2016.
10/08/15	Additional Funding Announcements and Budget Allocations	That Council authorises the Acting General Manager to accept the Australian Governments contribution of \$220,000 towards the construction of bridge number 150-B2501 Minneys Bridge, Clarence Way;	Documentation for the Department of Infrastructure and Regional Development under the Community Development Grants Program has been lodged, and awaiting formal funding Agreement.

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14/09/15	Minutes of Local Traffic Committee	<p>That the bus stop outside the KMI be removed altogether and additional parking be created at this location, possibly including an additional disabled space;</p> <p>That the bus stop in front of O&H Holden be extended to the northern side of their northernmost driveway, thus making it compliant with the AustRoads guideline;</p> <p>That the bus stop on the north east side of the intersection of Summerland Way and Geneva Street be removed altogether, and additional parking spaces be created, possibly including another disabled space;</p>	<p>Work in progress</p> <p>Work in progress</p> <p>Work in progress</p>
		That the recommendation of the Kyogle Public Transport Working Group for relocation of the taxi rank located in Summerland Way to Geneva Street opposite the Exchange Hotel be endorsed;	Work in progress
14/09/15	Proposed Repeal of SEPP 15 Rural Landsharing Communities	That a further report be brought to Council concerning any possible amendment that can be made to the previously named SEPP 15 following its inclusion in the Kyogle LEP.	No action can be taken on this resolution until the provisions of the SEPP have been included in the Kyogle LEP.
14/09/15	Minutes Internal Audit Committee	That the Internal Audit Committee investigate the status of Councillors with respect of the Work Health Safety Act.	To be included on the agenda of the next Internal Audit Committee meeting.

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14/09/15	Urgent Business Without Notice	<p>That Council registers its support for, and interest in, facilitating the recently announced Syrian Refugee Response;</p> <p>That Council liaise with the Federal Government and any relevant agencies to investigate ways in which Kyogle Council can assist in settling refugees, and funding opportunities to facilitate:</p> <ul style="list-style-type: none"> • Housing -- urban and rural • Employment -- weeds, Green Army, charities, community infrastructure; • Education -- public and private; • Training -- TAFE and traineeships 	<p>Contact made with the Australian Government through the office of the Minister for Immigration and Border Protection, Peter Dutton MP and e-mail sent requesting information and contacts in relation to the matter.</p> <p>Contact made with the NSW Government through the Department of Premier and Cabinet and the Co-ordinator General for Refugee Resettlement Prof Peter Shergold.</p> <p>Contact also made with Sanctuary Northern Rivers who deliver Settlement Services for refugees in the local area.</p> <p>Completed: Letter from NSW Coordinator General for Refugee Settlement received advising that Council would not be able not able to take critical mass of 200-300 refugees for settlement. However Council may be able to become a designated area in which refugees holding a Safe Haven Enterprise Visa (SHEV) are able to live and work. The Department of Premier and Cabinet will be consulting with regional areas to explore how regional NSW might offer a safe and welcoming place for SHEV holders to live and work. Council has as registered its interest to be part of these consultations.</p>

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12/10/15	Notice of Motion; Councillor Danielle Mulholland - Waste Vouchers	That Council investigate alternative options for current rubbish vouchers to include disposal of up to 300kg of waste by the way of five 60kg vouchers for more practical handling by residents using family sized vehicles, for the 2016-2017 financial year.	Investigations underway. Work in progress
12/10/15	Financial Assistance Grant Calculations	That Council makes a further submission to the Grants Commission in relation to the FAGS freeze and the low population density of our local government area.	Completed. A review of the guidelines for Special Submissions highlighted that submissions are only permitted for factors that are not already taken into consideration. Population Sparsity, Population distribution and population below average growth is always included as a disability measure and therefore could not be the basis of a special submission.

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12/10/15	Notice of Motion; Councillor Chris Simpson - - Bloore Street Property	<ol style="list-style-type: none"> 1. That the Notice of Motion received from Councillor Chris Simpson for the Ordinary meeting to be held on 12 October, 2015 be received and noted. 2. That the General Manager be authorised to enter into a contract for the sale of the property at the offered amount. 3. That the General Manager and Mayor be authorised to action all documentation associated with the sale. 4. That Council authorises the use of the common seal on documentation associated with the sale. 5. That should the contract for sale not be completed before the end of November 2015, that the list price be reduced to \$255,000. 	Contract for sale has been prepared and executed by Council and forwarded to the purchasers solicitor for execution by them.
09/11/15	Notice of Motion: Councillor Danielle Mulholland - Response to IPART Report	That Council complete a submission in response to the IPART recommendations on a standalone option and without identifying a potential merger partner.	Completed; submission sent to the Department of Premier and Cabinet. Copy of submission sent to Councillors and posted on Council's website.
09/11/15	Notice of Motion: Councillor Danielle Mulholland - Pathways to Prosperity	That the Council organise a business leaders and other stakeholders roundtable discussion to investigate, identify and recommend to Council potential strategic initiatives to promote targeted sustainable growth and prosperity in the Kyogle LGA.	Preliminary discussions held for planned meeting in early 2016.

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09/11/2015	SES Building Tabulam	That Council reallocate the funds for the underpinning of the Tabulam SES building to the refurbishment of the building up to \$26,473	Funds have been reallocated and waiting for a response from the SES.
09/11/15	Finalisation of LEP Amendment No. 4- Planning Proposal To Permit Additional Tourist And Visitor Accommodation In Rural Areas and Associated DCP Provisions	<ol style="list-style-type: none"> 1. That Council reiterate its support for the planning proposal to amend the Kyogle Local Environmental Plan 2012 to permit the development of camping grounds, eco-tourist facilities and farm stay accommodation in Zone RU1 Primary Production with the consent of Council, and to increase the maximum number of permissible bedrooms for farm stay accommodation and bed and breakfast accommodation. 2. That pursuant to section 59(1) of the <i>Environmental Planning and Assessment Act 1979</i>, Council request Parliamentary Counsel's Office to prepare a draft legal instrument. 3. That upon receiving from Parliamentary Counsel's Office a draft LEP amendment and an Opinion that the plan can be made, Council exercise its delegation and Council's delegate make the plan and request NSW Planning and Environment to carry out notification of the making of the plan. 4. That pursuant to Part 3 Division 3 Clause 21(1)(b) of the <i>Environmental Planning and Assessment Regulation 2000</i> Council approve the associated amendments to Kyogle Development 	Opinion and draft instrument received from Parliamentary Counsel's Office. Plan to be signed and made by Council's delegate. Notification of commencement of associated DCP provisions was made in December 2 edition of Richmond River Express Examiner to comply with legislated timeframe.

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		Control Plan 2014. 5. That in conjunction with a notice advising commencement of the LEP amendment, public notice of the approval of the DCP provisions be given in the Richmond River Express Examiner, pursuant to Part 3 Division 3 Clause 21(2) of the <i>Environmental Planning and Assessment Regulation 2000</i> .	
09/11/15	Planning Proposal to Amend LEP 2012 to Permit Certain Council Depot Works as Exempt Development	<ol style="list-style-type: none"> 1. That the Council receives and notes the report on the proposed amendment of its KLEP to include exempt development provisions for alterations and additions to Council depot facilities. 2. That Council resolves to amend the <i>Kyogle Local Environmental Plan 2012</i> (KLEP), through the preparation of a Planning Proposal generally in accordance with the changes outlined in this report. 3. That Council authorise the General Manager to prepare a Planning Proposal consistent with the contents of this report and submit the Planning Proposal to the Department of Planning and Environment (the Department) for review and Gateway Determination. 4. That on receipt of a Gateway Determination stating that Council may proceed with the LEP amendment, the Acting General Manager be authorised 	Preparation of planning proposal underway.

Date	Item Description	RESOLVED	Comments
		<p>to make any necessary changes to the Planning Proposal in accordance with the requirements of the Department and undertake the necessary administrative procedures of the LEP amendment process in accordance with the provisions of Part 3 Division 4 of the EP&A Act, including public consultation.</p> <p>5. That on conclusion of public consultation, a further report is presented to Council outlining the outcomes of consultation, including submissions received.</p>	
9/11/15	<p>Planning Proposal to Amend the Kyogle LEP 2012 to Include Additional Agriculture Supporting Uses Within the Rural and Village Areas</p>	<ol style="list-style-type: none"> 1. That Council receives and notes the report on Planning Proposal to Amend the Kyogle Local Environmental Plan 2012 to Include Additional Agriculture Supporting Uses Within The Rural And Village Areas. 2. That Council resolves to amend the <i>Kyogle Local Environmental Plan 2012</i> (KLEP), through the preparation of a Planning Proposal generally in accordance with the changes outlined in this report. 3. That Council authorise the General Manager to prepare a Planning Proposal consistent with the contents of this report and submit the Planning Proposal to the Department of Planning and Environment (the Department) for review and Gateway Determination. 	<p>Preparation of planning proposal underway.</p>

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		<p>4. That on receipt of a Gateway Determination stating that Council may proceed with the LEP amendment, the General Manager be authorised to make any necessary changes to the Planning Proposal in accordance with the requirements of the Department and undertake the necessary administrative procedures of the LEP amendment process in accordance with the provisions of Part 3 Division 4 of the EP&A Act, including public consultation.</p> <p>5. That on conclusion of public consultation, a further report is presented to Council outlining the outcomes of consultation, including submissions received.</p> <p>6. That the Council prepare a draft development control plan generally in accordance with the changes outlined in this Report, referring to inclusion of Chapter 1 and Chapter 2 Provisions of the DCP as applicable to temporary workers' accommodation.</p> <p>7. That public exhibition of the draft DCP is carried out in accordance with the requirements of the EP&A Regulation 2000.</p> <p>8. That the draft DCP is to be reviewed in light of any submissions made during public exhibition.</p> <p>9. That a further report is to be presented to the Council following conclusion of the public consultation stage and</p>	

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		consideration of any submissions that have been received.	
9/11/15	Tender for the Supply of Hydraulic Excavator 22-26 Tonne: Tender No 2015/16-01	<p>1.. Accepts the tender from Hitachi Construction Machinery for the supply of a Hitachi ZX240LC-3 excavator at a cost to Council of \$216,000.00 (GST exclusive).</p> <p>2. Accepts the tender for purchase from Euroauctions for the trade-in unit Caterpillar 324DL Excavator for \$65,000.00(GST exclusive).</p> <p>Purchase price new excavator: \$216,000 OPG Overhead bolt on cover: \$ 2,300 Boom height limiter \$5,175 Front bar and mesh grill \$3,000 Joystick and seat upgrade \$3,100</p> <p>Trade – sale price excavator \$65,000 Discount package offer -\$5,272.73 Net cost to Council: \$159,302.27</p>	Completed Orders raised. Correspondence sent to both successful and unsuccessful tenderers
9/11/15	Tender for Supply of Motor Grader: Tender 2015/16-02	<p>1. Accept the tender from Hitachi Construction Equipment for the supply of a John Deere 770GP Motor Grader at a cost to Council of \$383,700 (GST Exclusive)</p> <p>2. Accept the tender for purchase from Hitachi Construction Machinery for the trade-in unit John Deere 770D Motor Grader for \$92,000.00 (GST Exclusive)</p>	Completed Orders raised. Correspondence sent to both successful and unsuccessful tenderers

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		Purchase price new grader \$383,700 Tilting Front Blade \$28,380 Trade –Sale price grader -\$92,000 Discount Package Offer -\$5,500 Net cost to Council: \$314,580	

ONGOING COUNCIL RESOLUTIONS AS AT 4 DECEMBER 2015

Date	Item Description	RESOLVED	Comments
19/12/11	Mayoral Minute - Coal Seam Gas	<p>That Council imposes 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.</p> <p>That Kyogle Council opposes completely any CSG development on Prime Agricultural Land and high conservation value land.</p> <p>That Kyogle Council is committed to ensuring that the sustainability of agricultural production is not impacted by the relatively short term CSG Industry.</p>	<p>Ongoing matter.</p> <p>Ongoing matter. Council reaffirmed its opposition to CSG mining in the Kyogle LGA in September 2012.</p> <p>Ongoing matter. Report to Council meeting 8 July, 2013 regarding Council's responsibilities.</p> <p>Council confirmed its commitment to these previous resolutions involving the CSG industry on 14 July 2014.</p>
10/12/12	Notice Of Motion; Cllr Danielle Mulholland - CSG Update	<p>That the General Manager ensure that Councillors are immediately informed of any notification of existing or proposed Coal Seam Gas (CSG) or other unconventional gas related activity, particularly the commencement of seismic testing or drilling within –</p> <p>(a) their respective Ward; and</p> <p>(b) within the confines of the Kyogle Local Government Area (LGA)</p>	<p>Ongoing. Councillors provided with copies of Dart Energy correspondence received 3/11/14 and 2/12/14 re: PEL445.</p>

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10/08/15	Financial Assistance Grants	That Council will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports;	This has been done in a recent newsletter, and will be included in Capital Works Program monthly reports, but will remain an ongoing resolution.