



# **KYOGLÉ COUNCIL**

## **ORDINARY MEETING AGENDA**

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

ON MONDAY 22 OCTOBER 2012

Commencing at 5.30 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 **22 October 2012, at 5.30 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 MEETING AGENDA

Monday 22 October 2012

## INDEX TO BUSINESS PAPER

ITEM	PRECIS	PAGE
ITEM 1	APOLOGIES	1
ITEM 2	OPENING PRAYER	1
ITEM 3	TRADITIONAL LANDS ACKNOWLEDGEMENT	1
ITEM 4	DECLARATION OF INTERESTS	1
ITEM 5	QUESTION TIME	1
ITEM 6	PUBLIC ACCESS	1
ITEM 7	CONFIRMATION OF MINUTES	1
7.1	CONFIRMATION OF ORDINARY MINUTES SEPTEMBER 2012	1
ITEM 8	MAYORAL MINUTE	2
ITEM 9	NOTICES OF MOTION	2
9.1	NOTICE OF MOTION; CLR JANET WILSON - KOALA MANAGEMENT PLAN	2
ITEM 10	QUESTIONS WITH NOTICE FROM COUNCILLORS	4
ITEM 11	DELEGATES REPORTS	4
ITEM 12	INFORMATION PAPERS	5
12.1	PLANT BUDGET REPORT - SEPTEMBER 2012.	5
12.2	PECUNIARY INTEREST RETURNS	9
12.3	FINANCIAL REPORT SEPTEMBER	10
12.4	COUNCIL RESOLUTIONS REQUIRING ACTING	15
12.5	QUESTIONS FROM PREVIOUS COUNCIL MEETING	16
12.6	EMPLOYEE LEAVE ENTITLEMENTS	21
ITEM 13	GENERAL MANAGER 'S REPORT	23
ITEM 13A	TECHNICAL SERVICES REPORT	23
13A.1	TECHNICAL SERVICES COMMITTEE MEETING OCTOBER 2012	23

13A.2	CORE INFRASTRUCTURE RISK MANAGEMENT PLAN	28
ITEM 13B	PLANNING SERVICES REPORT	33
13B.1	DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 SEPTEMBER 2012 TO 30 SEPTEMBER 2012	33
13B.2	REVIEW OF SECTION 94 HEAVY HAULAGE AGREEMENT	38
ITEM 13C	ENVIRONMENT SERVICES REPORT	42
13C.1	CONSTRUCTION SITE WASTE MINIMISATION AND MANAGEMENT POLICY	42
ITEM 13D	CORPORATE SERVICES REPORT	43
13D.1	FINANCIAL ASSISTANCE	43
13D.2	FUTURES FUNDING APPLICATIONS	48
13D.3	VEHICLE POLICY REVIEW COMMITTEE	51
ITEM 13E	COMMUNITY SERVICES REPORT	52
13E.1	VILLAGE MAINTENANCE AGREEMENT - WIANGAREE & DISTRICT PROGRESS ASSOCIATION	52
13E.2	VILLAGE MAINTENANCE AGREEMENT - OLD BONALBO & DISTRICT PROGRESS ASSOCIATION & THE OLD BONALBO SOLDERS MEMORIAL HALL	53
ITEM 13F	GENERAL MANAGER'S REPORT	54
13F.1	ORDINARY AND COMMITTEE MEETINGS CYCLE 2012-13	54
13F.2	DELEGATIONS OF AUTHORITY	56
13F.3	ORGANISATIONAL STRUCTURE	58
ITEM 14	URGENT BUSINESS WITHOUT NOTICE	60
ITEM 15	QUESTIONS FOR NEXT ORDINARY MEETING	60
ITEM 16	CONFIDENTIAL BUSINESS PAPER	60
16.1	TENDERS FOR KYOGLE BOWLING CLUB RIVER BANK RESTORATION CONTRACT NO. 1201249	60
16.2	TENDERS FOR DESIGN SERVICES FOR KYOGLE WATER SUPPLY AUGMENTATION CONTRACT NO. 2011/12-013	60
	APPENDIX / ATTACHMENTS	62

**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**

A request for public access has been received from Mr Michael Ross in relation to the condition of Williams Road, Cawongla.

**ITEM 7      CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF ORDINARY MINUTES SEPTEMBER 2012**

---

**Summary/Purpose**

A copy of the Minutes for the Ordinary Meeting held on 24 September 2012, are 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 24 September 2012, be adopted.

## **Attachments**

1. Minutes of the Ordinary meeting held on 24 September 2012 (Separately attached)

### **ITEM 8 MAYORAL MINUTE**

Nil.

### **ITEM 9 NOTICES OF MOTION**

#### **9.1 NOTICE OF MOTION; CLR JANET WILSON - KOALA MANAGEMENT PLAN**

---

#### **Summary/Purpose**

This item presents to Council a Notice of Motion received from Councillor Janet Wilson for the Ordinary meeting to be held on 22 October 2012.

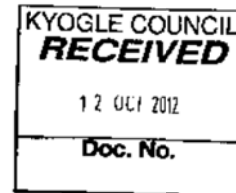
#### **Community Strategic Plan Item(s)**

- Environmental and Planning






**NOTICE OF MOTION**



**I Councillor Janet Wilson hereby give notice that at the next Ordinary Meeting of Council I will move;**

That Council develops a Koala Management plan to support the protection of the species which is at risk of being endangered through loss of habitat.

Signed: .....  .....

Date: 12 October 2012

Note:

The Notice of Motion must be signed and delivered to the General Manager before 12 noon on the Monday preceding the meeting.

Supporting information; The Protection of Koalas has been raised with me by many people in the LGA over the past 4 years. Recently, further representation has been made to me by residents.

Koalas are an important part of our cultural and economic life through tourism and provide opportunities for the LGA to promote Koala colonies as part of tourism activities

## **Recommendation**

For Council determination.

### **ITEM 10      QUESTIONS WITH NOTICE FROM COUNCILLORS**

Nil.

### **ITEM 11      DELEGATES REPORTS**

Nil.

## **ITEM 12      INFORMATION PAPERS**

### **12.1 PLANT BUDGET REPORT - SEPTEMBER 2012.**

---

#### **Summary/Purpose**

This report presents information relating to plant costs and performance as at September 30, 2012 for Council's information.

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

- Roads and Infrastructure

#### **Report**

Copies of the following reports appear below:

Plant and Depot Operations Budget  
Plant Replacement Schedule  
Plant Budget Report (by plant item).

# 1. Plant Acquisitions/Sales 2012/2013

PLANT ACQUISITIONS/SALES 2012/2013						
as at 30 September, 2012						
to be replaced	Estimated Cost			Actual Cost		
	Purchase	Trade	Net	Purchase	Trade	Net
<b>Light Vehicles</b>						
4wd wagon	215,000	95,000	120,000	31,712	0	31,712
4wd Utility	80,000	45,000	35,000	0	0	0
Utility/Van	65,000	27,500	37,500	0	0	0
Sedan	25,000	37,500	-12,500	0	0	0
Revote: Hiace Van	32,000	25,000	7,000	25,719	0	25,719
	<b>417,000</b>	<b>230,000</b>	<b>187,000</b>	<b>57,431</b>	<b>0</b>	<b>57,431</b>
<b>Quantities</b>						
4wd Wagon	5	3	2	1	0	1
4wd Utility	2	2	0	0	0	0
Utility	2	2	0	0	0	0
Sedan	1	3	(2)	0	0	0
Van	1	1	1	1	0	1
<b>Heavy Plant</b>						
Grader - (Trade Plant 4)	400,000	150,000	250,000	0	0	0
Isuzu NPR 250 Service Truck (Trade Utility 576)	75,000	15,000	60,000	0	0	0
Isuzu NPR 400 Service Truck (Trade Truck 137)	65,000	15,000	50,000	0	0	0
Isuzu NPR 400 Service Truck (Trade Truck 140)	65,000	15,000	50,000	0	0	0
Isuzu NPR 400 Service Truck (Trade Truck 144)	65,000	15,000	50,000	0	0	0
Revote: Tractor	170,000	0	170,000	0	0	0
	<b>840,000</b>	<b>210,000</b>	<b>630,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Small Plant</b>						
Misc.	53,000		53,000	7,229	0	7,229
PA Ride on mowers	16,000	4,000	12,000	11,400	0	11,400
	<b>69,000</b>	<b>4,000</b>	<b>65,000</b>	<b>18,629</b>	<b>0</b>	<b>18,629</b>
	<b>1,326,000</b>	<b>444,000</b>	<b>882,000</b>	<b>76,060</b>	<b>0</b>	<b>76,060</b>

## 2. Plant Budget Report (by plant item)

As at 30 September, 2012					
	PLANT ITEM	INCOME	EXPENDITURE	PROFIT/LOSS	Comments
4	CAT 140H GRADER	20,757	7,231	13,526	
5	JOHN DEERE 770D GRADER	34,730	21,570	13,160	
6	JOHN DEERE 770 G GRADER	33,292	13,692	19,600	
7	JOHN DEERE 770 G GRADER	36,110	11,759	24,351	
24	DINGO K94 MINI DIGGER	3,518	557	2,961	
26	STREET SWEEPER	3,120	1,497	1,623	
27	CLARK BOBCAT	6,078	1,850	4,228	
28	CAT 938G LOADER	11,543	7,173	4,370	
29	KUBOTA EXCAVATOR	13,778	2,943	10,835	
32	CAT 324DL EXCAVATOR	37,778	13,286	24,492	
33	CAT 324DL EXCAVATOR	23,747	7,778	15,969	
35	CATERPILLAR 966H LOADER	21,792	7,322	14,470	
36	CATERPILLA 816F COMPACTOR	12,622	4,041	8,581	
37	HYUNDAI LOADER	16,920	5,897	11,023	
40	FRANNA MOBILE CRANE	20,615	3,947	16,668	
41	CAT FORKLIFT	3,060	1,309	1,751	
51	HYSTER DRAWN GRID ROLLER	4,875	141	4,734	
52	GRID ROLLER-COATES	7,187	691	6,496	
53	COATES GRID ROLLER	0	487	-487	Insurance costs. Item not yet used waiting tractor
62	JOHN DEERE 315SG BACKHOE	1,912	668	1,244	
63	CAT 432D BACKHOE	6,037	5,053	984	
64	KOMATSU WB97S BACKHOE	17,280	5,139	12,141	
71	CASE MX90C TRACTOR	1,590	1,442	148	Minimal use
72	CASE MX200 TRACTOR	15,880	4,100	11,780	
73	CASE MX210 TRACTOR	24,120	10,223	13,897	
78	MCCORMICK MC105	16,240	3,404	12,836	
79	MCCORMICK MC115	18,585	1,883	16,702	
80	JOHN DEERE 2085 TRACTOR	4,895	1,027	3,868	
81	JOHN DEERE 3520	1,907	801	1,106	
88	MCCONNELL REACH MOWER	10,550	1,399	9,151	
135	ISUZU JETMASTER 2000	32,937	16,484	16,453	
137	ISUZU NPR 400 TIPPER MAXIL	13,927	932	12,995	
140	ISUZU NPR 400L CRANE/TIPPE	18,765	1,794	16,971	
141	ISUZU FVZ1400M TRUCK/WATER	17,925	2,495	15,430	
143	ISUZU FVZ1400L CRANE TRUCK	45,037	4,232	40,805	
144	ISUZU NPR400L TIPPER	17,843	2,381	15,462	
145	ISUZU NPR400L TIPPER	18,270	3,437	14,833	
146	ISUZU NPR400L TIPPER	22,715	7,401	15,314	
147	ISUZU FRR525 TIPPER	15,098	5,514	9,584	
148	ISUZU FVZ1400 TIPPING TRUCK	13,755	3,971	9,784	
149	KENWORTH T401 PRIME MOVER	36,718	16,008	20,710	
150	KENWORTH T350 TIPPER	30,337	14,047	16,290	
151	KENWORTH T350 TIPPER	25,762	10,726	15,036	
152	ISUZU FXZ 1500 TIPPER	20,650	4,790	15,860	
153	ISUZU FSR 850	22,675	6,402	16,273	
154	ISUZU NPR 300	21,268	1,761	19,507	
155	ISUZU NPR 200	9,135	1,652	7,483	
156	ISUZU 400 LONG TIPPER	24,322	2,527	21,795	

### 3. Plant and Depot Operations

	Budget	Budget YTD	30.09.12	Comments
<b>PLANT &amp; DEPOT OPERATIONS</b>				
<b>OPERATING</b>				
<u>PLANT INCOME</u>	2,782,258	750,000	1,106,619	
<u>PLANT EXPENDITURE</u>				
FRINGE BENEFIT TAX	16,974	8,000	6,321	
PLANT M & R	1,492,890	380,000	367,143	
DEPRECIATION EXP VEHICLE FLEET	910,123	227,532	227,532	
	2,419,987	615,532	600,996	
NET SURPLUS/(LOSS)	362,271	134,468	505,623	
<u>PROFIT ON SALE OF PLANT</u>				
PROCEEDS ON SALE OF PLANT & EQUIPMENT	524,270	0	0	
BOOK VALUE OF SOLD PLANT & EQUIPMENT	393,203	0	0	
	131,067	0	0	
<u>OTHER INCOME</u>				
PRIVATE USAGE CONTRIBUTIONS STAFF VEHICLES	44,144	11,036	11,911	
OTHER INCOME	0	0	0	
	44,144	11,036	11,911	
<u>DEPOT EXPENSES</u>				
KYOGLE DEPOT	91,640	23,000	23,659	
BONALBO DEPOT	25,129	6,280	4,147	
WOODENBONG DEPOT	7,726	1,950	3,464	
	124,495	31,230	31,270	
TOTAL OPERATING	<b>412,987</b>	<b>114,274</b>	<b>486,264</b>	
<b>CAPITAL</b>				
<u>NON CURRENT ASSETS</u>				
DEPOT IMPROVEMENTS	84,872	4,000	2,727	
PLANT PURCHASES	1,326,000	100,000	76,060	
BOOK VALUE SOLD ASSETS	(393,203)	0	0	
ACCUMULATED DEP'N - VEHICLE FLEET	(910,123)	(227,532)	(227,532)	
	<b>107,546</b>	<b>(123,532)</b>	<b>(148,745)</b>	
TOTAL CAPITAL	<b>107,546</b>	<b>(123,532)</b>	<b>(148,745)</b>	
NET SURPLUS/(COST) OF ACTIVITY	<b>305,441</b>	<b>237,806</b>	<b>635,009</b>	

### Recommendation

That the Plant Budget Report be received and noted.

## 12.2 PECUNIARY INTEREST RETURNS

---

### **Summary/Purpose**

The purpose of this report is to table Pecuniary Interest Returns as required by the Local Government Act.

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

- Governance and Community Service

### **Background Information**

#### Legislative Requirements

It is required under s449 that the General Manager keeps a register of Returns containing the completed and lodged Returns of Councillors and designated persons. The Returns must be available for inspection by members of the public.

It is also a requirement of s450A that the General Manager table the completed returns at the first Ordinary Meeting of Council after September 30.

Division 3 of the Local Government Act sets out the procedure for complaints for non-disclosure of interests.

### **Report**

Pecuniary interest ordinary returns have been completed by Councillors and other designated persons. All returns have been received by 30 September, 2011. The returns are now contained within the Register of Returns that may be viewed by members of the public.

The newly elected Councillors are required to complete a Pecuniary Interest Return within three months of being elected. Accordingly, these forms are required to be submitted to Council prior to December 8, 2012.

### **Recommendation**

1. That the information contained in the report "Pecuniary Interest Returns" be received and noted.
2. That the tabled "Kyogle Council Register of Disclosures" be received.

## 12.3 FINANCIAL REPORT SEPTEMBER

---

### Summary/Purpose

This report presents financial reports to Council for information.

### Community Strategic Plan Item(s)

- Governance and Community Service

### Background Information

#### Legislative Requirements

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

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

### Report

The following information is presented for information only.

#### (A) Finance Reports

Summary reports outlining Council's financial position as at 30 September, 2012. The reports presented include:

Rates Statement and Graph  
Statement of Bank Balances

---



## Summary of Investments

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

### 2. (B) Councillors Travel Expenses Report

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

### **Recommendation**

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

### **Attachments**

1. Councillors Travel
2. Financial reports

**COUNCILLORS TRAVEL EXPENSES**  
**September**

COUNCILLOR NAME	KLMS CLAIMED		CURRENT KM RATE	AMT REIMBURSED	
	MONTHS	YTD		MONTH	YTD
R. Brown	0	0	0.74	0.00	0.00
C. Simpson	0	0	0.74	0.00	0.00
J. Wilson	0	0	0.74	0.00	0.00
J. Burley	0	0	0.74	0.00	0.00
M. Creedy	0	0	0.74	0.00	0.00
R. Dwyer	0	0	0.74	0.00	0.00
D. Mulholland	0	0	0.74	0.00	0.00
M. Reardon	0	0	0.74	0.00	0.00
L. Passfield	0	0	0.64	0.00	0.00
<b>Total</b>	<b>0</b>	<b>0</b>		<b>0.00</b>	<b>0.00</b>

**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.

# Kyogle Council



**Financial Reports  
30 September, 2012**

**Rates Statement  
Statement of Bank Balances – to be distributed separately  
Summary of Investments - - to be distributed separately**

**NOTE: All Financial Data presented is unaudited at the date of  
presentation to Council**

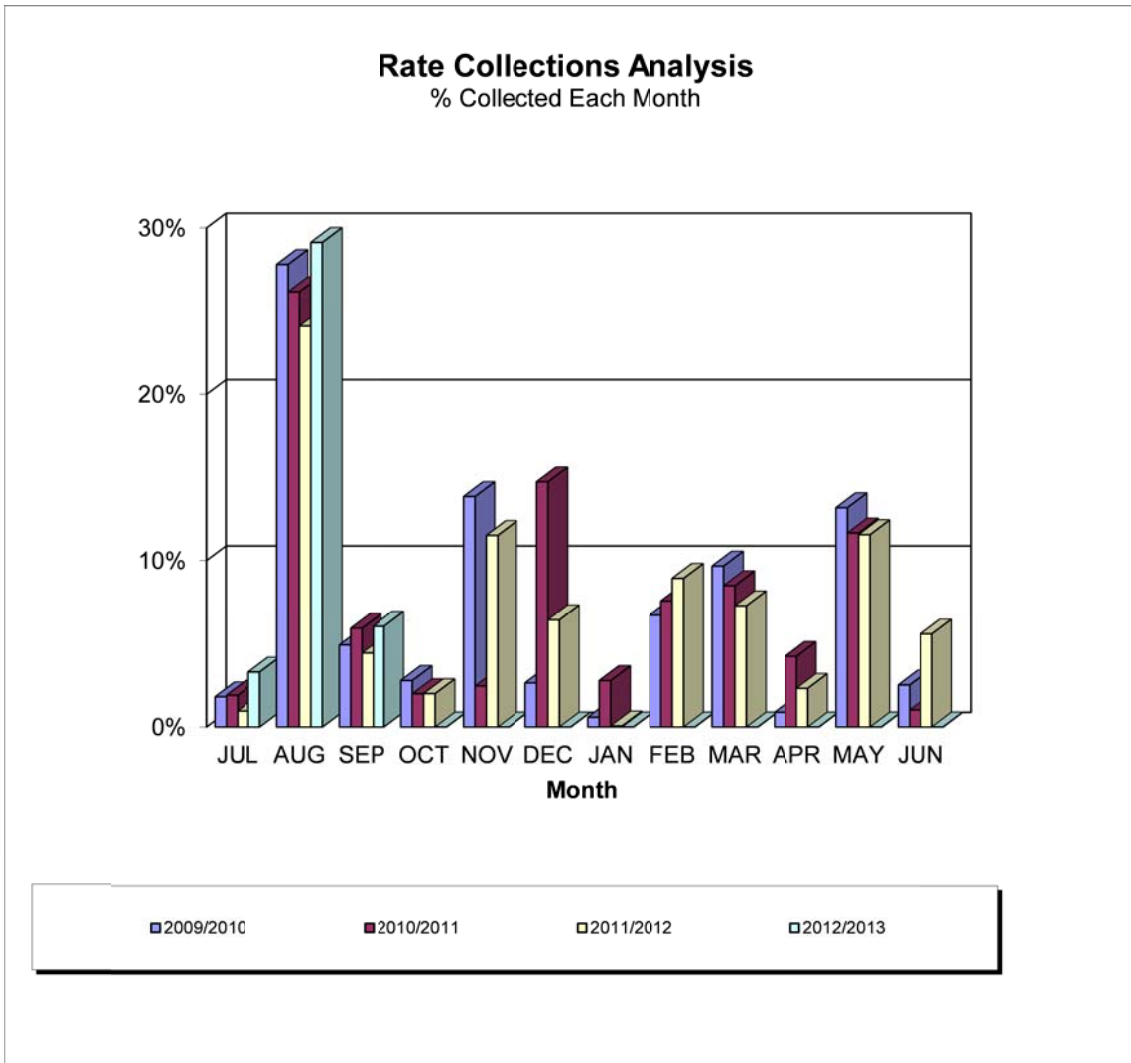
## KYOGLÉ COUNCIL RATES STATEMENT AS AT 28 SEPTEMBER 2012

	ARREARS 1-Jul-12	NET CHARGES 2012-2013	PAYMENTS	OUTSTANDING BALANCE	PERCENTAGE COLLECTED
RATES, SERVICES AND INTEREST	1,264,571.25	6,228,517.21	2,883,254.55	4,609,833.91	38.48%

PRESENTED TO COUNCIL OCTOBER 2012

**Note:**

Some ratepayers have made arrangements, whilst others are at different stages of legal action.



## **12.4 COUNCIL RESOLUTIONS REQUIRING ACTING**

---

### **Summary/Purpose**

This report presents to Council a list of Council resolutions requiring action as at 30 September 2012.

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

- Governance and Community Service

### **Report**

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

### **Recommendation**

That the Council resolutions requiring action report be received and noted.

### **Attachments**

1. Council resolutions requiring action as at 30 September 2012. (Separately attached)

## 12.5 QUESTIONS FROM PREVIOUS COUNCIL MEETING

---

### Summary/Purpose

This report presents responses to questions raised at the previous Ordinary Council Meeting.

### Community Strategic Plan Item(s)

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

### Report

The following lists the questions raised at the previous Ordinary Council Meeting, along with the relevant response(s).

#### Question

What is the situation with regards to ownership and maintenance responsibility for the no through road between the rail way line and the Kyogle High School sports field?

#### Response

The following information was presented to the Technical Services Committee Meeting held on 8 October, 2012:

There is a track in use that runs from George Street through to Chauvel Street in Kyogle. The track starts out on Council controlled road reserve along George Street, then along State Rail Land through to the Council controlled road reserve in Chauvel Street. See the plan and aerial photo overviews below and on the next page.



The responsibility for maintenance lies with State Rail (through the ARTC) as the track in use is required for access to railway houses and the rail corridor. The track is also used by the High School to move maintenance equipment between the school site and the sports oval. Council has no ownership or maintenance responsibility beyond the formed section of George Street. The access road beyond the kerb and gutter is the responsibility of State Rail to maintain as is the case for all private property access and driveways in accordance with Councils Property Access and Addressing Management Plan.



### Question

Can Council have a report on the availability and guidelines for the low infrastructure loans from the State Government?

### Response

The attached copy of DLG Circular 12-37 provides updated information in relation to this scheme. It is intended to provide a report to the November meeting recommending project(s) for this scheme.

### Question

Would like a detailed situation update on the Collins Creek Bridge being replaced?

### Response

The bridge is located on Collins Valley Road over Lynches Creek, approximately 2.4km from the intersection with Lynches Creek Road. It is a timber bridge with a concrete overlay on the timber deck. The abutments are constructed of timber on the western side and concrete and steel piles on the eastern side.

The bridge was damaged by flood waters over the period from 24 January, 2012 to 26 January, 2012 (that has since been declared a Natural Disaster) by scouring and the force of floodwaters due to accumulated debris and inundation.

As a result, the eastern abutment has been undermined and the foundations supporting the abutment have failed resulting in the abutment dropping on one side.

The bridge has been closed to all traffic, and concrete barriers erected to ensure that nobody attempts to cross the bridge.

Council applied to the Roads and Maritime Services (formerly the RTA) for financial assistance to fund the replacement of the structure. Council's engineers have assessed the structure and concluded that it cannot be restored to its pre-disaster condition by undertaking repairs, and that the structure needs to be completely replaced.

The RMS undertook two visual inspections of the bridge and in correspondence dated 3 August, 2012, advised that they have "concerns that the whilst the bridge did sustain damage due to the flood in January 2012, a contributing factor appears to be the significantly deteriorated condition of the bridge due to the apparent lack of proper maintenance undertaken on the structure" and sought additional documentation on maintenance records prior to the natural disaster. This correspondence also stated that "of further note was an observation on site that suggested the collapsed abutment appears to have slumped prior to the January 2012 event".

The requested information was provided in correspondence from Council to the RMS dated 22 August, 2012 with Council providing clear photographic evidence to support the fact that the abutment slumped during the January 2012 natural disaster event and questioning the RMS' ability to come to their conclusion from photographs taken some six months after the natural disaster event.

It is Council staff opinion that the events that led to the damage to the structure, and the failure mechanisms are as follows;

1. The elevated stream levels and associated storm flows dislodged an unusually high volume of debris from the creek banks and stream bed, possibly created by recent weed control and land clearing activities within the upper catchment.
2. The debris began to accumulate against the eastern most pier of the bridge structure, and included significant trees and logs
3. Debris accumulation began to accelerate to the point where the waterway between the two piers was completely blocked, and only a small opening was available between the eastern most pier and abutment.
4. The flow of water at very high velocities scoured out the bank of the eastern abutment, with Council's photos showing approximately a 4m horizontal loss of



bank between August 2009 and January 2012, which is accredited to the January 2012 event.

5. The extent of scouring on the eastern abutment eventually completely undermined the concrete abutment pile cap, and removed the adjacent supporting ground
6. This led to a sudden failure of the abutment causing it to slump.

Through subsequent written and telephone correspondence, the RMS advised that they had reviewed Council's response to the RMS original letter, had received a report from an RMS bridge support officer, and had also further inspected the bridge, and determined that the bridge was not eligible for funding. They advised that they did not believe that the bridge would have withstood any horizontal load, and that the bridge was in an extreme state of decay. When asked to explain the mechanism for the failure of the bridge, and how the condition of the bridge and its ability to take horizontal loads was relevant to the failure mechanism, they gave a few general comments about the overall condition of the structure, but were not prepared to discuss this in any detail.

It is intended to lodge an appeal with the RMS as their determination is not considered to be consistent with the State and federal natural disaster relief guidelines. It is also considered prudent to seek support from the State and Federal Ministers and Local Members for the appeal.

#### Question

Referred to the Sale of Crown Road reserves to property owners and the legal access issues which have resulted from this. Can Council make enquiry with the Department of Primary Industries – impact on land, implications such as land becoming land locked?

#### Response

The following information was presented to the Technical Services Committee Meeting held on 8 October, 2012:

In respect to the closure and sale of Crown Road reserves across the Local Government Area, Council has identified a number of cases where the closure would result in an existing parcel of land being "landlocked", ie where there is not a continuous length of public road reserve, or formal right of carriageway, connecting the property to Councils road network. When such an issue is identified, Council staff have raised the issue with the Crown Lands officer responsible for the particular matter, and flagged the issue. Council has generally requested that the proposed closure be modified to avoid this occurring, but the Crown Lands office has advised that it is their policy that if the land parcels are in the same ownership, they will allow a closure that will result in some individual parcels being land locked. Council has requested either consolidation of the lots into one, or creation of a right of carriageway, but often Councils requests are not upheld. The main issue is that once closed, there is nothing to stop the land owner from selling off the individual land parcel that is now land locked, and whilst legally it is a case of "let the buyer beware", when such sales proceed, it is usually Council who are left in the middle of a dispute over access to the property, as the Crown Lands office advise that there is no longer a Crown Road involved, so it is nothing to do with them.

It would be preferred if the NSW Government reviewed its policy with respect to the closure of Crown Roads such that no closure of Crown Roads results in any individual

parcel being left without a continuous length of public road reserve, or formal right of carriageway, connecting the property to the local road network.

#### Question

Would like management to provide a briefing on how Council communicates with the community, with a view to improving. (Carol)

#### Response

The NSW Government announced the NSW Local Infrastructure Renewal Scheme in January 2012. Council expressed an interest in the scheme soon after the announcement, and the General Manager subsequently met with officers from the NSW Treasury Corporation to discuss eligibility and the financial assessment that would be undertaken by Treasury Corporation as part of the assessment process under the scheme. Council did not submit an application for Round 1 of the scheme, which closed at the end of March 2012. However, the NSW Treasury Corporation are still undertaking the financial assessment, due to Councils expression of interest in a second round of funding.

The Division of Local Government has recently announced a second round of funding under the Local Infrastructure Renewal Scheme, with applications closing on December 31, 2012. A copy of the circular is included in the attachments to this report. A new set of guidelines has been released for Round 2, and these are also included in the attachments to this report.

NSW Treasury Corporation has requested some additional information from Council in order to assist with the assessment of eligibility under the scheme, including copies of Councils audited financial statements for 2011-12.

#### **Recommendation**

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

#### **Attachments**

1. DLG Circular 12-37 – Local Infrastructure Renewal Scheme – Round Two (separately attached).

## 12.6 EMPLOYEE LEAVE ENTITLEMENTS

---

### Summary/Purpose

This report presents to Council, an update on employee leave entitlements in accordance with previous resolutions of Council.

### Community Strategic Plan Item(s)

- Governance and Community Service

### Previous Council Consideration

In December, 2010 Council resolved:

That Council's goal in relation to the level of employee leave entitlements (in terms of the number of days of entitlement) for 2010/2011 is that there is no increase (and preferably a reduction) in the levels as at 30 June 2010.

and

That Council's goal in relation to Employee Leave Entitlements is to reduce the level to 30 -35% range over the next three (3) years.

### Report

The following table outlines the level of employee leave entitlements at 30 June, 2010 and movements since then.

Leave Type	2010		2011		2012	
	Days	\$'000	Days	\$'000	Days	\$'000
Annual	2,546	533	2,448	548	2,322	594
Long Service	5,507	1,275	4,726	1,168	4,538	1,184
Other*	216	143	162	141	148	140
Total	8,269	1,951	7,336	1,857	7,008	1,918
% of Ordinary Rates		46%		43%		42%

\* Includes superannuation and workers compensation calculated on annual and long service leave entitlements

The above figures show that a reduction in the number of days leave has again been achieved during 2012, however the monetary value of this leave has increased in the financial year. This has occurred as a result of vacancies and high work loads that have occurred at the more senior staff level and has made it difficult for the senior administrative staff to take leave. Accordingly the percentage of ordinary rates has only reduced by 1%.

It will therefore be necessary to focus on the leave entitlements of the senior administrative staff during the next twelve months in order to address this and to progress closer to the target range of leave balances.

**Recommendation**

That the Employee Leave Entitlements report be received and noted.

**ITEM 13 GENERAL MANAGER 'S REPORT**

**ITEM 13A TECHNICAL SERVICES REPORT**

**13A.1 TECHNICAL SERVICES COMMITTEE MEETING OCTOBER 2012**

---

**Summary/Purpose**

This report presents the minutes of the Technical Services Committee Meeting held October, 2012.

**Community Strategic Plan Item(s)**

- Roads and Infrastructure
- Waste & Water

**Report**

**Kyogle Council  
Unconfirmed Minutes of the Technical Services Committee Meeting held in the  
Council Chambers, Stratheden Street, Kyogle, on October 8, 2012**

**PRESENT**

Cr. Ross Brown (Mayor in the Chair), Cr John Burley, Cr Robert Dwyer, Cr Maggie Creedy and Cr Lindsay Passfield.

**IN ATTENDANCE**

The Acting Director of Technical Services and the Personal Assistant Technical Services.

**MEETING COMMENCEMENT**

The Mayor declared the meeting open at 4:17pm

**ITEM 1 APOLOGIES**

An apology was received from the General Manager

**ITEM 2 OPENING PRAYER**

The Mayor read the opening prayer.

**ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT**

The Mayor acknowledged that the meeting was being held on the Traditional Lands of the Bundjalung people.

**ITEM 4 DECLARATION OF INTERESTS**

Nil

## **ITEM 5        REPORTS**

### **5.1    WORKS REPORT**

#### **Committee's Recommendation**

Moved Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

1. That the Works Report be received and noted.

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

#### **Committee's Recommendation**

Moved Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

2. That Council lodges an appeal with the Roads and Maritime Services on the assessment of natural disaster funding for the replacement of the Collins Valley Road bridge.
3. That Council writes to the relevant State and Federal Ministers and Local Members seeking their support for Councils appeal with the Roads and Maritime Services on the assessment of natural disaster funding for the replacement of the Collins Valley Road bridge.
4. That Council writes to the NSW Minister for Regional Infrastructure and Services and request that the policy with respect to Closure of Crown Road reserves be reviewed such that no closure of Crown Roads results in any individual parcel being left without a continuous length of public road reserve, or formal right of carriageway, connecting the property to the local road network.
5. That Council writes to the NSW Shires Association bringing this issue of Crown Reserve Closures and seeking their support.

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

### **5.2    QUARRIES REPORT**

#### **Committee's Recommendation**

Moved Councillor Robert Dwyer, seconded Councillor John Burley.

That the Quarries Report be received and noted

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

### **5.3    INITIAL SEALING AFTERLEE ROAD AND DAM ACCESS ROAD**

#### **Committee's Recommendation**

Moved Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

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

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

### **5.4    CEDAR POINT QUARRY BRIDGE**

**Committee's Recommendation**

Moved Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

That the Cedar Point Quarry Bridge report be received and noted.

The motion was put to the vote and was CARRIED.

**MOVE INTO CLOSED COUNCIL**

These items are classified CONFIDENTIAL under section 10A(2) (i) 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 that would if disclosed:

It is not in the public interest and would be contrary to privacy provisions to reveal these details.

Pursuant to section 10A(4), the public were invited to make representations to the council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

**RESOLVED**

Moved Councillor Lindsay Passfield, seconded Councillor Robert Dwyer

1. That the Committee resolve to move into closed council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

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

The Committee closed its meeting at 4:55pm

**RESOLVED**

Moved Councillor Lindsay Passfield, seconded Councillor Robert Dwyer

That the Committee move out of closed council and into open council.

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

Open Council resumed at 5:12 p.m.

**5.5 TENDERS FOR KYOGLE BOWLING CLUB RIVER BANK RESTORATION CONTRACT No. 1201249**

### **Committee's Recommendation**

That the Tenders for Kyogle Bowling Club River Bank Restoration report be received and noted.

## **5.6 TENDERS FOR DESIGN SERVICES FOR KYOGLE WATER SUPPLY AUGMENTATION CONTRACT No. 2011/12-013**

### **Committee's Recommendation**

That the Tenders for Design Services for Kyogle Water Supply Augmentation report be received and noted.

### **MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 5:13pm

### **Additional Information Provided Post Meeting**

The following information is provided with this report after the completion of the Technical Services Committee Meeting.

#### **1. Item 5.1 Works Report**

The figure of \$1.5 million for the repairs to Montgomerys Bridge was calculated based on the \$600,000 figure quoted in the Structural Assessment Report completed by Cardno on August 2010, and an estimate of costs for the removal of the lead paint and repainting received from Leasons Sandblasting in June 2012, totalling \$803,000. If the two items were conducted at the same time the overall cost would be the total of the two quotations, as the steel truss and concrete decking would need to be dismantled to allow the repairs outlined in the Cardno report. The bridge would need to remain closed for some months to facilitate the repairs. It was concluded that demolition and replacement with a new structure would be cheaper and could be completed with a shorter closure period, resulting in superior standard of construction. It should also be noted that there has been no determination to the effect that the bridge would not be replaced, however, this would need to be considered in line with the Risk Treatment Plan contained in the Core Infrastructure Risk Management Plan, and priorities at the time that the bridge could no longer remain in service, even with weight restrictions in place.

#### **2. Item 5.5 Tenders for Kyogle Bowling Club River Bank Restoration Contract No. 1201249**

The Committee saw fit to receive and note the report, and for the matter to be considered by the full Council at the Ordinary Meeting. In order for the report to be considered by full Council, the report in full is presented again in the confidential business paper for the October Ordinary Meeting, with the same recommendations that were made to the Committee.

#### **3. Item 5.6 Tenders for Design Services for Kyogle Water Supply Augmentation Contract No 2011/12-013**

The Committee saw fit to receive and note the report, and for the matter to be considered by the full Council at the Ordinary Meeting. In order for the report to be considered by full Council, the report in full is presented again in the confidential



business paper for the October Ordinary Meeting, with the same recommendations that were made to the Committee.

### **Recommendation**

1. That the Technical Services Committee meeting October 2012 be received and noted.
2. That Council lodge an appeal with the Roads and Maritime Services on the assessment of natural disaster funding for the replacement of the Collins Valley Road bridge.
3. That Council writes to the relevant State and Federal Ministers and Local Members seeking their support for Councils appeal with the Roads and Maritime Services on the assessment of natural disaster funding for the replacement of the Collins Valley Road bridge.
4. That Council writes to the NSW Minister for Regional Infrastructure and Services and request that the policy with respect to Closure of Crown Road reserves be reviewed such that no closure of Crown Roads results in any individual parcel being left without a continuous length of public road reserve, or formal right of carriageway, connecting the property to the local road network.
5. That Council writes to the NSW Shires Association bringing this issue of Crown Reserve Closures and seeking their support.

**Summary/Purpose**

This report is to provide Council and the Committee with information in relation to the Core Infrastructure Risk Management Plan.

**Community Strategic Plan Item(s)**

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

**Background Information**

The following report was presented to Councils Ordinary Meeting of June 25, 2012 and provides the background and context of the Core Infrastructure Risk Management Plan.

*Local councils in NSW are required to undertake their planning and reporting activities in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005. The Act provides that the Deputy Director General (Local Government), Department of Premier and Cabinet can issue Guidelines that must be followed by local councils when undertaking their planning and reporting activities.*

*An Integrated Planning and Reporting Manual has been developed to provide councils with information and guidance to assist their transition to the new planning and reporting framework.*

**Long-term CSPs**

*These plans outline the local government's vision for the community. In line with the commitment to principles rather than prescription in the legislation, the content of the plan and the method of community engagement will be decided by individual local governments.*

**Long-term financial plan**

*A valuable tool for local governments when managing their finances will be to implement a longer-term financial plan to include an investment policy, a debts policy, procurement policy and a revenue policy.*

**Long-term asset management plans**

*The Community Strategic Plan provides a vehicle for expressing long-term community aspirations. However, these will not be achieved without sufficient*

resources – time, money, assets and people – to actually carry them out. The Resourcing Strategy consists of three components:

- \*Long Term Financial Planning
- \*Workforce Management Planning
- \*Asset Management Planning.

The Resourcing Strategy is the point where Council assists the community by sorting out who is responsible for what, in terms of the issues identified in the Community Strategic Plan. Some issues will clearly be the responsibility of Council, some will be the responsibility of other levels of government and some will rely on input from community groups or individuals. The Resourcing Strategy focuses in detail on matters that are the responsibility of the council and looks generally at matters that are the responsibility of others. The relationships between the main planning documents are shown below.



Local Government Planning and Reporting framework

Achieving and maintaining sustainability in Local Government requires consideration of services, service levels, associated costs and associated risks. The appropriate management of the infrastructure of Local Government requires asset management estimates and asset accounting estimates that are realistic and support decision making.

### **Report**

Council engaged consultants Jeff Roorda and Associates to prepare Asset Management Plans for the following groups of assets;

1. Waste Management Services

2. Parks and Reserves
3. Water Supply
4. Sewerage Services
5. Plant Equipment and Emergency Services
6. Stormwater and Flood Management
7. Buildings and Community Facilities
8. Transport

*The consultant's engagement also includes the preparation of a Core Infrastructure Risk Management Plan, based on the outputs from the Asset Management Plan process. This risk based approach then culminates in the preparation of an Asset Management Strategy, to develop strategies for managing these assets and associated risks, in a way that is financially sustainable and to also define the levels of service that can be delivered to the community.*

*The 10 year forward outlook is that current service levels can be maintained for most services with current budget allocation for next 10 years, with the exception of Transport. Current funding levels for Transport related assets (which include Regional Roads, Rural Local Roads, Urban Streets, and Bridges) are not delivering the level of service expected by the community. If funding levels cannot be increased, reduced service levels need to be agreed to in consultation with the community.*

*It should be noted that funding for maintenance of transport related assets has been increased in the current draft budget by \$500k more than the amount allocated in the 10 year budget used for the preparation of the Asset management Plans and Strategy. However, a shortfall in capital renewal expenditure of around \$3.5M still exists. This will likely manifest itself in the form of a decline in the condition of the transport related assets, and the associated level of service provided to the community.*

*Residual asset and service risks that are not managed need to be reported to the Asset Steering Committee at an operations level, and the Asset Steering Committee will then prepare an action plan and report progress to the Internal Audit Committee. These risks have been identified in the individual asset management plans. These risks are then further addressed in the Core Infrastructure Risk Management Plan prepared in conjunction with the asset management plans and strategy.*

*Council's operational staff need to continue implementation of the asset management improvement program recommended in the Asset Management Strategy and Asset Management Plans in order to bring Council to core levels of governance and management.*

*Council's current asset management maturity is expected to be nearing 'core' level by the end of 2012 and continued investment is needed to improve information management, lifecycle management, service management and accountability and direction.*

## **Budget & Financial Aspects**

*The costs of the preparation of the Asset Management Plans and Strategy were covered by funding provided by the NSW Government through the Local Government Reform Fund administered by the Division of Local Government.*

*The financial and budget implications of the Asset Management Plans and Strategy are limited to identifying where there are funding shortfalls relating to asset maintenance and renewals in particular. The plans and strategy are all aligned with the Long Term Financial Plan, which is also aligned with the budgets shown in the draft Operational Plan currently on public display. Whilst the budget shortfalls are now quantified, this does not oblige Council to provide additional funding. The main focus of the Asset Management Plans and Strategy is to provide Council with information on the consequences, service levels, and risks associated with a funding shortfall, to allow more informed decisions on funding for infrastructure to be made.*

## **Previous Council Consideration**

At its Ordinary Meeting of June 25, 2012 Council resolved;

- 1. That the report on Asset Management Plans and Strategy was received and noted.*
- 2. That Council endorses the Asset Management Plans, Core Infrastructure Risk Management Plan and Asset Management Strategy prepared by Jeff Roorda and Associates.*
- 3. That the Risk Treatment Plan contained in the Core Infrastructure Risk Management Plan be reported to Councils Internal Audit Committee.*

In accordance with the resolution of Council, the Core Infrastructure Risk Management Plan was reported to Councils Internal Audit Committee at their meeting of September 3, 2012. The Internal Audit Committee made the following recommendation;

*That Council considers adopting the Risk Treatment Plan in the Core Infrastructure Risk Management Plan as the basis for all budgetary considerations.*

After considering the Minutes of this Internal Audit Committee Meeting, at its Ordinary Meeting of September 24, 2012 Council resolved;

*That consideration of the Risk Treatment Plan in the Core Infrastructure Risk Management Plan be deferred until the October Ordinary meeting to allow consideration and appropriate report be provided to the meeting.*

## **Report**

As previously reported, the main focus of the suite of asset management documents recently prepared is to provide Council with information on the consequences, service levels, and risks associated with a funding shortfall, to allow more informed decisions on funding for infrastructure to be made. The Core Infrastructure Risk Management Plan is the key document for the elected Council, and is structured to be used as a risk management tool. It provides a summary of the residual risks that result from Council being responsible for the management of approximately \$465M of non-current assets to support its core business of delivery of services to the community. For each of these residual risks, a risk analysis has been undertaken and a risk treatment plan developed.

These are summarised in the Risk Register contained in Appendix A of the Core Infrastructure Risk Management Plan. The risk treatment plans have been developed in such a way that they can be delivered within the current limited budget available, to ensure that they are realistic and achievable.

### **Budget & Financial Aspects**

The nature of the asset management plan process is such that the outcome provides a strategy for managing these assets within the budget that Council has available. Because it is also recognised that this budget is less than that required to manage these assets in an ideal way, the end result is that there are risks that need to be managed. These residual higher level risks need to be reported to the elected Council who make decisions on allocation of budgets and resources, to ensure that they are aware of these risks when making decisions. The Risk Treatment Plan developed as part of the asset management planning process provides the basis for the management of these risk within the available resources. It is critical that this risk treatment plan be consulted when making decisions on the allocation of budgets and resources.

### **Recommendation**

1. That the report on Core Infrastructure Risk Management Plan be received and noted.
2. That Council adopts the Risk Treatment Plan in the Core Infrastructure Risk Management Plan as the basis for all budgetary considerations.

### **Attachments**

1. Core Infrastructure Risk Management Plan

**ITEM 13B PLANNING SERVICES REPORT**

**13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 SEPTEMBER 2012 TO 30 SEPTEMBER 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

---

2011/80

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

---

2011/102

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

---

2011/148

---

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

---

2012/29

Property: Lot 1 DP 751077 Robertson Parish, Rous County.  
Address: Duck Creek Road Duck Creek  
Applicant/Owner: Newton Denny Chapelle / WH Ralston  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

---

2012/34

Property: Lot 11 DP 792536 Geneva Parish, Rous County.  
Address: Old Cob-O-Corn Road Horse Station Creek  
Applicant/Owner: Newton Denny Chapelle / PD & HA Grills  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

---

2012/36

Property: Lot 11 DP 1058438 Boorabee Parish, Rous County.  
Address: Doohans Road Boorabee Park  
Applicant/Owner: JL Winslade  
Proposal: Dwelling As Built  
Received: Referred To DMP For Comment  
Status: Owner to provide information

---



2012/39

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

---

2012/43

Property: Lot 2 DP 709493 Capeen Parish, Rous County.  
Address: Duck Creek Road Duck Creek  
Applicant/Owner: Riordans Consulting Surveyors / SR Barrett  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

---

2012/52

Property: Lot 110 DP 43865 Ettrick Parish, Rous County.  
Address: Iron Pot Creek Road Ettrick  
Applicant/Owner: Newton Denny Chapelle / LR & PL Murphy  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

---

2012/53

Property: Lot 1 DP 1132969 Hanging Rock Parish, Rous County.  
Address: Lofts Pinnacle Road Lillian Rock  
Applicant/Owner: Newton Denny Chapelle / TJ & LR Morris & NW & P Shedden  
Proposal: Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

---

2012/54

Property: Lot 307 DP 781703 Fairy Mount Parish, Rous County.  
Address: Kyogle Road Kyogle  
Applicant/Owner: Stephen P McElroy & Associates Pty Ltd / PA Bourne  
Proposal: Relocated dwelling & shed & Subdivision  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

---

2012/55

Property: Lot 21 DP 835051 Fairy Mount Parish, Rous County.  
Address: Summerland Way Kyogle  
Applicant/Owner: Kyogle Showground Trust / Kyogle Council  
Proposal: Kyogle Bazaar  
Received: Referred To DMP For Comment  
Status: Awaiting DMP Comments

---

2012/57

Property: Lot 20 DP 10780 Fairy Mount Parish, Rous County.  
Address: Summerland Way Kyogle  
Applicant/Owner: Brown & Hurley Group / Premier Motors (Services) P/L  
Proposal: Demolition of dwelling & carport  
Received: Referred To DMP For Comment

---

Status:	Approved subject to conditions
<hr/>	
2012/58	
Property:	Lot 5 DP 701206 Fairy Mount Parish, Rous County.
Address:	Summerland Way Kyogle
Applicant/Owner:	T Patel / AD Deszecsar & T Patel
Proposal:	Change of use & garage
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
<hr/>	
2012/59	
Property:	Lot 4 DP 8406 Runnymede Parish, Rous County.
Address:	Summerland Way Kyogle
Applicant/Owner:	All Steel Garages & Sheds / RA Doolan
Proposal:	Shed
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
<hr/>	
2012/60	
Property:	Lot 188 DP 728691 Jiggi Parish, Rous County.
Address:	Williams Road Wadeville
Applicant/Owner:	Wadeville Reserve Trust / Kyogle Council
Proposal:	Hall additions
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
<hr/>	
2012/61	
Property:	Lot 13 DP 1054309 Cougal Parish, Rous County.
Address:	Gradys Creek Road Cougal
Applicant/Owner:	Stephen P McElroy & Associates Pty Ltd / BL Ray
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
<hr/>	
2012/62	
Property:	Lot 8 Sec C DP 759088 Fairy Mount Parish, Rous County.
Address:	Summerland Way Wiangaree
Applicant/Owner:	SJ Brosnan / Wiangaree Literary Institute
Proposal:	Hall additions
Received:	Referred To DMP For Comment
Status:	Approved subject to conditions
<hr/>	
2012/63	
Property:	Lot 1 DP 445231 Wiangaree Parish, Rous County.
Address:	Collins Creek Road New Park
Applicant/Owner:	AD Hill
Proposal:	Dwelling
Received:	Referred To DMP For Comment
Status:	Awaiting DMP Comments
<hr/>	
2012/64	
Property:	Lot 23 DP 755735 Sherwood Parish, Rous County.
Address:	Roseberry Creek Road Roseberry Creek
Applicant/Owner:	WJ Menzies / RA Pomroy, J Adams, WJ Menzies & DL Jolly
Proposal:	Dwelling

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

---

2012/65

Property: Lot 11 Sec 2 DP 17551 Robertson Parish, Rous County.

Address: Prince Street Old Bonalbo

Applicant/Owner: JG Fraser

Proposal: Shed

Received: Referred To DMP For Comment

Status: Awaiting DMP Comments

---

2012/66

Property: Lot 13 DP 1112691 Wiangaree Parish, Rous County.

Address: Summerland Way Kilgra

Applicant/Owner: Newton Denny Chapelle / JE & BW Creighton

Proposal: Subdivision

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 September 2012 to 30 September 2012 be received and noted.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 September 2012 to 30 September 2012 only in relation to DA.../... and DA.../.... In which Councillors ..... have declared an interest be received and noted.

### Summary/Purpose

This report aims to present to Council information on development contributions levied under Section 94 of the *Environmental Planning and Assessment Act 1979* in relation to activities or businesses that generate heavy haulage.

### Previous Council Consideration

At its Ordinary Meeting of September 24, 2012 Council resolved;

- a) *That a report be provided outlining the number of industries and individual businesses that are currently paying an annual s94 heavy haulage contribution to Council and the income generated. This report should include the method by which compliance is checked.*
- b) *That a report be provided outlining the amount of funds collected from our s94 heavy haulage contributions plan at the DA level and the average amount per DA collected. This report should include a brief outline of the adequacy of the level of contribution in light of the Carlill's quarry DA.*
- c) *That a report be provided that outlines the costs and potential benefits (if any) from moving to include all quarries within the Kyogle Council area under an annual independent compliance audit, as has been directed by previous Council resolution in regards Millers' Quarry. This report should include the potential for cost recovery from those quarries.*

### Background Information

Section 94 of the *Environmental Planning and Assessment Act 1979* allows Councils to levy development for monetary contributions towards the provision or maintenance of public infrastructure and services where that development benefits from the provision of, or increases demand for, those services or infrastructure. As certain industries and businesses increase the use of heavy vehicles on Council's roads (with resulting wear and tear), Council applies conditions on development consents that require the payment of monetary contributions under s94 of the Act to pay for maintenance of roads.

Quarries are the most common industry or business in the shire to which s94 heavy haulage contributions have been applied. This contribution has generally been applied at a monetary figure per tonne of material extracted multiplied by the distance the load was hauled on a Council road. Historically, the contributions were conditioned to be calculated by Council annually (or sometimes quarterly or half yearly) based on the amount of material an operator reported they had extracted from the quarry and the distance hauled. The maximum contribution that could be paid annually is dependent on the maximum allowable extraction amount for each quarry.

The current s94 contributions plan that prescribes heavy haulage contributions is the *Section 94 Contributions Plan, 2008- Residential, Rural Residential and Heavy Haulage Development* adopted by Council on April 23, 2009. This plan specifies that contributions are to be conditioned in two ways:

1. As a fixed annual amount, or;
-

2. As an annual contribution calculated by Council based on the amount of material extracted from the quarry as reported by its operator.

The formula used to calculate contributions based on amount extracted is;

**Contribution = \$ 0.048 x L x Q x D**, where

**L** is the truck load or truck and trailer load in tonnes per unit.

**Q** is the number of loaded movements from the development annually, assessed as part of the development application report.

**D** is the average distance of the development from the serving market or destination. Depending on the type of development the destination distance may be taken as the distance from the site to the local government boundary, or to the nearest Main Road or State Highway.

**\$0.048** is the maintenance contribution calculated by Council based on its maintenance cost per standard axle.

The relevant section of the *Section 94 Contributions Plan, 2008- Residential, Rural Residential and Heavy Haulage Development* is included in this report at Attachment 2.

## Report

### Response to part a)- number of businesses paying s94 heavy haulage contributions

The number of businesses that are currently paying an annual s94 heavy haulage contribution is 11. The number of approved businesses that are conditioned to pay s94 heavy haulage contributions is 16. These businesses are all quarries with the exception being the Boorabee Chicken Farm and Laws' sawmill.

Planning and Environmental Services recognises that there are current and past issues relating to the collection of s94 heavy haulage contributions associated with quarries in the Shire. This was the rationale for commencing a project in March 2012 to audit quarries to investigate their s94 contributions payments record and their on-site operations. The information provided in this report is the product of this project.

### Response to part b)- amount of funds collected

The amount of funds collected at the DA level across the Kyogle Council area varies considerably due to the range of quarry sizes and the level of operation of each quarry in a particular year. One of the largest approved quarries is Millers quarry which was approved for a maximum annual extraction of 25,000m<sup>3</sup> and which has paid a maximum contribution of \$20,520 for certain years. The smallest quarries are approved for as little as 1000m<sup>3</sup> extraction per annum; some of these small quarries may pay less than \$100 per annum. The contributions are dependent on the amount extracted that year, and in some years some quarries have not operated at all or have extracted very little. Contributions are also dependant on the distance hauled on Council roads therefore, payments can vary considerably from year to year.

The average amount collected per quarry per year in the past 10 years has been \$1,365.15. Attachment 1 includes a spread sheet showing payments collected since 2003 as well as the total funds held in reserve which includes contributions collected prior to 2003.

It is considered that levied s94 contributions are adequate to provide for the required additional maintenance of Council's roads. Conditions imposed on past approvals are indexed annually according to the Consumer Price Index to account for inflation. The current applicable Section 94 Contributions Plan was developed in 2008 and is considered to generally adequately account for required maintenance costs.

The only aspect of heavy haulage contributions that could be reviewed concerns heavy haulage on 'regional roads'. The distance 'D' in the heavy haulage calculation formula is the distance of the development to the LGA boundary or a main road. 'Main Road' includes the Summerland Way and Bruxner Highway (where the road maintenance is funded by the RMS and Council would have no right to charge a heavy haulage contribution) but also includes the other classified "Main Roads" of Kyogle Road, Bentley Road, Mount Lindesay Highway and the Clarence Way which are also known as "Regional Roads" where funding is partly Council's responsibility, with assistance from the NSW Government through the RMS by way of block grants. The current plan does not allow the length of the Regional Road to be used in the calculation of distance. Hence Council does not currently receive contributions for maintenance of these roads.

#### Response to part c)- costs and benefits of annual independent compliance audits

The costs of introducing annual audits of quarry operations by an external party would be the cost of employing the auditor; this cost would have to be borne by Council. Many quarries operate in accordance with their conditions of consent and do not generate complaints from the community. Introducing independent auditing for all quarries regardless of their operational record may be excessive.

The benefits of introducing independent auditing would be that Council staff resources were freed and perceived conflicts of interest would be avoided where Council operated quarries are involved.

It is not considered that compliance auditing would fit within the definition of a 'public amenity' or a 'public service' and could not therefore be recouped through a s94 contributions plan. Furthermore, this could not be applied retrospectively to existing approved quarries. Future development consents for quarries could include a condition for independent compliance auditing and reporting at the operators expense if this was considered reasonable or relevant.

### **Current quarries audit project**

In March 2012 Planning and Environment Services commenced a project to audit quarries in the Kyogle Council area. The project aims to audit s94 payments as well as operational aspects to ascertain whether quarries are operating in compliance with conditions of consent. The s94 audit is largely complete, the operational audit is ongoing.

#### S94 audit

Certain quarries have regularly advised Council of extracted quantities and made s94 contributions. Other quarries have not advised Council of quantities extracted and made no payments for certain years. Currently, a number of quarries are idle or extracting very little product and others are not operational.

It is proposed to pursue operators for evidence of extracted product for past years, where no s94 payment has been received. This information will allow Council to determine whether s94 contributions were required and if so, to calculate the applicable s94 contributions and invoice operators for payment.

Moving forward, the intention is to develop a system whereby annual reminders or follow up letters are sent to operators requesting records of extraction and required s94 payment.

### Operational audit

Approximately 1/3 of approved quarries have been inspected; the majority of quarries appear to be operating generally in accordance with the conditions of consent. However, some issues of apparent non-compliance have been noted and requests to remedy or provide explanation have been issued. The project is ongoing and remaining inspections will be carried out when resources are available. Once the project is complete Council may wish to assess the need for ongoing annual inspections to be carried out by staff, especially where quarries have issues of non-compliance or a history of complaints.

### **Recommendation**

That the report Review of Section 94 Heavy Haulage Contributions be received and noted.

### **Attachments**

1. Spread sheet showing s94 heavy haulage payments received and held. (Separately attached)
2. Extract from Section 94 Contributions Plan, 2008 - Residential, Rural Residential and Heavy Haulage Development. (Separately attached)

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

### **13C.1 CONSTRUCTION SITE WASTE MINIMISATION AND MANAGEMENT POLICY**

---

#### **Summary/Purpose**

This report seeks the adoption of a Construction Site Waste Minimisation and Management Policy in accordance with the requirements of the Waste Avoidance and Resource Recovery Act 2001 and the Waste Avoidance and Resource Recovery Strategy 2007.

#### **Previous Council Consideration**

At Council's Ordinary meeting on 25 June, 2012, Council voted to place the Draft Construction Site Waste Minimisation Management Policy on public display and that Council advise the Environmental Protection Authority of its actions.

#### **Report**

The draft Construction Site Waste Minimisation and Management Policy was placed on Public display for a period of 30 days as resolved by Council. No submissions were received in relation to the policy.

#### **Recommendation**

1. That the report Construction Site Waste Minimisation and Management Policy is received and noted.
2. That Council adopt the Construction Site Waste Minimisation and Management Policy.
3. That Council advise the Environmental Protection Authority of the adoption of the Construction Site Waste Minimisation Management Policy.

#### **Attachments**

1. Construction Site Waste Minimisation and Management Policy (separately attached)



## ITEM 13D CORPORATE SERVICES REPORT

### 13D.1 FINANCIAL ASSISTANCE

---

#### Summary/Purpose

This report presents to Council applications for Community Assistance Funding under Council's Financial Assistance Policy.

Applications from local organisations and individuals were invited up until 28 September 2012 for amounts of up to \$1,000 and \$500 respectively.

#### Community Strategic Plan Item(s)

- Governance and Community Service

#### Report

Twenty Eight (28) applications have been received for funding;

- 20 from local organisations and
- 8 applications from individuals.

These are summarised as follows:

<b>Request for Assistance - Local Organisations</b>			
<b>Applicant</b>	<b>Reason for Request</b>	<b>Funds received within past 2 years</b>	<b>Funds requested</b>
Collins Creek Public Hall	Replace guttering on hall	\$350 18/04/11	565.00
Kyogle Public School P&C Association	Construction of a memorial for commemorative services	-	1,000.00
Bonalbo & District Community Hall	Purchase vacuum cleaner	\$360 18/04/11	399.00
Bonalbo & District Community Hall	Annual food handling licence.		220.00

Cawongla Playhouse	Installing shade sails over sandpit.	\$823.66 23/04/12	1,000.00
Kyogle Rotary Club	Bush Turkey Ball – assist in purchasing marquee, food, decorations and hire of hall.	\$200 27/09/10	1,000.00
Wadeville Reserve Trust Hanging Rock Hall	To waive development application fees for hall extensions Cost \$1358		1,000.00
Woodenbong Tennis Club	Resurfacing Tennis Courts	-	1,000.00
Woodenbong Amateur Swimming Club	50 <sup>th</sup> Celebration Alan Mahoney Memorial Swimming Pool	\$660 26/09/11	1,000.00
Kyogle Public School	Purchase flagpole for new school hall.	-	1,000.00
Old Bonalbo Soldiers Memorial Hall Association	Kitchen needs maintenance and improvements to bring up to standard.	-	1,000.00
Kyogle PA & H Society	To assist with registration costs for minor food premises with Council.	\$1,500 Annual Donation	227.70
Kyogle Community Cinema - Growing Kyogle	To assist with administration costs in promoting Kyogle	\$1,000 23/04/12	1,000.00
Kyogle Seniors' Centre	To assist in purchasing Bingo equipment for the elderly.	-	1,000.00
Village Hall Players	To provide in-kind assistance for KMI hall rental.	-	1,000.00
Kyogle Scouts Group	To assist in re-establishing Kyogle Scouts Group.	-	1,000.00
Kyogle District Cricket Association	To purchase cricket balls for senior team's usage.	-	1,000.00
St Vincent's De Paul Society	Upgrading of centre and conference facility to comply with WHS and customer service requirements.	-	1,000.00
Cawongla District Tennis and Recreation Club	To purchase glue for synthetic grass tennis court resurfacing	-	1,000.00
Wiangaree Public Hall Reserve Trust	Reimbursement of development application fee to Council for works involving upgrading toilet facilities to be disable friendly.	-	735.00
<b>Total</b>			<b>\$17,146.70</b>

<b>Request for Assistance - Individuals</b>			
<b>Applicant</b>	<b>Reason for Request</b>	<b>Funds received within past 2 years</b>	<b>Funds requested</b>
Nicholas Fuller	For a junior cricket tour to England and France with Wanderers Australia		500.00
Jackson Felton	To assist with Air fares whilst competing in NSRA Rode in Bull riding.	-	500.00
Trent Rose	Travel and accommodation in Sydney for State Representation	-	500.00
William Rose	Travel and accommodation in Sydney for State Representation	27/09/10 \$250	500.00
Thomas Rose	Travel and accommodation in Sydney for State Representation	-	500.00
Timothy Rose	Travel and accommodation in Sydney for State Representation	-	500.00
Anna Bain	To assist with accommodation and travel to compete in Australian Slalom Championships in Victoria in January 2013.	\$500 26/09/11	500.00
Catriona Bain	To assist with accommodation and travel to compete in Australian Slalom Championships in Victoria in January 2013.	\$500 26/09/11	500.00
<b>Total</b>			<b>\$4,000.00</b>

## **Budget & Financial Aspects**

Council's Financial Assistance Policy states;

### **Maximum Assistance**

The maximum amount that will be provided per application are as follows:

Organisations     \$1000 (Total available funds annually \$15 500)

Individuals         \$ 500 (Total available funds annually \$4 500)

### **Timing of Assessing Assistance**

Applications from organisations will be considered at the Ordinary Meeting of Council in November of each year. If the annual funding allocation is not expended in November a further round of

funding will be advertised and will be considered by Council at the Ordinary Meeting in May the following year.

Applications from individuals will be considered at the Ordinary Meeting of Council in August, November and March each year. \$1500 will be allocated for both the August and November Meetings and the remainder of unspent funds be distributed at the March Ordinary meeting.

#### **Assessment for Organisations**

State and Federal Government agencies and businesses are ineligible for funding under the Community Assistance Fund.

The use of funds for capital improvements to grounds, clubhouses, facilities, playing fields, the provision of equipment, etc will be given priority. Requests for assistance to finance ongoing running expenses for organisations will be considered.

The Community Assistance Fund can be accessed by eligible organisations and individuals who can demonstrate the greatest need and/or benefit to the wider community in the areas of:

- Welfare
- Community involvement/social interaction
- Sport and recreation
- The Arts
- Youth affairs
- Senior citizens affairs
- Cultural Assistance

#### **Recommendation**

That Council grant financial assistance to the following Organisations:

<b>Applicant</b>	<b>Reason for Request</b>	<b>Funds requested</b>
Collins Creek Public Hall	Replace guttering on hall	250.00
Kyogle Public School P&C Association	Construction of a memorial for commemorative services	500.00
Bonalbo & District Community Hall	Annual food handling licence.	220.00
Wadeville Reserve Trust - Hanging Rock Hall	To waive development application fees for hall extensions.	1,000.00
Woodenbong Tennis Club	Resurfacing Tennis Courts	1,000.00
Woodenbong Amateur Swimming Club	50 <sup>th</sup> Celebration Alan Mahoney Memorial Swimming Pool	500.00
Old Bonalbo Soldiers Memorial Hall Association	Kitchen needs maintenance and improvements to bring up to standard.	1,000.00
Kyogle Community Cinema - Growing Kyogle	To assist with administration costs in promoting Kyogle	1,000.00

Kyogle Seniors' Centre	To assist in purchasing Bingo equipment for the elderly.	500.00
Village Hall Players	To provide in-kind assistance for KMI hall rental.	500.00
Kyogle Scouts Group	To assist in re-establishing Kyogle Scouts Group.	500.00
Cawongla District Tennis and Recreation Club	To purchase glue for synthetic grass tennis court resurfacing	1,000.00
Wiangaree Public Hall Reserve Trust	Reimbursement of development application fee to Council for works involving upgrading toilet facilities to be disable friendly.	735.00
<b>Total</b>		<b>\$8,705.00</b>

That Council grant financial assistance to the following Individuals:

<b>Applicant</b>	<b>Reason for Request</b>	<b>Funds requested</b>
Nicholas Fuller	For a junior cricket tour to England and France with Wanderers Australia	500.00
Jackson Felton	To assist with Air fares whilst competing in NSRA Rode in Bull riding.	500.00
Trent Rose	Travel and accommodation in Sydney for State Representation	100.00
William Rose	Travel and accommodation in Sydney for State Representation	100.00
Thomas Rose	Travel and accommodation in Sydney for State Representation	100.00
Timothy Rose	Travel and accommodation in Sydney for State Representation	100.00
<b>Total</b>		<b>\$ 1,400.00</b>

## 13D.2 FUTURES FUNDING APPLICATIONS

---

### Summary/Purpose

This report presents the Futures funding applications to Council for determination.

### Community Strategic Plan Item(s)

- Governance and Community Service
- Village Life
- Economic Development

### Background Information

The Futures Funding program provides funds for community groups and not for profit organisations to undertake community and economic development projects that benefit communities within the Kyogle LGA.

The principal objective of Futures Funding is to create partnerships between community and council in order to deliver the outcomes identified as priorities to the Council and community.

To do this the project must address at least one of the strategies or key activities identified in one of the following documents

1. Kyogle Council Community Strategic Plan under the Economic Development or Village Life categories
2. Social Plan 2009-2014
3. Cultural Strategy 2010-2012

A project is eligible for consideration by the Futures Committee if the application addresses the following

1. The project has been identified as a priority through one of council's community planning processes identified above.
2. The applicants can demonstrate community support for the project.
3. The project plan and budget are realistic and fit within Council's allocated budget for the town, village or whole LGA.
4. The organisation can demonstrate that it can manage projects and public funds.
5. The project is auspiced by an organisation that is a legal entity (eg is Incorporated, Lands Council or Local Government).
6. The organisation has public liability cover and other relevant insurance cover.
7. The organisation can contribute financial or in-kind contributions to the project.

## Report

An advertisement was placed Council newsletter calling for applications for the 2012/2013 Futures Fund.

Five applications were received.

### LGA wide projects - \$10,000 Available

1. Village Hall Players – Requesting funding of \$13,000 to run the 2013 Season of Theatre. Performances are to be made in the village halls throughout the Kyogle LGA.

Comment – Insufficient funds exist to fully fund the project. Council have provided assistance to the Kyogle Amateur Theatre Group in the past, but not to the level requested.

2. Kyogle Community Economic Development Committee Inc. trading as Kyogle Community Cinema – Requesting funding of \$13,000 to develop a program to support activities identified in Council plans. Initiate cultural activities, provide a greater range of leisure activities, encourage growth of the local film industry)

Comment – A Financial Assistance application has been received to cover overhead costs. Council is aware that the payment of this debt would be of great assistance to keep the cinema operating. It is recommended that a further \$1,500 (additional to financial assistance) be provided through Futures Funding.

### Kyogle projects – No funds available Available

- 1 Kyogle Scout Group – Requesting funding of \$3,000 to re-establish a local Kyogle Scout Group. Funding is to purchase camping gear, a trailer, kayaks and patrol boxes.

Comment – No Kyogle funding is available at this stage.

### Bonalbo/Old Bonalbo Projects - \$3,500 available

1. Bonalbo and District Community Hall Association Inc – Requesting funding of \$3,215 to replace original guttering and downpipes. Enlarge collection boxes, clear drains to allow storm water to drain away.

Comment – some funding has been allocated under the Financial Assistance Policy

2. Old Bonalbo Soldiers Memorial Hall Association Inc -. Requesting funding of \$3,000 to upgrade the existing kitchen and seal and repair leaking stove recess.

Comment – some funding has been allocated under the Financial Assistance Policy

### Range to Range (Cawongla/Barkersvale) Projects – (\$3,500 available)

No applications received

### Mummulgum/Mallanganee/Tabulam Projects – (\$3,500 available)

No applications received

### Woodenbong/Urbenville Projects – (\$3,500 available)

No applications received

## **Budget & Financial Aspects**

An allocation of \$24,000 has been included in the 2012/2013 Management Plan. An allocation of \$16,000 has been made to Kyogle Tidy Towns for the Tidy Towns Award in November 2012. These funds have come from the Kyogle allocation (\$13,000 and the LGA Projects \$3,000)

LGA Projects	\$10,000
Kyogle Projects	\$Nil
Bonalbo / Old Bonalbo Projects	\$ 3,500
Woodenbong / Urbenville Projects	\$ 3,500
Mummulgum / Mallanganee / Tabulam Projects	\$ 3,500
Range to Range (Cawongla / Barkersvale) Projects	\$ 3,500

## **Recommendation**

1. That Futures funding of \$1,500 be provide to Kyogle Community Economic Development Committee Inc. trading as Kyogle Community Cinema for the payment of overhead costs.
2. That Futures funding of \$3,500 be provided to the Village Hall Players towards costs associated with performances throughout the LGA.

## **Attachments**

1. Funding Applications – separate attachment for Councillors



**Summary/Purpose**

This report seeks a Council resolution to form a Vehicle Policy Sunset Committee to review the existing Vehicle Policy.

**Community Strategic Plan Item(s)**

- Governance and Community Service

**Previous Council Consideration**

The Vehicle Policy was last reviewed in 2011

**Report**

Previous reviews of Council’s Vehicle Policy have been conducted by a sunset committee so as to ensure that employee, management and councillor views are considered in the preparation of a revised policy.

The last sunset committee adopted by Council comprised of four (4) councillors, the General Manager, the Director Corporate Services, the Manager Plant and Quarries and two staff representatives.

It is recommended that a sunset committee with a similar composition be formed to review the existing vehicle policy

**Recommendation**

That Council forms a Vehicle Policy Sunset Committee consisting of:

- Councillor .....
- Councillor .....
- Councillor .....
- Councillor .....
- General Manager
- Director Corporate and Community Services
- Manager Plant and Depots
- 2 Staff representatives (nominated by the General Manager)

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

### **13E.1 VILLAGE MAINTENANCE AGREEMENT - WIANGAREE & DISTRICT PROGRESS ASSOCIATION**

---

#### **Summary/Purpose**

This report provides Council with information on the renewal of the maintenance agreement with the Wiangaree and District Progress Association.

#### **Previous Council Consideration**

Council adopted the previous village maintenance agreement established with the Wiangaree and District Progress Association for the three year period dated from the 1 October 2009 to 30 September 2012.

#### **Report**

The maintenance agreement has proven a successful partnership with the Progress Association, maintaining and mowing of road sides, fire shed grounds, Kunghur Road, Lagoon Park Tennis Courts and Wiangaree Institute grounds within the village.

It is considered appropriate to renew this agreement for a further period commencing from 1 October 2012 to 30 September 2015.

#### **Budget & Financial Aspects**

The provision of materials, mower and financial contributions is contained within the current Council budget.

#### **Recommendation**

1. That the renewal of the village maintenance agreements with the Wiangaree and District Progress Association for the period 1 October 2012 -30 September 2015 be received and noted.
2. That the Mayor and General Manager be authorised to sign and affix the Council seal to the Village Maintenance Agreement between Kyogle Council, and the Wiangaree and District Progress Association.

#### **Attachments**

1. Previous Village Maintenance Agreement (separately attached)
-

**13E.2 VILLAGE MAINTENANCE AGREEMENT - OLD BONALBO & DISTRICT PROGRESS ASSOCIATION & THE OLD BONALBO SOLDERS MEMORIAL HALL**

---

**Summary/Purpose**

This report provides Council with information on the renewal of the maintenance agreement with the Old Bonalbo and District Progress Association.

**Previous Council Consideration**

Council adopted the previous village maintenance agreement established with the Old Bonalbo and District Progress Association and the Old Bonalbo Soldiers Memorial Hall for the three year period dated from 1 July 2009 to 30 June 2012.

**Report**

The maintenance agreement has proven a successful partnership with the Progress Association and Hall Committee. Maintaining park and public areas around the Old Bonalbo Soldiers Memorial Hall and mowing maintenance and cleaning services at Old Bonalbo Cemetery, Cemetery Access Road, Pioneer Park and roadsides within the 60 km zones.

It is considered appropriate to renew this agreement for a further period commencing from 1 July 2012 to 30 June 2015.

**Budget & Financial Aspects**

The provision of materials, mower and financial contributions is contained within the current Council budget.

**Recommendation**

1. That the renewal of the village maintenance agreements with the Old Bonalbo and District Progress Association and the Old Bonalbo Soldiers Memorial Hall for the period 1 July 2012 to 30 June 2015 be received and noted.
2. That the Mayor and General Manager be authorised to sign and affix the Council seal to the Village Maintenance Agreement between Kyogle Council, and the Bonalbo and District Progress Association.

**Attachments**

1. Previous Village Maintenance Agreement (separately attached)

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

**13F.1 ORDINARY AND COMMITTEE MEETINGS CYCLE 2012-13**

---

**Summary/Purpose**

The purpose of this report is to identify Council and Committee Meeting dates and times for the 2012/13 calendar year.

**Background Information**

Under the Local Government Act 1993, Council is required to hold at least 10 monthly Ordinary meetings per year.

The Code of Meeting Practice provides that:

At a Council Meeting held in October each year, Council decides on the dates and times for meetings of Council and Committees for the succeeding twelve months.

**Report**

Previously the Ordinary Meetings were held on the fourth Monday of each month commencing at 3.30 p.m. No Ordinary meeting is scheduled in January. Accordingly, Council has eleven Ordinary Meetings each year.

Previously Committee meetings were held on the second Monday of each month commencing at 1.30 pm, 2.30 pm & 3.30 pm (except for January).

**Recommendation**

That Council adopt the following Ordinary Council meeting dates and times:

<b>Ordinary Meetings</b>
Monday, 12 November 2012, 4.30 p.m.
Monday, 10 December 2012, 4.30 p.m.
Monday, 11 February 2013, 4.30 p.m.
Monday, 11 March 2013, 4.30 p.m.
Monday, 8 April 2013, 4.30 p.m.

---

Monday, 13 May 2013, 4.30 p.m.
Tuesday, 11 June 2013, 4.30 p.m. (10 June – Queens Birthday Holiday)
Monday, 8 July 2013, 4.30 p.m.
Monday, 12 August 2013, 4.30 p.m.
Monday, 9 September 2013, 4.30 p.m.

That Council adopt the following Committee meeting dates and times

<b>Committee Meetings</b>	
26 November 2012	Corporate & Community 2.30 pm Technical Services 3.30 pm Planning & Environmental 4.30 pm
24 December 2012	No meeting – Christmas Eve
25 February 2013	Corporate & Community 2.30 pm Technical Services 3.30 pm Planning & Environmental 4.30 pm
25 March 2013	Corporate & Community 2.30 pm Technical Services 3.30 pm Planning & Environmental 4.30 pm
22 April 2013	Corporate & Community 2.30 pm Technical Services 3.30 pm Planning & Environmental 4.30 pm
27 May 2013	Corporate & Community 2.30 pm Technical Services 3.30 pm Planning & Environmental 4.30 pm
24 June 2013	Corporate & Community 2.30 pm Technical Services 3.30 pm Planning & Environmental 4.30 pm
22 July 2013	Corporate & Community 2.30 pm Technical Services 3.30 pm Planning & Environmental 4.30 pm

26 August 2013	Corporate & Community 2.30 pm Technical Services 3.30 pm Planning & Environmental 4.30 pm
23 September 2013	Corporate & Community 2.30 pm Technical Services 3.30 pm Planning & Environmental 4.30 pm

Note: The meetings are scheduled to be held at the above times, however should a meeting not be required, for practicality the following meeting scheduled may be moved forward.

## **13F.2 DELEGATIONS OF AUTHORITY**

---

### **Summary/Purpose**

This report presents to Council a draft Delegations of Authority for consideration.

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

- Governance and Community Service

### **Background Information**

Section 380 of the Local Government Authority 1993, provides that;

"Each Council must review all its delegations during the first 12 months of each term of office".

### **Report**

Attached to this report is a draft Delegations of Authority for Council's consideration.

This document is consistent with the previously adopted Delegations of Authority with the exception of the increase in the value of emergency works able to be carried out by the Mayor from \$3,000 to \$5,000. This figure has not changed for the last eight years and having reviewed other Council's delegations (some allow emergency works up to the value of \$15,000) the increase was considered to be reasonable.

Following Council's adoption of the Delegations of Authority and consideration of the Organisational Structure, the General Manager will sub-delegate authority to various staff members and the full register of Delegations of Authority will be further updated.

**Recommendation**

That the attached Delegations of Authority be adopted.

**Attachments**

1. Delegations of Authority – 22 October, 2012

## **13F.3 ORGANISATIONAL STRUCTURE**

---

### **Summary/Purpose**

This report seeks a Council determination in relation to the Organisational Structure of Council.

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

- Governance and Community Service

### **Background Information**

Section 332 of the Local Government Act 1993 provides:

- (1) A council must determine:
- an organisation structure
  - those positions within the organisation structure that are senior staff positions
  - the resources to be allocated towards the employment of staff.

Section 333 of the Local Government Act 1993 provides :

The organisation structure may be re-determined by the council from time to time. It must be redetermined within 12 months after any ordinary election of the council.

### **Previous Council Consideration**

At the Council Meeting held on 27 August, 2012, Council resolved:

That Council recommends the organisational structure change to a four (4) department structure as outlined in this report.

That the proposed amended structure with any associated staff changing levels be discussed with the incoming council.

### **Report**

The organisational structure was contained within information provided to elected Councillors following the September elections and was discussed as part of the induction program for the new Council.

A workshop was also held on 16 October, 2012 to discuss issues relating to the organisational structure of council.

The COMPLETE Urban report commissioned by Council and previously distributed to Councillors contains four options for organisational structures with their recommendation being for an aligned services structure containing five departments "Option 4".

---



Following discussions with staff, Councillors and other Councils the General Manager's preferred structure is a modified version of Option 4 with four departments being:

- Administration and Community
- Planning and Environment
- Urban and Assets
- Infrastructure Service Delivery

This structure combines the Asset Management and Waste, Water, Sewer departments/functions as suggested by COMPLETE Urban in their Option 4 into one department along with some other minor amendments.

The only senior staff position in this structure as defined by the Local Government Act is the General Manager.

The Managers of each of the above four departments will be remunerated under an enterprise agreement which will contain conditions such as rates of pay, hours of work, reasonable additional hours, flexible working hours, special leave, allowances and reimbursement and equipment standards. A sample enterprise agreement has been separately provided to Councillors on a confidential basis for their information.

### **Budget & Financial Aspects**

It is considered that the transition from the current structure with three departments managed by Directors on fixed term contracts to four departments managed by permanent staff on an enterprise agreement can be achieved without increasing the overall ongoing employment costs of the Council. If any redundancies arise as a result of the transition, there may be an additional one-off cost for Council in the current financial year. It is estimated that there could be from 0-5 redundancies as a result of this transition.

### **Recommendation**

1. That the Kyogle Council Organisational Structure report be received and noted.
2. That Council amends its organisational structure to a four (4) department structure containing the following departments:
  - Administration and Community
  - Planning and Environment
  - Urban and Assets
  - Infrastructure Service Delivery
3. That the only senior staff position within the structure is that of the General Manager.

**ITEM 14 URGENT BUSINESS WITHOUT NOTICE**

Nil.

**ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING**

Nil.

**ITEM 16 CONFIDENTIAL BUSINESS PAPER**

**16.1 TENDERS FOR KYOGLE BOWLING CLUB RIVER BANK RESTORATION  
CONTRACT NO. 1201249**

---

**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

**16.2 TENDERS FOR DESIGN SERVICES FOR KYOGLE WATER SUPPLY  
AUGMENTATION CONTRACT NO. 2011/12-013**

---

**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 22 OCTOBER 2012

