



# **KYOGLE COUNCIL**

## **COUNCIL MEETING AGENDA**

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

**ON MONDAY, 8 DECEMBER, 2014**

Commencing at 5.00 p.m.

**GENERAL MANAGER: ARTHUR PIGGOTT**

Dear Councillor,

In accordance with the provisions of the Local Government (General) Regulation 2005, you are hereby notified of the following Ordinary Meeting to be held at the Kyogle Council Chambers, on Monday, 8 December, 2014 at 5.00 p.m.

#### DECLARATION OF PECUNIARY INTEREST

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

#### BUSINESS

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

ARTHUR PIGGOTT  
GENERAL MANAGER

## COUNCIL PRAYER

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

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

AMEN

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

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

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

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

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### DISCLAIMER

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

(ARTHUR PIGGOTT),  
GENERAL MANAGER.

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

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

Each speaker has a maximum allowable time of 5 minutes.

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

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

Speakers are not to debate answers.

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

The maximum duration of this session is 30 minutes.

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

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

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

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

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

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

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

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

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

# **COUNCIL MEETING AGENDA**

**Monday 8 December 2014**

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**ITEM 1      APOLOGIES**

**ITEM 2      OPENING PRAYER**

**ITEM 3      TRADITIONAL LANDS ACKNOWLEDGEMENT**

**ITEM 4      DECLARATION OF INTERESTS**

**ITEM 5      QUESTION TIME**

**ITEM 6      PUBLIC ACCESS**

Simon Dejoux -- Draft Right to Farm Policy

**ITEM 7      CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY MEETING ON 3  
NOVEMBER 2014**

**REPORT BY:    GENERAL MANAGER**

**CONTACT:     GENERAL MANAGER ARTHUR PIGGOTT**

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### **Summary/Purpose**

A copy of the Minutes for the Extraordinary Meeting held on 3 November 2014 is included in the attachments to the business paper.

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

- Governance and Community Service

### **Recommendation**

That the Minutes of the Extraordinary Meeting held on 3 November 2014 be adopted.

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## **Attachments**

1. Minutes of the Extraordinary meeting held on 3 November 2014 (separately attached).



## **7.2 CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING 10 NOVEMBER 2014**

**REPORT BY: GENERAL MANAGER**

**CONTACT: GENERAL MANAGER ARTHUR PIGGOTT**

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### **Summary/Purpose**

A copy of the Minutes for the Ordinary Meeting held on 10 November 2014 is included in the attachments to the business paper.

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

- Governance and Community Service

### **Recommendation**

That the Minutes of the Ordinary Meeting held on 10 November 2014 be adopted.

### **Attachments**

1. Minutes of the Ordinary meeting held on 10 November 2014 (separately attached).

**ITEM 8      MAYORAL MINUTE**

Nil.

**ITEM 9      NOTICES OF MOTION**

**9.1 NOTICE OF MOTION - COUNCILLOR LINDSAY PASSFIELD; NSW LOCAL GOVERNMENT REVIEW PROCESS**

**REPORT BY:    GENERAL MANAGER**

**CONTACT:      COUNCILLOR LINDSAY PASSFIELD**

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**Summary/Purpose**

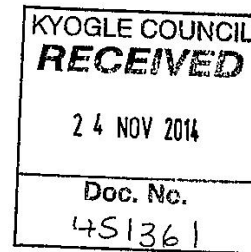
This item presents to Council a Notice of Motion received from Councillor Lindsay Passfield for the Ordinary meeting to be held on 8 December, 2014.

**Community Strategic Plan Item(s)**

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

**Notice of Motion**

A copy of the Notice of Motion and the Councillor Comments is attached as follows;



## NOTICE OF MOTION

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

That Kyogle Council invites Lismore City Council and Richmond Valley Council to separate, bilateral workshops with Kyogle Council in the first quarter of 2015 to discuss the NSW Local Government Review process and possible implications for our Councils.

Signed:

A handwritten signature in cursive script, appearing to read "Lindsay Passfield", written over a dotted line.

Date:

24 November 2014

Councillor comments:

These proposed workshops should be chaired by an independent facilitator and involve all Councillors and General Managers. Such a forum could provide an opportunity for all concerned to ask questions and offer comment on this issue.

### Background Information

In September 2014, the NSW Government released its response to the Independent Local Government Review Panel's final report, with the NSW Government branding its reform package as "Fit for the Future: a modern system of local government". The NSW Government has advised all Councils that they each need to show how they will be "Fit for the Future" by lodging a submission by 30 June 2015, which aligns with the recommendations of the Independent Local Government Review Panel (ILGRP).

The ILGRP completed its Final Report titled “Revitalising Local Government” in October 2013. In *Table 11: Options for Non-Metropolitan Councils*, Kyogle Council was included in *Group F: Current and/or projected 2031 population 5-10,000 (Review Status by 2020)*. In this table the ILGRP recommended in relation to Kyogle Council;

*“Council in Northern Rivers JO or merge with Lismore or Richmond Valley”.*

In the NSW Government's response, this recommendation has been reworded as:

*“Potentially merge with Lismore or Richmond Valley”.*

As such, the recommendation made in relation to Kyogle Council is not restricted to a single course of action. The recommendation leaves room for a choice to be made between a number of possible options being;

1. Remain an independent Council in the Northern Rivers Joint Organisation of Councils area
2. Merge with Lismore City Council
3. Merge with Richmond Valley Council
4. Merge with both Lismore and Richmond Valley Council

Any of these four options would still align with the recommendation of the ILGRP.

## **Previous Council Consideration**

At its Extraordinary Meeting of November 3, 2014 Council resolved;

*That Council pushes its request to the State Government for assistance to examine the pros and cons of the recommendations presented for Kyogle Council under the Fit for the Future program and if that help is not forthcoming Council seeks an external consultant to help it through the process.*

## **Report**

In response to the previous resolution of Council, a formal request for a Facilitator was made on November 3, 2014 and a reply was received from the Office of Local Government on November 6, 2014 advising that;

*“..the fully funded Facilitators included on the Facilitation Panel are only available for cases where 2 or more councils put forward a request a request for facilitation.*

*There is, of course, nothing precluding Kyogle Council from procuring its own facilitator to help the council work through potential merger options. However, this would not be subject to funding available under the Fit for the Future support package.”*

Based on this advice, enquiries are currently being made with external consultants in relation to providing services for assisting Council to examine the pros and cons of a possible future merger with Lismore City and/or Richmond Valley Councils.

In looking at the advice from the Office of Local Government, if one or other of these two Councils accepted the invitation proposed in Clr Passfield's Notice of Motion, then this would lead to two or more Councils putting forward a request for facilitation to the Office of Local Government, which may allow access to the fully funded Facilitators offered by the NSW Government as part of the FFTF package. Given this, the appointment of an external consultant has been deferred pending the outcome of this Notice of Motion, and subsequent responses from Lismore City and Richmond Valley Councils.

The General Manager and Mayor met with the General Managers and Mayors of both Lismore City and Richmond Valley Councils on October 9, 2014 to discuss the NSW Governments FFTF program, and the recommendations in relation to the potential future merger with Kyogle Council. On November 24, 2014 correspondence was received from Richmond Valley Council requesting that Kyogle Council advises its position in relation to the recommendation made that Council consider a merge with either Richmond Valley or Lismore City Council. A copy of this correspondence is included in the attachments to this report. No response has been provided to date.

The Mayor and the Executive Manager Urban and Assets attended one of the FFTF Regional Workshops in Kempsey on November 25, 2014 which was focussed on the options for the form of the FFTF submissions to the NSW Government. There are three separate templates that can be used,

1. Council Merger Proposal
2. Council Improvement Proposal
3. Rural Council Proposal

The Rural Council Proposal template and associated eligibility criteria are yet to be released, with the NSW Government advising that these should be available towards the end of 2014. The information required for each template is different, and staff have identified the desire for Council to determine the way forward with regards to the preparation of the FFTF submission, so that the process can commence to ensure adequate time for drafting and workshops with Council in April 2015 to ensure that the NSW Governments timeframe can be met.

The choice of the template to be used is to be based on the assessment of scale and capacity, using the ILGRP recommendations as the starting point. The next step is to determine if the Council has the strategic capacity as outlined in the *Box 8: Key Elements of Strategic Capacity*, in the ILGRP Final Report. These are;

- *More robust revenue base and increased discretionary spending*
- *Scope to undertake new functions and major projects*
- *Ability to employ wider range of skilled staff*
- *Knowledge, creativity and innovation*
- *Advanced skills in strategic planning and policy development*
- *Effective regional collaboration*
- *Credibility for more effective advocacy*
- *Capable partner for State and federal agencies*
- *Resources to cope with complex and unexpected change*
- *High quality political and managerial leadership*

To provide a pathway forward, direction is needed as to the nature and form of Councils' submission to the FFTF process. If this is to be done on the basis of a merger with Lismore City or Richmond Valley Council, then immediate action is required to ensure that the Councils involved can prepare their submissions on this basis. This would require a definite decision of Council to proceed with a merger.

If the FFTF submission is to be other than through a merger proposal, then Council needs to consider if it has the scale and capacity to lodge the submission based on the Improvement Proposal, or if it believes that it needs to wait until the Rural Council proposal details are known before making a determination in relation to the submission. If Council chooses either of these two options for the FFTF submission, this does preclude further discussions in relation to the pros and cons of a potential merger.

If Council also resolves to invite Lismore City and Richmond Valley Councils to meet and discuss the FFTF process, and the implications of the recommended potential merger/s, this would still be in keeping with the recommendations of the ILGRP, particularly given review by 2020 date identified by the ILGRP.

For these reasons the Notice of Motion is supported, and an additional recommendation made to provide clarity to Lismore City Council, Richmond Valley Council, and the various communities that it is not Council's intention (at this stage) to lodge a submission to the FFTF process on the basis of a voluntary merger.

### **Additional Recommendation**

That Council commences preparation of its submission to the NSW Governments' Fit For The Future process using the Council Improvement Proposal Template, with a further report to be provided outlining the requirements of the Rural Council Proposal once details are released by the NSW Office of Local Government.

### **Attachments**

1. Richmond Valley Council Letter of November 24, 2014
2. Presentation from the FFTF Regional Workshop November 24, 2014

## ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

### 10.1 QUESTIONS FROM THE LAST COUNCIL MEETING

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

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#### Summary/Purpose

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

#### Community Strategic Plan Item(s)

- Governance and Community Service

#### Report

Following are questions raised at the last Council Meeting along with responses:

Councillor Robert Dwyer:

- Could councillors be advised as to the extent of the works on Campbells Bridge and the standard to which the bypass was constructed?

#### Response

*A report on Campbells Bridge was provided to Council at the August 2013 Ordinary Meeting of Council. A further report was provided at the September Ordinary Meeting of Council.*

*Basic information on this bridge is as follows.*

- 1. Campbells Bridge is located on Lynches Creek, Bridge No 79-8529*
- 2. The bridge has had significant maintenance over recent years and is rated as being condition rating (CR) 3 (fair)*
- 3. Components*
  - Abutments - Northern; timber in poor condition, two headstocks need replacing in next 18 months.*
  - Southern; concrete and steel piles, recently replaced (C R 5).*
  - Girders – Some timber girders have been replaced with steel (C R1). Timber girders CR 2 to 3.*
  - Corbels – timber CR 3*
  - Piles – all timber some spliced (ie upper portion of pile replaced) CR 2 to 3*
  - Cross heads and braces – timber, CR2 to 3*
  - Decking and kerbs – timber CR 2 to 3*

- 4. In early February 2013 the southern abutment sustained damage from flood waters on the upstream side. This work was repaired with flood damage funding provided through RMS. Work was completed in May 2103 and entailed the supply and installation of new steel abutment piles, supply and installation of new timber headstock and supply and installation of precast concrete gravel boards and wing sheeting.*

*As can be ascertained from the above condition ratings, there are significant structural issues with the piles, crossheads and some of the girders. These structural inadequacies are limiting the bridge's load carrying capacity.*

*Recently the Bridge Overseer was contacted by representatives from Greensills and Hurfords and a landowner, Phil Baxter. They were concerned about being able to traverse Campbells Bridge on Lynches Road with loaded log trucks.*

*A track has existed alongside the bridge for some time through which the adjacent landowner walks his cows. Some minor works were undertaken on the approaches to the track to see what the potential was for a southbound bypass.*

*A meeting was held on-site on Friday 31 October 2014 with the interested parties. Following this meeting a survey of the track was undertaken. This revealed that the grade was too steep for log trucks on the southern end.*

*Excavation of the track to attain a reasonable grade is not feasible and a combination of raising the creek crossing and a lesser excavation has been considered. Significant work in the creek would be required with relieving culverts and a "geoweb" load support system to retain imported ballast. This work will be subject to an application to Fisheries which is now being prepared.*

*A geomorphologist is to be engaged to provide a report on the alignment of the creek. This will be required for a Fisheries application for a proposed side track and for the realignment of the creek prior to the installation of a new bridge.*

*Temporary tomming the bridge has been investigated and extensive works would be required. Driving relieving piles would cost around \$100,000. These two options are expensive and short term.*

*The preferred option, if funding were available, would be to replace the bridge alongside the existing bridge. A 45metre long ADF bridge has been reserved for this site. The cost of the components for this bridge is \$120,000.*

*An allowance has been made to install a mid-span pier to provide lateral restraint to counter any flood-related loading however this is subject to detailed design. The estimated cost to supply and install a new bridge is around \$500,000 subject to design and the trial installation of the trial bridge at Sextonville.*

*It appears that Campbells Bridge, Lynches Creek was not shortlisted for funding from the Federal Bridge Replacement Fund, however official confirmation will not be forthcoming until late January 2015.*



Councillor Robert Dwyer

- Could Councillors be provided with an explanation at the next Ordinary meeting of Council as to the reference made in the staff comment relating to councillor request to hold extraordinary meeting? The reference I refer to is the statement: "that attempts to stifle either of these position holders by individual councillors are considered contrary to council policy and could be considered as delving into operational matters". Could Councillors be enlightened as to where any attempt to stifle either the General Manager or the Mayor in the execution of their respective roles within Kyogle Council.

Response

*The explanation requested was previously provided during discussion at the Extraordinary Meeting held on 3 November, 2014 in response to a similar question from Councillor Brown. The recording from this meeting is available for any Councillor that wishes to listen to the explanation.*

**Recommendation**

That Council receives and notes the report Questions From The Last Council Meeting.

## **ITEM 11 DELEGATES REPORTS**

### **11.1 DELEGATES REPORT -- FAR NORTH COAST WEEDS**

**REPORT BY: GENERAL MANAGER**

**CONTACT: COUNCILLOR DANIELLE MULHOLLAND**

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#### **Summary/Purpose**

The following delegate's report in respect of Far North Coast Weeds has been provided by Councillor Danielle Mulholland for the information of Councillors.

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

- Governance and Community Service
- Environmental and Planning

#### **Background Information**

The report represents the meeting summary of the Far North Coast Weeds Ordinary Meeting held at Lismore on Monday, 17 November, 2014.



### **Summary of main items of business for Council's Ordinary Meeting 17 November 2014**

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#### **1. Election of Chairperson and Deputy Chairperson**

For the ensuing 12 month term, Cr Robyn Hordern was elected as Chairperson, and Cr Ray Houston was elected Deputy Chairperson.

#### **2. Annual Financial Reports and Audit Report for the year ending 30 June 2014**

Council acknowledged that the audited 2013/14 Financial Reports were presented to the public and no submissions were received.

#### **3. Council Meeting Schedule 2015**

The 2015 Council Meetings schedule was adopted which included meetings on 16 February, 20 April, 22 June, 17 August and 16 November.

#### **4. Operations Report: July – September 2014**

Council noted over 2,500 noxious weed property inspections were recorded for the quarter, with over 300Ha of high priority (class 1 & 2) and high risk sites (areas deemed to be at highest risk of weed incursion) being treated. The high priority weeds treated included all known Tropical soda apple (class 1) and Alligator weed (class 2) sites in the County district.

Council also noted other major work undertaken in this quarter was the continued joint project with the Department of Primary Industries (DPI) to locate and eradicate Cecropia (class 2) infestations in the Far North Coast area. With the only known infestations of Cecropia in NSW being present in our region, this project has seen significant contributions from the DPI and extreme high value placed on this project. Most major infestations have been contained, with several large Cecropia trees being removed by FNCW.

FNCW has also been successful in securing additional funding for our region from the Local Land Services. This joint project is for the containment of another three regional and State-wide listed high priority weeds including: Miconia (class 1), Water lettuce (class 1) and Paper mulberry (class 2). The joint project also has a component attached for the development of a regional containment plan for Giant devil's fig (class 3)

**5. Risk and Audit Committee**

Council was provided with an update with respect to activities of the Risk and Audit Committee and provided with a copy of confirmed minutes of the committee.

An internal Audit program was implemented in 2013, which included the formation of a Risk and Audit Committee.

While the Committee is a Rous Water initiative, its primary function is to assist each of the Counties to ensure that:

1. Business systems and procedures have been established by management and are effective.
2. Appropriate risks and exposures are effectively managed.
3. A culture of adherence to Council policies and procedures is promoted.
4. Statutory compliance is promoted and monitored.
5. Audit processes (both internal and external) are effective.
6. External reporting is objective and credible.

Audits completed to date covered:

1. IT General controls.
2. General Financial Controls.
3. Grants management processes.

An audit of Tendering and Contracts Management is scheduled to be undertaken during the second quarter of 2015 and will complete the second year of a three year Internal Audit Strategy.

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**Recommendation**

That Council receives and notes the delegate's report provided by Councillor Danielle Mulholland in respect of Far North Coast Weeds.

## **ITEM 12 INFORMATION PAPERS**

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

**REPORT BY: GENERAL MANAGER**

**CONTACT: GENERAL MANAGER ARTHUR PIGGOTT**

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#### **Summary/Purpose**

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

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

- Governance and Community Service.

#### **Report**

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

#### **Recommendation**

That Council receives and notes the report Council Resolutions Requiring Action.

#### **Attachments**

1. Council resolutions requiring action as at 30 November 2014 (separately attached).

## 12.2 FINANCIAL REPORT -- NOVEMBER 2014

**REPORT BY: ADMINISTRATION AND COMMUNITY**

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

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### **Summary/Purpose**

This report presents financial reports to Council for information.

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

- Governance and Community Service

### **Background Information**

#### Legislative Requirements

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

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

### **Report**

The following information is presented for information only.

#### **(A) Finance Reports**

Summary reports outlining Council's financial position as at 28 November, 2014. The reports presented include:

Rates Statement and Graph  
Statement of Bank Balances  
Summary of Investments

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

2. (B) Councillors Travel Expenses Report

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

**Recommendation**

That Council receives and notes the information contained in the Monthly Financial Report – November 2014.

**Attachments**

1. Councillors Travel
2. Financial reports

**ITEM 13 GENERAL MANAGER'S REPORT**

**ITEM 13A TECHNICAL SERVICES REPORT**

**13A.1 PLANT PURCHASES**

**REPORT BY: INFRASTRUCTURE WORKS**

**CONTACT: EXECUTIVE MANAGER INFRASTRUCTURE WORKS JEFF BREEN**

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**Summary/Purpose**

This report provides Council with a review of plant requirements and recommends amendment to the plant replacement schedule within the approved budget amount.

**Community Strategic Plan Item(s)**

- Roads and Infrastructure

**Background Information**

Infrastructure Works has reviewed activities in relation to bridge maintenance and road maintenance. The review has been undertaken on the basis of productivity and safety.

**Report**

**1. Bridge Maintenance**

Replacement of timber decks on bridges is a difficult, time consuming activity with potential for shoulder and back injuries.

The process involves the following;

- Unbolt and jack up timber kerb
- Remove bolts from old deck timber
- Cut deck timber into manageable pieces with chainsaw
- Remove deck timber by hand. Timber often wedges under kerb making this a difficult manual task, generally undertaken in a semi-stooped position
- Manually carry into place new deck timber. Timber weighs in excess of 100kgs and up to 160kgs. This is done by two men with metal tongs.
- New deck timber is slid under the kerb on one side of the bridge until it is clear of the kerb on the other side and then slid back under that kerb and centralised. The deck timber often wedges under the kerb during this process.
- Deck timber is bolted down
- After all deck timbers are in place for that section kerb is rebolted.



Trials have been carried out utilising a 2.8 tonne excavator. This size machine will fit on the current bridge truck for transporting. It is estimated that at least 1.5 hours per day can be saved resulting in a daily saving of approximately \$800/day gross. Excavator hire would be approximately \$350 per day resulting in a \$450 net saving per day.

More importantly the risk of injury is significantly reduced. The Risk Coordinator has undertaken a review of this work and supports the recommendation. The cost to purchase is \$75,000.

## 2. Road Maintenance

Earlier this year the Executive Manager Infrastructure Works, the Works Engineer and Bridge Overseer visited Civinex in Sydney. Whilst there they saw a machine called a Zipper. This machine is a reclamation attachment and is used to carry out heavy patching, shoulder repairs, etc. The Zipper attaches to the loader, either in the bucket or via a quick hitch attachment.

A machine has been on hire for the month of November and has carried out works for RMS on heavy patching, heavy patching work on Fawcetts Plains road prior to resealing and edge break and shoulder repair on Green Pigeon Road. Council already has a machine to spread the stabilising agent and the new Paveliner is able to apply an emulsion seal on completion of stabilisation. The purchase of the Zipper provides Council with the capability to carry out road stabilisation projects in-house.

Cost of stabilisation utilising hired plant is at least \$5720 per day (spread and mix only) with establishment costs of \$2827 per visit.

The projected cost with in-house equipment is \$3000 a day. A cost as low as \$15/m<sup>2</sup> has been achieved on Green Pigeon Road for stabilisation and sealing compared to an average cost of \$50/m<sup>2</sup> utilising contract equipment.

The trial over the past 4 weeks has proven very successful. Staff have commented on its ease of use and keeping the money local. It took a week to perfect the spreading of the stabilising agent and operation of the Zipper with heavy patching now proceeding efficiently. It is intended to use the machine on the Mt Lindesay Upgrade if we are successful with the funding application.

Purchase price is \$145,000 with attachments and after refund of \$16,000 hire that has been paid for November.

A search of the internet has revealed that there is no other similar machine available for purchase in Australia. Therefore calling for quotations in accordance with Council's procurement policy is futile.

## 3. Funding

The 2014/15 approved budget had provision for the purchase of a self-propelled roller at a cost of \$220,000. Whilst this machine is still desirable to purchase their availability has increased with completion of Pacific Highway works and rates have decreased. An improved return on investment will be realised both in financial and safety terms with the purchase of the Zipper and excavator in lieu of the self-propelled roller.

## **Budget & Financial Aspects**

The proposal is cost neutral to the plant budget.

## **Recommendation**

That Council:

1. Approves the purchase of a 2.8 tonne excavator with attachments up to the value of \$75,000
2. Approves the purchase of the road reclaimer (Zipper) with attachments up to the value of \$145,000
3. Approves the 2014/15 plant budget amount of \$220,000 for the purchase of a self-propelled roller to be reallocated to the purchase of a 2.8 tonne excavator and the road reclaimer.

## **Attachments**

1. Information on Asphalt Zipper

## **13A.2            SIMPKINS CREEK RADIO REPEATER**

**REPORT BY:    INFRASTRUCTURE WORKS**

**CONTACT:      EXECUTIVE MANAGER INFRASTRUCTURE WORKS JEFF    BREEN**

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### **Summary/Purpose**

This report addresses the issue of compensation for adjoining landowners resulting from the proposed siting of a telecommunications link on Richmond Range Road as directed by resolution number 101114/08 from the Ordinary Meeting of Council on 10 November 2014.

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

- Roads and Infrastructure

### **Background Information**

At the 10 November 2014 Ordinary Meeting of Council it was resolved;

- “1. That the matter be deferred to the December 2014 meeting of Council;*
- 2. In the interim Council make a request to TransGrid to consider compensation for the adjoining landowner and that TransGrid's response be brought back to the December meeting of Council.”*

The Executive Manager Infrastructure Works wrote to TransGrid on 14 November 2014 requesting consideration of compensation for the adjoining land owner. TransGrid's response is attached.

### **Report**

Correspondence was received from TransGrid on 25 November 2014 in response to Council's request for compensation for the landowner adjacent to the proposed telecommunications tower.

TransGrid asserts that it is unable to offer compensation to the property owner as, under the Land Acquisition (Just terms Compensation) Act 1991, the person who has a right to compensation must be the owner of an interest in the land. TransGrid advises that it has made an offer to provide screening to mitigate the visual impact.

Information is also provided regarding the site selection process. Three sites were assessed, the details of which are included in the attachments.

### **Budget & Financial Aspects**

Income has not been budgeted.

## **Recommendation**

1. That Council receives and notes the report Simpkins Creek Radio Repeater.
2. That Council accepts \$35,000 plus professional costs from TransGrid to establish an easement for the erection of a radio repeater on Richmond Range Road

## **Attachments**

1. Correspondence from Transgrid dated 25 November 2014

**ITEM 13B PLANNING SERVICES REPORT**

**13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 31 OCTOBER 2014 TO 27 NOVEMBER 2014**

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

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**Summary/Purpose**

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

**Report**

Listings attached.

**Recommendation**

1. That, with the exception of the following items in which Councillors ..... and ..... have declared an interest,
  - Cr..... 13B.1 Development Applications Received, Determined and Outstanding DA.../... - Reason for Declaration -
  - Cr.....13B.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 31 October, 2014 to 27 November, 2014 be received and noted.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 31 October, 2014 to 27 November, 2014 only in relation to DA.../... and DA.../.... In which Councillors ..... have declared an interest be received and noted.

**Attachments**

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

## **ITEM 13C ENVIRONMENT SERVICES REPORT**

### **13C.1 WEIGHBRIDGE PROGRESS AT KYOGLE LANDFILL AND PUBLIC WEIGHBRIDGE ISSUES**

**REPORT BY: PLANNING AND ENVIRONMENT**

**CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT – GREG MEYERS**

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#### **Summary/Purpose**

To provide Council with an update on the progress of the installation of the weighbridge at the Kyogle Landfill.

#### **Previous Council Consideration**

Council previously considered the Development Application for the installation of the weighbridge at the Kyogle Landfill at its 10 February 2014 ordinary meeting when it conditionally approved the development.

Council then considered the tenders for the supply and construction of the weighbridge at its Extraordinary Meeting on 30 June 2014, awarding the contract to Aussie Weighbridge Systems.

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

- Waste and Water

#### **Report/Assessment**

As Council is aware, the installation of the weighbridge at the Kyogle Landfill site commenced in September 2014. Progress has been good with all but one issue being minor.

The issue encountered was during the excavation for the footings, an old waste cell was encountered to the southern end of the weighbridge which required excavation and filling.

The weighbridge and gatehouse are near final completion. The internal roadworks and upgrading of Runnymede Road and the entrance into the landfill are to get underway shortly but unlikely before the end of the year. Final completion is not expected until around mid- February 2015.

Initially, it was intended that the weighbridge would be registered as a Public Weighbridge. Changes to legislation have added a number of additional requirements which have increased liability and exposure for the weighbridge operator. Legislation now requires that the Licensee provides the required training for at least one person to hold a Statement of Attainment to enable the weighbridge to operate as a public weighbridge.

*A public weighbridge is defined in the National Measurement Act 1960 as a weighbridge that:*

- a) is open for use by or on behalf of the public; or*
- b) is available for use for a charge.*

*A **public weighing** occurs when a weighbridge is made available in either of the two circumstances stated above, **without** a prior contractual arrangement between the operator of the weighbridge and the person for whom the weighing is being performed.*

*The operator of the weighbridge will be required to hold a public weighbridge licence to conduct public weighings. Public weighings are required to be recorded on a measurement ticket.*

*A weighing is not considered to be a 'public weighing' when the use of the weighbridge:*

- is subject to a prior contractual arrangement between the controller of the weighbridge and person for whom the weighing is being performed, which does not include a fee per use charge; or*
- for the operation of the operator's business. i.e. to weigh goods in which the operator trades; or*
- to determine the tare mass of a vehicle or trailer for **registration purposes**.*

*These types of weighings are not considered to be public weighings, therefore are not **required** to be carried out under a public weighbridge licence.*

The impact of this requirement is considerable in both cost to undertake the required training and maintain the competence (Statement of Attainment) coupled with liability and risk for Council and the operator.

To obtain the minimum training the initial course costs are \$550 for registration, training and assessment. Plus the annual Public Weighbridge Licence Fee of \$350 per annum. It is uncertain if Council's Professional Indemnity insurance premiums would be affected. There is also the likelihood that an increased Salary Grade could be argued for the operator/s due to the additional training, competencies and possible exposure.

Interestingly, Ballina Shire Council has made the decision to deregister their weighbridge as a "public weighbridge" due to the level of risk, associated costs and operator liability.

It is therefore proposed that the weighbridge at the Kyogle Landfill site not be registered as a Public Weighbridge and not perform Public Weighings as outlined in this report.

The operation of the weighbridge to determine the quantities of "waste and recyclables" entering and leaving the landfill or the weighing of goods in which Council trades is not affected as is the weighing of vehicles or trailers to determine the "**tare mass**" for "**registration purposes**".

## **Budget and Financial Aspects**

Provided Council resolves as recommended there will be no impact on the budget.

### **Recommendation**

1. That Council receive and note the report, Weighbridge Progress at Kyogle Landfill and Public Weighbridge Issues.
2. That Council not register the Weighbridge at the Kyogle Landfill as a Public Weighbridge due to the costs and risks associated with such registration.

### **Attachments**

Nil



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

### **13D.1 REVIEW OF VEHICLE POLICY**

**REPORT BY: ADMINISTRATION AND COMMUNITY**

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

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#### **Summary/Purpose**

This report presents the reviewed Vehicle Policy to Council for adoption.

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

- Governance and Community Service

#### **Previous Council Consideration**

**080914/09 RESOLVED**

Moved by Councillor Michael Reardon, seconded by Councillor Robert Dwyer:

1. That the vehicle policy be immediately reviewed, amended and updated;
2. That an embargo be put on the purchase of any new vehicles until the vehicle policy review has been completed
3. That Council-owned vehicles either be put to tender after five years or 150,000kms, whichever comes first or alternatively, more appropriate method of disposal.

**CARRIED**

FOR VOTE - Danielle Mulholland, Michael Reardon, Chris Simpson, Maggie Creedy, Bob Dwyer

AGAINST VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield

#### **Report**

In response to the Council resolution three meetings of the Sunset Committee were held. The committee comprised of Councillors Mulholland, Dwyer, Reardon, Simpson and Burley as well as the General Manager, the Executive Manager Administration and Community, the Depot Co-ordinator, the Infrastructure Works Engineer, and Council's Surveyor.

Meetings were held on October 8, November 5 and 25, 2014. Items discussed included

- Information and costings in relation to the various GPS systems that are available.
  - Information on the costings associated with purchasing additional warranty (up to 5 yrs)
  - A summary of the methods of disposal/age of vehicles/results being used by other Councils.
  - Information regarding the costs and advantages/disadvantages of the disposal through tender and auction so that a comparison can be made.
-

- Discussion on the advantages/disadvantages of modifying the policy to specify disposal methods/and times.
- Discussion regarding the payment of an annual allowance to staff to provide their own vehicle for work use, rather than a Council provided vehicle.

The Committee recommended that no change to the policy regarding the disposal method and time was required.

The Committee recommended that an additional clause be included in the Policy to enable the General Manager to approve the payment of an allowance for staff to provide their own vehicle for work purposes.

Under 7 Provision of Vehicles

Clause 7.8 Provision of Own Vehicle and being paid and Annual Allowance

*The General Manager shall have the discretion to approve requests from staff to provide their own vehicle for work purposes and receive a suitable annual taxable allowance subject to the following:*

- *Only available to Professional/Specialist staff that are Grade 8 or above who have been offered the use of a vehicle as a condition of their employment are eligible to apply.*
- *Type/age of vehicle must be appropriate to enable all aspects of the position to be carried out. This information must be submitted to the General Manager for approval prior to the agreement being entered into.*
- *The vehicle must have NRMA/breakdown cover and evidence must be provided to Council*
- *The vehicle must be comprehensively insured and evidence must be provided.*

## **Recommendation**

1. That Council receives and notes the report on the Review of the Vehicle Policy.
2. That the Kyogle Council Vehicle Policy be adopted.

## **Attachments**

1. Kyogle Council Vehicle Policy – separate attachment

## 13D.2 CODE OF MEETING PRACTICE

**REPORT BY: ADMINISTRATION AND COMMUNITY**

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

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### **Summary/Purpose**

This report presents to Council a change to the Code of Meeting Practice.

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

- Governance and Community Service

### **Background Information**

Section 361 of the Local Government Act 1993 provides as follows:

- (1) Before adopting a code of meeting practice, a council must prepare a draft code.
- (2) The council must give public notice of the draft code after it is prepared.
- (3) The period of public exhibition must not be less than 28 days.
- (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.
- (5) The council must publicly exhibit the draft code in accordance with its notice.

### **Previous Council Consideration**

At the Council Meeting held on 14 April 2014, Council resolved:

Moved by Councillor Maggie Creedy, seconded by Councillor Robert Dwyer:

1. That starting from the June 2014 Ordinary Council Meeting, in accordance with clauses 11.1 and 11.2 of the Code of Meeting Practice, an official audio recording be taken of all Ordinary, Closed and Extraordinary meetings of Council.
2. That these audio recordings (with the exception of recordings of Closed Meetings) be made available upon request to:
  - Councillors
  - Council staff
  - The public (a minimal charge may apply)
3. That Council identify a way to make these audio recordings available electronically within one week of each meeting.
4. That at the next review of the Code of Meeting Practice the code be amended to include the above resolutions.

**CARRIED**

FOR VOTE - Danielle Mulholland, Michael Reardon, Chris Simpson, Maggie Creedy, Bob Dwyer  
AGAINST VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield

## **Report**

Section 11.2 of the Code of Meeting Practice has now been amended to reflect this change.

### **11.2 Tape Recording (Council Policy resolution 140414/05)**

1. *The unofficial tape recording of all meetings be prohibited without the express permission of council.*
2. *An official audio recording will be taken of all Ordinary, Closed and Extraordinary Meetings of Council.*
3. *These audio recordings (with the exception of recordings of Closed Meetings) will be made available upon request to:*
  - *Councillors*
  - *Council staff*
  - *The public (a minimal charge to cover cost of a CD may apply)*

The amended Code of Meeting Practice is required to be placed on public display for a period of 42 days.

## **Recommendation**

That Council place the Amended Code of Meeting Practice on public display for a period of 42 days.

## **Attachment**

A copy of the Code of Meeting Practice has been distributed to all Councillors. Hard copies will not be provided with all Business Papers. It is available on the website or can be requested.

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

Nil.

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

### **13F.1 COUNTY COUNCIL MERGER**

**REPORT BY: GENERAL MANAGER**

**CONTACT: GENERAL MANAGER ARTHUR PIGGOTT**

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### **Summary/Purpose**

This report seeks a Council resolution in response to correspondence received from Far North Coast Weeds.

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

- Governance and Community Service
- Environmental and Planning

### **Background Information**

Tweed Shire Council has previously resolved as follows:

1. Council supports the creation of a new county council that incorporates all the existing functions of the current Rous Water, Far North Coast Weeds and Richmond River County Councils with a new constitution that provides the flexibility to accommodate the management and delivery of regional initiatives in the Richmond Valley Region; the governance structure would include representation from Byron, Ballina, Lismore and Richmond Valley Councils. The new county council would exclude Tweed and Kyogle Shire Councils.
2. To facilitate 1 above, the Minister for Local Government be advised of Tweed's position regarding the future of Far North Coast Weeds County Council and the proposed restructure into one body of the three county councils in the Northern Rivers.
3. It be noted that Council's intention, should this restructure occur, is to initially negotiate a service level agreement with the new entity for provision of noxious weeds management services.

### **Report**

Correspondence has recently been received from Far North Coast Weeds seeking advice as to whether Kyogle Council would be supportive of a service level agreement with a proposed merged County Council entity for the provision of noxious weeds services (attached).

The University of Technology, Sydney; Centre for Local Government (UTS:CLG) was commissioned by the Northern Rivers Regional Organisation of Councils (NOROC) and delivered a report in April 2012 (attached) reviewing structural reform business cases for the three county councils in the Northern Rivers region

In their report, UTS:CLG recommended Option 7 for the formation of a single Richmond Valley based county council serving the combined bulk water supply, flood mitigation and noxious weeds management needs of the Lismore, Byron, Ballina and Richmond Valley constituent local government areas. This new county council would exclude Tweed and Kyogle as constituent councils, but would still be able to supply these councils with noxious weeds management services on a contract and/or service level agreement basis.

It is considered that there is substantial merit in the merging of these three county councils in order to eliminate much of the administrative duplication that is currently occurring. This merger need not necessarily take the form of a new county council, however that is the recommendation from UTS:CLG and is currently the proposal being put forward to the Office of Local Government.

It is considered that the proposal of a service level agreement with the merged structure would provide Council with more control over the cost and level of service than currently exists within the current structure and should be supported by Council.

### **Recommendation**

1. That Council receives and notes the report on County Council Merger.
2. That Council supports the adoption of a management structure that incorporates all the existing functions of the current Rous Water, Far North Coast Weeds and Richmond River County Councils and provides the flexibility to accommodate the management and delivery of regional initiatives.
3. That Council supports the proposal of a service level agreement arrangement with the new structure for the provision of noxious weeds management services.

### **Attachments**

1. Correspondence from Far North Coast Weeds dated 21 November 2014
2. Structural Reform Business Case

## 13F.2 LONG TERM FINANCIAL PLAN

**REPORT BY: GENERAL MANAGER**

**CONTACT: GENERAL MANAGER ARTHUR PIGGOTT**

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### Summary/Purpose

This report is to provide Council with information on the advertising and consultation process around the draft Long Term Financial Plan which was placed on public display following Council's October 2014 Ordinary Meeting.

### Community Strategic Plan Item(s)

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

### Background Information

As part of the NSW Government's Integrated Planning and Reporting Framework, Councils are required to prepare and adopt a Long Term Financial Plan (LTFP). The LTFP must project financial forecasts for the Council for at least ten years, and be updated annually as part of the development of the Operational Plan. The LTFP must be used by the Council to inform its decision-making during the finalisation of the Community Strategic Plan and the development of the Delivery Program.

The LTFP must be structured to include;

- Planning assumptions used to develop the plan
- Projected income and expenditure, a balance sheet and cash flow statement
- A sensitivity analysis which highlights the factors and assumptions most likely to affect the Plan
- Financial modelling for different scenarios, for example the planned scenario, an optimistic scenario (eg taking into account a yet-to-be-approved special rate variation) and a conservative scenario.
- Methods of monitoring financial performance

### Previous Council Consideration

At its Ordinary Meeting of October 13, 2014 Council resolved;

*That Council places the draft Long Term Financial Plan 2015-2034, which includes a scenario with rate rises peaking at 22% above the pegged limit over the 20 year period, on public display for a period of 28 days and call for submissions from the public.*

At its Extraordinary Meeting of November 3, 2014 Council resolved;

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1. *That a supplementary sheet to the Fit for the Future information brochure be compiled and that it be sent out to the community as a matter of urgency.*
2. *That this sheet presents easily understood examples for the rate payers in each rate category, showing the comparative total annual rate payments for the next seven years in dollar terms. The examples used will be for the mean of each rate category and will include all charges ie general, water, sewerage, waste, farmland, landfill management etc.*
3. *The rate categories to be used will be as per council's rate notices.*
  - *Farmland,*
  - *Residential,*
  - *Residential – Kyogle,*
  - *Rural Residential,*
  - *Business,*
  - *Business – Kyogle.*
4. *This information will be presented in four columns*
  - 1) *Years 2014/15 to 2021/22*
  - 2) *Annual \$ amount to be paid with only the 2.3% rate pegging increase;*
  - 3) *Annual \$ amount to be paid as per "Option Two" and including the rate pegging amount.*
  - 4) *The annual difference between the figures quoted in 2 and 3.*

*And also;*

*That council receive and note the draft phone survey as amended.*

*And;*

1. *That Council concentrates on finalising a Long Term Financial Plan based on whether or not the community supports an IPART application and Council's processing of that IPART application.*
2. *That Council pushes its request to the State Government for assistance to examine the pros and cons of the recommendations presented for Kyogle Council under the Fit for the Future program and if that help is not forthcoming Council seeks an external consultant to help it through the process.*

*At its Ordinary Meeting of November 10, 2014 Council resolved;*

*That Council adopts the supplementary sheet as amended to be sent out to the community.*

*That Council adopts the survey questionnaire to be made available to the Community.*



## Report

The draft LTFP was placed on public display for the period from to Monday November 24, 2014. There were a number of mechanisms used to engage the community during this time, using various delivery methods, to ensure that as many people as possible were given the opportunity to provide input and feedback on the draft LTFP. The main methods of engagement are briefly discussed below;

### 1. Newspaper advertisement

A formal advertisement advising of the draft LTFP being on public display was published in the Richmond River Express Examiner on Wednesday October 22, 2014 with advice that submissions would close at 4:00pm Monday November 24, 2014. The advertisement included details of the date and locations for the proposed listening posts at Woodenbong, Bonalbo and Kyogle. The advertisement also advised that hard copies of the draft LTFP were available at Wadeville Store, Woodenbong Post Office, Tabulam Post Office, Cawongla store, Wiangaree Post Office, Bonalbo Post Office, Old Bonalbo Post Office, Mallanganee Store, and Councils' offices in Stratheden Street Kyogle.

### 2. Council's Website

A new page in relation to the draft LTFP was created on Council's website on October 21, 2014. The web page provided links to the draft LTFP documentation, the NSW Government's Fit For The Future web site, and other pages on Council's website that contained relevant information such as the Road to Financial Sustainability and Bridging the Gaps. Other documents were added to the page as they became available, including the LTFP Brochure, the supplementary information including the rates comparisons, and the LTFP survey. The page included a link to allow on-line submissions to be lodged.

### 3. Council's Newsletter

Articles were included in Council's Oct/Nov newsletter which was distributed on October 27, 2014 as well as in the Nov/Dec newsletter which was distributed on November 24, 2014.

### 4. Listening Posts

Following the adoption of the Draft Long Term Financial Plan and in accordance with Council's adopted Community Engagement Strategy, three Listening Posts were held at:

1. Woodenbong, Yowie Country Markets, Saturday 25 October 2014
2. Bonalbo, Bonalbo Memorial Hall, Tuesday 28 October 2014
3. Kyogle, Farmers Markets, Saturday 1 November 2014

#### Woodenbong:

Approximately 24 residents and ratepayers took the time to stop and discuss their views, concerns and provided suggestions to the three Executive Managers Graham Kennett, Jeff Green and Greg Meyers in attendance. Cr Passfield also attended and provided introduction of residents to the Executive Managers with the following issues being raised;

- Concern with General Rates being higher in the rural area than town;
- Like to see rural/town rates reviewed for a more equitable spread;

- Recognises issue with non-rateable properties ie State Forest/Crown Land, supports any action by Council to address this;
- Encourages and supports additional play equipment in Woodenbong playground for 2-4 year olds;
- Don't object to Rally but urge Council to consider transferring funds allocated for Traffic Control to road maintenance as the Rally cars do damage to roads;
- Raised concern regarding earthworks done which is redirecting stormwater onto road;
- Recommends that the lane in Woodenbong Village which provides access is included in sealing program for initial seal.
- Supports the motorbike trail rides held throughout the year due to the income it generates for the village;
- Understands that a rate rise is inevitable and supports the 22% proposal instead of the 46% option;
- Does not support amalgamation due to their distance from what could be the Council Administration;
- Very concerned with any rate increase which would have to be passed onto tenants through rents especially for commercial enterprises due to limited/marginal income;
- Supports the extra income from increased rates being allocated to roads and bridges as proposed in the LTFP;

*Bonalbo:*

The Bonalbo meeting was more like a public meeting and Executive Manager Urban & Assets arranged for the Village Life Focus Group meeting and the Village Maintenance committees to meet following the Listening Post. Approximately 21 residents and ratepayers were in attendance.

General Manager Arthur Piggott and Executive Managers Graham Kennett and Greg Meyers gave an overview of the Draft LTFP and how the 20 year plan will set Council on the road to financial sustainability and the associated assumptions and constraints.

The forum provided good feedback with a general appreciation of the need for a rate rise and their concerns regarding the potential of amalgamation. The following issues and comments were provided;

- Funds required to upgrade bridges due to constraints imposed on property protection where RFS vehicles are unable to traverse load limited bridges;
- Use of school and community newsletter to distribute information to better inform the various communities;
- Expressed their concern for the perceived wasted money with roadside slashing and chaser vehicles;
- Concern with the possible closure of the Bonalbo Transfer Station due to quantities of packaging and cartons the local supermarket proprietor delivers to the transfer station and the extended distance to Mallanganee Transfer Station;
- Suggestion that instead of closing one of the transfer stations why not close one day at Kyogle?

- If the suggested bridge closures occur will they be replaced with causeways/pipes/culverts?
- Will the toilets and kitchen in/at the Norman Johnston Park and Hall be included in increased budget allocations to community buildings?
- Recommend increased tourist signage for Bonalbo and Old Bonalbo especially from Bruxner Highway as an alternative route to Brisbane;
- Peacocks Bridge and the Bonalbo Cemetery fence require painting to improve appearance;
- Sign to public toilets in Bonalbo is not very clear;

Kyogle:

A Listening Post booth was established within the KMI hall in conjunction with the Kyogle Farmers Market, which was attended by the General Manager Arthur Piggott, Executive Managers Jeff Breen and Carol O'Neill, and Deputy Mayor Cr John Burley.

Approximately 64 residents and ratepayers took the opportunity to seek information and or provide feedback to Council. The points raised were-

- Noise made by the banner over the Summerland Way makes it difficult to hear TV in Stratheden Street;
- As a pensioner would be difficult to pay extra rates due to being on a fixed income;
- Would be worried about representation if amalgamated;
- Would rather pay additional rates and stay as an independent Council;
- National Parks and State Forests should pay rates;
- Prepared to pay more to keep identity;
- Unfair to pay extra rates but realises it is inevitable;
- Not supporting amalgamation because doesn't want the funds accumulated by Kyogle Council to be shared;
- \$ offered by the State Government inadequate;
- Support for amalgamation;
- Council should decrease administration workers in the office as a way of reducing costs;
- Doesn't feel it is the right time to be asking for extra \$ in rates when it is such a difficult time for farmers;
- Would like to see investment in solar panels;
- Council should be seeking additional State and Federal funding;

## **5. Distribution of Information**

Following Council's resolution to place the draft LTFP on public display at its Ordinary Meeting of October 13, 2014 an external consultant Community Relations Australia, was engaged to prepare a Brochure for distribution to the community by mail out. The brochure was finalised on October 24, 2014 and distributed by mail out on November 5, 2014. Following Council's Extraordinary Meeting of November 3, 2014 a separate supplementary information sheet was prepared in accordance with Council's resolution. This information sheet was presented to Council's Ordinary Meeting of November 10, 2014 where it was endorsed for distribution. The supplementary information sheet was finalised on November 11, 2014 and added to Council's website, and distributed by mail out across the LGA on November 17, 2014, along with a hard copy of the LTFP survey.

## **6. Community Survey**

The use of a phone survey had originally been proposed, and following Council's resolution to place the draft LTFP on public display at its Ordinary Meeting of October 13, 2014, an external consultant, Advanced Dynamics, was engaged to prepare and undertake the phone survey, with a draft of the proposed phone survey being distributed to Councillors for comment on October 29, 2014. Following Council's Extraordinary Meeting of November 3, 2014 a revised draft was prepared and presented to Council at their Ordinary Meeting of November 10, 2014 where it was endorsed to be made available to the community. The survey was set up on-line through Survey Monkey and made available on November 12, 2014 and remained open until November 24, 2014. Hard copies of the survey were also distributed across the LGA by mail out on November 17, 2014 with the supplementary information sheets, and made available at Council's offices in Stratheden Street Kyogle.

A total of 266 surveys were completed, 118 using the on-line Survey Monkey system, and an additional 148 were received in hard copy form. The hard copies were then entered into the Survey Monkey system to allow for final reporting of results. The results of the survey are presented in the attachments to this report.

## **7. Submissions**

A total of 50 written submissions were received in relation to the draft LTFP. Of these, 8 were received through the on-line submissions page of Council's website, 16 were taken from hard copy survey forms returned to Council. A copy of all submissions has been compiled in chronological order and provided to Councillors for their information as a confidential attachment to this report.

## **Budget & Financial Aspects**

The purpose of the LTFP is to provide the basis for the preparation of the annual budgets associated with the Operational and Delivery Plans. By adopting a LTFP, Council provides the overarching direction for all of Council's activities, including the finalisation of the Community Strategic Plan and other Integrated Planning and Reporting documentation. The draft LTFP placed on public display represents a significant step for Council on its pathway to financial sustainability, subject to approval through the IPART for the Special Variation required to implement the plan.

In relation to the NSW Governments Fit For The Future process, whilst the draft LTFP as placed on public display does not allow Council to meet the targets for all of the criteria set down by the NSW Government, it represents a significant improvement in the relevant financial indicators, and most importantly shows a trend towards these targets for the future. The most significant shortfall in relation to the FFTF targets is that a positive operating result without capital grants would not be achieved within the 20 year period of the draft LTFP. This will continue to be an area that Council will need to focus on, particularly if the NSW Government continues to apply pressure in this area following the assessment of Councils FFTF submission which is due to be submitted in June 2015.

### **Recommendation**

1. That Council receives and notes the report, Long Term Financial Plan.
2. That Council adopts the Long Term Financial Plan 2015/2034 as per the advertised draft.
3. That Council amends the Delivery Program 2013-2017 and Operational Plan 2013-2014 as required to reflect the adopted Long Term Financial Plan 2015/2034 and place the amended documents on public display for a period of not less than 28 days.
4. That Council applies to IPART for a Special Variation as per the adopted Long Term Financial Plan 2015/2034.

### **Attachments**

1. Survey Monkey summary report
2. Copies of all submissions received (confidential attachment)

**REPORT BY: GENERAL MANAGER****CONTACT: GENERAL MANAGER ARTHUR PIGGOTT**

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**Summary/Purpose**

This report seeks a Council resolution to be part of the January 2015 intake of councils for the NSW Small Business Friendly Council Program.

**Community Strategic Plan Item(s)**

- Governance and Community Service
- Economic Development

**Report**

Attached to this report is correspondence and other documentation relating to the NSW Small Business Friendly Council Program.

Management have considered the requirements to meet the Charter, and whilst there will have to be some additional administrative commitment, it will generally be in line with what we are currently doing. E.g. Procurement is currently under review which will fit with this initiative.

The program will also fit in with and shows support for the work of the village life focus group.

**Recommendation**

1. That Council receives and notes the report Small Business Friendly Council.
2. That Council authorises the Mayor and the General Manager to sign off on the Small Business Friendly Council's Charter.

**Attachments**

1. Correspondence and other supporting documentation relating to the NSW Small Business Friendly Council Program.

## **13F.4            ACTING GENERAL MANAGER**

**REPORT BY:    GENERAL MANAGER**

**CONTACT:     GENERAL MANAGER ARTHUR PIGGOTT**

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### **Summary/Purpose**

The purpose of this report is to request Council to appoint staff to the position of Acting General Manager whilst the General Manager is on a period of planned leave.

### **Background Information**

Section 334 of the Local Government Act provides that:

(1) A council must appoint a person to be its general manager. The person must not be a body corporate.

### **Report**

The General Manager will be on leave from 22 December, 2014 to 23 January, 2015 inclusive.

The Council office will be closed from 22 December, 2014 to 2 January, 2015 inclusive.

It will therefore be necessary to appoint staff to act in the role of General Manager for the three week period from 5 January, 2015 to 23 January, 2015 inclusive.

### **Recommendation**

1. That Mr Graham Kennett be appointed as Acting General Manager for the period from 5 January, 2015 to 11 January, 2015 inclusive.
2. That Mr Jeff Breen be appointed as Acting General Manager for the period from 12 January, 2015 to 23 January, 2015 inclusive.

**ITEM 14 URGENT BUSINESS WITHOUT NOTICE**

**ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING**

**ITEM 16 CONFIDENTIAL BUSINESS PAPER**

**16.1 NOTICE OF MOTION COUNCILLOR DANIELLE MULHOLLAND -- SENIOR STAFF**

**REPORT BY: GENERAL MANAGER**

**CONTACT: COUNCILLOR DANIELLE MULHOLLAND**

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**Reason for Confidentiality**

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

- (a) personnel matters concerning particular individuals





APPENDIX / ATTACHMENTS

# KYOGLE COUNCIL



# ATTACHMENTS

## ORDINARY COUNCIL MEETING

ON MONDAY 8 DECEMBER 2014