



# **KYOGLÉ COUNCIL**

## **COUNCIL MEETING AGENDA**

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

**ON MONDAY, 10 FEBRUARY, 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, 10 February, 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

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

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

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

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

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### DISCLAIMER

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

(ARTHUR PIGGOTT),  
GENERAL MANAGER.

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

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

Each speaker has a maximum allowable time of 5 minutes.

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

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

Speakers are not to debate answers.

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

The maximum duration of this session is 30 minutes.

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

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

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

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

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

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

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

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

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

# **COUNCIL MEETING AGENDA**

**Monday 10 February 2014**

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- 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 9 DECEMBER 2013  
ORDINARY MEETING**

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**Summary/Purpose**

A copy of the Minutes for the Ordinary Meeting held on 9 December, 2013 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 9 December, 2013 be adopted.

**Attachments**

1. Minutes of the Ordinary meeting held on 9 December, 2013 (separately attached).

**ITEM 8      MAYORAL MINUTE**

Nil

**ITEM 9      NOTICES OF MOTION**

**9.1 NOTICE OF MOTION -- CR LINDSAY PASSFIELD, COUNCIL  
AMALGAMATIONS**

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**Summary/Purpose**

This item presents to Council a Notice of Motion received from Councillor Lindsay Passfield for the Ordinary meeting to be held on 10 February 2014.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Report**

A copy of the Notice of Motion follows;





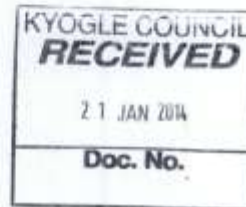
## NOTICE OF MOTION

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

That Council request advice from the State Government detailing the incentives for, and benefits of, potential amalgamation with one or more neighbouring Councils.

Signed: *Lindsay Passfield*

Date: *21 JAN 14*



### Councillor comments:

The recently completed review of Local Government in NSW, and ongoing reviews of the Local Government and Planning Acts, introduces a lot of uncertainty into the future of our local government area.

The result of amalgamations in other States has generally not been positive in terms of financial viability and service delivery.

The fundamental deficiency in revenue for local government, and the negative impact of cost shifting to local government from other levels of government, will not be resolved by amalgamation.

### 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 QUESTIONS FROM THE LAST COUNCIL MEETING**

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#### **Summary/Purpose**

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

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

- Governance and Community Service
- Roads and Infrastructure

#### **Report**

Following is the question raised at the last Council Meeting along with the response:

Cr Maggie Creedy:

1. What effect will the disallowing of the \$105,000 variance in September's budget review have on the rural roads maintenance program and on the standard of the work that is able to be done?

#### **Response**

*The disallowing of the requested variance contributed to the deferment of some maintenance works. These works relate to bridge and road maintenance; one grading crew has been stood down with permanent staff taking leave and casuals not employed, redeployment of some of the bridge crew to inspections and other tasks, less sealed road maintenance being undertaken, etc.*

*Fortunately the weather coupled with maintenance work carried out early in the year has resulted in an adequate level of service continuing with no abnormal increase in customer requests. The capacity to carry out emergency works has been maintained.*

*Many of these actions would have been undertaken to some degree even if the variance had been agreed to.*

#### **Recommendation**

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

## **ITEM 11 DELEGATES REPORTS**

### **11.1 DELEGATES REPORT -- DOWNS TO RIVERS ACTION COMMITTEE**

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#### **Summary/Purpose**

The following delegates report in respect of the Downs to Rives Action Committee has been provided by Councillor Lindsay Passfield for the information of Councillors.

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

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

#### **Background Information**

The report represents the minutes of the Annual General Meeting and general meeting of the Downs to Rivers Action Committee held at Legume on Friday 29 November 2013.

#### **Report**

Minutes of the Annual General Meeting of the TSC (Section 355) Downs to Rivers Action Committee of Tenterfield Shire held at the Legume Community Hall, Acacia Street, Legume on Friday 29 November 2013 commencing at 10.30 am

#### **ATTENDANCE**

Cr Neil Meiklejohn (Chairperson); Cr Peter Petty (Mayor – Tenterfield Shire Council); Cr Gary Verri (Tenterfield Shire Council); Cr Ernie Bennett (Mayor – Richmond Valley); Cr Lindsay Passfield (Kyogle Council); Glen Lamb (Legume Progress Assoc); Jim Peterson (Old Koreelah); Geoff Hamilton (Legume NSW Farmers); Paul Radridge (Engineer - Richmond Valley Council); Eric Krack (Engineer - Southern Downs Regional Council); Kerry Brown (Urbenville Progress Assoc); Sally Quinn (Urbenville Progress Assoc); Ron Bellingham (Patron); Jeremy Sollars (Warwick Daily News); Dave Cooke (National Building Aust); Andrew Peterson (Killarney Co-op); Monica Sirol (RMS); Dennis Gascoigne (Engineer - Tenterfield Shire Council); Julie Rhales (Rep Member for Page); Hon Thomas George MP (Member for Lismore); Lotta Jackson (General Manager – Tenterfield Shire Council); Noelene Hyde (Exec Assist - Tenterfield Shire Council).

#### **Apologies**

Apologies received and accepted from Mr Peter Mulcahy, Mr John Alexander, Mr Pat Brosnan, Hon Don Page MP, Hon Barnaby Joyce MP, Hon Adam Marshall MP, Hon Lawrence Springborg MP, Hon Bruce Scott MP, Hon Kevin Hogan MP, Mayor Jenny Dowell, Mr Patrick Murphy, Mr Jim Hurley, Mr Gary Murphy, Mr Peter See.

#### **Confirmation of Minutes**

**Resolved** that the Minutes of the TSC (Section 355) Downs to Rivers Action Committee Annual General Meeting held on Friday 8 June 2012, as circulated, be confirmed and signed as a true record of the proceedings of the meeting.

(Peter Petty/Andrew Peterson)

#### **Motion Carried**

## **Business arising from the minutes**

Nil.

### **Chairman's Report**

Cr Neil Meiklejohn presented the Chairman's Report.

*"It has been some considerable time since our last AGM in June 2012. As we reflect on the last 18 months it could be easy to focus on the fact no substantial improvements have been made to Mt Lindesay Road between Legume and Woodenbong – it could be seen to be a failing in our organisation's primary purpose.*

*We could stall while reflecting on the passing of our much revered Patron, Les Watson. I could easily dwell on the personal challenges our family has faced during our daughter's battle with cancer.*

*It was Dr Martin Seilgman who said "Optimistic and resilient people are happiest, healthier and live longer."*

*With that quote in mind I choose to be optimistic and positive.*

*Firstly I say thank you and ask you to accept our family's eternal gratitude for those of you who have offered personal support and asked after Caitlyn over the last twelve months both during and after her treatment. I am delighted to be able to share that her most recent tests show that at this stage she is still cancer free and enjoying life.*

*Like all of you I found news of Les Watson's passing a great tragedy. Rather than reflect on that loss I hold that we should continue to celebrate the life of a great man, a man who had great love of his family, dedication to his community and passion for everything he believed in, including the upgrade and maintenance of Mt Lindesay Rd.*

*Last year we invited former Mayor of Southern Downs Regional Council and former Mayor of Warwick Shire, Mr Ron Bellingham, to join DTRAC as Patron. I think we were all delighted with news that Ron accepted that invitation and I thank him once again on behalf of the committee for his continued support.*

*Tenterfield Shire, with financial support and cooperation from a range of stakeholders commissioned a Feasibility Study for the Mt Lindesay Road and an Economic Development Case for the Northern Growth Corridor.*

*The objective of the Feasibility Study was to obtain a realistic appraisal of the level of infrastructure investment that would be required to attract additional freight traffic to the road from competing routes and to quantify the expected benefits that any such upgrade would provide.*

*In turn the objective of the Economic Development Case study was to present the economic development case for the Northern Growth Corridor Project, centred around the to the 42 Kilometre section of Mt Lindesay Road between Legume and Woodenbong.*

*Combined these reports contain up to date and valuable information for the continued advocacy role this organisation, Tenterfield Shire and other stakeholders undertakes to achieve our objectives in relation to the upgrade and ongoing maintenance of Mt Lindesay Road. At the last committee meeting we identified the missing link of information with respect to the condition assessment and safety audit of the road and we will discuss those details again today.*

*Earlier this year the challenges of managing the gradual deterioration of the Mt Lindesay Road assets were crystallised with the news of urgent reviews being undertaken on Old Koreelah Bridge. I recall and note the grave concerns by all stakeholders regarding the risk and flow on impacts from the bridge potentially closing but undoubtedly this possibility bought clear focus on the very fragile nature of the road in its current condition.*

*One highlight of the past 18 months was the level of support offered by then Candidate for the Federal Election in the seat of New England, now Deputy Leader of the National Party, Minister for Agriculture and Member for New England, the Honourable Barnaby Joyce at the pre-election meeting hosted in Urbenville. At that time the Minister made clear his support for upgrade of the Mt Lindesay Road and announced it would be in his "top two" election priorities for his electorate.*

*A priority now is to have the Minister make good on his commitment including fighting, bullying and threatening his way into delivering funding for the Mt Lindesay Road.*

*In acknowledging the cross border ties between Tenterfield Shire and Southern Downs Regional Council a Memorandum of Understanding was signed between the two councils to formalise that relationship. It is only early days in establishing a closer working relationship but a meeting scheduled for mid-December is certain to produce fresh ideas and identify mutual benefits.*

*In closing can I thank my fellow office bearers, Mayor Peter Petty, General Manager Lotta Jackson and their team from Tenterfield Shire – especially Noelene Hyde for her continued excellence in administration for this organisation, and all of you for your continued passion for this important cause."*

Mayor of Tenterfield Shire Council, Cr Peter Petty extended his thanks to Cr Meiklejohn for the work he has done in Chairing DTRAC and also in promoting the Partnership Agreement between Southern Downs Regional Council and Tenterfield Shire Council.

### **Election of office bearers**

*Hon Thomas George MP took the Chair for the Election of Office Bearers.*

Mr George thanked Cr Meiklejohn as outgoing Chairperson and welcomed Mr Ron Bellingham to the meeting. He spoke of the unique situation in having three (3) members of the National Party as federal members in New England (Hon Barnaby Joyce MP), Maranoa (Hon Bruce Scott MP) and Page (Hon Kevin Hogan MP), stressing that it would be opportune for DTRAC to organise a deputation to go to Canberra to meet with these members and the Minister for Roads and Infrastructure, Hon Warren Truss MP.

### **Chairperson**

Nominations were received for:

- Mayor Ernie Bennett (Declined)
- Cr Neil Meikeljohn

Cr Neil Meikeljohn was declared re-elected as Chairperson of DTRAC until November 2015.

### **Vice chairperson**

Mayor Ernie Bennett was declared elected as Vice-Chairperson.

### **Secretariat**

Tenterfield Shire Council to remain as the secretariat as DTRAC is a Section 355 Committee of Tenterfield Shire Council.

### **Patrons**

Mr Ron Bellingham (former Mayor of Southern Downs Regional Council) was welcomed as Patron.

### **Executive Committee**

Executive Committee to comprise:

- Cr Neil Meiklejohn as Chair;
- Mayor Peter Petty (Local Government – Tenterfield Shire Council);
- Cr Lindsay Passfield (Local Government – Kyogle Council);
- Mr Glen Lamb as Community Representative;
- Mr Jim Hurley as Corporate Representative; and
- General Manager Ms Lotta Jackson as Committee Administrator.

The Executive Committee noted the ability of the Committee to co-opt additional representatives (particularly Vice Chairperson Mayor Ernie Bennett) as stated in the Terms of Reference.

Mayor Peter Petty requested that the Terms of Reference be changed to add the position of Vice Chairperson to the Executive Committee.

*Cr Meiklejohn resumed the Chair.*

### **General Business**

Nil.

There being no further business the Chairperson declared the meeting closed at 11.02 am.

Minutes of the TSC (Section 355) Downs to Rivers Action Committee of Tenterfield Shire held at the Legume Community Hall, Acacia Street, Legume on Friday 29 November 2013 commencing at 11.03 am.

### **Attendance**

Cr Neil Meiklejohn (Chairperson); Cr Peter Petty (Mayor – Tenterfield Shire Council); Cr Gary Verri (Tenterfield Shire Council); Cr Ernie Bennett (Mayor – Richmond Valley); Cr Lindsay Passfield (Kyogle Council); Glen Lamb (Legume Progress Assoc); Jim Peterson (Old Koreelah); Geoff Hamilton (Legume NSW Farmers); Paul Radridge (Engineer - Richmond Valley Council); Eric Krack (Engineer - Southern Downs Regional Council); Kerry Brown (Urbenville Progress Assoc); Sally Quinn (Urbenville Progress Assoc); Ron Bellingham (Patron); Jeremy Sollars (Warwick Daily News); Dave Cooke (National Building Aust); Andrew Peterson (Killarney Co-op); Monica Sirol (RMS); Dennis Gascoigne (Engineer - Tenterfield Shire Council); Julie Rhales (Rep Member for Page); Hon Thomas George MP (Member for Lismore); Lotta Jackson (General Manager – Tenterfield Shire Council); Noelene Hyde (Exec Assist - Tenterfield Shire Council).

### **Apologies**

Apologies received and accepted from Mr Peter Mulcahy, Mr John Alexander, Mr Pat Brosnan, Hon Don Page MP, Hon Barnaby Joyce MP, Hon Adam Marshall MP, Hon Lawrence Springborg MP, Hon Bruce Scott MP, Hon Kevin Hogan MP, Mayor Jenny Dowell, Mr Patrick Murphy, Mr Jim Hurley, Mr Gary Murphy, Mr Peter See.

### **Confirmation of minutes**

**Resolved** that the Minutes of the TSC (Section 355) Downs to Rivers Action Committee meeting held on Thursday 6 June 2013, as circulated, be confirmed and signed as a true record of the proceedings of the Meeting.

(Ernie Bennett/Geoff Hamilton)

### **Motion Carried**

### **Business arising from the minutes**

Cr Lindsay Passfield noted that all items arising from the Minutes would be covered in General Business.

## **GENERAL BUSINESS**

### **1. Confirmation of Terms of Reference**

**Resolved** that the Terms of Reference of the Downs to Rivers Action Committee (DTRAC) adopted by Tenterfield Shire Council on 25 September 2013 be endorsed by the Committee.

(Peter Petty/Gary Verri)

### **Motion Carried**

### **2. Correspondence**

- a) Toowoomba Regional Council. Letter dated 3 September 2013 was tabled. The letter declines the invitation to join DTRAC as a member but offers support to DTRAC in an endeavour to assist with regional growth.

**Resolved** that:

- a) Toowoomba Regional Council be invited as an observer to DTRAC Meetings with Business Papers, etc being provided; and
- b) An invitation be extended to Toowoomba Regional Council to attend the next meeting; and
- c) Wagners be invited to address the next meeting of DTRAC.

(Gary Verri/Geoff Hamilton)

**Motion Carried**

**ACTION:** Mr Ron Bellingham to contact the Mayor of Toowoomba Regional Council and invite him to the next meeting on Friday, 14 February 2014 at 10 am at Legume Community Hall.

- b) Roads & Maritime Services (RMS). Letter dated 23 October 2013 regarding reclassification of the Legume to Woodenbong Road was tabled.

Mr Dennis Gascoigne advised that changing the classification of the Road from Regional to State does not necessarily increase the funding, and may limit the opportunities for Federal funding. Council will work with the RMS on this and will submit a proposal for reclassification at the appropriate time.

Mr Gascoigne stressed that the major problem with the Road is renewal and in the past twelve (12) months much groundwork has been done in lobbying and engaging the politicians. DTRAC needs to remain focussed on the following issues:

- Mt Lindesay Road supports economic development for the region;
- The Road is critically unsafe; and
- Does the Road have the capacity to take the mix of traffic?

Further, he suggested that the Committee needs to talk about the "Legume to Woodenbong Road" (not DTRAC). The Committee needs to ensure a consistency of vision and a consistency of message which may be assisted by a relevant name change.

**ACTION:** That proposals for rebranding of DTRAC be brought to the next meeting with "Legume to Woodenbong Section of the Regional Northern Growth Corridor" being suggested.

**Resolved** that the correspondence be received and noted.

(Lindsay Passfield/Geoff Hamilton)

**Motion Carried**

*Hon Thomas George MP left the meeting, the time being 11.45 am.*

**3. Integrated Planning & Reporting**

Cr Lindsay Passfield advised that an Integrated Regional Transport Plan does not exist and is being worked on through the Summerland Way Committee.

Mr Dennis Gascoigne advised that within the Western Regional Roads Plan (which is to be published shortly) Mt Lindesay Road is a Priority 1. This Plan covers on and west of the Range.

Further, in response to Cr Passfield's request, Mr Gascoigne outlined Tenterfield Shire Council's comprehensive Integrated Planning & Reporting framework which comprises:

- Ten (10) Year Community Strategic Plan
- Four (4) Year Delivery Plan
- Long Term Financial Plan
- One (1) Year Operational Plan

## Community Strategic Plan

<b>DIRECTION 2.1 – Ensure a safe and efficient road network for all road users</b>		
<b>No</b>	<b>Strategies</b>	<b>Key Partners</b>
2.1a	Roads and bridges will be well designed, constructed and efficiently maintained	RMS
2.1b	Develop a revised four year Roads to Recovery Program and Road Repair Program	RMS
2.1c	Undertake road safety inspections of the road network to identify deficiencies in signage, guide posts and line marking	RMS
2.1d	Undertake traffic planning to facilitate safe and efficient traffic flows and pedestrian movements	RMS

## Delivery Plan

<b>DIRECTION 2.1 – Ensure a safe and efficient road network for all road users</b>				
<b>No</b>	<b>Strategies</b>	<b>Actions</b>	<b>Responsible Department</b>	<b>Outcomes</b>
2.1a	Roads and bridges will be well designed, constructed and efficiently maintained	Implement Asset Management Plans pursuant to IPRL based on technical levels of service	Engineering Services	Maintenance and implementation of the Road Network Management Plan
2.1b	Develop a revised four year Roads to Recovery Program and Road Repair Program	Strategy prepared and endorsed by Council for submission of projects to RMS as per grant requirements	Engineering Services	Finalisation of strategy and required approvals
2.1c	Undertake road safety inspections of the road network to identify deficiencies in signage, guide posts and line marking	Ensure inspections completed on a timely basis and data recorded	Engineering Services	Regular inspections conducted and defects rectified in accordance with the timeframes in the Road Network Management Plan
2.1d	Undertake traffic planning to facilitate safe and efficient traffic flows and pedestrian movements	Collection of data from traffic counters as required and completion of road safety audits on identified roads	Engineering Services	Evidence based classification of roads and maintenance schedules

## Operational Plan

<b>Strategy 2.1a - Roads and bridges will be well designed, constructed and efficiently maintained</b>			
<b>Actions</b>	<b>Responsible Department</b>	<b>How will we measure progress</b>	<b>Target</b>
<p>Implement Asset Management Plans pursuant to IPRL based on technical levels of service</p> <p>Review to ensure accuracy at least annually and present updates to Council where required.</p>	<p>Engineering Services:</p> <p><i>Asset Manager</i></p>	<p>Maintenance and implementation of the Road Network Management Plan</p>	<p>A complete suite of asset management plans including 10 year forecasts for renewals and upgrades with details of operational and maintenance costs in place by June 2013. Plans reviewed for accuracy by May 2014.</p>



<b>Strategy 2.1b - Develop a revised four year Roads to Recovery Program and Road Repair Program</b>			
<b>Actions</b>	<b>Responsible Department</b>	<b>How will we measure progress</b>	<b>Target</b>
Prepare strategy and endorsed by Council for submission to RMS pursuant to grant requirements	Engineering Services: <i>Deputy Director</i>	Finalisation of strategy and required approvals	Strategy Developed in line with Asset Management Plan by August 2013 and presented to Council for approval.

<b>Strategy 2.1c - Undertake road safety inspections of the road network to identify deficiencies in signage, guide posts and line marking</b>			
<b>Actions</b>	<b>Responsible Department</b>	<b>How will we measure progress</b>	<b>Target</b>
Ensure inspections completed on a timely basis and data recorded.  Ensure road safety inspections are completed in accordance with the schedule detailed in the Road Network Management Plan. Ensure items identified as a risk to public safety are corrected in the timeframes detailed for the class of road.	Engineering Services: <i>Deputy Director</i>	Regular inspections conducted and defects rectified in accordance with the timeframes in the Road Network Management Plan	Road safety inspections are undertaken and documented. Repairs are completed.

<b>Strategy 2.1d – Undertake traffic planning to facilitate safe and efficient traffic flows and pedestrian movements</b>			
<b>Actions</b>	<b>Responsible Department</b>	<b>How will we measure progress</b>	<b>Target</b>
Collection of data from traffic counters as required and completion of road safety audits on identified roads.  Prepare a Pedestrian Access Management Plan with RMS and integrate into the Main Street Master Plan. (DG)  Work with RMS to progress the Tenterfield Bypass, Bolivia Hill Bypass, Main Street Master Plan, and upgrades to Regional Roads.	Engineering Services: <i>Director,</i> <i>Deputy Director</i>	Evidence based classification of roads and maintenance schedules	Completion of the PAMP by June 2014.  Participate in RMS directed activities including DTRAC, LTC, Bolivia Hill and Tenterfield Bypasses

## **Long Term Financial Plan**

### **“3.7 Major Planned Expenditure**

The following major items of planned expenditure are proposed during the period of the Long Term Financial Plan –

1. Replacement water supply dam wall (Tenterfield) 2014/15 – Project cost \$4.5m
2. Tenterfield main street project 2014/15 – Project cost \$2.2m
3. Replacement water treatment plant (Tenterfield) 2017/18 – Project cost \$5.5m

4. Rebuild the Mt Lindesay Road between Legume & Woodenbong 2014/15 to 2018/19 - \$20m (subject to availability of grant funding).

### **Regional Roads Repair Program**

The current Regional Roads Repair Program concludes in 2014/15; the assumption has been made that the Roads & Maritime services (RMS) will continue to fund the program beyond the lifecycle of the current program.

Council will continue to utilise the Regional Roads Supplementary Grant and the Regional Roads Block Grant to provide the matching contributions.

An annualised indexation of 2.5% has been applied to each 5 year program.

The funding of the Repair program is detailed in the table below.

Year	Repair Grant	Supp. Grant	Block Grant
2013/14	\$250,000	\$120,000	\$130,000
2014/15	\$250,000	\$120,000	\$130,000
2015/16	\$300,000	\$130,000	\$170,000
2016/17	\$300,000	\$130,000	\$170,000
2017/18	\$300,000	\$130,000	\$170,000
2018/19	\$300,000	\$130,000	\$170,000
2019/20	\$350,000	\$130,000	\$170,000
2020/21	\$350,000	\$150,000	\$170,000
2021/22	\$350,000	\$150,000	\$200,000
2022/23	\$350,000	\$150,000	\$200,000

Over the 5 years between 2014/15 and 2018/19 Council proposes to allocate its Repair Grant funding toward rebuilding the Mt Lindesay Road between Legume and Woodenbong. This project will cost in the order of \$20m and requires a funding commitment from higher levels of government before it can proceed. The proposed program from 2019/20 for the following 3 years is to seal the remaining sections of the Mt Lindesay Highway.”

Cr’s Passfield and Meiklejohn confirmed that the Legume to Woodenbong Road is also addressed within the Integrated Planning & Reporting Framework of their Councils.

**Resolved** that the Integrated Planning Report be noted.

(Lindsay Passfield/Geoff Hamilton)

### **Motion Carried**

### **GENERAL BUSINESS**

#### **4. Road Condition & Safety Audit**

Mr Dennis Gascoigne advised that preliminary costings to conduct a Safety Audit have been forwarded to RMS and negotiations are continuing. A professional assessment needs to be done to assess the load capacity and address concerns regarding the Old Koreelah Bridge.

**ACTION:** Dennis to provide a report to the next DTRAC Meeting.

#### **5. Correspondence from Minister for Roads & Infrastructure, Hon Warren Truss MP**

General Manager Ms Lotta Jackson advised of a response received from the Minister to Tenterfield Shire Council’s letter that advising Council had recently had to reject an application to allow B-Doubles to use Legume to Woodenbong section of the Mt Lindesay Road, due to its condition.

The letter seemed to be a standard response pointing out Roads to Recovery and FAGS funding.

## **6. Patron – Mr Ron Bellingham**

Mr Bellingham thanked the Committee for nomination as Patron. He remarked on the Memorandum of Understanding between Tenterfield Shire and Southern Downs Regional Council as being a positive move in cross border co-operation.

## **7. Grafton Bridge**

Mr Geoff Hamilton sought an update on the location of the new bridge and was advised by Ms Monica Sirol (RMS) that studies were currently being undertaken.

## **8. Oaky Hill Works**

Mr Dennis Gascoigne reported on the road works at Oaky Hill advising that they will be finishing up soon but will be continuing after Christmas.

Mr Glen Lamb congratulated the Engineer and the Engineering Department on the works and the standard of the earthworks.

## **9. Summerland Way Committee**

Mr Glen Lamb asked if Tenterfield Shire Council was still a member of Summerland Way and was advised that Council had resolved not to continue membership. Cr Meikeljohn added that the Summerland Way needs to regain focus and member Councils will discuss this at the April 2014 meeting.

## **10. Cross Border Commission**

**Resolved** that Mr Steve Toms (NSW Cross Border Commissioner) and his Queensland counterpart be invited to the next DTRAC Meeting.

(Lindsay Passfield/Gary Verri)

## **Motion Carried**

## **11. Nation Building Australia**

Mr Dave Cooke, Director of Nation Building Australia reported that Bromelton, a new industrial city west of Beaudesert needs to develop and with mining investment signed up, there may be an opportunity for those interests to build the Road.

## **12. Meeting Dates 2014**

All meetings scheduled for 10.30 am (Morning tea at 10 am) at Legume Community Hall.

- Friday, 14 February 2014
- Friday, 9 May 2014
- Friday, 8 August 2014
- November 2014 - TBA

There being no further business the Chairperson declared the meeting closed at 12 noon.

## **Recommendation**

That the delegates report provided by Councillor Lindsay Passfield in respect of the Downs to Rivers Action Committee be received and noted.

## **ITEM 12     INFORMATION PAPERS**

### **12.1 COUNCIL RESOLUTIONS REQUIRING ACTION**

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#### **Summary/Purpose**

This report presents to Council a list of Council resolutions requiring action as at 31 January, 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 31 January, 2014 (separately attached).

## 12.2 FINANCIAL REPORT JANUARY 2014

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### Summary/Purpose

This report presents financial reports to Council for information.

### Community Strategic Plan Item(s)

- Governance and Community Service

### Background Information

#### Legislative Requirements

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

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

### Report

The following information is presented for information only.

#### (A) Finance Reports

Summary reports outlining Council's financial position as at 24 January, 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 – January 2014 be received and noted.

### **Attachments**

1. Councillors Travel
2. Financial reports

**ITEM 13 GENERAL MANAGER'S REPORT**

**ITEM 13A TECHNICAL SERVICES REPORT**

**13A.1 INITIAL SEAL AFTERLEE ROAD & DAM ACCESS ROAD**

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**Summary/Purpose**

This report is to provide Council with information on the estimated cost of sealing the remaining section of the route from Kyogle to Toonumbar Dam via Afterlee Road and Dam Access Road.

**Community Strategic Plan Item(s)**

- Roads and Infrastructure
- Economic Development

**Previous Council Consideration**

This matter was considered at Council's ordinary meeting of December 10, 2012 where Council resolved:

*"At the December quarter budget review, consider allocating funds to design the road as per the report (\$40,000)"*

**Report**

Following the results of the pavement investigation conducted in May, 2013, an estimate of the construction costs for the initial sealing of the remaining unsealed 0.9km of Afterlee Road and the 6.6km of Dam Access Road has been prepared based on the following construction methodology.

- 6m wide seal on a 7m formation
- Existing alignment maintained apart from one poorly aligned corner at chainage 2km on Dam Access Road.
- Add a correction layer over the existing pavement primarily to ensure the road cross section meets the required geometric standards.
- Stabilise the existing pavement as testing has shown that it does not meet road base specifications
- Overlay the stabilised sub-base with 150mm of road base material
- Apply a two coat seal

All road base and overlay materials required for the project would be sourced from Millers Quarry.

Previous advice to Council stated that the project would cost between \$1.7 and \$2.2 million, a detailed estimate following the pavement investigation puts the value of the works required at \$2.17 million.

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### **Budget & Financial Aspects**

The current four year capital works program does not provide funding for this project.

### **Recommendation**

That the Initial Sealing Afterlee Road and Dam Access Road report be received and noted.



**Summary/Purpose**

This report is to provide Council and the Committee with information regarding the over expenditure on the Boomi Creek to Connells Road and Connells Road to Urbenville Regional Roads Repair Projects.

**Community Strategic Plan Item(s)**

- Roads and Infrastructure

**Background Information**

Both the Boomi Creek to Connells Rd and the Connells Road to Urbenville Projects were 50/50 funded under the 2011/12 to 2014/15 Repair Program.

Allocations for the Boomi Creek to Connells Road Project were \$230,000 in 2013/14 and a further \$141,000 in the 2014/15 financial year

Allocations for the Connells Road to Urbenville Project were \$350,000 in the 2012/13 financial year. These works ended up running into the next financial year.

Council has previously allocated an additional \$88,000 of Roads to Recovery funds to the Connells Road to Urbenville Project to allow for the expenditure expected at the commencement of the project.

**Report**

Costs incurred for the Boomi Creek to Connells Road Project in this financial year amounted to \$249,740. It should be noted that the works associated with the 2014/15 allocation for this project have been completed.

Roads and Maritime Services have verbally advised that funds were available to bring forward the 2014/15 funding to complete the works through to Urbenville. Costs incurred for the Connells Road to Urbenville project in the 2013/14 financial year have been \$756,071 and \$70,453 in the 2012/13 financial year.

Completing all works from Connells Road to Urbenville this financial year has saved on future establishment costs (transporting equipment, setting up on site facilities, traffic management).

Total costs for the 2.2km section of road constructed have been \$1,076,264. Currently \$809,000 has been allocated to the projects representing a \$267,264 overrun for the two projects which have been constructed in conjunction with one another.

Whilst the constructions standards achieved have been good this financial performance is not considered adequate.

Contributing factors to the overrun include;

- The job was estimated in 2010 for the 2011/12 to 2014/15 Repair Program. Since the Original Estimate was submitted at the commencement of the program construction costs have increased by around 17%.
- The decision by the Executive Manager Infrastructure Works to complete works through to Urbenville so that it was not revisited in 2014/15 with attendant costs and public perception of an unfinished project.
- The original estimate was prepared without detailed design or material volume estimates. Volumes of material exceeded the estimate.
- Significant time lags between committing to purchase, or actually purchasing, material and the costing flowing through to the financial reporting system.

The following actions have been, or are planned, to be implemented to improve financial performance;

- A design program has been formulated to ensure that survey and design information is available at the time of estimate.
- Supervisory staff have input to, and review design and estimates from a practical point of view.
- The procurement process has been enforced (orders prior to purchase) to ensure timely reporting of committed costs.
- A review of construction work practices through the Continuous Improvement Team is to be prioritised to improve efficiency and effectiveness.
- A review of the forward capital works program has commenced.

## **Recommendation**

1. That the Regional Roads Repair Program report be received and noted.
2. That the over expenditure of \$267,264 be funded from Transport Fund reserves.

**Summary/Purpose**

This report provides Council with an update on the activities of the Infrastructure Works Department and highlights issues associated with long term sustainability such as service levels, resourcing, productivity, etc.

**Community Strategic Plan Item(s)**

- Roads and Infrastructure

**Report****Overview**

The Infrastructure Works Department, on behalf of Kyogle Council, is responsible for the maintenance of 213 timber and 139 concrete bridges, 332 km of sealed and 855km of unsealed roads, approximately 4200 concrete culverts, over 100 causeways, more than 560 guard fences and various other road related infrastructure.

The management of the roads and bridges infrastructure is at a critical point where well-informed decision making is required to ensure adequate service levels are provided which are financially sustainable in the long term.

Community surveys have consistently rated maintenance of the roads and bridge infrastructure as the top priority yet this work is chronically underfunded.

There is an Asset Management system which holds all relevant data on road and bridge assets; however refinement of this system is required to enable long term scenario modelling of the effects of various maintenance efforts.

This will provide comparative data for various maintenance and replacement scenarios and what the effects are on the finances and service levels.

**Where are we at?**

The activities of the Infrastructure Works Department are subject to an ongoing review.

A major driver for this review has been the need to balance resources against the work that is "required" to be undertaken within a potentially variable budget.

The lack of a strong relationship between the budget, the works program and council resources, limited guidance from an immature asset management system and a lack of agreed, formal service levels are causes for concern.

Issues that are being examined include;

1. *Schedule of Works*

A comprehensive works schedule has been formulated. Progress is reported at the fortnightly IW meeting. The schedule has been invaluable in keeping projects on track and assessing resourcing needs for the work to be undertaken.

Construction and routine maintenance works are generally on schedule for 13/14.

Capital bridge projects are complete apart from two flood damage related projects that RMS is yet to confirm.

2. *Resources*

From the Schedule of Works resources have been allocated to all work activities. The resource histogram demonstrates a significant variance from budget cost to actual cost for routine and programmed work. If flood damage income is excluded the variance is even greater.

The main areas of variance are road maintenance and timber bridge maintenance.

These two areas have a significant component of council owned plant and a high proportion of permanent staff.

3. *Budget/Long Term Financial Plan*

As highlighted above there is a mismatch between the budget allocation and the actual resources engaged. A process has commenced to identify the shortfalls and remedies available.

4. *Productivity*

Productivity is a combination of efficiency (how much is done) and effectiveness (how long did it last).

Efficiency in most IW work activities is at an acceptable level with room for minor improvements.

Effectiveness, particularly in relation to road construction and road maintenance, is under scrutiny. The wholesale application of cement stabilisation, regardless of the prevailing sub – grade or material properties has, in some circumstances, led to early pavement deformation and cracking along with seal adhesion problems.

Similarly, the universal application of jet patching to seal failures has, at times, resulted in very temporary repairs.

5. *Service Levels*

No formal service levels for roads and bridges exist. The service level has a direct and significant impact of resources, budget and community satisfaction. These need to be *established as soon as possible*.

6. *Priorities/Direction*

With so many competing and vocal interests it is possible that efforts can be distracted from priority tasks and service delivery becomes more reactive and less strategic.

Whilst attempting to deliver communities immediate “needs” is a feature of local government life Australia-wide it is not a substitute for good planning.

### **What have we done so far?**

In an effort to reduce costs and improve productivity the following actions have been taken by the Infrastructure Works Department;

- Supervisory staff reduced. The East of the Range maintenance supervisor’s role has been combined with the Road Construction Supervisor’s role resulting in one less supervisor.
- Engineering staff reduced. One full time engineer position has been made redundant.
- Works schedule and resource needs developed.
- One bridge crew has been disbanded.
- Casual staff has been reduced.
- Continuous improvement teams have been established for major activities to recommend and implement improved efficiency and effectiveness.
- A roadmap has been developed for Infrastructure Works listing prioritised activities that need to be undertaken to improve effectiveness and efficiency. From this roadmap action plans are being developed to implement change.
- A design program has been introduced to ensure forward planning of works.
- Testing of in situ and maintenance and construction materials for all road construction and major maintenance works is mandatory to ensure longevity of work through employing the correct construction practices.
- Quarry strategy developed which identifies a range of related issues including compliance, material suitability, and potential for new quarries.
- An increased effort in funding and lobbying with staff duties reassigned to make this a higher priority.

### **Where to from here?**

Questions that need consideration and answering to be able to identify future actions and activities include the following;

- *What level of service is required/desirable?*

The current level of service routinely provided is generally based on past custom and practice and what staff think is acceptable at the time.

For example gravel road maintenance service level is to grade;

- Regional and arterial roads just under twice per year (102 km x 1.8),
- Collector and feeder roads once per year (430km),
- Residential roads twice every three years (310 km x 0.6).

This does vary according to weather conditions and flood damage funding but approximates the maintenance grading effort. This equates to 540 days grading per year at a cost of \$1.5million.

Minimal resheeting and drain maintenance is carried out. Resheeting (assuming a 10 year cycle for regional and arterial and 15 year cycle for collector, feeder and residential roads; 60km/year) would add a further \$700,000 in material.

Table drain maintenance (assuming a 10 year cycle for regional and arterial and 15 year cycle for collector, feeder and residential roads; 120km/year)) would add \$100,000.

Allowing for miscellaneous items such as signs, guide posts, vegetation control, etc. an annual budget of \$2.5million would be required, compared to the current budget of \$1,105,374, for ongoing maintenance not including backlog work.

It is therefore essential that agreed, affordable levels of service are established and promoted within the community.

- *Can productivity be improved and if so what does that mean for the permanent workforce?*

Changing the habits (or work practices) of a lifetime is not a fast process in any organisation if the existing workforce and service delivery methods are to be maintained.

However significant progress has been made with Continuous Improvement Teams, composed of representatives from all levels of the service delivery team, examining all aspects of work and how it can be improved. Reducing lost travel time by working extended hours and fewer days per week is being examined along with changing work practices such as cement stabilisation stabilise sub grade not base material, utilise lime, cement, flyash blends to suit the material, trialling polymer stabilisers for gravel roads, etc.), vegetation control (phase two of herbicides versus slashing trial has commenced), sourcing closer and better materials, etc.

Improving productivity and reassessing priorities may adversely impact on the permanent workforce in the medium term (between 5 and 10 years from now) however, because of the backlog of work; no immediate impact is expected from productivity improvement alone.

- *What level of expenditure is sustainable long term?*

This is not an easy question to answer as there are many variables;

- What will happen with grant funding such as R2R, bridge funding, etc.?
- How much will be earned from the RMS contract and how long will this continue?
- What level of service is to be provided?

- What is the current backlog?
- Can short term increased expenditure reduce the long term liability?
- How flood damage funding is managed?

There is not sufficient information currently to provide a reasonable estimate of long term sustainability of bridge and road maintenance service delivery.

- *How can long term routine maintenance expenditure be reduced?*

Reduction in maintenance expenditure over recent years has been at the expense of a routine maintenance and preventative maintenance program. This has resulted, in some cases, in a lowering of standards and early pavement failure.

Road maintenance activities such as shoulder grading which directs water away from the pavement, table drain maintenance which prevents saturation of the pavement from underneath, resheeting which provides higher skid resistance and allows effective grading (to remove corrugations, potholes, etc.), resealing to ensure deflection of water from the pavement, etc. have been significantly reduced to the detriment of pavement integrity and pavement life. This has been a short term saving which is now resulting in higher maintenance cost and reduced service.

Building an asset, such as a sealed road, and then not maintaining it adequately by carrying out drainage, shoulder grading and reseals to the point where it deteriorates beyond maintenance and needs reconstruction is not being economically responsible.

A road is only as good as its drainage.

A basic annual reseal budget should be of the order of \$900,000 to ensure that the 360km of sealed road that Council is responsible for is maintained adequately and expected pavement life is attained.

The annual average budget is only \$600,000 however there is over \$800,000 of second coat sealing required to be applied to construction jobs that were only primer sealed (i.e. a single coat seal ) initially.

A significant number of sealed roads are beyond routine maintenance and reconstruction will be required to maintain the current level of service or a decision made to reduce the level of service (i.e. more lightly trafficked sealed roads to gravel).

Similarly timber bridge maintenance and replacement is carried out more from an immediate affordability perspective (e.g. small bridge replacement prioritised over larger bridges) or reactively than from a strategic perspective.

Currently 12 bridges have load limits; by the end of February this year it is anticipated that 25 bridges will have load limits applied varying from 2 tonne to 20 tonne. This is predicted to increase significantly over the next 5 years if the current level of bridge replacement is maintained.

Seventy of Council's bridges were built prior to 1960. A nominal life for a well maintained timber bridge constructed prior to the 1980s is 50 years however this is now somewhat reduced with the decline in availability of high durability timber to around 30 years for bridges built from the 1980s onward.

A large proportion of bridges are approaching the end of their life at the same time. This will most likely result in increased application of load limits.

Reducing long term maintenance costs and risk can be achieved by;

1. Reducing levels of service e.g. not reconstruct targeted sealed roads but eventually return to gravel.
2. Carrying out preventative maintenance, particularly drainage and reseals, to ensure the greatest return from the construction investment is achieved i.e. longer life.
3. Implementing a strategic replacement program for timber bridges to reduce/eliminate timber bridge maintenance as soon as possible.
4. Reduce speed limit to 80kmh similar to RMS reduction on Kyogle Road.

- *How do we deal with flood damage from a resourcing perspective?*

Flooding and the subsequent disaster relief funding that is provided has occurred so regularly over the past decade that it has become an expected and normal part of Council's operation.

Levels of staffing and plant have increased to deliver this work. In the 13/14 budget \$1.34 million of income is attributable to flood damage funding for roads and bridges. This roughly equates to one road maintenance crew and the timber bridge maintenance crew's cost for the year.

Options to manage this include;

1. Reduce work force to a level sustained by routine funding and engage contractors for flood damage reparation. This would even out the resource requirement but ;
  - a. may effect local employment,



- b. contractors may not be available when required due to other similar work being required,
  2. Budget a contingency amount for years when there is no flood damage funding,
  3. Increase the budget to allow for the required resource level ignoring flood damage funding,
  4. A combination of 1, 2 and 3.
- *How much risk will Council take?*  
The major road and bridge associated risks to Council are financial, liability and public safety risks.

Council always carries these risks to varying degrees however a strategic asset management plan will provide Council with information for sound decision making and a defensible position on a capacity to pay basis i.e. work hasn't been undertaken because it is not a priority or it can't be afforded.

### **What are the recommendations?**

1. In the short term, reduce road and bridge maintenance to provide only skeleton crews with a reduced level of service particularly gravel road maintenance.
2. Review asset software and data; update useful lives, replacement costs, condition ratings, etc. to improve decision making and prioritisation of work.
3. Formulate and agree, in consultation with stakeholders, a comprehensive suite of service levels, which are financially sustainable. This will be an iterative process.
4. Develop a detailed strategic asset management (SAM) plan for roads and bridges that provides Council with "what if" scenarios that will demonstrate the long term effects of today's decision making. No funding of projects from reserves until the SAM plan is agreed.
5. Develop a zero based budget based on agreed service levels and the required resource levels (including casuals) to achieve it.
6. Establish a base level of work that will be undertaken by Council full time and part time staff with minimal casual staff. Manage the peaks by deferring programmed works and/or engaging contractors.

### **Budget & Financial Aspects**

No direct implications but if recommendations are enacted a more transparent budget process will result.

## Recommendation

That Council;

1. Receives the report
2. Endorses the following actions;
  - a. In the short term, reduce road and bridge maintenance to provide only skeleton crews with a reduced level of service particularly gravel road maintenance.
  - b. A review asset software and data; update useful lives, replacement costs, condition ratings, etc.to improve decision making and prioritisation of work be undertaken.
  - c. A comprehensive suite of service levels, which are financially sustainable to be formulated and agreed, in consultation with stakeholders.
  - d. A detailed strategic asset management (SAM) plan for roads and bridges that provides Council with “what if “scenarios that will demonstrates the long term effects of today’s decision making to be developed.
  - e. A zero based budget based on agreed service levels and the required resource levels (including casuals) to achieve it to be developed.
3. Directs the General Manager to provide a progress report to Council at the April 2014 Ordinary Meeting of Council.

## 13A.4 REVIEW OF PUBLIC GATES AND BYPASSES (CATTLE GRID) POLICY AND MANAGEMENT PLAN FOLLOWING EXHIBITION PERIOD

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### Summary/Purpose

This report advises Council of the outcome from the public exhibition of the draft amendments to the Public Gates and Bypasses (Cattle Grid) Management Plan and Policy.

### Community Strategic Plan Item(s)

- Roads and Infrastructure

### Previous Council Consideration

Council considered a report on the proposed amendments at its meeting held 14<sup>th</sup> November, 2013 where Council resolved to:

- “1. Direct the General Manager to publically notify and exhibit the proposed amendments to the Bypasses and Gates Policy (documented in ATTACHMENT 1) in accordance with Section 160 of the Local Government Act 1993.*
- 2. Direct the General Manager to publically notify and exhibit the proposed amendments to the Bypasses and Gates Management Plan (documented in ATTACHMENT 2) in accordance with Section 160 of the Local Government Act 1993.”*

### Report

The draft amended documents were exhibited from 20th November, 2013 to 13th January, 2014 and written submissions were received up to close of business (4pm) on Monday, 13th January 2014.

At the close of the period a number of written submissions relating to specific circumstances and had been received but did not address the actual amended Gates and Bypasses Policy and Management Plan.

One submission supported the proposed amended Policy and Management Plan but objected to the proposition of charging fees to those permit holders who were compliant with the Policy and Management Plan.

Two submissions were received that supported farmer's being able to install grids as an effective and affordable means of controlling cattle.

Two submissions were received raising issues with specific grids.

During the submission period considerable correspondence has been received with regard to two specific grid locations. These were not considered to be submissions on the proposal to amend the Gates and Bypasses Policy and Management Plan. During the submission period a number of phone calls were received seeking clarification but these were not followed up with submissions.

The draft amended Policy and Management Plan were available for viewing online and at the following locations:

Wadeville Store	Woodenbong Post Office	Tabulam Post Office
Cawongla Store	Kyogle Library	Old Bonalbo Post Office
Bonalbo Post Office	Mallanganee Post Office	Wiangaree PO/Store
Kyogle Council Office		

Apart from one submission which objected to all permit holders paying fees none of the submissions addressed any specific issues related to the draft amended Policy and Management Plan.

The issue of fee payment is not immediate and may be addressed at a later date.

Therefore it is recommended that the Public Gates and Bypasses (Cattle Grid) Policy and the Public Gates and Bypasses (Cattle Grid) Management Plan as advertised for submissions be adopted.

### **Recommendation**

1. That Council adopt the amended Public Gates and Bypasses (Cattle Grid) Management Plan.
2. That Council adopt the amended Public Gates and Bypasses (Cattle Grid) Policy.

### **Attachments**

1. Submissions received on the advertised amendments to the Kyogle Council Public Gates and Bypasses (Cattle Grid) Management Plan and Policy are attached for Councillors.

## ITEM 13B PLANNING SERVICES REPORT

### 13B.1 DEVELOPMENT APPLICATIONS RECEIVED, OUTSTANDING AND DETERMINED FOR THE PERIOD 1 DECEMBER, 2013 TO 31 JANUARY, 2014

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#### Report

2007/161

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

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2010/58

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

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2011/20

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

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2011/181

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: Withdrawn

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2012/39

Property: Lot 1 DP 122685 Boorabee Parish, Rous County.  
Address: Taveners Road Little Back Creek  
Applicant/Owner: MG Hughes  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting additional information from applicant

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2012/43

Property: Lot 2 DP 709493 Capeen Parish, Rous County.  
Address: Duck Creek Road Duck Creek  
Applicant/Owner: Riordans Consulting Surveyors / SR Barrett

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Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Adjoining owner notification closes 8/11/13

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2012/69

Property: Lot 13 DP 1013228 Fairy Mount Parish, Rous County.  
Address: Green Pigeon Road Green Pigeon  
Applicant/Owner: PC & WL Poussart  
Proposal: Ecotourism / Health Retreat  
Received: Referred To DMP For Comment  
Status: Awaiting applicant's response to Council's letter

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2012/70

Property: Lot 2 DP 263202 Jiggi Parish, Rous County.  
Address: Oxbow Road Cawongla  
Applicant/Owner: L Trantino & DM Trantino  
Proposal: Multiple Occupancy  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2012/76

Property: Lot 3 Sec 4 DP 759111 Donaldson Parish, Rous County.  
Address: Lindsay Street Woodenbong  
Applicant/Owner: LK Whitford & GR English / KL Whitford  
Proposal: Bed & breakfast accommodation  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2012/79

Property: Lot 101 DP 781824 Fairy Mount Parish, Rous County.  
Address: Stratheden Street Kyogle  
Applicant/Owner: Bettina Pty Ltd / TE Calleja  
Proposal: Change of use  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2013/6

Property: Lot 20 DP 755744 Toonumbar Parish, Rous County.  
Address: Crossleys Road Afterlee  
Applicant/Owner: Riordans Consulting Surveyors / BK Perry  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting Applicant's response to Council's letter

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2013/10

Property: Lot 92 DP 755706 Etrick Parish, Rous County.  
Address: Brown Knob Road, Eden Creek  
Applicant/Owner: Newton Denny Chapelle / R & JJ Hibbens  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting applicant's response to Council's letter

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2013/11

Property: Lot 11 DP 1105782 Runnymede Parish, Rous County.

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Address: 13174 Summerland Way, Kyogle  
Applicant/Owner: Riordans Consulting Surveyors / CA & KA Woosley & DB Page  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2013/12

Property: Lot 312 DP 1115305 Peacock Parish, Buller County.  
Address: Peacock Creek Road, Gorge Creek  
Applicant/Owner: GJ Faulks / Faulks Holdings Pty Ltd  
Proposal: Private Cemetery and Boundary Adjustment  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2013/14

Property: Lot 1 DP 358872 Roseberry Parish, Rous County.  
Address: Summerland Way, Grevillia  
Applicant/Owner: LW Hoffman / Ladeb Pty Ltd  
Proposal: Replacement of Service Station & Dwelling  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2013/16

Property: Lot 2 DP 210310 Hanging Rock Parish, Rous County.  
Address: Lilly Pilly Lane, Barkers Vale  
Applicant/Owner: GM Louttit / GM Louttit  
Proposal: Dwelling Additions  
Received: Referred To DMP For Comment  
Status: Awaiting assessment of additional information

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2013/56

Property: Lot 2 Sec 5 DP 7628 Geneva Parish, Rous County.  
Address: Smith Street Geneva  
Applicant/Owner: All Steel Garages & Sheds / LJ Davis  
Proposal: Garage  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2013/62

Property: Lot 7 DP 1186807 Jiggi Parish, Rous County.  
Address: Silky Oak Place Cawongla  
Applicant/Owner: Mr C W Luther / Complete Coating Commercial Pty Ltd  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2013/65

Property: Lot 10 Sec 8 DP 759111 Donaldson Parish, Rous County.  
Address: Dalmorton Street, Woodenbong  
Applicant/Owner: MW & J Watson / MW Watson  
Proposal: Shed  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2013/66

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Property: Lot 41 Sec B DP 6798 Runnymede Parish, Rous County.  
Address: Merrigan Street, Kyogle  
Applicant/Owner: Trueline Patios & Extensions / JA Caban  
Proposal: Dwelling Additions  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2013/67

Property: Lot 18 DP 1172403 Fairy Mount Parish, Rous County.  
Address: Howard Court, Kyogle  
Applicant/Owner: AJ Clarke  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2013/68

Property: Lot 1 DP 8406 Runnymede Parish, Rous County.  
Address: Runnymede Road, Kyogle  
Applicant/Owner: Kyogle Council  
Proposal: Waste Disposal Facility  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2013/69

Property: Lot 18 DP 1172403 Fairy Mount Parish, Rous County.  
Address: Andrew Street, Kyogle  
Applicant/Owner: LJ Roy  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2013/70

Property: Lot 164 DP 755734 Runnymede Parish, Rous County.  
Address: Summerland Way, Kyogle  
Applicant/Owner: Newton Denny Chapelle / Lake Noorinbee Pty Ltd  
Proposal: Multi Dwelling Housing  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2013/71

Property: Lot 107 DP 751077 Robertson Parish, Rous County.  
Address: Clarence Street, Bonalbo  
Applicant/Owner: LG & R Henry  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2013/72

Property: Lot 68 DP 781944 Fairy Mount Parish, Rous County.  
Address: Summerland Way, Kyogle  
Applicant/Owner: Newton Denny Chapelle / A & MP Smith  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2013/73

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Property: Lot 783 DP 1097513 Mummulgum Parish, Rous County.  
Address: Hayward Ridge, Hogarth Range  
Applicant/Owner: DR Lambert  
Proposal: Dwelling additions  
Received: Referred To DMP For Comment  
Status: Approved subject to conditions

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2013/69

Property: Lot 18 DP 1172403 Fairy Mount Parish, Rous County.  
Address: Andrew Street, Kyogle  
Applicant/Owner: LJ Roy  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2014/1

Property: Lot 40 DP 872533 Boorabee Parish, Rous County.  
Address: Boorabee Creek Road, Boorabee Park  
Applicant/Owner: SH & SS Fletcher  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2014/2

Property: Lot 11 DP 858528 Boorabee Parish, Rous County.  
Address: Boorabee Creek Road, Boorabee Park  
Applicant/Owner: M Monteith / Cast-A-Stone Pty Ltd  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2014/3

Property: Lot 1 DP 14550 Fairy Mount Parish, Rous County.  
Address: Wyangarie Street, Kyogle  
Applicant/Owner: GK Duley  
Proposal: Shed  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2014/4

Property: Lot 19 DP 1172403 Fairy Mount Parish, Rous County.  
Address: Howard Court, Kyogle  
Applicant/Owner: SE Clarke  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2014/5

Property: Lot 10 DP 1162964 Boorabee Parish, Rous County.  
Address: Lindsay Road, Larnook  
Applicant/Owner: Perry Homes (Aust) Pty Ltd / GA Wolstenholme & CA Perrett  
Proposal: Dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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2014/6

Property: Lot 50 DP 1144934 Fairy Mount Parish, Rous County.  
Address: Colin Street, Kyogle  
Applicant/Owner: WA Bolden  
Proposal: Relocatable Dwelling  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

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## Recommendation

1. That, with the exception of the following items in which Councillors ..... and ..... have declared an interest,
  - Cr..... 10B.1 Development Applications  
Received, Determined and Outstanding DA.../... - Reason for Declaration  
-
  - Cr.....10B.1 Development Applications  
Received, Determined and Outstanding DA.../... - Reason for Declaration  
-

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 December 2013 to 31 January, 2014 be received and noted.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 December 2013 to 31 January, 2014 only in relation to DA.../... and DA.../.... In which Councillors ..... have declared an interest be received and noted.

## **13B.2 DEVELOPMENT APPLICATION 2013/068 WEIGHBRIDGE AND IMPROVEMENTS - KYOGLE LANDFILL AND WASTE MANAGEMENT FACILITY**

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### **Summary/Purpose**

This report is presented to Council for consideration and determination of DA 2013/068 for a proposed new weighbridge, waste processing and recovery facility and site improvements within the existing Kyogle licenced landfill and waste management facility in a staged manner.

The assessment report and recommendations have been prepared by the Principal of Consultant Town Planning firm Denis Atkinson Planning Pty Ltd, Mr Denis Atkinson.

### **Previous Council Consideration**

Council previously resolved at its 11 November 2013 meeting to:

*Authorise the General Manager to sign and lodge the Development Application for the staged improvements at the Kyogle Waste Management Facility as outlined in this report.*

*Authorise the General Manager to engage the services of an external Town Planning Consultant to undertake the Assessment of the Development Application and prepare a report for Council's determination of the application.*

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

1. Waste and Water
2. Environmental and Planning

### **Report/Assessment**

#### **1. APPLICATION**

Under Kyogle Local Environmental Plan (KLEP) 2012 the proposal is best defined as parts of a "waste or resource management facility", whilst such use is not listed as a permissible use within Zone RU1 the existing facility benefits from "Continuing/Existing Use Rights".

However to facilitate this application, the proposal fits under Section 121 of State Environmental Planning Policy (SEPP) Infrastructure 2007 which permits a waste or resource management facility on land zoned RU1, with consent.

The landfill site was established in 1912 prior to the requirement to obtain development approval.

Section 109 of the Environmental Planning and Assessment Act 1979 obviates the need for any form of retrospective consent for the existing landfill, however, any alteration, extension or rebuilding cannot be undertaken without development consent.

As the landfill site is within 250m of a dwelling not associated with the development, the proposal could be deemed “designated development” under Schedule 3 of the Environmental Planning and Assessment Regulations (EP&A Regs) 2000 and an Environmental Impact Statement required.

Should Council consider the proposed works will not significantly increase the environmental impacts of the total development, the classification as “designated development” will not apply. This report demonstrates and justifies that Council can consider the proposal to be **not** “designated development” under Schedule 3 Part 2 Clause 35.

The application is, therefore, permissible under Section 121 of SEPP(I) 2007, is not “designated development” and can be determined by the consent authority being Kyogle Council.

The application covers proposed works over three (3) stages, being;

- Stage 1
  - installation of weighbridge
  - widening of entrance, new sealed internal access ways and manoeuvring areas
  - sealing of the current public access drop off area to the existing general waste, green waste and recyclables
  - general site improvements and relocation internally of storage areas for fluorescent lights, batteries, etc
- Stage 2
  - new covered waste processing and recovery shed (480m<sup>2</sup>) constructed on concrete floor
- Stage 3
  - Construction of two (2) additional stormwater retention ponds and relocation of three (3) existing stormwater retention ponds

## **2. SITE DESCRIPTION AND PLANNING PROVISIONS**

- Site description – Lot 1 DP 8406 and Lot 7002 DP 92699, Runnymede Road, Kyogle
- Site Area – the total site area is approximately 8.24ha
- Existing Development – Licenced landfill and waste management facility (Kyogle)

- Subject Zoning – Zone RU1, Primary Production KLEP, 2012
- Access and frontage to Runnymede Road, Kyogle
- Permissible under the provisions of Section 121 of SEPP Infrastructure 2007
- Site presently contains several sheds, separate waste storage areas, retail outlet, sediment ponds, aeration pond, landfill and internal access.

### 3. ASSESSMENT

#### Section 73C Evaluation – Environmental Planning and Assessment Act 1979

##### (1) *Matters for consideration – general*

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

##### **(a) the provisions of:**

##### **(i) any environmental planning instrument**

#### Environmental Planning & Assessment Act 1979

Section 109 of the Environmental Planning & Assessment Act 1979 obviates the need for any retrospective consent for the existing development on site which benefits from “continuing use rights”

#### Environmental Planning & Assessment Regulations 2000

Schedule 3, Part 2, Clause 35 of the Environmental Planning and Assessment Regulation permits the consent authority to consider the proposal to be **not** “designated development” if the proposed works will not significantly increase the environmental impacts of the total development. Assessment of the Statement of Environmental Effects (SEE) by Stephen Fletcher and Associates shows the stated impacts of the proposed works will actually improve environmental outcomes for the site and there are certainly no significant increased detrimental impacts. As such, the development classification of “designated development” does not apply.

#### SEPP No. 33 Hazardous and Offensive Development

It is considered that the proposed development within the existing site does not meet the definition of either a hazardous or offensive storage establishment as defined in Section 4 of SEPP No. 33. No further consideration of SEPP No. 33 is required.

#### SEPP No. 55 Remediation of Land

Council must not consent to any development unless it has considered whether the land is contaminated and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state for the purpose for which the development is proposed (Clause 7(1) (a) & (b)).

The site is likely to be contaminated and the proposed development does not include any residential or habitable use.

The proposal is a suitable upgrading of the existing landfill development and unlikely to increase any risk of exposure to contaminated material. No additional assessment under SEPP No. 55 is considered necessary.

#### SEPP No. 44 Koala Habitat Protection

The subject site has limited potential for koala habitat due to the absence of suitable koala food trees. The site does not contain vegetation listed in Schedule 2 at or above 15% of the total number of trees onsite, nor is the site considered to be core koala habitat. It is considered that the provisions of SEPP No. 44 do not apply to this site.

#### SEPP Infrastructure 2007

There are two specific clauses from this SEPP which apply to this proposal, being:

- Clause 85 (Development Immediately Adjacent to Rail Corridors) – Council wrote to the Rail Corridor Management Group and ARTC on 5<sup>th</sup> December 2013 advising them of the proposal and providing a copy of the SEE and plans. Council in its letter also advised that it did not consider Clause 85 applies and provided the advice as a courtesy for their information only.

A reply from ARTC was received on 14<sup>th</sup> January 2014 and ARTC requested that Council consider the following matters in its assessment of the application:

- *Noise and vibration* – reference to the document “Development Near Road Corridors and Busy Roads (Interim Guideline). After reference to the subject document it is apparent that the development does not contain any noise sensitive uses.
- *Stormwater* – discharge of stormwater from the site can be controlled by design and appropriate conditions of consent.
- *Level Crossing 821.951km* – the level crossing is an ongoing matter between Council’s engineering departments and ARTC. This application does not create any significant alteration to traffic volumes and the level crossing is an issue beyond the scope of this application.
- *Fencing* – a significant proportion of the landfill site is fenced to prevent unauthorised entry. The layout of the development discourages pedestrian access through the rail corridor and the site is supervised when open. The erection of a 1.8m high mesh fence along the rail corridor boundary is not considered necessary for this isolated site which has standard rural fencing along the rail corridor in all directions in this locality. If persons wish to gain unauthorised entry to the rail corridor the fencing of this lot will not prevent pedestrian access from adjoining and adjacent lands.

In conclusion it is considered that Clause 85 does not apply to the development.

- Clause 121 (Development Permitted With Consent) – This clause permits development for the purpose of waste or resource management facilities permitting it to be carried out by any person, with consent, on land in a prescribed zone which includes Zone RU1, Primary Production Zone, which is the subject zone of this application.

Kyogle Local Environmental Plan (KLEP) 2012  
 Clause 2.3 Zone Objectives and Land Use Table

Whilst not a permissible use, Clause 121 of SEPP Infrastructure 2007 permits the consent authority (Council) to consent to the proposal. As this is an existing landfill site and the proposal has significant improved environmental outcomes, the proposal is not considered to be in conflict with any of the objectives of Zone RU1 Primary Production

North Coast Regional Environmental Plan (NCREP)

The proposed development is consistent with the aims of the NCREP and the objectives in Clause 6 (Agricultural Resources), Clause 15 (Catchment Management) and Clause 28 (The Natural Environment).

It is considered that the proposal is not contrary to the requirements of the NCREP.

- (ii). any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved),***

Not applicable

- (iii). any development control plan.**

Draft Kyogle Development Control Plan (KDCP) 2014

This document is in draft format and has been advertised. KDCP 2014 does not cover this type of development.

DCP No. 2 (Development in Rural Areas)

Section 10 of this DCP applies to non-specific rural uses and states that “applications for such uses will be assessed on their merits having regard to such matters as their compatibility with surrounding land uses, vehicular access and visual impact”.

Refer to comments in this report relating to Section 79C (1) (b) & (c) which deal with issues such as those listed in Section 10 of this DCP.

DCP No 5 – Off Street Parking

Sufficient parking exists on site for the existing use and these proposed inclusions and modifications as per this development application. Drop off locations will be improved as will internal and external access. No additional specific parking requirements created by this proposal.

### DCP No 9 – Public Notification of Development Applications

Adjoining, adjacent and nearby properties were notified by mail dated 5 December 2013, advising that submissions could be made up to 17 January 2014. This extended period was given to cover the Christmas holiday period. No submissions were received.

The proposal was also advertised in the Richmond River Express Examiner for the period 11 December 2013 to 17 January 2014 and no submissions were received.

Letters to ARTC and the Rail Corridor Management Group were sent, dated 5 December 2013, and the response from ARTC is dealt with in the section of this report dealing with SEPP Infrastructure 2014.

### DCP No 10 – Management of Contaminated Land

The matters contained in this DCP are dealt with in the section of this report dealing with SEPP No 55.

***(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and***

**Not applicable**

***(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and***

***(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),***

***that apply to the land to which the development application relates.***

Not applicable

***(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.***

- *Context of the development* – The proposal is an appropriate use within this existing landfill site.
- *Access* – Access from Runnymede Road will require upgrading and this can be dealt with by conditions of approval.
- *Traffic* – The proposed additional and upgraded facilities are not expected to generate any significant increase in traffic volume. The new entry and internal road will assist in traffic management on site.
- *Services* – electricity, telephone and reticulated water supply are available and adequate for the site. The proposal will not require any upgrade of the existing effluent disposal system.
- *Flora and fauna* – the proposal has no significant impact on existing flora and fauna communities. This is a highly disturbed site due to its past use as a landfill site. A Species Impact Statement is not required.
- *Environmental Hazards* – the site is not subject to any identified natural environmental hazard.



- *Soil and water* – the provision of improved areas for the sorting of waste materials will reduce the overall potential of the landfill operation to adversely affect the environment.
- *Groundwater* – the proposal does not adversely alter the existing leachate management system.
- *Dust* – dust generation from the site will be reduced by the proposed sealing of the internal access and waste drop-off areas. The proposal is beneficial in this regard.
- *Odour* – the proposed development will not adversely impact on existing odour generation on site.
- *Noise* – any noise generated by this development would not be dissimilar to existing noise generation on site. Noise, in general, is restricted to the operating hours of the landfill. It is expected that development proposed in this application will have no significant impact on existing noise levels.
- *Amenity* – the proposed weighbridge and waste facility are not expected to have any adverse impacts on the amenity of the locality.
- *Visual Impact* – the development, when completed, will be more visible from the road, particularly, the new waste processing shed. Large sheds are, however, a common occurrence in rural areas. Some of the existing landscaping will be removed for the upgraded entry and a landscaping plan should be a condition of consent.
- *Heritage* – the site is not listed or identified as an item of environmental heritage.
- *Social Impacts* – improved on-site accessibility and safety will be a benefit to all users. Increased resource recovery and second hand goods recovery are also social benefits.
- *Economic Impacts* – the proposal will have positive economic benefits for Council and hence the community. These include reduced costs of disposal, management, covering and rehabilitation. Increased levels of recyclable material recovery and over time a reduction in material management and handling costs.

In conclusion, it is considered that the impacts of the proposed development do not create any unacceptable adverse impacts and in fact the proposal creates opportunities for positive impacts.

***(c) the suitability of the site for the development.***

The site is considered suitable for the development and this is evidenced by its long term use as Council's landfill site. There are no significant adverse environmental, social or economic effects.

***(d) any submissions made in accordance with this Act or the regulations.***

No submissions made in accordance with the EP & A Act 1979 or EP & A Regs 2000.

***(e) the public interest***

This proposed improvement to an existing Council facility is in the public interest.

#### **4. DETERMINATION**

1. The application has been assessed against the relevant provisions in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.
2. The application has been found to comply with the relevant provisions and is recommended to be approved in accordance with the plans shown in the table and subject to the draft conditions of consent attached to this report.

#### **Budget and Financial Aspects**

Council has budgeted for the installation of the weighbridge and associated work in the current capital works allocation for the 2014/15 Kyogle Waste Facility Budget.

Future stages will be subject to budget requests and allocations.

A grant application is currently lodged with the state government for consideration in regard to the resource recovery shed and if successful only in-house supervisory and minor ancillary costs will be required.

#### **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.

#### **Recommendation**

1. That Council note and receive the report for the assessment of Development Application 2013/068 Weighbridge and Improvements - Kyogle Landfill and Waste Management Facility.
2. That Development Application 2013/068 Weighbridge and Improvements - Kyogle Landfill and Waste Management Facility be approved subject to conditions attached to this report.
3. That the ARTC be advised of Council's considerations of their request and Council's determination of this application.

#### **Attachments**

Plans – Site, sheds.  
Copy of ARTC letter

#### **DRAFT CONDITIONS OF CONSENT:**

Development Application 2013/068 -Proposed new weighbridge, waste processing and recovery facility and site improvements within Kyogle Landfill and Waste Management Facility.

1. The development shall be in accordance with development application number DA2-13/68 submitted on 2 December, 2013 and in accordance with the following:

<b>Plan Name</b>	<b>Number</b>	<b>Date</b>
Indicative Weighbridge Design	2013/68 Sheets 1 to 4	2/12/13
Site Plan – SP McElroy & Assoc	12/19 (DA 01-10)	1/10/13
Proposed Infrastructure Augmentation Plan - SP McElroy	12/19 (DA 04/10)	11/10/13
Proposed Weighbridge Office	2013/68 Sheets 1 to 4	5/12/13
Proposed Waste Processing & Recovery Facility	2013/68	5/12/13
Statement of Environmental Effects as prepared by Stephen Fletcher & Associates Pty Ltd October 2013.		

except where otherwise provided by the conditions of this development consent.

2. In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.
3. Prior to the issue of a Construction Certificate, the proponent must submit to the Council a report addressing compliance with all relevant conditions of this consent.
4. This development consent is limited to a period of five (5) years in accordance with Section 95(1) of the *Environmental Planning and Assessment Act 1979*. Following the expiration of this period the consent will lapse unless work relating to the subdivision is physically commenced before the date on which the consent would otherwise lapse.
5. The development must be designed and constructed to comply with *Australian Standard 1428.2-1992: Design for access and mobility - Enhanced and additional requirements - Buildings and facilities*.
6. All hazardous materials must be appropriately stored so as to prevent environmental damage in the case of spillage or contaminated lands. Oils and lubricants must be stored in an impermeable permanent bunded and roofed area with a holding capacity of 110% of the total volume of all containers at a minimum. Where flammable and combustible liquids are stored compliance standards relating to flammable and combustible liquids as specified in Australian Standard 1940-2004 must be implemented at all times.

Any accidental spillage occurring from the plant or vehicles associated with the use must be immediately remediated by the proponent.

7. All hazardous/flammable materials including fuel and oils shall be held in approved containers and stored in accordance with WorkCover NSW and the *Occupational Health and Safety Act 2000*.

8. Erosion and sediment control measures must be put into place and be properly maintained to prevent soil erosion and the transport of sediment from the site to natural or constructed drainage lines or water courses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Sediment control fencing must be completely removed once the site is adequately revegetated.
9. A hoarding or fence must be erected between the work site and a public place. An application to be submitted and approved by Council prior to work commencing.
10. Appropriate signage must be provided on the work site and in a prominent position visible to the public:
  - a) stating that unauthorised access to the work site is not permitted; and
  - b) showing the name of the builder or person responsible for the site and a telephone number at which that person can be contacted outside working hours.
11. The building must be clad in low-reflective material.
12. The metal roof and wall cladding is to be installed in accordance with AS 1562 – 1992, Design and Installation of Sheet Roof and Wall Cladding.  
  
NOTE: All roof capping and flashing to be scribed on a Dwelling.
13. All metal framing to comply with approved engineering specifications and AS 3623-Domestic Metal Framing.
14. Measures that are proposed or required to be implemented as a condition of this approval in the building premises.

<b>STANDARD OF PERFORMANCE</b>				
	<b>Fire Safety Measure</b>	<b>Design Standard</b>	<b>Installation Standard</b>	<b>Maintenance Standard</b>
1.	Smoke Alarms	AS 3786 Smoke Alarms	AS 3786	
2.	Hose Reels (A17)	AS 1221 Fire Hose Reels	AS 2441 Installation of Fire Hose Reels	AS 1851.2 - Maintenance of Fire Protection Equipment - Fire Hose Reels.
3.	Emergency Lighting	AS 2293.1 Emergency Evacuation Lighting to Buildings	AS 2293.1	AS 2293.2 - Emergency Evacuation Lighting for Buildings - Inspection and Maintenance.
4.	Exit Signs	AS 2293.1 Emergency Evacuation Lighting in Buildings	AS 2293	AS 2293.2 - Emergency Evacuation Lighting in Buildings - Inspection and Maintenance.

5.	Portable Fire Extinguishers	AS 1841.2 Portable Fire Extinguishers - Water Type AS 1841.3 Portable Fire Extinguishers - Wet Chemical Type AS 1841.4 Portable Fire Extinguishers - Foam Type AS 1841.5 Portable Fire Extinguishers - Powder Type AS 1841.6 Portable Fire Extinguishers - Carbon Dioxide Type AS 1841.7 Portable Fire Extinguishers - Vaporizing Liquid Type	AS 2444	AS 1851.1 - Maintenance of Fire Protection Equipment - Portable Fire Extinguishers and Fire Blankets.
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15. The owner of the building must cause Council to be given an annual fire safety statement in relation to each fire safety measure implemented in the building. The annual fire safety statements are to be given within 12 months after which the last fire safety certificate statement was given. A copy of each statement is to be given to the Commissioner of New South Wales Fire Brigades and a further copy is to be prominently displayed in the building.
16. If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required;
- (a) prior to pouring any in-situ reinforced concrete building element.
  - (b) prior to covering of the framework for any floor, wall, roof or other building element.
  - (c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
17. Details and certification prepared by a Practising Structural Engineer must be submitted to the certifying authority for the following prior to the issue of a Construction Certificate:
- a) all footings and slabs
  - b) all bracing and tie downs including design wind speed assessment.
  - c) structural steelwork
  - d) bracing details for trusses.
  - e) roof truss layout.
- The certification must:
- i) certify that the design complies with the requirements of the Building Code of Australia; and

- ii) set out the basis on which it is given and the extent to which relevant codes of practice, specifications, rules or other publications have been relied upon.
  - iii) Details of bore log results (if applicable)
18. Prior to the issue of a Construction Certificate, a landscape plan shall be prepared and endorsed by Council to replace any existing landscaping removed as part of the development and soften the proposed built infrastructure when viewed from any adjoining property on Runnymede Road.
  19. The proposed 2m apron surrounding the Waste Processing and Recovery Facility shall be bunded and storm or wash down waters from within the bunded area shall be conveyed directly to the leachate pond.
  20. An internal Traffic Management Plan shall be prepared and endorsed by Council prior to the release of the Construction Certificate.
  21. Apart from developer funded works, no improvements to existing roads, access and services will be provided by Council or any other utility authority.
  22. That no tree in the road reserve shall be damaged, destroyed or removed without the written consent of the Council.
  23. The proponent shall provide the following road works with associated stormwater drainage structures that have been designed and constructed in accordance with the Northern Rivers Local Government Development, Design and Construction Manual. The proponent shall be responsible for any costs, associated with the provision of the works. Required road works include:

#### RURAL SEALED

The access to the proposed development from Runnymede Road is to be designed and upgraded to meet the requirements of an AUSTRROADS BAR with sealed shoulders and sealed to the extents of the taper.

A minimum of 22m storage length to the weighbridge is to be provided within the property boundaries.

A practising qualified surveyor or engineer shall submit to Council for approval prior to the release of the Construction Certificate, a "works-as-executed" set of plans and construction certification. The certification shall detail satisfactory completion of all roads, drainage and civil works required by this development consent and approved in design plans.

24. Full design plans of the proposed engineering works shall be submitted to and approved by Council prior to commencement of these works. Such plans shall be accompanied the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

25. Prior to carrying out any works within a public road reserve, the proponent shall complete an application under Council's Road Reserve Management Plan and receive written approval from Council. Satisfactory arrangements for restoration with Council's Technical Services Department shall also be required, with all works constructed according to Council's Development, Design and Construction Manuals (as amended). All costs shall be the responsibility of the proponent.
26. Engineering design plans for the carpark, loading area, accesses and stormwater drainage are to be submitted to and approved by Council, prior to the release of the Construction Certificate. A plan checking and supervision fee is required to be paid prior to the release of the plans.
27. A maintenance period shall apply to all construction carried out on development where the ownership of the asset is to pass to Council. The maintenance period shall extend from the completion of the construction and subsequent approval by Council, for six months. Within that time the developer is responsible for any omissions or defects. At the end of the maintenance period Council will inspect the asset and any work found not conforming to the plans and specifications shall be the responsibility of the developer to rectify. The maintenance bond shall be returned at the completion of the maintenance period and subsequent defect free approval by Council.
  - Construction (contract) price Bond
  - up to \$50,000 - 10% of contract price (minimum bond \$1,000)
  - over \$50,000 \$5,000 plus 5% of balance over \$50,000
28. All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.
29. An all-weather vehicular access shall be constructed and maintained from the point of connection to Council's road network to the proposed development site in accordance with Council's Property Access and Addressing Management Plan and the Northern Rivers Development and Design Manuals. This requires that the grade of the access does not exceed a grade of 1 in 6 or 16.67% within the road reserve, and does not exceed a grade of 1 in 4 or 25% within private property. Any section of the access that exceeds a grade of 1 in 8.3 or 12% shall be provided with a sealed surface on a suitable pavement. The access road is to be a minimum of 4m wide, with a minimum pavement depth of 150mm of compacted gravel, a maximum crossfall of 10%, and the radius on the inside of any bends shall not be less than 6m.
30. All allotments shall have a sealed vehicular access from the existing roadway to the boundary of private property in accordance with Council's Property Access and Addressing Management Plan.
31. No vehicular accesses may be constructed or opened onto a Council road without the prior written approval of Council.

32. The consent of all owners through whose property a drainage easement is proposed will need to be submitted to Council in writing, prior to the approval of the engineering design plans, and evidence of such easements being acquired is to be submitted to Council, prior to the release of the Occupation Certificate.
33. Measures shall be put in place to control stormwater runoff. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:
- adjoining land
  - natural drainage courses
  - constructed drainage systems, or
  - waterways
  - public road reserve

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation wherever possible.

**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.



## ITEM 13C ENVIRONMENT SERVICES REPORT

### 13C.1 NOTICE OF VARIATION TO LICENCE FOR THE WOODENBONG LANDFILL FACILITY

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#### Summary/Purpose

The purpose of this report is to bring to Council's attention an impending budget and operational impact and to seek direction on the course of action it wishes to pursue.

The EPA has issued Council with a draft licence and Notice of Variation (**copy attached**) to vary the licence conditions for the operation of the Woodenbong Landfill. After considering the proposed variations and discussions with the General Manager, staff responded in November 2013 seeking a deferral of the proposed variations for 12 months to enable Council to finalise its Waste Management Strategy so the impact of the proposed variation can be adequately considered in conjunction with the overall waste management for the Council area.

Notwithstanding, the EPA have verbally indicated that they are proposing to proceed with the variations which will have a significant cost and operational impact on Council, potentially resulting in the cessation of landfilling operations at the Woodenbong landfill.

#### Previous Council Consideration

There has been no previous specific resolution of Council in regard to this matter, but Council has previously resolved to review its Waste Management operations and has already held one workshop in August 2013 with a second scheduled for late Feb/early March 2014.

#### Community Strategic Plan Item(s)

- Governance and Community Service
- Waste and Water
- Village Life
- Environmental and Planning

#### Background Information

The Woodenbong Landfill Facility has been in use for many years with the current landfill cell being used since the 1950's and has been a licenced facility since around 2008.

Whilst the facility services the township of Woodenbong it also services a broader rural area from within Kyogle Shire and extends beyond to other council areas and interstate across the Queensland border to the north.

The Woodenbong Landfill Facility operates under and Environmental Protection Licence (13101) - Class 1 Waste Disposal (application to land) (**copy attached**) for use as a landfill facility subject to a number of operational conditions.

On 12 August 2013 the EPA conducted an inspection and in October 2013, issued Council with a Notice of Variation which includes the major additional requirements as outlined below:

- All waste disposed of in the landfill cell must be covered daily on each day waste is received at the landfill.
- A management program for and the active management of leachate of the site being implemented.
- A Landfill Environmental Management Plan (LEMP) being prepared and submitted to the EPA before 24 March 2014.
- Preparation and submission of plans and interim management procedures for the old cell and construction of any new cells.

A detailed response was prepared and sent to the EPA in November 2013 (**copy attached**) addressing each of the proposed Variations and sought a 12 month deferral to provide Council sufficient time to finalise its investigations and considerations for Waste Management within the Kyogle Local Government Area. It should be noted that these ongoing investigations and considerations may result in operational changes that could obviate the need for the Woodenbong Facility to be licensed but still be used.

Telephone discussions and email exchanges suggest that the EPA is proposing to proceed with the Licence variations as originally indicated. This advice has necessitated this report to be prepared and presented to Council for direction.

Whilst staff were aware and identified that improvements would be required for the continuation of the Woodenbong Facility as a “landfill” in the Waste Management discussion paper, the urgency of the required improvements outlined in the EPA letter have come as a surprise as this was not considered the opinion at the time of the onsite meeting with EPA Officers on 12 August 2013.

The immediate impacts of the proposed variations are outlined below:

**The daily covering** of landfill after each day of operation is problematic as Council currently relies on an external contractor to undertake the works. The contractor currently endeavours to cover at least weekly, but is controlled by the availability of machinery and operator as the contractor undertakes works in a very wide area across the northern rivers and the state. To meet this proposed requirement it is estimated that it would be more than double what Council currently incurs and in the vicinity of an additional \$60-80k pa.

**Preparation of a Leachate Management Plan** is the easier component of what could require the installation of dam liners, piezometers, land contouring etc. The Leachate Management Plan would need to be prepared by an external consultant at an estimated cost of between \$25-40k.

**Preparation of a Landfill Environmental Management Plan** on its own is estimated around \$30-40k, which could include the interim management of the existing cell and provide the guidelines for any new cell.

The impact of the proposed variations would impose a cost burden on Council of approximately \$115-160K for a landfill that operates for only two days per week.

This imposition is considered unreasonable without Council having the opportunity to consider its long term Waste Management for the whole shire and the role/need the Woodenbong Landfill facility will have into the future.

If the EPA proceeds to impose such variations immediately, Council would be left with no alternative but to cease landfilling operations at Woodenbong. This would then require a program of cell closure and capping and leachate management works which could incur up to \$200K in expenditure. This would see the facility revert to a transfer station only, with all waste being transferred back to the Kyogle landfill for landfilling or alternatively close the facility altogether, requiring all waste to be delivered to Kyogle or Bonalbo for those Woodenbong and district residents.

The risk for Council is that non-compliance with the Licence Conditions carries significant penalties of \$100K - \$1million for a corporation. These potential fines and the costs to comply for a landfill that operates for 2 days per week and services an estimated population of approximately 500 residents (within 30klm) or a maximum of 1600 residents (within 50klm) are irreconcilable, requiring greater representation to gain an agreement from the EPA to defer the proposed variations for 12 months to enable Council to consider the overall waste management within the shire and the role for the Woodenbong facility.

### **Budget and Financial Aspects**

The potential impact on Council's waste management budget (for Woodenbong only) to implement the requirements outlined by the EPA are in the vicinity of \$115,000 – \$160,000 plus an additional \$60,000 - \$100,000 annually. Alternatively to close the facility as a landfill up to \$200,000 would be required to meet the capping and monitoring requirements. To revert the facility to a transfer station with the construction of loading/unloading ramps etc, it is estimated that a minimum of \$50,000 would be required. This would then operate at a reduced annual cost of approximately \$30,000 - \$40,000pa.

The raw estimated comparisons are:

- |  |  |
|--|--|
| 1. Upgrade to continue as a landfill     | \$115,000 - \$160,000 plus increased annual operational costs of approx. \$60-80,000pa;        |
| 2. Closure, capping & monitoring - up to | \$200,000;   |
| 3. Convert to a Transfer station         | \$ 50,000 plus 2 above (one off) then reduced annual operational costs of approx. \$30-40,000. |

## **Recommendation**

1. That the report on the EPA Notice of Variation for the Woodenbong Landfill Facility be received and noted.
2. That Council again reiterate its request to the EPA for a 12 month deferral of the proposed variations to the Woodenbong Landfill Licence requiring daily cover of landfilled material, preparation of a Leachate Management Plan and a Landfill Environmental Management Plan due to the significant estimates costs of \$115,000 - \$160,000 to comply plus an additional \$60,000 - \$100,000 in operational costs and the fact that Council is currently preparing a Waste Management Strategy for the Kyogle Local Government Area which includes a comprehensive review of its Waste Management functions and the continued operation of the Woodenbong Landfill Facility.
3. That Council indicate in its letter to the EPA that it is committed to the ongoing improved management for waste disposal in the shire but is limited in available funds to undertake ad-hoc works without considering the waste management operations across the shire.

## **Optional/Additional recommendation**

Council could resolve to authorize the Mayor to make formal representations to the Premier through the Local Member and/or the Minister for Local Government and/or the Minister for the Environment, as well as directly with the Chair of the EPA.

## **Attachments**

1. Letter and Notice of Variation from the EPA 1/10/13
2. Council's response to the EPA 26/11/13
3. Licence 13101

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

### **13D.1 DECEMBER 2013 QUARTERLY BUDGET REVIEW**

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#### **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.
- (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. Accordingly, a review of this document will be undertaken at the end of the December 2013 quarter and reported to the February 2014 Council meeting.

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## 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

Councillors have also been provided with a document showing a report on the budget 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 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.

### General Fund:

The General Fund budget adjustment for this period is a deficit of \$478,199.

\$267,264 of this deficit (Regional Roads) has been considered in an earlier report on this agenda.

It was also noted in this earlier report that an amount of \$141,000 that is budgeted to be spent in the 2014/15 financial year will no longer be required in 2014/15 as the work has been completed this year (2013/14).

The September quarterly budget review resulted in a \$105,043 surplus for that quarter

Taking all of this into account, more than sufficient funding has been identified to cover the deficit for the quarter.

### Water Fund:

Whilst the Water Fund has forecast a surplus for the year, there may be a need for Council to take appropriate actions to address a cash shortfall at 30 June 2014. This is due to the fact that the residence in Bloore Street has not yet sold and the budgeted funds may not be received by 30 June. Council also has funding due from the Country Towns Water Supply and Sewerage Programme which it is currently unable to claim from the NSW Government and may also not be received by 30 June. These two factors may result in the need for Council to take short term action e.g. General Fund Internal Loan, to cover this cash shortfall.

### Conclusion:

Considering all of the above factors, and that there are measures in place/available to address all of these issues, the revised financial position of Council is considered to be satisfactory.

### **Recommendation**

1. That the December 2013, Quarterly Budget Review Statement was received and noted.
2. That Council approve the variation of estimates contained in the separate attachment.

### **Attachments**

1. December 2013 Quarterly Budget Review Statement (attached separately)

**Summary/Purpose**

This report presents the six monthly review of the Delivery Plan and Operational Plan to Council for information.

**Community Strategic Plan Item(s)**

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

**Background Information**

Under the Integrated Planning and Reporting requirements, Section 404(5) of the Local Government Act states as follows:

**Delivery Program**

“The general manager must ensure that regular progress reports are provided to council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months”

**Report**

The review information is included as a separate attachment to this report and provides an overview of all the programs included in the Delivery Program and the Operational Plan.

**Recommendation**

That Council receives and notes the 31 December, 2013, review of the Delivery Program and Operational Plan.

**Attachments**

1. Delivery/Operational Program Report as at 31 December, 2013 – separate attachment



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

Nil

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

### **13F.1 NORTHERN RIVERS REGIONAL TRANSPORT PLAN**

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#### **Summary/Purpose**

This report is to inform Council and the Community of the release of the Northern Rivers Regional Transport Plan.

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

- Roads and Infrastructure
- Village Life
- Economic Development

#### **Background Information**

On 19 December 2013, Transport for NSW launched the Northern Rivers Regional Transport Plan and the Mid-North Coast Regional Transport Plan.

The Ministers responsible for the plan were the Hon. Gladys Berejiklian MP, Minister for Transport and the Hon. Duncan Gay MP, Minister for Roads and Ports.

#### **Report**

The Transport NSW web site states that "The Northern Rivers Regional Transport Plan outlines specific actions to address the unique challenges of the area and includes the things you told us were important to you during consultation in 2012."

The plan looks at population changes in the Northern Rivers region and considers the fact that outside of metropolitan areas, the Northern Rivers region is the fastest growing region in NSW and is also a popular tourist destination.

The Plan seems to be the final product and there has been no mention of the ability to make submissions in response to the Plan

Some of the key actions identified include:

- Extended hours of operation for public transport, potential introduction of Sunday services
- Support workplace travel planning initiatives such as the Lismore Hospital
- Interchange upgrade- extension of existing bus shelter, improved lighting and new cycle facilities

- Providing waiting areas and additional lighting at the Ballina transport interchange
- Walking /cycling path North Angels Beach roundabout to Headlands Dve, Skennars Head
- Providing new taxi rank and relocation of existing car spaces at the transport interchange at Casino
- Stage 3 construction of walking /cycling path from Hotham St to Sexton Hill Rd
- Stage 2 walking/cycling path between Banksia St, Evans Head & Wallum Dve, Doonbah
- Replace the Tabulam Bridge across the Clarence River in part two of the Bridges for the Bush Program
- A consistent and regular town loop service, capable of meeting peak visitor demands
- Renew bus service contracts and improve outcomes for bus users in the region. We will consider possible new routes, additional services and greater integration of services to give the region a higher level of bus services and take into account customer priorities.
- Improve bus services, including frequency and coverage of the bus network, to reduce social disadvantage, particularly for a growing and ageing population. We will work with local bus operators and the community to consider possible new routes, additional services and greater integration of public transport to create better accessibility to services for the Northern Rivers region. This will also include potential new connections to improve integration between the Northern Rivers region and South East Queensland.
- Set clearly defined target for service coverage- that 85% of households within town are within 400 metres of a bus route.
- Support for flexible or demand responsive service models to fill coverage gaps
- A commitment of \$389 million to support and improve rural and regional bus services
- Work with the Queensland Government on cross-border issues that relate to transport regulation and infrastructure that supports travel into South East Queensland, such as cross-border bus services or Gold Coast Airport
- Future NSW TrainLink servicing plan for the Northern Rivers region- investigate the potential for NSW TrainLink coach services to pick up and set down at multiple key destinations in the major towns and cities. These might include the airport and the main shopping centre as well as the traditional stop at the railway stations
- Support an investigation into the feasibility of a walking and cycling trail along the disused sections of the Casino- Murwillumbah rail line to the north- west of Byron Bay.
- Walking Communities Program- state infrastructure investments and contribute to local government initiatives to increase rates of walking
- Cycling Towns Program – Two regional centres will be selected for initial investment in this program
- Connect Centres Cycling Program- assist councils to complete local cycle networks to regional centres

A notable omission from the Plan is that it fails to address a key transport link between the Darling Downs and the Northern Rivers.

Accordingly, The Mayor has prepared a brief for NOROC proposing that NOROC advise the Minister for Transport of the deficiencies in the report and highlighting our deep concern around the lack of community engagement and public consultation with local government, key stakeholder bodies and big business/industry in formulating the Regional Transport Plan.

### **Recommendation**

That the report on the Northern Rivers Regional Transport Plan be received and noted.

**Summary/Purpose**

This report provides Council with draft Charters for Focus Groups identified at a Council Visioning Workshop.

**Community Strategic Plan Item(s)**

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

**Background Information**

A facilitated Visioning Workshop was held on 21 January, 2014.

At this workshop, the following five Key Focus Areas (KFA) were identified for further review development and action:

1. Governance and Community Services
2. Ageing in place, disability services and respite care.
3. Agriculture
4. Visitor Attraction
5. Village life

**Report**

Councillors have been separately provided with draft notes taken from the workshop held on 21 January, 2014. These notes describe the aims of the Focus Areas and some possible strategies to achieve these aims.

In order to progress these aims and to review and expand upon the identified strategies, Focus Groups will now need to be constituted.

Accordingly, draft Charters have been prepared and are attached to this report for Council consideration

**Recommendation**

1. That the Strategic Planning Focus Groups report be received and noted.
2. That Council adopts the Governance and Community Services Focus Group Charter.
3. That Council adopts the Ageing in place, disability services and respite care Focus Group Charter.

4. That Council adopts the Agriculture Focus Group Charter.
5. That Council adopts the Visitor Attraction Focus Group Charter.
6. That Council adopts the Village life Focus Group Charter.

### **Attachments**

1. Governance and Community Services Focus Group Charter.
2. Ageing in place, disability services and respite care Focus Group Charter..
3. Agriculture Focus Group Charter.
4. Visitor Attraction Focus Group Charter.
5. Village life Focus Group Charter.

**13F.3 FINAL REPORTS OF THE INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL AND THE LOCAL GOVERNMENT ACTS TASKFORCE**

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**Summary/Purpose**

This report seeks a Council decision in response to the release of the final reports of the NSW Independent Local Government Review Panel and the Local Government Acts Taskforce.

**Community Strategic Plan Item(s)**

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

**Background Information**

The final reports of the Independent Local Government Review Panel and the Local Government Acts Taskforce have now been released.

Councils have an opportunity to comment on the final reports of the Panel and the Taskforce. Councils have until Friday, 7 March 2014 to make a written submission.

**Report**

The final reports are considered by the Division of Local Government to be a significant milestone in the journey towards stronger, more sustainable local government and contain a series of recommendations for reform.

The NSW Government will consider the final reports over the coming months and prepare its response.

Feedback provided by councils and community members in the current round of consultation will help to inform the response.

The Independent Local Government Review Panel states that “the report has set out a package of measures to give NSW local government a new agenda and a fresh start.

Tired old debates about amalgamations, rate-pegging and cost-shifting must be resolved. There’s no ‘pot of gold’ in Canberra or Macquarie Street to save struggling councils.

State and local governments must find much more productive ways of working together to make better use of scarce resources.”

Professor Sansom said that the Panel had recommended a new process to examine amalgamation options, including a better resourced and more independent Boundaries Commission. “Possible mergers must be considered through impartial and careful consideration of the facts, not with megaphones and misleading propaganda.”

Further key proposals in the Panel’s final report include:

- Establishing legally binding ‘Joint Organisations’ of councils across most of NSW to maximise regional cooperation and resource-sharing, and to partner with State agencies in strategic planning and service delivery
- Providing options for new types of local government, including ‘Rural Councils’ in some sparsely populated areas and ‘Community Boards’ in large urban centres .
- A new framework for ‘fiscal responsibility’ in local government, including better medium-long term planning, improved asset and financial management, and bringing council audits under the oversight of the Auditor General
- Additional measures to tackle the infrastructure backlog and improve service delivery, including service reviews, a state-wide borrowing facility for local government to cut the cost of loans, and re-distribution of available grant funding to areas of greatest need
- Changes to the rating system, including replacement or streamlining of rate-pegging, to generate additional revenue where necessary and to ensure that the burden of rates is shared more equitably – especially by owners of expensive apartments
- Re-definition of the roles of mayors and councillors and how they relate to senior management, and introduction of mandatory professional development for mayors, councillors and General Managers
- Reshaping the governance of Sydney to manage growth and change more effectively in accordance with the Metropolitan Strategy, including options to reduce the total number of councils to around 15-18, to increase the capacity of local government to tackle major sub-regional projects, and for closer State-local government collaboration
- Improving State-local government relations generally, especially in strategic planning and regional coordination, plus protection of democratic local government under the State Constitution.

Council now needs to consider whether or not it make a submission(s) in response to the final report(s), and if so, the content of such a submission(s).

If Council is to make a submission(s), then it will need to request an extension of time for the submission to enable it to be considered at the Ordinary Meeting scheduled for 10 March, 2014.

### **Recommendation**

1. That the report on the final reports of the Independent Local Government Review Panel and the Local Government Acts Taskforce be received and noted.
2. That a Workshop be held on 24 February, 2014 to consider Council's response.
3. That Council request an extension of time to 12 March, 2014 to make its submission(s).



**Summary/Purpose**

This report seeks a Council resolution endorsing an “in principle” support for a proposed Lions TT Event.

**Community Strategic Plan Item(s)**

- Roads and Infrastructure
- Economic Development

**Background Information**

Council has been approached by the Lions TT Group (a Not-For-Profit Company with all profits generated to be put into the development of the Lions TT event and the upgrading of the Lions, Running Creek and Grady’s Creek Road’s and relative signage) in relation to the possibility of a Lions TT event.

**Report**

Documentation provided by the Lions TT Group states that:

“Following the historic and world-renowned motorcycle time trial “The Isle Of Man TT”. The proposed Lions TT is a motorcycle time trial that will run over a weekend or long weekend. The TT Races stand as the last of the great motor-sporting tests in the world today, bringing this reputation to the Scenic Rim and Kyogle region would bring huge brand and financial development benefits.

To get this project off the ground, the initial strategy is to start with motorcycles, then over the years of successful Lions TT events look into other forms of vehicles.

Via our highly experienced members of The Lions TT Group, broadcast rights and major sponsorship partners will be acquired. The goal is to make The Lions TT a recognized national and international event for Australia. This will bring great opportunities for both regions and its business operators.”

The Proposed TT route is one way starting from Rathdowney along Running Creek Rd then onto the Lions Rd and ending at Ripples On The Creek, 602 Grady’s Creek Road, NSW. This is roughly just over 40 km.

This means that the route needs to be closed off but will open at specific times of the day to allow for local and organiser traffic.

The Lions TT group had already met with the Kyogle Lions Club seeking their “blessing” for the proposed event

The Lions TT group sought a letter of intent to the effect that Council agree in principal top the concept of the proposed event, to allow them to commence actively looking for sponsors and to commence detailed planning and consultation for the proposed event.

Following a meeting held on 16 December, 2013 (after consultation with Councillors) the following letter of intent was provided to the Lions TT Group by the General Manager:

“Dear Mr. Luxford

I refer to recent representations to Council by yourself and Casey Stringfellow.

As a result of these representations and my subsequent correspondence with Council’s elected representatives, I write to inform you of Kyogle Council’s interest and “in principle” support for the Lions TT proposal as presented to Council.

This support is subject to the Lions TT Group meeting the necessary requirements to obtain formal approvals to operate the proposed event (including a detailed event management plan) and the endorsement of the “in principle” support by Council at its next Ordinary meeting (to be held in February 2014).

As discussed at our meeting, it will be necessary for your organisation to correspond directly with and gain the support of the residents and businesses that are located along the proposed route.”

### **Recommendation**

That Council endorses the General Manager’s letter of “in principle” support provided to the Lions TT Group on 18 December, 2013.

**ITEM 14 URGENT BUSINESS WITHOUT NOTICE**

**ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING**

**ITEM 16 CONFIDENTIAL BUSINESS PAPER**

**16.1 TENDER FORPURCHASE OF ALL TERRAIN PICK AND CARRY CRANE**

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**Reason for Confidentiality**

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

- (d) commercial information of a confidential nature