



KYOGLÉ COUNCIL

ORDINARY COUNCIL MEETING

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

ON MONDAY 26 MARCH 2012

Commencing at 3.30 p.m.

GENERAL MANAGER: ARTHUR PIGGOTT

Dear Councillor,

In accordance with the provisions of the Local Government (General) Regulation 2005, you are hereby notified of the following Ordinary Meeting to be held at the Kyogle Council Chambers, on **Monday 26 March 2012, at 3.30 p.m.**

DECLARATION OF PECUNIARY INTEREST

Councillors and Senior Staff are reminded to consider whether a Pecuniary Interest exists in any matter on the Agenda for this Meeting or raised during the course of the Meeting. The term "Pecuniary Interest" should be extended to include possible "conflicts of interest" and immediately declared prior to discussion of the Agenda item. Where a direct or indirect pecuniary interest exists, the member must refrain from commenting on or voting on the subject matter and must leave the Chamber.

BUSINESS

- Item 1 Apologies
- Item 2 Opening Prayer
- Item 3 Traditional Lands Acknowledgement
- Item 4 Declaration of Interests
- Item 5 Question Time
- Item 6 Public Access
- Item 7 Confirmation of Minutes
- Item 8 Mayoral Minute
- Item 9 Notices of Motion
- Item 10 Questions with Notice from Councillors
- Item 11 Reports from Delegates
- Item 12 Information Reports
- Item 13 Reports from General Manager
 - A Technical Services Section
 - B Planning Services Section
 - C Environmental Services Section
 - D Corporate Services Section
 - E Community Services Section
 - F General Manager's Section
- Item 14 Urgent Business Without Notice
- Item 15 Questions for Next Ordinary Meeting
- Item 16 Confidential Business Paper

ARTHUR PIGGOTT
GENERAL MANAGER

COUNCIL PRAYER

"Almighty God, Ruler of all the Nations, we ask for your blessing upon this Meeting of Council.

Give us your wisdom to work in harmony and direct and prosper all that we do to the advancement of your glory and the true welfare of the People of the Council Area.

AMEN

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

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

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

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

DISCLAIMER

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

(ARTHUR PIGGOTT),
GENERAL MANAGER.

5.7 Question Time (Council Policy)

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

Each speaker has a maximum allowable time of 5 minutes.

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

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

Speakers are not to debate answers.

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

The maximum duration of this session is 30 minutes.

5.8 Public Access (Council Policy)

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

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

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

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

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

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

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

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

ORDINARY COUNCIL MEETING

Monday 26 March 2012

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ITEM 1 APOLOGIES

ITEM 2 OPENING PRAYER

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

ITEM 4 DECLARATION OF INTERESTS

Nil.

ITEM 5 QUESTION TIME

Nil.

ITEM 6 PUBLIC ACCESS

Nil.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF ORDINARY MINUTES

Summary/Purpose

A copy of the Minutes for the Ordinary Meeting held on 27 February 2012, is included in the attachments to the business paper.

Recommendation

That the Minutes of the Ordinary Meeting held on 27 February 2012, be adopted.

Attachments

1. Minutes of the Ordinary meeting held on 27 February 2012 (Separately attached)

7.2 CONFIRMATION OF EXTRAORDINARY MINUTES 12 MARCH 2012

Summary/Purpose

A copy of the Minutes for the Extraordinary Meeting held on 12 March 2012, is included in the attachments to the business paper.

Recommendation

That the Minutes of the Extraordinary Meeting held on 12 March 2012, be adopted.

Attachments

1. Minutes of the Extraordinary meeting held on 12 March 2012 (Separately attached)

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

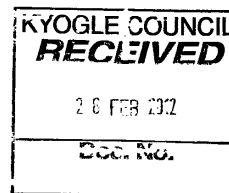
9.1 RESCISSION MOTION; GRID POLICY REVIEW

Summary/Purpose

This report is provided in response to the following Rescission Motion received on 27 February 2012.

Report


Following is a copy of the Rescission Motion as submitted;



RESCISSION MOTION

I Councillors Lindsay Passfield, Ernie Bennett, Ross Brown, hereby give notice to rescind

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

Signed: 

Signed: 

Signed: 

Date: 27 February 2012

Note:

1. The Rescission Motion must be signed and delivered to the General Manager before 12 noon on the Monday preceding the meeting.
2. The Rescission Motion must be signed by three members (Sec 372(4)) and must be delivered to the General Manager prior to the motion being acted upon.

Recommendation

That Council determine the Rescission motion.

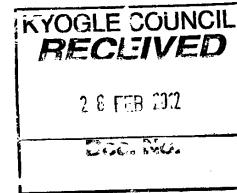
9.2 RESCISSION MOTION; AUDIT OF SIGNAGE

Summary/Purpose

This report is provided in response to the following Rescission Motion received on 27 February 2012.

Report

Following is a copy of the Rescission Motion as submitted.



RESCISSION MOTION

I Councillors Lindsay Passfield, Ernie Bennett, Ross Brown, Robert Leadbeater and Tom Cooper hereby give notice to rescind

That Council undertake an audit of all signage in the local government area and a report be provided to Council.

Signed: *Lindsay Passfield* *Ross Brown*
Signed: *Robert Leadbeater* *Ernie Bennett*
Signed: *Tom Cooper* *Lindsay Passfield*

Date: 27 February 2012

- Note:
1. The Rescission Motion must be signed and delivered to the General Manager before 12 noon on the Monday preceding the meeting.
 2. The Rescission Motion must be signed by three members (Sec 372(4)) and must be delivered to the General Manager prior to the motion being acted upon.

Recommendation

That Council determine the Rescission motion.

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM FEBRUARY 2012 COUNCIL MEETING

Summary/Purpose

This report presents responses to a question raised at the February 2012 Ordinary meeting.

Community Strategic Plan Item(s)

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

Report

At the February Ordinary Council Meeting, Councillor Robert Dwyer requested Council staff to provide an update on a green waste policy.

At the Ordinary Meeting held on 27 June, 2011 Council considered a Confidential report on the matter and resolved:

1. That the Collection, Transportation and Disposal of Green Waste contract number 2010/11-005 report was received and noted.
2. That a further report be brought back to Council that explores the options of introducing a Green waste collection on a trial basis for a period of not less than 3 months and not more than 6 months.

A report on the status/results of implementing the split bin recycling service along with updated estimates/calculations exploring the options for a possible trial green waste collection service will be provided as part of the 2012/2013 resourcing strategy considerations.

The next EPA kerbside waste audit is not scheduled until during the 2013 calendar year as was previously conducted in 2009 by a Consulting Group. Council envisages that the next audit will be undertaken in the Villages of Woodenbong Bonalbo and Town of Kyogle including a representative sample of 300 bins in each area. The results will provide an updated breakdown of the various waste streams, including green waste disposed or able to be recovered throughout the Local Government Area.

In addition, the results will be compared to those previously provided following the kerbside waste audit undertaken in 2009, which will enable Council to more comprehensively consider the amount of green waste being discarded and how to best address the collection and disposal of this and other waste streams.

At this stage, it is considered appropriate that the results of the next kerbside waste audit to be undertaken in 2013 be reviewed prior to committing to the undertaking of a trial green waste collection.

Recommendation

That the Question from February 2012 Council Meeting report be received and noted.

ITEM 11 DELEGATES REPORTS

11.1 DELEGATES REPORT - COUNCILLOR LYNETTE ZITO - 2012 PREMIER'S DINNER KEEP AUSTRALIA BEAUTIFUL NSW

Summary/Purpose

This report presents to Council a Delegates report from Councillor Lynette Zito in relation to attendance at the 2012 Premier's Dinner - Keep Australia Beautiful NSW on 7 March 2012.

Community Strategic Plan Item(s)

- Governance and Community Service

Report

A detailed report will be provided prior to the meeting.

Recommendation

That the Delegates Report by Councillor Lynette Zito - 2012 Premier's Dinner - Keep Australia Beautiful NSW be received and noted.

ITEM 12 INFORMATION PAPERS

12.1 FINANCIAL REPORTS - FEBRUARY 2012

Summary/Purpose

This report presents financial reports to Council for information.

Community Strategic Plan Item(s)

- Governance and Community Service

Background Information

Legislative Requirements

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

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

Report

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

1. (A) Finance Reports

Summary reports outlining Council's financial position as at 29 February 2012. The reports presented include:

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

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

2. (B) Councillors Travel Expenses Report

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

Recommendation

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

Attachments

1. Financial Reports
2. Councillors Travel

12.2 OUTSTANDING COUNCIL RESOLUTIONS

Summary/Purpose

This report presents to Council a list of outstanding resolutions as at 29 February , 2012.

Community Strategic Plan Item(s)

- Governance and Community Service

Report

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

Recommendation

That the Outstanding Council Resolutions report be received and noted.

Attachments

1. Outstanding Council Resolutions as at 29 February 2012. (Separately attached)

ITEM 13 GENERAL MANAGER 'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

13A.1 TECHNICAL SERVICES COMMITTEE MEETING MARCH 2012

Summary/Purpose

This report presents the minutes of the Technical Services Committee Meeting held on Monday, March 12, 2011.

Community Strategic Plan Item(s)

- Roads and Infrastructure
- Waste & Water

Report

The minutes of the meeting appear below

**Kyogle Council
Unconfirmed Minutes of the Technical Services Committee Meeting held in the
Council Chambers, Stratheden Street, Kyogle, on March 12, 2012.**

PRESENT

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

IN ATTENDANCE

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

MEETING COMMENCEMENT

The Mayor declared the meeting open at 1:42pm

ITEM 1 APOLOGIES

Nil

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer at a previous Council meeting held earlier in the day.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor read the traditional lands acknowledgement at a previous Council meeting held earlier in the day.

ITEM 4 DECLARATION OF INTERESTS

Nil

ITEM 5 REPORTS

PROPOSED BORDER RANGES RALLY 2012

Committee's Recommendation

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

That the Gold Coast Tweed Motorsporting Club Inc. be invited to make a presentation to the Committee at this meeting in support of the proposal submitted by the club to expand the Border Ranges Rally event.

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

Committee's Recommendation

Moved Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

1. That the report on the Proposed Border Ranges Rally 2012 be received and noted.
2. That Council agrees in principle to the expansion of the Border Ranges Rally event for 2012 to include some roads used in the World Rally Championships in the Kyogle Local Government Area.
3. That Council does not object to the rally organising committee undertaking consultation with the residents along the proposed routes for the 2012 Border Ranges Rally event.

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

Item-5.1 WORKS PROGRAM REPORT

Committee's Recommendation

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

That the Works Program report be received and noted

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

Item-5.2 QUARRIES REPORT

Committee's Recommendation

Moved Councillor Robert Dwyer, seconded Councillor Tom Cooper.

That the quarries report be received and noted.

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

Item-5.3 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING, FEBRUARY 14, 2012

Committee's Recommendation

Moved Councillor Tom Cooper, seconded Councillor Lindsay Passfield.

That the minutes of the Local Emergency Management Committee meeting held February 14, 2012 be received and noted.

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

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 2:14pm

Recommendation

1. That the Minutes of the Technical Services Committee be received and noted.
2. That Council agrees in principle to the expansion of the Border Ranges Rally event for 2012 to include some roads used in the World Rally Championships in the Kyogle Local Government Area.
3. That Council does not object to the rally organising committee undertaking consultation with the residents along the proposed routes for the 2012 Border Ranges Rally event.

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATION RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 FEBRUARY 2012 TO 29 FEBRUARY 2012

Report

2007/161

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

2010/58

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

2011/20

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

2011/34

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

2011/79

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

2011/80

Property: Lot 11 DP 1101053 Hanging Rock Parish, Rous County.
Address: Williams Rd Barkers Vale
Applicant/Owner: GM Project Development / GA Little & GF Behrend
Proposal: Expansion of a Landsharing Community
Received: Referred To DMP For Comment
Status: Awaiting additional information

2011/89

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

2011/102

Property: Lot 11 DP 1058287 Fairy Mount Parish, Rous County.
Address: Andrew Street Kyogle
Applicant/Owner: DW McNamara / McNamara & Tierney Pty Ltd
Proposal: Change of use for landscaping/storage
Received: Referred To DMP For Comment
Status: Awaiting additional information

2011/105

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

2011/108

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

2011/125

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

2011/147

Property: Lot 290 DP 755732 Queebun Parish, Rous County.
Address: Eggins Road Doubtful Creek
Applicant/Owner: Newton Denny Chapelle / JG & FJ Lindstrom
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting additional information

2011/148

Property: Lot 241 DP 1055836 Wyndham Parish, Rous County.
Address: Olympian Road Wyneden
Applicant/Owner: Newton Denny Chapelle / WJ & KJ Farrah
Proposal: Subdivision
Received: Referred To RFS For Comment
Status: Awaiting additional information

2011/162

Property: Lot 51 DP 805297 Warrazambil Parish, Rous County.
Address: Collins Creek Road Collins Creek
Applicant/Owner: DJ Burt
Proposal: Dwelling additions
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/180

Property: Lot 105 DP 752395 Sandilands Parish, Rous County.
Address: Bruxner Highway Mallanganee
Applicant/Owner: Bonalbo Past & Futures Committee / L Strain
Proposal: Sign
Received: Referred To DMP For Comment
Status: Awaiting additional information

2011/181

Property: Lot 51 DP 755719 Loadstone Parish, Rous County.
Address: Gradys Creek Road Gradys Creek
Applicant/Owner: Newton Denny Chapelle / SM Sherman
Proposal: Subdivision
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2011/190

Property: Lot B DP 303638 Fairy Mount Parish, Rous County.
Address: 114-116 Summerland Way Kyogle
Applicant/Owner: Signcraft / Commonwealth Savings Bank
Proposal: Advertising structure
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2012/1

Property: Lot 1 DP 534722 Fairy Mount Parish, Rous County.
Address: 41 Campbell Road Kyogle
Applicant/Owner: GA & WL Johnston
Proposal: Shed
Received: Referred To DMP For Comment
Status: Approved subject to conditions

2012/2

Property: Lot 9 Sec 8 DP 759111 Donaldson Parish, Rous County.
Address: 16 Dalmorton Street Woodenbong
Applicant/Owner: RS Prosser / RS & RJ Prosser
Proposal: Shed
Received: Referred To DMP For Comment

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|------------------|---|
| Status: | Approved subject to conditions |
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| 2012/3 | |
| Property: | Lot 2 DP 612334 Queebun Parish, Rous County. |
| Address: | Bennetts Road Dyraaba |
| Applicant/Owner: | SN Lollback / RJ & SN Lollback |
| Proposal: | Swimming pools |
| Received: | Referred To DMP For Comment |
| Status: | Approved subject to conditions |
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| 2012/4 | |
| Property: | Lot 41 DP 12117 Fairy Mount Parish, Rous County. |
| Address: | Kyogle Road, Kyogle |
| Applicant/Owner: | WM Solomon |
| Proposal: | Dwelling additions |
| Received: | Referred To DMP For Comment |
| Status: | Approved subject to conditions |
| <hr/> | |
| 2012/5 | |
| Property: | Lot 8 Sec 10 DP 759111 Donaldson Parish, Rous County. |
| Address: | Richmond Street, Woodenbong |
| Applicant/Owner: | GA Wilson & HM Stevens |
| Proposal: | Shed |
| Received: | Referred To DMP For Comment |
| Status: | Approved subject to conditions |
| <hr/> | |
| 2012/6 | |
| Property: | Lot 12 DP 1036751 Cougal Parish, Rous County. |
| Address: | Brindle Creek Road, Brindle Creek |
| Applicant/Owner: | Eco System Homes / TE & LJ Levi |
| Proposal: | Dwelling |
| Received: | Referred To DMP For Comment |
| Status: | Awaiting DMP Comments |
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| 2012/7 | |
| Property: | Lot 72 DP 815864 Wiangaree Parish, Rous County. |
| Address: | Summerland Way Wiangaree |
| Applicant/Owner: | J McLeod / TLBRJ Pty Ltd |
| Proposal: | Change of use – Service station to pizza shop |
| Received: | Referred To DMP For Comment |
| Status: | Awaiting DMP Comments |
| <hr/> | |
| 2012/8 | |
| Property: | Lot 12 DP 1088683 Wiangarie Parish, Rous County. |
| Address: | Collins Creek Road Collins Creek |
| Applicant/Owner: | FS Kotzyba / FS Kotzyba & LG Pinto |
| Proposal: | Dwelling |
| Received: | Referred To DMP For Comment |
| Status: | Awaiting DMP Comments |
| <hr/> | |
| 2012/9 | |
| Property: | Lot 283 DP 755732 Queebun Parish, Rous County. |
| Address: | Dyraaba Road Dyraaba |
| Applicant/Owner: | GR Farrell / TA Sherwen & GR Farrell |
| Proposal: | Dwelling as built |

Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2012/10

Property: Lot 1 DP 857272 Tabulam Parish, Rous County.
Address: Clarence Way Sandilands
Applicant/Owner: BW & LM Robinson
Proposal: Dwelling
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2012/11

Property: Lot 2 Sec B DP 10036 Robertson Parish, Rous County.
Address: Woodenbong Road Bonalbo
Applicant/Owner: DM Toby
Proposal: Shed
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

2012/12

Property: Lot 10 DP 1017214 Runnymede Parish, Rous County.
Address: Bentley Road Cedar Point
Applicant/Owner: S & AP Haggart
Proposal: Change of use – shed to dwelling
Received: Referred To DMP For Comment
Status: Awaiting DMP Comments

Recommendation

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

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 February 2012 to 29 February 2012 be received and noted.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 February 2012 to 29 February 2012 only in relation to DA.../... and DA.../.... In which Councillors have declared an interest be received and noted.

Summary/Purpose

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

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

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

Community Strategic Plan Item(s)

- Environmental and Planning

Background Information

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

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

Previous Council Consideration

Development consent for the quarry operation was issued by Council on 9th May 2003.

Report

The particulars of Development Application 2003.027 are as follows:

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

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

Overview of the Subject Site

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

Overview of the Locality

The quarry is located within a rural area. Land parcels vary from concessional lots of approximately 2 hectares to larger agricultural holdings in excess of 130 hectares. The

concessional lots are used predominantly for residential and lifestyle purposes. The larger holdings are used for a variety of uses including residential occupation, cattle grazing, plantation timber and selected cropping. Toonumbar National Park and Toonumbar Dam are located approximately 6-7 kilometres to the north.

Within the immediate locality the lots are generally agricultural parcels. Lot 1 DP 1112294 adjoins the site to the west and south and has an area of 104.5 Ha. Adjoining Lot 5 is Lot 4 DP 242248 (86.56 ha). Lot A DP 388340 (66.56 Ha) adjoins the subject lot to the east. Lot 23 DP 881370 (61.75 Ha) adjoins Lot A.

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

Overview of the Proposed Development

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

The operation of the quarry involves four typical processes being:

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

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

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

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

The stated justifications for the requested amendments are summarised as:

- a) Reflect the increased extraction rates over the previous two years;

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

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

Legislative Requirements

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

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

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

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

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

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

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

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

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

“Part 2 - Are alterations or additions designated development?

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

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

36 Factors to be taken into consideration

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

(a) the impact of the existing development having regard to factors including:

(i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and

(ii) rehabilitation or restoration of any disturbed land, and

(iii) the number and nature of all past changes and their cumulative effects, and

(b) the likely impact of the proposed alterations or additions having regard to factors including:

(i) the scale, character or nature of the proposal in relation to the development, and

(ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and

(iii) the degree to which the potential environmental impacts can be predicted with adequate certainty, and

(iv) the capacity of the receiving environment to accommodate changes in environmental impacts, and

(c) any proposals:

(i) to mitigate the environmental impacts and manage any residual risk, and

(ii) to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities”.

Comment:

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

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

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

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

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

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

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

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

Requests for Additional Information

Nil

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

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

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

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

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

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

State Environmental Planning Policies

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

North Coast Regional Environmental Plan (NCREP)

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

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

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

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

Comment: The proposal is consistent with this aim.

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

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

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

(a)(ii) draft environmental planning instruments

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

(a)(iii) development control plans

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

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

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

(a)(iiia) planning agreements

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

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

There are no prescribed matters which affect this proposal.

(b) the likely impacts of the development

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

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

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

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

The present location of the crusher and screener is within proximity to the access road into the quarry. The access is the only opening in the quarry areas and is therefore the principal location point for noise emission during the winning of the quarry material and crushing and screening. It is recommended that the designated crusher and screener

area be moved to the south closer to the quarry face and further away from the access. In addition a noise barrier such as a mound or wall should be required between the crusher and screener and the access.

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

Whilst the total amount of material permitted to be extracted under the current consent over the 15 year period is not expected to increase, the proposed amendment will generate additional truck movements per year for each of the remaining years of operation. This is considered acceptable subject to a requirement that the trucks be restricted to 10 kph along the access road, be prevented from using exhaust brakes along the access road and be fitted with manufacturers approved emission control (muffler) systems.

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

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

(c) the suitability of the site for the development

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

(d) any submissions made

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

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

1. The proposal requires the submission of a new DA and EIS and cannot be approved under Section 79C of the EPA Act;
2. The extension in the quarry area, increased extraction rates and extension of quarry life will have a negative impact on residents lives (loss of amenity) and property. Matters specifically raised relate to noise, dust, sediment escaping, visual impact;
3. Concern that the quarry has been operating beyond its current approved extraction rate;
4. Noise study undertaken with original EIS was inadequate;

5. Objection to increased truck movements;
6. Concern at structural adequacy of wooden Cob-O-Corn bridge and Afterlee Road in general, and
7. Impact the expanded operation will have on the potential for a future dwelling on land within the locality and within the required buffer zone.

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

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

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

(e) the public interest

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

Conclusion

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

1. Refuse the application to amend the Development Application and consent as relating to the requested increase in the quarry extraction area and the approved operational life of the quarry
2. Amend the development consent for Development Application 2003/027 as follows:
 - a. Amend condition 2 as follows:
 "Development consent is given to extract a maximum of 25000 cubic metres of material per year for the first five (5) years of operation, thence a maximum of 18000m³ for years six (6) to fifteen (15) inclusive provided that the average amount extracted over any three (3) year period does not exceed 12000m³".
 - b. Amend Conditions 18 and 19 to reflect the annual heavy haulage contribution based on an average extraction amount of 12000m³ and an average haulage distance of 15 kilometres
 - c. Include additional conditions requiring:
 - i. That the trucks be restricted to 10 kph along the access road, be prevented from using exhaust brakes along the access road and be fitted with manufacturers approved emission control (muffler) systems;
 - ii. The preparation and submission to Council of a new noise impact assessment including noise monitoring at the nearest affected residences confirming compliance with the consent requirements;
 - iii. The submission to Council of a noise management plan with the noise impact assessment. The increased extraction rate is not to commence prior to approval of the plan;
 - iv. Submission of an annual compliance report;
 - v. Movement of the crusher/screener location closer to the quarry face and construction of a noise barrier (earth mound or wall) between the crusher/screener area and the quarry access.

Recommendation

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

Reason: To ensure that the development is carried out in accordance with the terms and limitations of the development application and this consent.
2. Development consent is given to extract a maximum of 25000 cubic metres of material per year for the first five (5) years of operation, thence a maximum of

18000m³ per year for years six (6) to sixteen (16) inclusive provided that the average amount extracted over any three (3) year period does not exceed 12000m³

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

(Section 96 Amendment – 26.3.2012)

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

Reason: To limit the operational life of the development.

(Section 96 Amendment – 26.3.2012)

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

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

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

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

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

(Section 96 Amendment – 26.3.2012)

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

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

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

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

Noise Pollution

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

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

Dust Pollution, Air Pollution and Spillage

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

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

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

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

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

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

Hazardous Materials

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

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

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

Reason: To ensure safe handling of explosive material.

Water Quality and Sediment Control

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

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

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

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

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

Transport and Roads

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

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

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

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

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

~~4) Traffic Generation~~

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

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

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

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

~~If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will~~

~~pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.~~

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

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

~~2) Heavy Haulage Contribution~~

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

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

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

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

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

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

Heavy Haulage Contribution

Payment of heavy haulage contributions under Section 94 of the Environmental Planning and Assessment Act and the Kyogle Section 94 Contributions Plan – Urban and Rural Roads 2002 (as amended) are required. Kyogle Council levies these contributions for the provision of public amenities and/or public services in such a manner as will meet the increased demand for those amenities and/or

services arising from this development as identified in the attached schedule. The contributions shall be calculated at the rate(s) in effect on the date the development approval is granted. The rates and amounts applying at the date of this development consent notice total \$10,368.00 per annum and are calculated at the rate of 4.8c/km/tonne with a maximum of 15 km radius haulage distance, are set out in the schedule for your information. The contribution is levied on the basis of the amount of material to be hauled in a twelve-month period as approved by the development consent. The abovementioned rate is to be payable in two (2) equal half yearly instalments of \$5184.00 paid in July and January of each year. The levy is to be increased annually in accordance with the Consumer Price Index for Brisbane commencing January each year for the life of the development.

The first instalment is to be paid in July 2008.

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

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

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

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

(Section 96 Amendment – 26.3.2012)

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

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

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

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

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

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

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

Aboriginal Heritage and Endangered/Vulnerable Flora and Fauna

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

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

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

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

Site Rehabilitation

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

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

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

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

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

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

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

Safety, Security and Workers Amenities

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

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

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

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

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

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

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

Reason: To ensure adequate facilities are provided.

Community Consultation

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

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

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

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

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

Reason: To maintain the integrity of the consent.

(Section 96 Amendment – 26.3.2012)

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

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

(Section 96 Amendment – 26.3.2012)

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

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

(Section 96 Amendment – 26.3.2012)

Notices

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

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

or

- (ii) where any such legislation specifically authorises Council to grant consent for any such activity and in any case only to the extent of that authorisation and to the extent consistent with conditions of this consent.
- B. Safety proposals must meet the requirements of both the Workcover Authority of New South Wales and the Department of Mineral Resources.
- C. The proponent shall ensure that all statutory requirements including, but not restricted to those set down by the *Local Government Act 1993*, *Protection of the Environment Operations Act 1997*, *Protection of the Environment Administration Act 1991*, and all other relevant legislation, regulations, Australian Standards, codes, guidelines, and notices, conditions, directions notices and requirements issued pursuant to statutory powers by the Council, the Environmental Protection Authority, Department of Mineral Resources, National Parks and Wildlife Service, Department of Land and Water Conservation and the Roads and Traffic Authority are fully met.

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

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

13B.3 MINUTES OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING

This report presents the minutes of the Planning and Environment Committee meeting held 12 March 2012.

Report

The minutes of the meeting appear below:

Kyogle Council

Unconfirmed Minutes of the Planning & Environment Committee Meeting held in the Council Chambers, Stratheden Street, Kyogle, on March 12, 2012.

PRESENT

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

IN ATTENDANCE

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

MEETING COMMENCEMENT

The Mayor declared the meeting open at 2.31 pm.

ITEM 1 APOLOGIES

Nil

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer at a previous Council meeting held earlier in the day.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor read the traditional lands acknowledgement at a previous Council meeting held earlier in the day.

ITEM 4 DECLARATION OF INTERESTS

Nil

ITEM 5 REPORTS

Item-5.1 WASTE MANAGEMENT REPORT

Committee's recommendation

Moved by Councillor Zito, seconded by Councillor Wilson.

1. That the Waste Management Report be received and noted.
2. That Council prepare documents including the floor plan layout on Drawing Number 7549-SK5 and the landfill site plan as indicated on the concept design dated April 2011 for the inviting of tenders to undertake the works as outlined.
3. That the Director Planning and Environmental Services report back to the Committee upon receipt and processing of tenders.

CARRIED UNANIMOUSLY

Moved by Councillor Zito, seconded by Councillor Dwyer.

4. That Council staff prepare a report to Council on the concerns they have with regards the NSW State Government Waste Strategy and levy as a precursor to Councillors holding discussions with State Government and Local Members for changes.

CARRIED UNANIMOUSLY

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 2.57 p.m.

Recommendation

1. That the Waste Management Report be received and noted.
2. That Council prepare documents including the floor plan layout on Drawing Number 7549-SK5 and the landfill site plan as indicated on the concept design dated April 2011 for the inviting of tenders to undertake the works as outlined.
3. That the Director Planning and Environmental Services report back to the Committee upon receipt and processing of tenders.
4. That Council staff prepare a report to Council on the concerns they have with regards the NSW State Government Waste Strategy and levy as a precursor to Councillors holding discussions with State Government and Local Members for changes.

ITEM 13C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 13D CORPORATE SERVICES REPORT

13D.1 MINUTES OF CORPORATE & COMMUNITY MEETING 12 MARCH 2012

Summary/Purpose

This report presents the minutes of the Corporate & Community Committee meeting held 12 March 2012.

Report

The minutes of the meeting appear below:

Kyogle Council

Unconfirmed Minutes of the Corporate & Community Services Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 12 March 2012.

PRESENT

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

Observers: Councillor Lindsay Passfield and Councillor John O'Reilly

IN ATTENDANCE

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

Consultant: Crime Prevention – Suzie Coulston presented information and answered questions during Item 5.2 - Update on Crime Prevention Plan Project.

MEETING COMMENCEMENT

The Mayor declared the meeting open at 3.30 p.m.

ITEM 1 APOLOGIES

Nil

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer at a previous Council meeting held earlier in the day.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor read the traditional lands acknowledgement at a previous Council meeting held earlier in the day.

ITEM 4 DECLARATION OF INTERESTS

Nil

ITEM 5 REPORTS

Item-5.1 PLANT BUDGET REPORT - FEBRUARY 2012

C&C120312/ 1 RECOMMENDATION
Councillor Lynette Zito, seconded Councillor Janet Wilson.

That the Plant Budget Report was received and noted.

CARRIED

FOR VOTE - Mayor Ross Brown, Councillor Lynette Zito, Councillor Janet Wilson, Councillor Robert Leadbeatter, Councillor Robert Dwyer

Item-5.2 UPDATE ON CRIME PREVENTION PLAN PROJECT

C&C120312/ 2 RECOMMENDATION
Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

That the Update Report on the Crime Prevention Plan was received and noted.

CARRIED

FOR VOTE - Mayor Ross Brown, Councillor Lynette Zito, Councillor Janet Wilson, Councillor Robert Leadbeatter, Councillor Robert Dwyer

Item-5.3 AFFORDABLE HOUSING

C&C120312/ 3 RECOMMENDATION
Councillor Janet Wilson, seconded Councillor Lynette Zito.

1. That the report on Affordable Housing was received and noted.

CARRIED

FOR VOTE - Mayor Ross Brown, Councillor Lynette Zito, Councillor Janet Wilson, Councillor Robert Leadbeatter, Councillor Robert Dwyer

A motion was moved by Councillor Janet Wilson, seconded Councillor Lynette Zito

2. That Kyogle Council actively participates in the Northern Rivers NSW Regional Choice Housing Strategy through NOROC to achieve outcomes for the Kyogle Local Government area.

The motion was put to the vote and was CARRIED.

C&C120312/ 4 RECOMMENDATION
Councillor Janet Wilson, seconded Councillor Lynette Zito.

2. That Kyogle Council actively participates in the Northern Rivers NSW Regional Choice Housing Strategy through NOROC to achieve outcomes for the Kyogle Local Government area.

CARRIED

FOR VOTE - Mayor Ross Brown, Councillor Lynette Zito, Councillor Janet Wilson, Councillor Robert Leadbeatter, Councillor Robert Dwyer

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 3.55 p.m.

Recommendation

1. That the Minutes of the Corporate & Community Services Committee 12 March 2012 are received and noted.
2. That Kyogle Council actively participates in the Northern Rivers NSW Regional Choice Housing Strategy through NOROC to achieve outcomes for the Kyogle Local Government area.

13D.2 FINANCIAL MANAGEMENT POLICY

Summary/Purpose

This report presents the amended Financial Management Policy to Council for adoption following a period of public exhibition and further consideration from Council.

Community Strategic Plan Item(s)

- Governance and Community Service

Previous Council Consideration

At the November Council meeting it was resolved:

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

At the February Council Meeting, it was resolved:

That Council provides a further report detailing the methodology by which surplus funds from the previous year's results are reallocated to the current budget and/or reserves.

Report

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

No submissions were received during the exhibition period.

During consideration of the policy at the February 2012 Ordinary meeting several changes were proposed and the following was resolved:

That the Financial Management Policy, as amended be presented to Council's March Ordinary Meeting.

These changes have now been incorporated into the draft Financial Management Policy and is attached to this report.

The reserve levels as at 30 June, 2011 are shown below

| Reserve Type | \$'000 |
|--------------------------------|--------|
| Employee Leave Entitlements | 730 |
| Buildings and Other Structures | 562 |
| Plant Replacement | 3,827 |

| | |
|---------------------------|---------------|
| Carryover Works (Revotes) | 3,814 |
| Quarries | 602 |
| Transport Operations | 370 |
| Information Technology | 80 |
| Roads and Bridges | 1,890 |
| Emergency Works | 100 |
| Stormwater Management | 0 |
| Waste Facilities | 150 |
| Total | 12,125 |

If Council were to re-allocate these reserves in accordance with the minimum target balances as outlined in the attached policy, the reserves would be as follows:

| Reserve Type | \$'000 |
|--------------------------------|---------------|
| Employee Leave Entitlements | 1,168 |
| Buildings and Other Structures | 150 |
| Plant Replacement | 1,500 |
| Carryover Works (Revotes) | 3,814 |
| Quarries | 287 |
| Transport Operations | 1,032 |
| Information Technology | 100 |
| Roads and Bridges | 1,000 |
| Emergency Works | 300 |
| Stormwater Management | 200 |
| Waste Facilities | 975 |
| Total | 10,526 |

It is recommended that the Quarries reserve is retained at the June 2011 level of \$602,000 as Council not only needs to rehabilitate existing quarries but it will also need funding to allow for ensuring that its future sources of quarry product are adequate.

It is also recommended that the Transport Operations reserve is retained at the June 2011 level of \$370,000 as it had net receivables at June 2011, which when received, will increase the level of cash reserves to an amount at least equivalent to \$1,032,000.

The level of reserves after these adjustments would then become:

| Reserve Type | \$'000 |
|--------------------------------|---------------|
| Employee Leave Entitlements | 1,168 |
| Buildings and Other Structures | 150 |
| Plant Replacement | 1,500 |
| Carryover Works (Revotes) | 3,814 |
| Quarries | 602 |
| Transport Operations | 370 |
| Information Technology | 100 |
| Roads and Bridges | 1,000 |
| Emergency Works | 300 |
| Stormwater Management | 200 |
| Waste Facilities | 975 |
| Total | 10,179 |

This would potentially result in funding of \$2,146,000 being unrestricted at 30 June 2011.

As the level of cash reserves at the end of each year is not only dependent upon the budget surplus/deficit for that year, but is also dependent upon movements in external restrictions, receivables and payables, Council will not know the final cash balance until such time as the audit of Council's financial result is completed. It is therefore recommended that at the time of presenting the Financial Statements to Council for adoption (October), a report is provided to Council outlining the available funds, the target minimum balances as set out in the Financial Management Policy and recommendations for Council in relation to any balances over/under those target balances.

This would then allow Council to consider amendments to the current year budget to either allocate additional funding in the budget towards items of high priority or to reduce expenditure in order to increase reserve levels.

The ten year financial plan adopted by Council each year as part of its resourcing strategy would also contain reference to the Financial Management Policy and outline projected movements to reserve levels.

If Council is in agreement with the above methodology, Council may wish to include an additional section in the Financial Management Policy along these lines.

Recommendation

That the Financial Management Policy (as amended) be adopted

Attachments

1. Financial Management Policy (separately attached)

ITEM 13E COMMUNITY SERVICES REPORT

13E.1 CRIME PREVENTION POLICY

Summary/Purpose

This report presents a draft Crime Prevention Policy to Council for adoption and to place on public exhibition.

Community Strategic Plan Item(s)

- Governance and Community Service
- Village Life
- Economic Development

Report

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

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

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

Recommendation

1. That the report on the Draft Crime Prevention Policy be received and noted.
2. That the Draft Crime Prevention Policy be placed on public exhibition for a period of 28 days.

Attachments

1. Crime Prevention Policy – separate attachment

Summary/Purpose

This report presents the draft Crime Prevention Plan to Council to adopt and place on public exhibition for a period of 28 days.

Community Strategic Plan Item(s)

- Governance and Community Service
- Village Life
- Economic Development

Background Information

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

Report

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

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

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

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

Recommendation

1. That report on the Crime Prevention Plan be received and noted.
2. That the draft Crime Prevention Plan be placed on public exhibition, inviting comment from the public for a period of 28 days.

Attachments

1. Draft Crime Prevention Plan (separate attachment for Council)

ITEM 13F GENERAL MANAGER'S REPORT

Nil

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Nil.

ITEM 16 CONFIDENTIAL BUSINESS PAPER

16.1 FOUR BRIDGE REPLACEMENTS

Reason for Confidentiality

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

- (d) commercial information of a confidential nature

APPENDIX / ATTACHMENTS

KYOGLE COUNCIL



ATTACHMENTS

ORDINARY COUNCIL MEETING

ON 26 MARCH 2012

12.1 FINANCIAL REPORTS - FEBRUARY 2012

TITLE FINANCIAL REPORTS -JANUARY 2012

Summary/Purpose

This report presents financial reports to Council for information.

Community Strategic Plan Item(s)

- Governance and Community Service

Background Information

Legislative Requirements

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

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

Report

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

1. (A) Finance Reports

Summary reports outlining Council's financial position as at 29 February 2012. The reports presented include:

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

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

2. (B) Councillors Travel Expenses Report

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

Recommendation

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

Attachments

1. Financial Reports
2. Councillors Travel

COUNCILLORS TRAVEL EXPENSES

Feb-12

| COUNCILLOR NAME | KLMS CLAIMED | | CURRENT KM RATE | AMT REIMBURSED | |
|--------------------|--------------|---------------|--------------------|----------------|-----------------|
| | MONTHS | YTD | | MONTH | YTD |
| E Bennett | 0 | 6,646 | 0.74 | 0.00 | 4,918.04 |
| R. Brown | 0 | 0 | 0.74 | 0.00 | 0.00 |
| T. Cooper | 0 | 1,960 | 0.74 | 0.00 | 1,450.40 |
| R. Dwyer | 0 | 0 | 0.74 | 0.00 | 0.00 |
| J. O'Reilly | 250 | 832 | 0.74 | 185.00 | 615.68 |
| R. Leadbeatter | 0 | 0 | 0.74 | 0.00 | 0.00 |
| L. Passfield | 560 | 3,608 | 0.74 | 414.40 | 2,669.92 |
| J. Wilson | 0 | 0 | 0.74 | 0.00 | 0.00 |
| L. Zito | 0 | 0 | 0.64 | 0.00 | 0.00 |
| Total | 810 | 13,046 | | 599.40 | 9,654.04 |

Notes

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