KEMPSEY SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

to be held

9.00 AM
21 August 2012

at

COUNCIL CHAMBERS
CIVIC CENTRE
CORNER TOZER AND ELBOW STREETS
WEST KEMPSEY NSW 2440
ORDER OF BUSINESS

1  OPENING PRAYER

   ACKNOWLEDGEMENT OF TRADITIONAL ABORIGINAL LAND OWNERS

2  APOLOGIES

3  DECLARATIONS OF INTEREST

4  ASSESSMENT OF ITEMS LISTED FOR CONFIDENTIAL CONSIDERATION

5  CONFIRMATION OF MINUTES

6  PUBLIC FORUM / PRESENTATIONS

7  CONSIDERATION OF MOTIONS FOR CHANGES TO THE ORDER OF BUSINESS AND CONSIDERATION OF SUPPLEMENTARY OR LATE REPORTS

8  CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM MATTERS

9  MAYORAL MINUTES

10 NOTICES OF MOTION

11 RESCISSION MOTIONS

12 DELEGATES REPORTS

13 COMMITTEE REPORTS

14 QUESTIONS ON NOTICE

15 COMMUNITY STRATEGIC AND MANAGEMENT PLAN REPORTS

16 QUESTIONS FOR NEXT MEETING

17 CONFIDENTIAL ITEMS

18 CONCLUSION
## BUSINESS PAPER INDEX

1. OPENING PRAYER .......................................................... 6
2. ACKNOWLEDGEMENT OF THE TRADITIONAL ABORIGINAL LAND OWNERS .................................................. 6
3. APOLOGIES .................................................................................. 6
4. DECLARATIONS OF INTEREST ................................................... 6
5. ASSESSMENT OF ITEMS LISTED FOR CONFIDENTIAL CONSIDERATION .................................................. 6
6. CONFIRMATION OF MINUTES .................................................. 6

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 17 JULY 2012</td>
<td>6</td>
</tr>
<tr>
<td>6</td>
<td>PUBLIC FORUM / PRESENTATIONS .................................................................. 6</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>PUBLIC FORUM ....................................................................................... 6</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Presentations ....................................................................................... 6</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>COUNCIL'S BYPASS STRATEGY OFFICER BRUCE POTT WILL CONDUCT AN UPDATE FOLLOWING THE PUBLIC FORUM.</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>THE GENERAL MANAGER DAVID RAWLINGS WILL CONDUCT A PRESENTATION ON THE 2011/2012 ACHIEVEMENTS OF COUNCIL PRIOR TO THE CONFIDENTIAL SECTION OF THE MEETING.</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>CONSIDERATION OF MOTIONS FOR CHANGES TO THE ORDER OF BUSINESS AND CONSIDERATION OF SUPPLEMENTARY OR LATE REPORTS .................................................. 6</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM MATTERS .................. 7</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>MAYORAL MINUTES .................................................................................... 8</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>SUPPLEMENTARY MAYORAL MINUTE ................................................................ 11</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>ITEMS TABLED FOR INFORMATION ................................................................ 13</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>EUROKA CEMETERY ASSET MANAGEMENT STRATEGIES – RUPERT G. H. MILNE HOME, LANDSCAPE CONSULTING.</td>
<td>13</td>
</tr>
<tr>
<td>14</td>
<td>NOTICES OF MOTION .................................................................................. 14</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>NOM1 EDEN STREET BOAT RAMP .................................................................. 14</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>NOM2 WHARF TO BE BUILT AT FREDERICKTON ............................................ 14</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>NOM3 RURAL FIRE SERVICE ........................................................................ 15</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>NOM4 SLIM DUSTY FOUNDATION .................................................................. 15</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>NOM5 HEADSPACE PROGRAM ........................................................................ 15</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>NOM6 FUNDING LOCAL GOVERNMENT ......................................................... 17</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>NOM7 RELOCATION OF KEMPSEY AMBULANCE STATION ................................. 18</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>NOM8 LOWER MACLEAY FLOOD MITIGATION/DRAINAGE SCHEME ...................... 18</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>RESCISSION MOTIONS .................................................................................. 20</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>DELEGATES REPORTS .................................................................................. 21</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>DR1 FLOODPLAIN MANAGEMENT ASSOCIATION QUARTERLY MEETING .............. 21</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>COMMITTEE REPORTS .................................................................................. 24</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>CR1 LOCAL TRAFFIC COMMITTEE MEETING HELD 7 AUGUST 2012 ..................... 24</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>QUESTIONS ON NOTICE ............................................................................... 25</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>QUESTIONS ON NOTICE FROM 17 JULY 2012 – RESPONSES .............................. 25</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>QUESTIONS ON NOTICE FOR 21 AUGUST MEETING ......................................... 27</td>
<td></td>
</tr>
</tbody>
</table>

Kempsey Shire Council – Ordinary Meeting 21 August 2012

Page 3
GOAL 1: TO FACILITATE ECOLOGICAL AND ECONOMICAL SUSTAINABLE DEVELOPMENT IN THE SHIRE .......................... 28

1.1 KEMPSEY CORRIDOR MASTER PLAN ............................................................................. 28
1.2 PROPOSED BOUNDARY ADJUSTMENT AT CLYBUCCA FILE: T6-12-189 .................................................................. 30
1.3 A NEW PLANNING SYSTEM FOR NSW – GREEN PAPER ....................................................... 33
1.4 COUNCILS ON-SITE SEWAGE MANAGEMENT STRATEGY ..................................................... 50

GOAL 2: TO FOSTER AND ENHANCE EFFECTIVE SOCIAL, CULTURAL AND COMMUNITY RELATIONS BUILDING RESPECT AND CIVIC PRIDE ................................................................. 55

2.1 EUROKA CEMETERY ASSET MANAGEMENT STRATEGIES PLAN .................................................. 55
2.2 DONATION REQUEST MACLEAY DISTRICT MOTORCYCLE CLUB INC .............................................. 55
2.3 RATES SUBSIDY REQUEST FILE: F12/319 ............................................................................. 56

GOAL 3: TO PLAN AND FUND THE SHIRE’S INFRASTRUCTURE AND SERVICE NEEDS ........ 58

3.1 PROPOSED RENAMING OF THE PACIFIC HIGHWAY – SOUTH KEMPSEY INTERCHANGE TO FREDERICKTON INTERCHANGE .................................................................................. 58
3.2 PROPOSED NAMING OF UNNAMED ROAD – KUNDABUNG FILE: F12/238 ................................. 60
3.3 REPLACEMENT OF SPORTS FIELD LIGHTING – PHILIP DRIVE SPORTING COMPLEX SOUTH WEST ROCKS .......................................................................................................................... 60
3.4 DRAFT SUBMISSION TO THE NSW STATE GOVERNMENT ENQUIRY INTO THE MANAGEMENT OF PUBLIC LAND IN NSW .......................................................................................... 63
3.5 KEMPSEY AIRPORT – NAVIGATION BEACON .......................................................................... 65
3.6 EDEN STREET LEVEE AND VERGE STREET OVAL – INAPPROPRIATE USAGE BY THE PUBLIC ................................................................................................................................. 66
3.7 SUTHERLANDS LANE DESKTOP DRAINAGE REVIEW ................................................................. 68
3.8 TENDER FOR THE PROVISION OF A BEACH PATROL SERVICE – TENDER NO.T2012-007 ................................................................................................................. 70

GOAL 4: TO PURSUE BENEFICIAL RELATIONSHIPS WITH REGIONAL NEIGHBOURS AND OTHER LEVELS OF GOVERNMENT .................................................................................. 73

4.1 INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL CONSULTATIONS .......................................................................................... 73
4.2 ASSISTING IN UPGRAILING KEMPSEY SHOWGROUND ............................................................ 86

GOAL 5: TO ENSURE LEADERSHIP AND EFFECTIVE, EFFICIENT, ACCOUNTABLE MANAGEMENT ...... 87

5.1 STATEMENT OF CASH AND INVESTMENTS ............................................................................. 87
5.2 MANAGEMENT PLAN VARIATIONS .......................................................................................... 87
5.3 PANEL SOURCE TENDER FOR HIRE OF PLANT AND TRUCKS T2012-004 ........................................................................................................ 88
5.4 INTERIM BUDGET REVIEW 30 JUNE 2012 .................................................................................. 90

16 QUESTIONS FOR NEXT MEETING ......................................................................................... 94

RESPONSES TO QUESTIONS FROM 17 JULY 2012 ........................................................................ 94

17 CONFIDENTIAL ITEMS ........................................................................................................... 98

MOTION FOR CONFIDENTIAL SESSION ...................................................................................... 98

CONFIDENTIAL MAYORAL MINUTES .......................................................................................... 99

MM1 GENERAL MANAGER’S PERFORMANCE REVIEW 2012 ......................................................... 99

GOAL 1: TO FACILITATE ECOLOGICAL AND ECONOMICAL SUSTAINABLE DEVELOPMENT IN THE SHIRE ...................................................................................................................... 100

1.1 DEVELOPMENT WITHOUT CONSENT FILE: LA7798........................................................................ 100

GOAL 5: TO ENSURE LEADERSHIP AND EFFECTIVE, EFFICIENT, ACCOUNTABLE MANAGEMENT .... 101

5.1 VARIOUS LEGAL MATTERS .................................................................................................. 101
5.2 CODE OF CONDUCT MATTER .............................................................................................. 101
5.2 CODE OF CONDUCT MATTER – SUPPLEMENTARY ................................................................ 101

18 CONCLUSION .......................................................................................................................... 102
1 OPENING PRAYER

"Dear Lord, help us in our deliberations today so that our decisions will be for the greater good for the whole of Kempsey Shire - Amen".

ACKNOWLEDGEMENT OF THE TRADITIONAL ABORIGINAL LAND OWNERS

“Council acknowledges that this meeting is being held on the traditional lands of the Dunghutti People”.

2 APOLOGIES

That the apology submitted by Councillors for non-attendance at the meeting be accepted and leave of absence granted.

3 DECLARATIONS OF INTEREST

That Councillors’ declared interests be noted.

4 ASSESSMENT OF ITEMS LISTED FOR CONFIDENTIAL CONSIDERATION

That the confidential reports be considered in the confidential section of the meeting.

5 CONFIRMATION OF MINUTES

Minutes of the Ordinary meeting of Kempsey Shire Council dated 17 July 2012

That the minutes of the ordinary meeting of Kempsey Shire Council dated 17 July 2012 be confirmed.

6 PUBLIC FORUM / PRESENTATIONS

Public Forum

Presentations

1 - Council’s Bypass Strategy Officer Bruce Potts will conduct an update following the public forum.

2 - The General Manager David Rawlings will conduct a presentation on the 2011/2012 achievements of Council prior to the confidential section of the meeting.

7 CONSIDERATION OF MOTIONS FOR CHANGES TO THE ORDER OF BUSINESS AND CONSIDERATION OF SUPPLEMENTARY OR LATE REPORTS

That the Agenda Order of Business be adopted and that late reports be considered in conjunction with the relevant Director’s reports.
8 CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM MATTERS

That the reports relating to the items dealt with in Public Forum be brought forward and dealt with immediately.
SUMMARY

Reporting on notification by the Local Government and Shires Associations that NSW councils have overwhelmingly voted ‘YES’ to form a single, united Association to represent the views and policies of Local Government in NSW.

RECOMMENDATION

That the information be noted.

RECOMMENDATION IMPLICATIONS

Environmental, Social, Economic (Financial), Policy or Statutory: Nil

REPORT DETAILS

The following is an extract of the LGSA Media Release dated 8 August [Appendix A - Page MM1]:

The structure of the new NSW Association will be broken up into regions – a metropolitan/urban region and a rural/regional region.

The LGSA will now work with Fair Work Australia and the NSW Industrial Registry to complete all administrative steps and set a date for amalgamation, which will most likely occur in early 2013.

Following the amalgamation date, an Interim Board will take over from the current Shires Association and LGA Executive Boards until all members will vote on who should be appointed to the new Association Executive Board and as the first President.

SUMMARY

Reporting on activities for the month of July 2012.

RECOMMENDATION

That the information be noted.

RECOMMENDATION IMPLICATIONS

Environmental, Social, Economic (Financial), Policy or Statutory: Nil

REPORT DETAILS
SUMMARY

Under the new integrated strategic planning framework, councils are required to develop a report showing how the council has performed against the Community Strategic Plan.
That the End of Term Report be adopted.

**RECOMMENDATION IMPLICATIONS**

*Environmental, Social, Economic (Financial), Policy or Statutory: Nil*

**REPORT DETAILS**

Council adopted a Community Strategic Plan in April 2007 incorporating five goals:

1) To facilitate ecological and economic sustainable development in the Shire.
2) To foster and enhance effective social, cultural and community relations building respect and civic pride.
3) To plan and fund the Shire’s infrastructure and service needs.
4) To pursue beneficial relationships with regional neighbours and other levels of government.
5) To ensure leadership and effective, efficient accountable management.

The end of term report identifies the major achievements through the Council term against the strategies and actions identified in the development of the plan. However, during the time that the plan was developed there has also been significant events that have required the Council to adjust its approach.

A series of major flood events have occurred during this Council term and the work that this created has significantly impacted on the ability of the Council to undertake its planned reconstruction and maintenance of the road and bridge network. The floods were not a totally negative thing. Through negotiation with the State Government for flood repair funds a significant amount of our own funds went back into roads and bridges, which in some cases led to the position of our infrastructure being improved.

The funding for the construction of the Kempsey bypass necessitated in a need for a significant amount of resources to be redirected to planning for the event and arrangements for the mechanics of the handover of the existing highway road network. A large amount of staff time has been directed into the negotiations with the Roads and Maritime Services and Bypass Alliance on all of the details of road intersection changes, pipelines under the new alignment, and access issues for residents. Planning to ensure that the community can secure the greatest advantage out of the bypass has also involved diversion of resources.

Overall, Council has become significantly smarter as an organisation in how we plan for our road works; moving from a system of determining a year’s program in October after the budget had been determined to having a planned 10 year program targeting spending against where the greatest overall benefits can be gained and based on real information on the condition of the assets. Council now has a much better picture of all of our assets and just what is needed to keep them useable for the community.

With a clearer financial plan, Councillors are better equipped to consider the future of the community and what is required to meet their needs. Setting a path to financial sustainability has been a significant achievement. The annual efficiency savings have nearly reached the level of $2 million per annum. This shows that Council is looking at what it can do to offset the cost to the ratepayers. Removing the debt cycle and converting the loan interest repayments into infrastructure...
upgrades will also help offset the long term cost to the ratepayer.

It is interesting to read the report and see just how many things have occurred over this time. There are so many things that have been achieved that you can forget all that has been done while you are focusing on the next project coming down the pipeline. And this report does not cover all the things the Council has done, only the major activities.

The Councillors have a right to be proud that they have steered a direction and overseen the progress of the Kempsey Shire Council in moving towards the goals that the Councillors and the community set. Following the election Councillors, whether they be re-elected or new to local government, will have the task of reviewing the Strategic Plan and developing a new Delivery Plan that will be used to guide the direction of the Council over their term.

I believe that what we have achieved over the past term will place Council in a stronger place to move forward on the large issues confronting our community. The next term’s challenges for the local community will be the impact of changes such as the bypass and, in an operational way, the reviewing of the role and structure of local government.

**SUPPLEMENTARY MAYORAL MINUTE**

**MM4 2012 Shires Association Conference Resolution 28 “Access to Information – Companion Animals”**

**SUMMARY**

Reporting on a letter received from Cr Ray Donald, President of the Shires Association of NSW enclosing a response to their representations to the Minister for Local Government [Appendix B – Page MM2].

**RECOMMENDATION**

That the information be noted.

**RECOMMENDATION IMPLICATIONS**

*Environmental, Social, Economic (Financial), Policy or Statutory: Nil*

**REPORT DETAILS**

Kempsey Shire Council sponsored the following motion to the 2012 Shires Association Conference:

“That the Shires Association lobby the NSW Government to allow people who have been impacted by companion animal incidents to be allowed to be advised of the intended actions and outcomes of responses to the incidents that have been formally reported to the Police or Council."

In response to representations by the Shires Association, the Minister for Local Government, The Hon Don Page MP advised:
“The Companion Animals Act 1998 provides for the confidentiality of certain information recorded on the Companion Animals Register (section 89). Confidential information is any information contained in or acquired from the Register or any other information obtained in connection with the enforcement or administration of the Act or Companion Animals Regulation. It is acknowledged that these stringent provisions limit the information that councils may make available to third parties in relation to companion animal incidents.

With the commencement of the Government Information (Public Access) Act 2009, the guiding principle of which is the public interest, I have asked the Division of Local Government to consult with the Office of the Information Commissioner and any other relevant agency to determine whether the Companion Animals Act remains consistent with the current approach to and application of privacy legislation.”

MAYOR – E A CAMPBELL
### Items Tabled For Information

#### SUMMARY

Reporting that the following document was tabled at the meeting for perusal by interested Councillors and members of the public

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<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong></td>
<td>Euroka Cemetery Asset Management Strategies – Rupert G. H. Milne Home, Landscape Consulting</td>
</tr>
<tr>
<td><strong>B</strong></td>
<td>The Kempsey Corridor MasterPlan – South Kempsey / Kempsey / Frederickton August 2012</td>
</tr>
</tbody>
</table>
I intend to move the following motion at the Ordinary meeting to be held 21 August 2012.

That Council repair/maintain the Eden Street boat ramp.

MOTION IMPLICATIONS

Environmental, Policy or Statutory: Nil

Social: The boat ramp is in such disrepair that it is getting that way that it cannot be used.

Economic (Financial): Council will need to project funding for this.

COUNCILLOR E R WALKER

I intend to move the following motion at the Ordinary meeting to be held 21 August 2012.

That a wharf be built at Frederickton at the new boat ramp, similar to the Smithtown wharf.

MOTION IMPLICATIONS

Environmental, Policy or Statutory: Nil

Social: A wharf would provide recreation for people who are not able to access a boat. People would be able to access the river for fishing and swimming.

Economic (Financial): Council will need to project funding for this.

COUNCILLOR E R WALKER

General Manager’s Additional Information

This project has not been identified in the long term planning of the Council and would require:

1) investigation into the cost of the project; and
2) identification of the projects that have currently been funded to determine which projects or services are to be removed to fund the project.

To have the program get to the stage where it has been fully investigated will require approximately $33,000, based on the Matty’s Flat project. This is not
funded in the current budget and councillors will have to identify what projects are to be not undertaken to allow for the investigation. Without this investigation, it would not be possible to provide an accurate estimate of the cost of the project.

**NOM3 Rural Fire Service**

I intend to move the following motion at the Ordinary meeting to be held 21 August 2012.

*That Council work with the Rural Fire Service to ascertain dwellings in a high risk area.*

**MOTION IMPLICATIONS**

*Environmental, Social:* There could be lives lost because people move into the area and are unaware that they are in a high risk fire area.

Residents do get complacent because we haven’t had a bush fire for several years and with the plentiful rain over the last few years the bush is full of fuel.

*Economic (Financial), Policy or Statutory: Nil*


**COUNCILLOR E R WALKER**

**NOM4 Slim Dusty Foundation**

I intend to move the following motion at the Ordinary meeting to be held 21 August 2012.

*That the Slim Dusty Foundation be invited to advise Council on the current and proposed manner of appropriating the grant of $100,000 from Kempsey Shire Council.*

**MOTION IMPLICATIONS**

*Environmental, Social, Policy or Statutory: Nil*

*Economic (Financial): The report details submitted to Council 20 December 2011 indicated the Slim Dusty Foundation had requested support to construct the access point from the Pacific Highway.*


**COUNCILLOR J H BOWELL**

**NOM5 Headspace Program**

I intend to move the following motion at the Ordinary meeting to be held 21 August 2012.
1 That Mr Luke Hartsuyker MP Member for Cowper, Mr Rob Oakeshott MP Member for Lyne and Mr Andrew Stoner MP Member for Oxley be requested to seek funding to enable the extension of the Headspace Program by means of Outreach Services by Eastern Access Community Health (EACH) to the Kempsey Shire Area.

2 That representations be made to the Headspace National office as appropriate.

3 That the EACH organisation at Port Macquarie be advised of Council’s representations.

MOTION IMPLICATIONS

Environmental: Nil

Social: the Headspace program has been established in Port Macquarie. However, no funding was provided for outreach services which could be of significant benefit to many of our community, particularly young people.

Headspace is a service for young people aged 12-15 years which will provide mental health and wellbeing support, information and clinical services to those young people and their families, details in the attached [Appendix A – Page NOM1]

Economic (Financial): Cost of representations - $100.

Policy or Statutory: Nil

REPORT DETAILS

At Council’s meeting 21 February 2012 it was resolved;

1 That representation be made to the Hon Kevin Humphries MP, Minister for Mental Health, about the benefits and value to the Macleay Valley community of extending mental health services, associated with the Headspace Program, through outreach programs as part of the ongoing service provided.

2 That representation also be made to Mr Robert Oakeshott, Member for Lyne, requesting his support in securing Headspace Outreach mental health services in Kempsey and the redevelopment of the Kempsey District Hospital.

Mr Humphries, in commending Council for its concern for the mental health of young people, stated that support services should be provided into those areas which are disadvantaged.

Mr Humphries added:

a) that following consultations with State Government the Federal Government had announced the establishment of 15 new headspace centres;
b) that there is scope within the process to propose outreach services and he is supportive of models which look to best provide access to services in regional areas; and
c) it is understood that Council may wish to contact Headspace National office.
NOTE: An additional Headspace Centre has been approved at Lismore.

Mr Oakeshott advised that he was pleased that mental health had received more attention and more money in last year’s Federal Budget and will continue to do all he can to further improve mental health services in his electorate.

The Headspace program funded for Port Macquarie is for young people aged 12-25 years living in the Port Macquarie/Hastings LGA and, whilst young people from Kempsey LGA would not be turned away if they went to Port Macquarie, it would not be encouraged and it will not be advertised as a service for Macleay residents.

So an Outreach Service is required.

There is a branch office of EACH located at the Kempsey Police and Community Youth Club, specifically providing RECONNECT services which help young people between 12 and 18 years of age who are at risk of homelessness. The program aims to reconnect young people to their families.

Reconnect works closely with other local services to support young people and their families.

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COUNCILLOR J H BOWELL

NOM6  Funding Local Government

I intend to move the following Motion at the Ordinary meeting to be held 21 August 2012.

That Council resolve to support the following matters as proposed by Port Macquarie-Hastings Council:

That Council submits the following motions to the Local Government Association of NSW for inclusion on their 2012 Annual Conference agenda.

Infrastructure Funding
Council proposes that the LGA continues to lobby the Federal Government for a process whereby there is direct and equitable funding from Personal Income Tax (or similar) to Local Government across Australia, specifically for the purpose of renewal and maintenance of the roads and bridges network. In doing so, the Federal Government would recognise the insurmountable task that faces regional councils in otherwise funding the renewal of failed road and bridge networks.

Local Government access to Federal funding
Council proposes that the LGA seeks continued support and increase the current level of Financial Assistance Grants (FAG) to ensure a sufficient level of direct funding between the Federal Government and Local Government.

MOTION IMPLICATIONS

Environmental, Social, Economic (Financial): Local Government does require financial assistance by means of funding from State and Federal Governments to
meet essential obligations.

**Policy or Statutory:** Nil

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COUNCILLOR J H BOWELL

**NOM7  Relocation of Kempsey Ambulance Station**

I intend to move the following Motion at the Ordinary meeting to be held 21 August 2012:

*That representations be made to Mr Andrew Stoner MP, Member for Oxley requesting that steps be taken to plan the relocation of Kempsey Ambulance Station to Kempsey District Hospital.*

**MOTION IMPLICATIONS**

**Environmental, Policy or Statutory:** Nil

**Social:** The relocation of the Ambulance Station will centralise health services.

**Economic (Financial):** Cost of representation $50.

**REPORT DETAILS**

The 2006 Draft Master Plan (Option 2) provided for the relocation of the Ambulance Station as shown on the attached plan [Appendix B – Page NOM2]

..................................................

COUNCILLOR J H BOWELL

**NOM8  Lower Macleay Flood Mitigation/Drainage Scheme**

I intend to move the following Motion at the Ordinary meeting to be held 21 August 2012:

1. *That Council be advised of the proposed program of works for the Lower Macleay Flood Mitigation/Drainage Scheme.*

2. *That Council be advised of the status of Council’s resolution of 19 April 2011.*

3. *That Council develop a proposed program of Flood Mitigation Levee Maintenance to ensure their structural integrity is maintained.*

**MOTION IMPLICATIONS**

**Environmental, Policy or Statutory:** Nil

**Social:** Details of report would inform the Lower Macleay residents of the proposed
works that have been incorporated into Council’s Delivery Program 2012-2015.

Questions have been raised by landholders over Council’s resolution of 19 April 2011. By Council undertaking this proposed program, it may alleviate the effects of the minor and nuisance flooding that occurs in places where the levee banks have sunk or been eroded over time.

**Economic (Financial):** Staff time in preparation of report.

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COUNCILLOR D F SAUL
11 RESCISSION MOTIONS

Nil
12 DELEGATES REPORTS

DR1 Floodplain Management Association Quarterly Meeting

SUMMARY

Report on attendance at the Floodplain Management Association (FMA) quarterly meeting held at the Bureau of Meteorology, Elizabeth Street, Sydney on Thursday 24 May 2012 commencing at 11.00 am.

RECOMMENDATION

1 That the information be noted

2 That Council continue to have input into various flood related projects at Commonwealth and State levels.

3 That Council continues to seek funding/grants to continue our flood mitigation.

MOTION IMPLICATIONS

Environmental: Various reviews could develop a system which will improve our environmental outcomes in the future.

Social: Need to identify the impact of any changes being proposed on our flood risk and planning management to ensure minimal impacts on our communities.

Economic (Financial): Proposed changes could impact on our resources and financial situation unless we continue to have input into them via our representatives.

Policy or Statutory: Nil

REPORT DETAILS

Copies of previous minutes and appendices were tabled for information at Council’s April meeting and are also available on Council’s website.

Matters discussed during the meeting:-

FMA meetings with the following:

- **Minister for Roads and Ports** - Duncan Gay
  Specific road issues and in relation to flood damaged roads and the need for sufficient funding under Natural Disaster Resilience programme (NDRA) for betterment and more durable restoration of roads following flooding. Request for members to raise this issue with local State members of parliament.

- **Local Government and Shires Association (LGSA)** - Continuing discussion on matters of mutual interest including maintenance of alliance between FMA and LGSA and the survey of Councils in Declared Natural Disaster areas.
- **State Emergency Services (SES)** - Including meetings with Minister for Emergency Services. Issues discussed with SES included their involvement in future FMA conferences, National Emergency Management arrangements, temporary levees, the NSW Flood Database and the National Flood Risk Information Project.

- Follow up with Department of Public Works on length of time for responses for funding requests to undertake flood damage repairs.

- Representation on behalf of members to NSW Flood Database project, National Flood Risk Database project and Submission to Stage 3 of NSW Planning Review (see further comments below).

Matters of interest for members:

- **Flood Hazard** Seminar presented by RM Global (Insurance) “Managing Your Flood Risk”. Aim was to help businesses and Council to understand flood hazard/risks that may lead to property damage and business interruption, and identify opportunities for reduced flood risks to their property, contents and operations. This identified the need for consistency in flood modelling and mapping. It also identified the need for councils and insurance companies to work together and develop consistent terms and reporting.

- FMA has had input to all levels of the **NSW Planning Review** project with the White Paper due out in the near future. For comment by all members.

- **NSW Flood Database Project** is to create a strategic understanding and a common picture of flood risk and flood behaviour across NSW. It will address community vulnerability and ensure informed emergency response. The NSW Flood Database project will allow better monitoring and implementation of the State **Flood Prone Lands Policy**. Funded by the Natural Disaster Resilience programme (NDRP) and is recognised as a key deliverable of the **State Plan 2021**. Joint project between Office of Environment and Heritage (OEH) & SES.

- The deliverables for the NSW Flood Database in 2011/12 are consistent data, a system to store/maintain local flood data; initially it will consist of a database from government funded flood studies and, the design of a maintenance system including agreements with local government for provision of information. Deliverables for 2012/13 include Global Information System (GIS) tools to support data maintenance, Web portal to facilitate strategic overview and a suite of standard reports and tables. Trial databases are finalising governance issues and the establishment of long term maintenance of the system.

- Commonwealth, State and Local Government. Initially the information will be limited to studies funded by State Grants. However, it is anticipated that eventually information from all flood studies will be included. Some of the main concerns for local government are to ensure accuracy and currency of the data. It is also important that the proper caveats and disclaimers are in place to ensure that all enquiries for more detailed information are referred back to the relevant council, especially when the information becomes publicly available.

- The development of a **National Flood Risk Information Portal** is part of the Commonwealth’s initial response to the Natural Disaster Insurance Review. Commonwealth Attorney General’s Department and Geosciences are partners. Project funding commences on 1 July 2012 and is a four year
programme. Key deliverables include development of an information portal, development of national guidelines covering the collection of information, comparability and reporting of flood risk information and the revision of the Australian Rainfall and Runoff tables.

The aims of both these projects are determining the key target audiences, determining the products the key target audiences need, producing specifications for flood risk information and defining required information management and governance.

One of the key differences between the State and Commonwealth projects is that the Commonwealth is keen for the public to be able to access the information directly. The maps produced will contain more information than just flood extents. The National Database will include flood extent, depths maps, velocities etc. Governance is a key issue that needs resolving for this project.

The project intends to standardise flood data to improve risk communications, create a scalable system to cover multiple hazards and create a data framework to allow end users to create more detailed applications to meet their own needs. Local government needs to be more involved in these projects especially at the Commonwealth level as the outcomes will have significant relevance to Council’s future activities.

Other issues are Development of Water Sensitive Cities and Towns to develop strategies to develop water sensitive cities and towns. 21 high priority research projects have been developed and project 2 Building Socio-technical Flood Resilience in Cities and Towns will develop tools to improve flood resilience for cities and towns identifying the structural and non-structural measures needed to adapt drainage and flooding systems to existing urban areas.

Temporary Flood Barriers were also an item for discussion.

Visual Levee Audit: Clarification of development control during the floodplain risk management project. NSW Flood programme development of a framework for ongoing evaluation, development of how flood risk is managed to ensure that funding is effectively delivered. Providing expert advice to councils and undertaking a skills audit updating advice to councils.

Greg Rogencamp whose paper at the FMA conference on The Lockyer Creek Flood of January 2011 was presented with the Harold Stenbeck Medal for the best presentation at the conference. As he was unable to attend the conference it took place at the Quarterly meeting where he gave those present an update on actions arising from the review of the floods.

SES presentation progress on NSW flood database project opportunity to engage consultants to collect post flood data for future use new flood risk Management officer has been appointed to review Development Control Plans (DCPs). Local Environment Plans (LEMPs) and related documents for flood applications.

Issue of future standard for maintenance of river gauges used for flood monitoring was also raised.

Council needs to ensure that any or all of the above reports do not restrict Council’s ability to provide effective and efficient Flood Mitigation services to our community in the future.

COUNCILLOR E A GREEN
COMMITTEE REPORTS

CR1  Local Traffic Committee Meeting held 7 August 2012

SUMMARY

For Council to adopt the minutes of the Local Traffic Committee meeting held on 7 August 2012.

RECOMMENDATION

That the recommendations of the Local Traffic Committee meeting held on 7 August 2012 be adopted.

MOTION IMPLICATIONS

Environmental, Social, Economic (Financial), Policy or Statutory: Nil

REPORT DETAILS

The minutes of the Local Traffic Committee held on 7 August 2012 are attached at [Appendix A – Page CR1]
14 QUESTIONS ON NOTICE

(Excerpt from code of meeting practice)

2.4 Questions at Council meetings
2.4.1 Questions on Notice

Questions on Notice shall be included in the order of business on the council meeting agenda and shall be provided to the general manager by 9.00am one week prior to the meeting for inclusion in the meeting agenda. (Local)

(Excerpt from Councillor Communication Procedure 2.3.2)

6 Response Times

c) Answers to a Question on Notice will be included in the following Business Paper unless more than 10 working days’ notice of the question has been provided prior to the closing time for receipt of questions for the Business Paper.

Questions on notice from 17 July 2012 – responses

<table>
<thead>
<tr>
<th>COUNCILLOR J H BOWELL</th>
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</thead>
<tbody>
<tr>
<td>Q1 Are the roads within the South Kempsey Industrial Area listed for major maintenance in the foreseeable future?</td>
</tr>
<tr>
<td>RESPONSE: Yes, there are roads within the South Kempsey Industrial Area that are listed for major maintenance in Council’s 10-year roadworks program. Roads listed in the most recent revision include Nance Road (2011/2012), West End Road (2017/2018) and South Street (2021/2022).</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>COUNCILLOR J H BOWELL</th>
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<tbody>
<tr>
<td>Q2 Is consideration to be given to a review of the fleet management strategy to include carpooling?</td>
</tr>
<tr>
<td>RESPONSE: No, no formal arrangement will be entered into. Informal arrangements are in place where staff with a private use leaseback vehicle are providing transport to other staff where travel arrangements (whether regularly or occasionally) can be coordinated which reduces environmental and travel costs. ‘Carpool Mid North Coast’ is an initiative of the eight Mid North Coast Councils (including Kempsey) to match travellers using a carpool scheme. This scheme is a secure, free, carpool website and available for membership of any resident across the region.</td>
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</table>

<table>
<thead>
<tr>
<th>COUNCILLOR J C GRIBBIN</th>
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<tbody>
<tr>
<td>Q3 Has Council received any information from their insurance company in regards to the rebuilding of the shelter shed at Horseshoe Bay?</td>
</tr>
</tbody>
</table>
| RESPONSE: Council has received advice from its insurers regarding the claim lodged for the shelter shed. As a result of the situation the insurer has made an offer to Council for settlement of the claim and this is in the process of being accepted. Once accepted Council can proceed with the demolition of the structure. Council has commenced the preparation of a revised masterplan for the reserve based upon the current Plan of Management which is due to updating and the community feedback received after the shelter shed incident. The plan will be reported to Council at a
future meeting and consulted with the community prior to being adopted.

<table>
<thead>
<tr>
<th>3153</th>
<th>RJS</th>
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<tbody>
<tr>
<td><strong>COUNCILLOR J C GRIBBIN</strong></td>
<td></td>
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<tr>
<td><strong>Q4</strong></td>
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<tr>
<td>Has Council awarded a contract yet for a study of the Kempsey Saleyards?</td>
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<tr>
<td><strong>RESPONSE:</strong></td>
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<tr>
<td>The Saleyards Advisory Group has reviewed the EOIs submitted by consultants to undertake a market analysis and financial modelling that will underpin a Business Plan for the Saleyards and the successful consultant has been chosen.</td>
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<tr>
<th>2522</th>
<th>KEO</th>
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<tbody>
<tr>
<td><strong>COUNCILLOR J C GRIBBIN</strong></td>
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<tr>
<td><strong>Q5</strong></td>
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<tr>
<td>Is Council preparing a works program for the installation of exercise equipment along the pedestrian walkway from the South West Rocks Surf Club to the end of the walkway at Russell Street, Arakoon?</td>
<td></td>
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<tr>
<td><strong>RESPONSE:</strong></td>
<td></td>
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<tr>
<td>Residents of South West Rocks will soon have access to a range of outdoor fitness equipment, thanks to a partnership between the South West Rocks Lions Club and Kempsey Shire Council. This joint venture will see the development of four fitness stations within the Horseshoe Bay Reserve and Brighton Park. The installation of the exercise equipment will not extend past Brighton Park at this stage. However, the possibility does exist to extend the fitness trail should further grant funding or community donations be secured into the future.</td>
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<th>3219</th>
<th>RJS</th>
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<tbody>
<tr>
<td><strong>COUNCILLOR D F SAUL</strong></td>
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<tr>
<td><strong>Q6</strong></td>
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<tr>
<td>What is the status of the proposed Gladstone SES Headquarters that is to be sited on land adjoining the Gladstone Police Station?</td>
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<tr>
<td><strong>RESPONSE:</strong></td>
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<tr>
<td>The current preferred site for the Gladstone SES Headquarters is adjacent to the current site at the Police Station and is an unformed public road reserve. Council currently has an approved grazing lease in operation over this land which will need to be addressed prior to the commencement of construction.</td>
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<tr>
<td><strong>COUNCILLOR D F SAUL</strong></td>
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<tr>
<td><strong>Q7</strong></td>
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<tr>
<td>What is the amount of funding that has been allocated to the proposed Gladstone SES Headquarters?</td>
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</tr>
<tr>
<td><strong>RESPONSE:</strong></td>
<td></td>
</tr>
<tr>
<td>Council at the meeting in July resolved to allocate $85,000 of funding to the Gladstone SES Headquarters. This funding was previously held by Council for the establishment of a headquarters at Crescent Head. Council has received advice from the SES that an additional of $180,000 of grant funding is available from the NSW State Government Budget to be allocated to this project. This was highlighted in the recent report to Council. The total budget available for the project therefore is $265,000.</td>
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<tr>
<td><strong>COUNCILLOR D F SAUL</strong></td>
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<tr>
<td><strong>Q8</strong></td>
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<tr>
<td>What has been the outcome of discussions with the RMS and Council over the restoration of the highway road pavement at Bellimbopinni?</td>
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</tr>
<tr>
<td><strong>RESPONSE:</strong></td>
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</table>
Council has again written to the RMS seeking updated information. A response had not been received at the time of writing. The matter has been followed up with a telephone call and updated information is expected to be available for the next Council meeting.

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<th>1412</th>
<th>RBP</th>
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<tr>
<td><strong>COUNCILLOR D F SAUL</strong></td>
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<tr>
<td><strong>Q9</strong></td>
<td>Has ALDI informed Council as to when they intend to start operations and commence trading in Kempsey?</td>
</tr>
<tr>
<td><strong>RESPONSE:</strong></td>
<td>Development consent has been issued for refurbishment of the premises, however, no advice has been received relating to when work is proposed to commence.</td>
</tr>
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</table>

**QUESTIONS ON NOTICE FOR 21 AUGUST MEETING**

| **COUNCILLOR J H BOWELL** |  |
| **Q1** | Is maintenance roadworks programmed for the Clyde Street parking area? |
| **RESPONSE:** | There is major maintenance work proposed for carparking in the Kempsey CBD area subject to approval of funding for revotes and Work In Progress. A program has not been finalised and updated information will be included in future information papers. |

| **COUNCILLOR E A GREEN** |  |
| **Q2** | Where are we at with the investigations on the work required and costings to improve the South West Rocks sports field lighting? |

| **COUNCILLOR E A GREEN** |  |
| **Q3** | Has the regeneration of the Boyters Lane wetland been completed? |
COMMUNITY STRATEGIC AND MANAGEMENT PLAN REPORT

15

GOAL 1: To Facilitate Ecological and Economical Sustainable Development in the Shire

1.1 Kempsey Corridor Master Plan

SUMMARY

Reporting that the Draft Kempsey Bypass Corridor Master Plan has been prepared for the purposes of public exhibition.

RECOMMENDATION

That the Draft Kempsey Bypass Corridor Master Plan be placed on public exhibition for a 28 day period.

RECOMMENDATION IMPLICATIONS

Environmental: The Kempsey Corridor Master Plan provides for improvements to the natural and cultural environment of the towns and villages along the corridor route through a master planned approach to future asset and facility delivery across the public domain.

Social: The approach of the Kempsey Corridor Master Plan ensures that the social dimension of town and village communities is reinforced and protected through sound urban design practice and effective community engagement.

Economic (Financial): The Kempsey Corridor Master Plan seeks to develop a renewed local economy by establishing a context whereby local business can operate effectively and confidently post Bypass.

Policy or Statutory: The Kempsey Corridor Master Plan provides a comprehensive framework whereby Council can direct desired outcomes on a range of matters related to planning, urban design, community engagement and economic development for communities affected by the Kempsey to Eungai deviation of the Pacific Highway.

REPORT DETAILS

Background

The Kempsey Corridor Master Plan is the result of an extensive community consultation process that was launched by Council in September 2011. The Master Plan process is a key action under Council’s Kempsey Bypass Strategy adopted in May 2011. The Bypass Strategy sought to provide the community with a level of certainty in the wake of the opening of the South Kempsey to Frederickton stage of the upgrade of the Pacific Highway then scheduled for mid-2013.

The Corridor Master Plan

The Kempsey Bypass Strategy identifies the master plan as a key document underpinning upgrades and improvements to the Kempsey town centre, South
Kempsey and Frederickton likely to occur as a result of the relocation of the Pacific Highway. The consultation programme undertaken by Council throughout the process was a genuine vehicle for the communities directly affected by the bypass to participate in the planning and design process affecting their town and villages.

To this end Council maintained a clear line of communication with the local communities throughout the process and organised numerous meetings with the local residents, businesses and the Chamber of Commerce in an effort to consult as widely as possible.

Numerous presentations have also been made to a diverse range of organisations that include NSW Roads and Maritime Services, the Kempsey Bypass Alliance, NSW Trade and Investment, Kempsey Chamber of Commerce, and the Northern Region chapter of the Planning Institute of Australia, with the aim of fostering a greater understanding of the approach Council was taking in preparing for a post bypass community.

Importantly, given the community based nature of the programme, it is imperative that the finished document is understandable to the community. Hence the format of the document follows a narrative path that invokes the spirit of the local community - Our story, our place, our future

The Format

The draft master plan is designed to allow the reader to follow a clear route across five chapters covering the key processes involved in its development in a straightforward format, including:

- (Chapter 1 Inception) the background, structure and framework of the plan;
- (Chapter 2 Gathering) the engagement, consultation and various studies involved in developing the plan;
- (Chapter 3 Interpretation) describing the consultation outcomes and the key findings;
- (Chapter 4 Distillation) developing the principles for design and refining the community vision and,
- (Chapter 5 The Master Plan) describing the key projects to be funded and undertaken.

The draft Kempsey Corridor Master Plan aims to present in a clear and relatively uncomplicated manner, through graphic representation and text, the principle outcomes of the total 12 month cycle of consultation and planning, and to establish a course that allows Council to implement a series of urban infrastructure projects that will assist the community in making the transition to a post-bypass environment.

The Projects

The draft master plan outlines thirty projects of varying scope and type, to be undertaken along the corridor in a prioritised manner over a staged period of four years with a total estimated construction value of $5.5million.

The draft master plan outlines a staged approach to the construction programme with a proposed expenditure estimate of $1.87million in year 1 2013-14, $2.12million in 2014-15; $1.34 million in 2015-16 and $205,000 in the final stage 2016-17.

The scale and type of projects have been chosen and distributed with a sense of fairness and equitability in mind, with the key projects associated with town and
village centre revitalisation being proposed for construction over Years 1 and 2, following the framework of the five precincts established in the Bypass Strategy.

A summary of the projects in terms of location, delivery and estimated construction costs is included at [Appendix A - Page SE1].

The completion of the draft Kempsey Corridor Master Plan provides Council with an opportunity to place the document on public exhibition to enable the community to participate further in the development of a comprehensive urban infrastructure plan for the communities of South Kempsey, Frederickton and Kempsey.

To progress this, it is recommended the draft master plan be placed on public exhibition for a 28 day period and be made available at Council Libraries and at Council’s Customer First desk. Further, the document will be placed on Council’s website and made available for download.

1.2 Proposed Boundary Adjustment at Clybucca File: T6-12-189

SUMMARY

Reporting that Council has received a Development Application for a boundary adjustment at Clybucca that requires support of a State Environmental Planning Policy (SEPP) No. 1 objection seeking a variation to Clause 16(1)(a) of the Kempsey Local Environmental Plan (KLEP) 1987.

REPORT DETAILS

Applicant: Jason Mainey
C/- M W Rogers & Associates
Subject Property: Lot 1 DP378025 and Lot 67 DP752409
661 Plummers Lane, CLYBUCCA
Zone: 1(a3) (Rural "A3" Agricultural Protection Zone)

RECOMMENDATION

A That the use of SEPP 1 to vary the provisions of Clause 16(1)(a) of the Kempsey Local Environmental Plan 1987 be supported; and

B That consent be granted subject to the following conditions:

PARAMETERS OF THIS CONSENT

1 Development is to be in accordance with approved plans

The development shall be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

<table>
<thead>
<tr>
<th>Plan No./ Supporting Document</th>
<th>Version</th>
<th>Prepared by</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>PLAN OF LOTS 1 DP 378025 &amp; 67 DP 752409 REF</td>
<td>-</td>
<td>M W ROGERS &amp; ASSOCIATES</td>
<td>22/11/2011</td>
</tr>
</tbody>
</table>
In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

2 No works approved as part of this consent. This consent is for boundary re-alignment only. No physical works are approved under this consent.

3 Plan of Subdivision and Section 88B Instrument requirements
Prior to the issue of a Subdivision Certificate an application for a Subdivision Certificate shall be made with Council, on the approved form and including appropriate fees. Seven (7) copies of the plan of subdivision shall be submitted with the application for a subdivision certificate. The location of all buildings and/or other permanent improvements including fences and internal access driveways/roads must be indicated on 1 of the copies.

Council shall not release the Subdivision Certificate until all the above plans and documents have been submitted and are to the satisfaction of Council.

RECOMMENDATION IMPLICATIONS

Environmental: The proposal will not have any significant environmental impacts.

Social: Nil

Economic (Financial): Nil

Policy or Statutory: The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979. Council can assume the Director of Planning’s concurrence in varying clause 16(1)(a) of the KLEP 1987.

Proposed Development

The proposal is for a boundary adjustment between two existing allotments, Lot 1 being approximately 13.74 hectares and Lot 67 being approximately 25.3 hectares (Appendix B - Page SE2). Lot 1 contains a dwelling currently under construction. A SEPP No. 1 objection has been made to vary Clause 16(1)(a) of the KLEP 1987 for proposed Lot 1 is to have an area of approximately 14.44 hectares and proposed Lot 2 is to have an area of approximately 25.6 hectares, both being less than the required forty (40) hectares.

Heads of Consideration

The matter has been assessed in accordance with the Heads of Consideration as identified by Section 79C (1) of the Environmental Planning and Assessment Act.
1979, with the following matters of particular relevance.

**Kempsey Local Environmental Plan 1987 (KLEP 1987)**

Clause 16(1)(a) of the KLEP 1987 allows subdivision of land within zone 1(a3) with the minimum allotment size of forty (40) hectares. The proposal requires a variation to Clause 16(1)(a) as proposed Lot 1 is to have an area of approximately 14.44 hectares and proposed Lot 2 is to have an area of approximately 25.6 hectares.

Clause 56 of the KLEP 1987 requires Council to consider the impacts of the proposal on any acid sulfate soils. The site potentially contains Class 2 and 3 acid sulfate soils, however the boundary adjustment requires no excavation works therefore no acid sulfate soils will be disturbed.

The proposal is consistent with all other relevant objectives and controls of the KLEP 1987.

The proposal is not contrary to any State Environmental Planning Policy or the North Coast Regional Environmental Plan.

**State Environmental Planning Policy No. 1 – Development Standards**

The Development Application is supported by a SEPP No. 1 objection seeking a variation to Clause 16(1)(a) of the KLEP 1987 which requires each lot created by subdivision to have an area not less than forty (40) hectares ([Appendix C - Page SE3](#)).

A summary of the applicant’s SEPP No. 1 objection is as follows:

1. Both existing lots are currently less than forty (40) hectares, and no additional lots or dwelling entitlements will be created.
2. Area of land to be changed is minimal (0.7 hectares) and it does not alter the pattern of holdings in the area.
3. Agricultural uses retained, no visual changes, no development – e.g. buildings or other works proposed.
4. Lot 67 is currently split by Plummers Lane. This will be changed and existing access arrangements will be legalised.

It is recommended that the SEPP No. 1 objection be supported by Council for the following reasons:

1. Both existing lots are currently less than forty (40) hectares, and no additional lots or dwelling entitlements will be created.
2. The proposed variation is consistent with existing pattern of development in the area.
3. The proposed variation to Clause 16(1)(a) would not hinder the attainment of the aims and objectives of the KLEP 1987 and the 1(a3) zone, not impacting on the existing viability of the land for agricultural pursuits.
4. The proposed variation to Clause 16(1)(a) will not set an undesirable precedent for the reasons given above and in the body of this report.
Bushfire

The proposed development is located on partly bushfire prone land and as such the proposal is integrated development under Clause 91 of the Environmental Planning and Assessment Act 1979.

Concurrence has been granted NSW Rural Fire Service and a “bushfire safety authority” approval granted under the Rural Fires Act 1997 with no specific conditions.

Flooding

The land is considered flood prone but as no additional lots or dwelling entitlements are created it complies with Council’s Flood Policy.

1.3 A New Planning System for NSW – Green Paper

SUMMARY

Reporting that submissions have been invited in respect to A New Planning System for NSW – Green Paper.

RECOMMENDATION

That a submission be made in respect to A New Planning System for NSW – Green Paper in accordance with the matters raised in the following report.

On 14 July 2012, the NSW Government released A New Planning System for NSW – Green Paper (Green Paper). Submissions initially were to close on 14 September 2012 which was extended to 5 October 2012.

The following report provides a precise of the Green Paper and the key issues of relevance to Council. Whilst the report relates to the proposals contained in the Green Paper, the report also draws on an additional report of over 300 pages from the Co-chairs who undertook the review “The Way Ahead for Planning in NSW – Recommendations of the NSW Planning System Review – Volume 1: Major Issues; Volume 2: Other Issues” (The Way Ahead) which provides greater background to the issues and proposals raised in the Green Paper.

The framework on which the new system will be based is comprised of four fundamental reforms:

Community Participation - The major shift in the new planning system is to engage communities as an integral part of making key planning decisions that will affect their growth.

Strategic Focus - A major shift to evidence based strategic planning in terms of planning effort, community and stakeholder engagement and decision making.

Streamlined Approval - A shift to a performance based system in which duplicative layers of assessment have been removed, decisions are fast and transparent, and code complying development is maximised.
**Provision of Infrastructure** - Integration of planning for infrastructure with the strategic planning of land use so that infrastructure that supports growth is funded and delivered.

The following table sets out the main strategies within the four fundamental reform areas that the Green Paper is proposing and strategies relating to delivery of planning.

<table>
<thead>
<tr>
<th>Community Participation</th>
<th>Strategic Focus</th>
<th>Streamlined Approval</th>
<th>Provision of Infrastructure</th>
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</thead>
<tbody>
<tr>
<td>Effective community participation in planning at the strategic stages</td>
<td>Increased emphasis on strategic planning as the basis for all planning outcomes and to remove duplication</td>
<td>Faster and less complicated Development Approval as issues are resolved strategically</td>
<td>Linking planning and delivery of infrastructure to strategic planning for growth</td>
</tr>
<tr>
<td>1. Public Participation Charter to require the appropriate level of community participation in plan making and development assessment</td>
<td>5. NSW Planning Policies replace SEPPs and Section 117 Directions and provide practical high level direction</td>
<td>10. Depoliticised decision making with development decisions streamed to independent experts</td>
<td>16. Contestable infrastructure to enable greater private sector participation</td>
</tr>
<tr>
<td>2. Strategic community participation to enable effective and early community participation</td>
<td>6. Regional Growth Plans to align strategic planning with infrastructure delivery</td>
<td>11. Strategic compliance to allow development that complies with strategic planning to proceed</td>
<td>17. Growth Infrastructure Plans to link strategic plans with infrastructure provision</td>
</tr>
<tr>
<td>3. Transparency in decision making to increase public access to the evidence base for decisions</td>
<td>7. Subregional Delivery Plans that affect immediate changes to zones, are based on evidence in Sectoral Strategies and linked to Growth Infrastructure Plans</td>
<td>12. Streamlined state significant assessment to deliver major projects sooner</td>
<td>18. Affordable infrastructure contributions to provide a fairer and simpler system to support growth</td>
</tr>
<tr>
<td>4. Information technology and e-planning to simplify and improve community access to planning information and processes</td>
<td>8. Local Land Use Plans with strategic context and performance based development guidelines</td>
<td>13. Smarter and timely merit assessment with requirements matching the level of risk</td>
<td>19. Public Priority Infrastructure to streamline assessment for major infrastructure delivery</td>
</tr>
<tr>
<td>9. New Zones to capture investment opportunities and preserve local character</td>
<td>14. Increasing code assessment to reduce transactions costs and speed up approvals for complying development</td>
<td>15. Extended reviews and appeals to increase the accountability of decision makers</td>
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</table>
### Community Participation

The Green Paper proposes:

- Engaging the community early at the strategic planning stages in setting overall planning outcomes for an area;
- Decision making to be evidence based within a clear strategic context;
- Making decisions more transparent by making planning information readily accessible and clear and
- Requiring public tracking and notification of decision making processes and the public reporting of timeframes.

Four changes are proposed to engage the community in the decision making process:

**Change 1 - A Public Participation Charter** - to require appropriate community participation to occur in plan making and development assessment. It is proposed that the Charter will set standards for community participation, depending on the planning issue under consideration.

The Way Ahead flags potential options such as:

- charrettes (a charrette (sometimes called an enquiry by design) typically involves intense and possibly multi-day meetings, involving municipal officials, developers, and residents.)
- citizen juries
- professionally conducted focus groups (using proper sampling techniques to ensure the group membership is indicative of the general population)

and recommends the development of “Best Practice” guidelines to include explanations of how alternative community consultation processes might be utilised in plan development.

**Comment**

1. The intent of this change is supported, however, greater detail is required as to the actual mechanisms for increasing public participation, given that the current Act prescribes requirements for public participation in LEP and DCP preparation, as well as for certain types of development. Current “Best Practice” has failed to achieve the level of community engagement seen as required. The cost to local government of introducing such methods needs to be commensurate with the scope of the proposal being considered. It is also noted that increased public access to information is occurring independent of any Government policy via increased capacity of mobile devices.

**Change 2 - Strategic community participation** – in the early strategic planning stages in the setting of the overall planning outcomes for an area.

<table>
<thead>
<tr>
<th>Community Participation</th>
<th>Strategic Focus</th>
<th>Streamlined Approval</th>
<th>Provision of Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Delivery Culture</strong></td>
<td><strong>20. Chief Executive Officers Group</strong> to provide a whole of government approach to implementation</td>
<td><strong>21. Regional Planning Boards</strong> to oversee regional and subregional strategic plan making</td>
<td><strong>22. Mandatory performance monitoring</strong> to publicly track performance towards achievement of strategic plans at all levels</td>
</tr>
</tbody>
</table>
Comment
2. Other than stating that communities, NSW Government agencies, Local Government and stakeholders will be genuinely engaged in the development of Subregional Delivery Plans, no details of the intended method of engagement is provided, which is critical and needs to be included in the White Paper. (see “Strategic Focus”)

3. Any proposals relating to public participation in the making of Environmental Planning Instruments (currently SEPPs and LEPs) should apply equally to any NSW Planning Policies, which currently is not the case. (see “Strategic Focus”)

Change 3 - Transparency in decision making - through:
- Evidence based decision making with full community participation
- A clear strategic context for decisions and a clear line of sight through the hierarchy of plans
- Readily accessible planning information with plans at all levels written in plain English
- Public tracking of the decision making processes and public reporting of time frames.
- Streaming planning decisions to appropriate independent and expert panels (see “Depoliticised Decision Making”)

Comment
4. The paper states that planning decisions will be evidence based, not political which will be achieved through the preparation of Sectorial Strategies. Whilst the principle is supported, it does appear to represent any significant change to the existing system and is contradicted by some elements of the proposed development assessment system. (see “Development Assessment and Compliance”)

Change 4 - Use of information technology and electronic planning - The community will be able to access planning information and decision making through use of electronic planning, notification and engagement tools.

Comment
5. The increased use of online services and access to information builds on e-planning initiatives already being introduced and also reflects the general increase in access to the internet via mobile devices. However, to achieve this aim, the Government needs to establish an IT platform that all Councils can access.

6. The introduction of this technology may have significant financial cost implications for Council and consideration of how this will be funded should be considered in the White Paper.

Strategic Focus

The new system will be based on strategic planning at the regional, subregional and local levels with structural changes to be made to remove complexity and duplication via changes to NSW Planning Policies, Regional Growth Plans, Subregional Delivery Plans, Local Landuse Plans and New Zones.

The Way Ahead recommends consolidation of all levels of plans into an electronic-based unitary planning document containing the following elements:

- all relevant State controls
- mandatory local controls (through the statutory Local Land-Use Plan for the local government area within which the land is located)
- the full range of relevant detailed controls in the relevant Development
Control Plan

The Green Paper proposed five changes to the strategic planning system:

**Change 5 – NSW Planning Policies** - All SEPPs and Section 117 Directions will be repealed and replaced with 10 – 12 NSW Planning Policies covering issues including:

- Housing Supply and Affordability
- Employment
- Biodiversity Conservation
- Agricultural Resources
- Mining and Petroleum Extraction
- Coastal Management
- Retail Development
- Tourism
- Regional Development
- Infrastructure

**Comment**

7. This change is supported provided Regional and Subregional Plans are not used to impose statutory controls which would defeat the purpose of the reform.

8. The recommendation in the Way Ahead for Planning in NSW relating to creation of an electronic-based unitary planning document has merit and the intention of the Government to consider this in conjunction with the review is supported.

**Change 6 – Regional Growth Plans** - The Green Paper proposes that regional level strategic planning will be strengthened with an improved evidence base, strong links to infrastructure delivery, increased community and stakeholder engagement, and performance based implementation.

Regional Growth Plans will provide the principal direction on growth within a region over a 20 year period. Regional Growth Plans will not be statutory instruments. Regional Growth Plans will:

- Be based on the goals and targets within NSW 2021—A Plan to Make NSW Number One and the NSW Long–Term Transport Master Plan and the State Infrastructure Strategy.
- Include a range of population growth scenarios with the current rate of population growth to be used as the baseline
- Use market and feasibility data to determine the likely pattern of development in the future.
- Incorporate spatial interpretation of planning outcomes required to support growth, based on the NSW Planning Policies.
- Include detailed key actions required to provide for housing supply and affordability, employment, urban renewal, natural resources, biodiversity conservation and other areas of regional focus.
- Consider cumulative impacts in setting the parameters for growth and change.
- Have clear accountabilities for delivery and annual reporting of performance including implementation of actions and a requirement for review every five years.
- Be reviewed every 5 years.

**Comment**

9. Although it is not intended to make Regional Growth Plans statutory
instruments, part of the “culture of change” within the Department needs to address the practice of using non-statutory plans such as growth strategies as de facto statutory instruments by refusing to consider proposals that depart from strategies.

10. As suggested by their name, Regional Growth Strategies should apply the NSW Planning Policies in a regional context and:
   a. not be prescriptive in nature,
   b. reflect localised issue, and
   c. Not be adhered to rigidly when innovative solutions can be demonstrated to meet the Planning Policies goals.

**Change 7 – Subregional Delivery Plans** - The Green Paper proposes to fundamentally transform the role and function of subregional planning to ensure the effective and timely implementation of strategic planning at the local level.

The Green Paper notes the lag between the Government preparing region strategies and the time taken by local government to amend its planning controls to be consistent with a regional plan.

Subregional Delivery Plans are proposed to address this lag by:

- Directly rezoning land in key areas avoiding, where possible, the need for local plans to be separately and continuously be amended
- Providing a framework for code based assessment in key areas for subsequent development
- Consolidating NSW Government agencies requirements for development in the subregion in a timely manner, thereby reducing subsequent referral and concurrence requirements
- Linking subregional planning to infrastructure planning and delivery, ensuring that communities that are planned to grow can expect support through infrastructure investment.

**Comment**

11. The need for total transparency is paramount in order to avoid potential for corruption or a perceived abuse of process in cases where developers seek to circumvent the Local Land Use plan making process through rezoning using Subregional Plans.

With respect to Local Government, the Green Paper describes it as being a “key participant” in the making of Regional and Subregional Plans. In this regard, it is considered that where a council makes a submission, the plan should not proceed unless all matters have been specifically addressed in the same manner that councils are required to consider matters raised by Government agencies when preparing LEPs. Where any matter raised by a council is to be set aside or where a council submission is by way of an objection, the Planning Assessment Commission (PAC) should be required to hold a public hearing, with any subsequent report to the Minister to be available to the public.

12. The Green Paper suggests that LGAs may wish to “trade” their allocated growth with other regional growth areas, which indicates that the Government will use Subregional Plans to allocate growth regardless of the aspirations of smaller communities that may wish to grow in order to increase incomes and economic activity. Although no growth areas have yet been identified, the concern is that Subregional plans will be used to justify investment in regional growth areas such as Port Macquarie and Coffs Harbour at the expense of smaller LGAs such as Kempsey. Councils should retain the right to veto a Subregional Plan which can only be overridden by the Minister following a
public hearing by the PAC with all reports and reasons to be available to the public. Without such a right it is difficult to see Councils taking a “lead role” in preparing Subregional Plans if their concerns are ignored, or not considered in a structured manner.

**Change 8 – Simplifying Local Land Use Plans (LLUPs)** - The Green Paper proposes to reform local planning by moving away from rigid development controls to local plans that provide strategic context and deliver fast, merit-based planning decisions with strategically based development standards and guidelines. The changes proposed are:

- An upfront focus on providing a clear explanation of the strategic intent of the plan
- Integration of future land use and local infrastructure provision
- Guidance on desired development standards, with a focus on merit based assessment
- Full delegation to councils to undertake amendments to plans that are consistent with *NSW Planning Policies*, applicable *Regional Growth Plans* and *Subregional Delivery Plans*
- No concurrence and referrals as key issues will be addressed at the regional or subregional level (except in exceptional circumstance)
- Provisions to ensure performance is monitored
- Allowing for development that is consistent with the strategic plan to proceed in a timely and straightforward manner, and
- Development that seeks to exceed base standards can still be approved based on its merits in the context of plan objectives.

**Comment**
13. Whilst the notion that LLUP and DCP standards should be used as guidance and not viewed as prescriptive controls is supported, there needs to be a mechanism to ensure merit assessments are undertaken transparently. It is suggested that this is best achieved by setting development standards, with each standard to be accompanied by an objective or purpose. Strict compliance with these standards should ensure that proposals can be considered as Code Complying Development. Where strict compliance with numerical standards is not achieved, proposals should be the subject of a merit-based assessment with the onus placed on the proponent to demonstrate that the underlying objective or purpose of the relevant standards will be met.

**Change 9 – New Zones and Greater Flexibility Within Zones** - The Green Paper proposes to introduce three new zones:

- **Enterprise Zone** - to capture investment opportunities will be characterised by very little, if any, development controls providing they do not result in any significant adverse environmental impacts.
- **Future Urban Release Zone** - to provide a clear indication of a Council’s intention to provide housing in designated greenfield locations over time, but does not necessarily require immediate infrastructure coordination and delivery.
- **Suburban Character Zone** - that can be applied to an area that will explicitly preclude development that adversely impacts on the existing local character, such as by excluding medium or higher density development.

**Comment**
14. The intent of the new **Enterprise Zone** is supported and will complement the work being undertaken in the Highway corridor from South Kempsey to Frederickton to provide greater flexibility for businesses wishing to establish
or adjust to the Bypass.

15. The *Future Urban Release Zone* is also supported and may assist in preventing sterilisation of land identified for future release due to changing legislative and policy changes and provide greater certainty.

16. The current targets for medium density development and the inclusion of medium density development as Code Complying Development make it unclear as to how often and how widespread *Suburban Character Zones* would be able to be.

Any proposal to restrict an area to a single type of development needs to consider the impact of restrictions on affordability and existing infrastructure financing models, which often rely on a certain level of development being achieved.

**Streamlined Approval**

Development that is consistent with a strategic plan will be able to proceed in a timely and straightforward manner, whilst other development will be assessed on its merits against strategic outcomes. Code Complying Development will be maximised and where more detailed assessment is needed, the level of assessment will match the level of impact.

Six changes are proposed for streamlining the development assessment process.

**Change 10 – Depoliticising decision making** - The Way Ahead report recommends that elected councils retain their powers to determine applications with Best Practice guidelines to be developed in conjunction with the LGSA on the desired level of delegations with encouragement to delegate powers to independent panels.

The Green Paper seems to be more focussed on a fundamental shift in the planning system that will see decision making on development applications streamed to appropriate, independent, and expert decision makers. State and regional scale development will continue to be assessed by the Planning Assessment Commission and the Joint Regional Planning Panels. The Government is proposing that all councils adopt the use of independent experts to determine development applications.

<table>
<thead>
<tr>
<th>DEVELOPMENT TYPE</th>
<th>DECISION MAKER</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Significant Infrastructure</td>
<td>Minister for Planning and Infrastructure</td>
</tr>
<tr>
<td>including Public Priority Infrastructure</td>
<td></td>
</tr>
<tr>
<td>State Significant</td>
<td>Planning Assessment Commission/Department of Planning and Infrastructure</td>
</tr>
<tr>
<td>Regional</td>
<td>Joint Regional Planning Panel</td>
</tr>
<tr>
<td>Local</td>
<td>Council General Manager and Staff Under Delegation/Local Expert Panel</td>
</tr>
<tr>
<td>Code Assessable</td>
<td>Council staff/Accredited Certifier</td>
</tr>
</tbody>
</table>

**Comment**

17. The intention of the Green Paper in respect to the elected council’s powers to determine DAs is unclear and needs to be clarified. If the intention is to remove all decision making powers from councillors, such a reform is likely to attract opposition from some elected councillors as it would transfer their decision making role on individual development applications to a Local Expert Panel, Under the proposal staff would continue to determine most DAs under
delegated authority. In considering its position in this matter, Council should have regard to the following: -

- In 2010/11, 93.2% of DAs were determined by Council under delegated authority, compared to a NSW average of 97%.
- The experience of councils that have opted for independent expert panels has been positive as it has allowed the elected councillors to focus attention on strategic planning and policy direction, which is consistent with councillor’s roles as set out by the Local Government Act, 1993. (See Right of Review for Rezoning and Merit Appeals)

18. Whilst there is reference to the possible establishment of a Local Expert Panel, there is a lack of information as to the possible make-up of the panel. In order to consider potential conflicts between the elected council and the panel, additional detail should be provided in the White Paper.

Change 11 – Strategic Compliance - The Green Paper proposes that a development that is consistent with a strategic plan that has been prepared with community involvement may proceed in a streamlined way. Towards achieving this objective, the Green Paper proposes:

- Greater focus on strategic planning to reduce the level of assessment required at DA stage.
- Removal of concurrence requirements at DA stage with agencies required to sign off at strategy stage. (It is noted that not all concurrences will be removed, however, the deemed agreement by agencies will be assumed after a specified period if no response is received.)
- Allowing development that is prohibited by a LLUP to proceed through the issuing of a Strategic Compatibility Certificate by the DG certifying that the proposal is consistent with a regional strategy.
- Providing for a review by a JRPP where a council is dissatisfied with the issuing of a Strategic Compatibility Certificate.
- The use of Subregional Delivery Plans to set code assessment standards, compliance with which cannot be used as grounds to refuse a proposal and which would override any inconsistent provisions of a LLUP.
- Merit assessments will be confined to issues not covered by pre-determined standards.
- Merit assessments will also apply to standards that require variation.

Comment
19. The intent of using Regional and Subregional Plans to streamline DA assessment will only be achieved if the Government is prepared to invest considerable resources into the preparation of the plans. The Green Paper indicates that these plans will be prepared in partnership with councils, for which Council will need to allocate significant resources in order to respond within intended timeframes. Without an increase in resources, Council may find itself disadvantaged in securing Subregional development quotas and Government investment in local public infrastructure.

20. The removal of concurrences is supported provided Government agencies are unequivocal in their sign off of strategic plans, by making any conditions of endorsement clear and unambiguous. Without such conditions, consent authorities will be left to interpret requirements on a DA-by-DA basis, thereby reducing the effectiveness of the reform.

21. The use of Strategic Compatibility Certificates is supported provided any objection a council may raise over a decision to issue a Strategic Compatibility Certificate to allow a development that is contrary to a LLUP, is the subject of a formal public hearing by a JRPP.

22. It should be mandatory that Strategic Compatibility Certificates cannot be issued in circumstances where LLUPs have been signed off as consistent with a Subregional Plan and where there has been no amendment to the
Subregional Plan since endorsement of a LLUP.

23. Any move towards Code Assessment against standards set in a Subregional Plan to override LLUPs needs to include a requirement that where a variation to a standard is sought, the onus is on the proponent to demonstrate that the proposal meets the underlying intention of the standard, which should be explicit in the Subregional Plan, and should require the implications of the impact of overriding the LLUP to be clearly set out and publicly available.

Change 12 – Reforming State Significant Development - The Green Paper proposes a suite of reforms to streamline assessment of state significant development including:

- State Planning Principles (See “Change 5”) to be considered as well as Section 79C general considerations.
- Consultants preparing Environmental Impact Statements (EIS) are to be drawn from an accredited panel.
- EIS’s to be streamlined and codified.
- Increased integration of approvals through use of agency teams
- Strategic level approval—enabling the approval of a concept plan and the design of individual approval regimes for subsequent stages once the overarching strategic level approval is in place.
- Matching the assessment to the stage of the development assessment process—focussing the assessment on matters that have not already been resolved strategically and ensuring that the information that is required to accompany an application matches with the complexity and stage of that application
- Case management— Using a case management approach for proponents, councils and other agencies, in order to deliver expected outcomes
- Streamlining Director General Requirements (DGRs) including standard DGRs for different types of development.

Comment

24. Accreditation of consultants to prepare EISs is strongly supported and should be extended to consultants having to be accredited to submit DAs at a local level.

25. The requirements for the content and format of EISs were previously specified in the EPA Regulation and should be reintroduced.

26. Matching assessment to the stage of development needs to be considered in the context of the whole development, not just impacts associated with individual stages. Whilst concept approvals can be used to address this, concept approvals should not be used as a means of merely identifying and deferring assessments to subsequent staged approvals.

27. A case management approach is already taken by councils and this is specifically directed to DoPI internal procedures for State Significant Development.

Change 13 – Smarter and timely merit assessment - The Green Paper proposes to speed up and improve development assessment by setting assessment timeframes, involving decision making panels early, and providing applicants the opportunity to redesign their proposal prior to a refusal. Proposed measures include:

- Matching information to the assessment stage – with only the information essential for planning assessment relating to the stage of the development being undertaken required to accompany applications instead of all information at the start of the process.
- Speedy assessments – increased accountability for decision makers with
  o alternative pathways where DAs are stalled at councils,
  o sanctions for continued inefficiencies,
o and the setting on benchmarks.

- Bringing JRPPs into the assessment process instead of only being involved in the final determination, including:
  o JRPPs being involved in pre-lodgements meetings or briefings or at least issue identification early in the assessment process
  o Regular briefings to the JRPPs between the council and the applicant so that the JRPP can hear both sides of the story
  o Provision of dedicated staff to the JRPPs to assist with having input into the assessment/determination interface.

- Adopting an “amber light approach” – by providing applicants with the opportunity to modify DAs rather than simply refuse them.

- Letting the market bear the risk – market viability will not be a relevant consideration in assessing DAs.

- Smart consent conditions - The Government will establish clear principles about the types of development consent conditions that are appropriate, ensuring that they do not duplicate other regulatory requirements and facilitate the development of standard conditions, possibly on a regional basis, so that there is consistency across councils.

The Way Ahead recommends the following assessment and determination periods to apply:

<table>
<thead>
<tr>
<th>Development type</th>
<th>Assessment and determination period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code assessable development</td>
<td>Ten working days.</td>
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<tr>
<td></td>
<td>• commencement of works or of the use is not to occur until five working days have elapsed after notification of approval and conditions have been given to the neighbours.</td>
</tr>
<tr>
<td>Merit assessable development</td>
<td>Forty-five working days.</td>
</tr>
<tr>
<td>Impact assessable development</td>
<td>Sixty-five working days.</td>
</tr>
<tr>
<td>State significant development, State significant infrastructure and Public benefit infrastructure</td>
<td>Eighty-five working days.</td>
</tr>
<tr>
<td></td>
<td>• Instead of an appeal to the Court against a deemed refusal of these proposal types, the proponent is to be entitled to require the Director-General to refer the matter to the proposed Planning Commission for hearing and determination.</td>
</tr>
<tr>
<td>Holiday period extensions</td>
<td></td>
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<tr>
<td></td>
<td>• If the Christmas/New Year holiday period falls within any assessment/determination period an additional ten working days is to be added.</td>
</tr>
<tr>
<td></td>
<td>• If the Easter holiday period falls within the assessment/determination periods, an additional five working days is to be added.</td>
</tr>
</tbody>
</table>

**Comment**

28. This reform is supported, however, reform of the current Part 4A (Building Certification) will also be required to provide greater separation between building code certification and matters needed to be satisfied prior to the issue of development consent. This was a feature of the pre-1998 reforms that councils sought to retain, whereby development assessment and building code certification procedures were under separate acts and subject to separate approvals. (See also Point 37)

29. No objection is raised to sanctions against councils that fail to consistently
meet fair benchmarks, provided other consent authorities (DoPI, PAC and JRPP) are subject to the same system, albeit with different benchmarks. However, any punitive actions should only be taken following an external review with Councils given the opportunity to respond.

30. No objection is raised to involving the JRPP in the assessment process, provided any costs associated with meetings or dedicated staff are met by the JRPP or by developers, where meetings are at their instigation. It is likely that the need for such involvement by JRPPs would be restricted to particularly complicated assessments.

31. It is noted that the “amber light” reform has always been the approach adopted by Kempsey Shire Council and therefore will have little impact on Council’s procedures.

32. Kempsey Shire Council has consistently avoided interfering with market forces through the DA process, unless such matters have planning implications for planned infrastructure, which is consistent with a string of Land and Environment Court decisions.

33. Council previously instigated a MIDROC project to commission a consultant to research and prepare a set of standard conditions for application across the MIDROC that represent Best Practice, including a review by a specialist legal practitioner. The proposed reform is consistent with this approach.

34. Whilst no objection is raised to the timeframes recommended by the Co-chairs, any system of monitoring should report separately on each category of development.

**Change 14 – Increasing the use of code complying assessment** - The Green Paper proposes to maximise the proportion of complying developments by introducing a new mechanism for considering variations from the standards for an otherwise compliant house, including:

- Developing strategic targets,
- Develop state-wide codes with possible regional variations,
- Expanding the type of developments to more development types,
- Expanding the use of the Electronic Housing Code, and
- Work with everybody to look to remove impediments to 10 day approvals
- A review of the building certification regulatory framework by the Building Professionals Board (BPB)

**Comment**

35. No objection is raised to increasing the use of code complying assessment for dwellings; however, the Government should set benchmarks and leave it to individual councils to determine the means by which the benchmark should best be achieved. It should be noted that Council previously revised its systems and adopted **DCP 30 – Exempt and Complying Development** that achieved up to 33% of approvals as Complying Development. Following introduction of the state-wide complying development Codes, Complying Development actually reduced to only approximately 15% due to the inability to include bushfire and flood prone land as Complying Development for which Council’s DCP had made adequate provisions. Rather than set complying development standards in Regional and Subregional plans, these strategic plans should be used to set targets that councils need to meet. This is consistent with the Government’s intention of providing policy direction to facilitate local innovations to achieve targets based on local conditions.

36. No objection is raised to extending the complying development codes to restricted commercial development and some medium density residential developments, subject to a mandatory requirement that a certificate be obtained from the council certifying that any applicable contributions have been paid. The onus should not be placed on councils to pursue contributions where Complying Development Certificates are issued without contributions having been paid.
37. As stated, many of the complexities of the current system resulted from the 1998 reforms which incorporated building certification into the planning system. Any review of the building certification system needs to separate development assessment, as far as possible from building certification. In this regard, development consents should be used to set parameters for environmental or design outcomes that need to be satisfied at building certification stage.

Change 15 – Right of review for rezoning and merit appeals – The Green Paper proposes:

- Matching information requirements to the assessment stage to be the subject of review by the PAC and JRPPs.
- Providing for reviews of decisions of councils relating to rezoning applications, including:
  - Pre-gateway reviews – where councils refuse or delay rezoning applications, a review by the JRPP may be requested.
  - Gateway reviews – where either the proponent or the council does not agree with DoPI's gateway determination, a review by the Director-General with advice from the PAC may be requested.
- Developer proposed “spot” rezonings – for proposals not provided for in strategies and LLUPs may be considered on merit with the JRPP to review applications refused by a council.
- Review of Strategic Compatibility and Site Compatibility Certificates – the DGs decision to either refuse or approve certificates may be reviewed by the JRPP.
- Review of DAs and modifications – existing 82A review provisions for DAs and modifications are to be retained and expanded. The review path for different processes are proposed to be:
  - Where decision was made by Department staff— Planning Assessment Commission to review
  - Where decision was made by elected council— Joint Regional Planning Panels to review
  - Where decision was made by council staff—a mechanism to be established where senior staff of the adjoining council(s) undertake the review —'jury duty' or establishment of a small appeals tribunal similar to the City of Sydney model
  - Where decision was made by Joint Regional Planning Panels or Planning Assessment Commission — no review mechanism
  - No review on Public Priority Infrastructure.
  - It is proposed that existing appeal rights under the Act be retained.

Comment

38. A mechanism to review the level of information requested by a council to assess a DA is supported and should be strengthened by a requirement for the DoPI to collate decisions and prepare regularly updated circulars relating to “Best-Practice” as determined by the JRPPs and PAC.

39. Although there is reference to “strict eligibility requirements” to allow for a review of a council’s decision to refuse a rezoning application, no details are provided. In this regard, there should be no provision, except spot rezonings for specific uses, to review a decision which relates to a use which is contrary to the LLUP or Subregional and Regional plans.

40. Reviews of gateway determinations should not be undertaken by the DG, rather by JRPPs or the PAC (consistent with 82A reviews) and should be subject to a meeting open to the public. Such a provision would maximise transparency and make the DG accountable in the same manner as councils.

41. The right to request a review of decisions of the DG to either issue or refuse to issue a Strategic Compatibility or a Site Compatibility Certificate should be open to councils as well as proponents.
42. No objection is raised to the JRPP reviewing decisions to refuse applications for spot rezonings, again, subject to the JRPP holding a meeting open to the public.

43. Elected councils should have the right to review decisions of senior staff, with a further review by staff of an adjoining council only available if the proponent is dissatisfied with the review of the elected council.

**Provision of Infrastructure**

Four changes are proposed in the new planning system to align the funding and delivery of infrastructure with strategic planning to support growth across NSW.

**Change 16 - Contestable infrastructure** - provision to enable greater private sector participation in the delivery of infrastructure that supports growth by:

- Embedding the principle of contestability into the core infrastructure planning and delivery process to maximise innovation, diversity, choice and best value
- Subjecting all stages of infrastructure concept, design, construction and operation, to full contestability
- Minimising cost, maximise efficiency and encourage innovation in the planning and delivery of infrastructure through performance based planning
- Enabling processes for transparent and ethical consideration of unsolicited proposals from developers on innovations (including planning agreements) to accelerate housing related and other infrastructure
- Using special purpose vehicles to drive more innovation including in-kind contributions to deliver more of our infrastructure requirements.
- Voluntary Planning Agreements (VPAs) to be phased out or modernised.

**Comment**

44. Whilst contestability for design, construction and operation of major stand-alone infrastructure projects such as tollways, communication facilities and even water and waste water plants is understood, it is difficult to envisage a situation where such proposals would be feasible in regional areas, including larger regional centres, given the dispersed pattern and smaller scale of development.

45. Good controls need to be in place for infrastructure that is handed back to local government and if it is intended to increase the involvement of private industry mechanisms need to be in place to ensure quality and warranty issues do not become a burden on the council.

46. VPAs currently provide a vehicle for in-kind contributions and Council’s current Section 94 plans also allow for in-kind contributions, including a transparent methodology for how they are assessed and accounted for. VPAs should be retained as an option to allow broader off-sets provided there are clear guidelines for determining the material public benefit.

**Change 17 - Growth Infrastructure Plans** to link strategic planning with infrastructure planning and provision, hence strengthening certainty and accountability for delivery. GIPs will:

- Develop an evidence base with a subregional snapshot of current planning and infrastructure issues
- Identify current and future infrastructure needs in concert with subregional planning processes
- Develop infrastructure delivery program and prioritise capital allocation
- Appoint Growth Infrastructure Plan Delivery Managers to monitor, coordinate and troubleshoot on issues that impact on the timely delivery of infrastructure in the catchment.
Comment
47. The failure to link infrastructure provision to strategic planning remains a key criticism of the Mid North Coast Regional Planning Strategy. This issue is key to successful strategic planning. The Government’s sign off on any Regional and Subregional strategies needs to include a detailed list of infrastructure projects required to support the strategy, including the amount and intended funding source, not merely an “early Government commitment” as proposed.

48. Regional and Subregional Strategies need to also include the social and economic impacts of infrastructure investment on smaller regional towns and not concentrate investment and growth in the larger regional centres.

Change 18 - Fairer, simpler system of infrastructure contributions - to support the rapid supply of housing and improve affordability. New principles for infrastructure levies include:

- Levies should be based on the principle of contributing to cost recovery
  - Levies must be competitive with comparable markets in other jurisdictions
  - Levies must not compromise housing affordability or inhibit housing delivery
  - The ‘beneficiary pays’ principle and the principle of ‘avoidable cost’ suggested by the productivity commission and in the Henry Tax Review should apply in appropriate circumstances
  - Levies should demonstrate an element of ‘cost reflectivity’—demonstrating that the provision of infrastructure in some areas is higher than others, and the levies should reflect at least some of that cost
  - Levy contribution should spread costs to the broadest base of beneficiaries including over time where possible
  - Levy framework should avoid any unnecessary concentration of costs on consumers
  - Levy system should support contestability
  - Levy system should encourage providers to cater for a diverse range of market expectations and demands for infrastructure and services
  - Some cross–subsidisation of infrastructure costs can occur where there is a government or council policy decision to concentrate growth and therefore costs in a particular area or costs arise as a result of general population growth
  - There must be a clear, transparent link between levy revenue collection and infrastructure programming and delivery
  - Levy revenue must not be hoarded or banked to consolidate an authority’s fiscal position
  - Levy framework must be transparent and be able to be implemented efficiently.

- The Green Paper also provides for regional contributions for regional open space, roads and drainage.
- The new framework for development contributions will provide for payment of levies as late as practically achievable in the development process.

In respect to Local infrastructure Plans, the Way Ahead recommends that:
- Councils be required to submit draft Local Infrastructure Plans (or amendments to them) to the Director-General of the Department of Planning and Infrastructure for review.
- The Director-General may modify any such plan.
- If the Director-General modifies a plan, the council may request the proposed modification be referred to the Planning Commission for determination.
- A Planning Commission determination on a Local Infrastructure Plan is to be treated as would an application for a project determination.
Comment

49. Most of the key principles are already contained in the existing system related to cost recovery, user pays, cross-subsidisation and transparency. Unless a developer levy-based system is replaced with a broader taxation-based revenue collection system, there will inevitably be some cost impost affecting affordability. Whilst the impact of developer contributions needs to be considered, the Government also needs to undertake a concurrent review of the State taxation system, including Rate Pegging, as alternative sources of funding will be required if the full cost of providing infrastructure for new development is not recouped from developers.

50. It is unclear as to whether it is intended to benchmark contributions against “comparable jurisdictions” which is inherently difficult, both within the State (metropolitan versus regional versus coastal regional) and against other states where different systems apply.

51. Whilst no objection is raised in principle, regional contributions (to be held by the government) should not be included in any cap on local infrastructure contributions.

52. It should be noted that regional contributions will result in increased costs to developers outside the larger regional centres, who will face an additional levy. When added to the higher cost of developing infrastructure for smaller populations, this may increase the imbalance between the cost of development in smaller and larger centres of population.

53. Kempsey Shire Council has a system by which contributions for subdivisions can be deferred until transfer of individual allotments via a Deed of Agreement to pay the required contributions (indexed) which is registered as a Caveat on the englobo allotment and carries onto each allotment created by subdivision. The Caveat acts as a bar to transfer of title, removable by satisfying the terms of the Deed. The practice is not widespread, however, other councils in the MIDGOC have been provided with details of the system to consider implementing. Deferral of contributions for other types of development is problematic due to the administrative and legal cost burden of enforcement proceedings once a building is occupied or a development has commenced.

54. Any requirement for Local Infrastructure Plans to be agreed to by the DG is opposed and is contrary to the thrust of the reforms to plan strategically. The role of the Department should be to provide policy direction and publish Best Practice guidelines for local councils to adapt to their local conditions. It is further noted that the ability to seek a judicial review of the reasonableness of contributions will be retained and will continue to inform practitioners in respect to Best Practice.

Change 19 - Public Priority Infrastructure - to streamline assessment for major infrastructure delivery and provide upfront certainty accounting through:

- Improved community participation early in the planning process.
- Early certainty for the community, industry, planning, financing and land acquisition that the project will proceed.
- Faster delivery of infrastructure benefits to the community and the economy.
- Greater opportunity for private sector involvement to improve innovation in design.

To deliver this new framework, the Green Paper proposes 9 key elements including:

- Integrated and strategic assessment of the State’s infrastructure needs, including publication of Regional and Subregional Growth Plans that identify and prioritise Public Priority Infrastructure projects
- Early Government commitment to delivery of Public Priority Infrastructure
projects, aligned with Cabinet and Treasury gateway and budget allocation processes

- Early project definition phase that will include publication of a clear *Project Definition Report* (containing a business case) and a *Project Environmental Management Statement*
- Early and coordinated engagement of relevant government agencies so they can meaningfully input into project design considerations
- Effective community participation at various phases including project development and detailed design phases
- Early engagement with industry after the project definition phase, allowing innovations and ideas that may be critical in project development and delivery
- Use of plain English guidelines
- Avoiding multiple approvals and applying an outcomes focussed approach to assessment requirements and approval conditions
- More effective use of auditing and monitoring processes

**Comment**

55. Early Government commitment to fund priority infrastructure projects without explicit endorsement of a detailed list of infrastructure projects and funding sources in Regional and Subregional plans is insufficient. Regional and Subregional plans should not be introduced unless they are accompanied by a Growth Infrastructure Plan which identifies and commits the source of funding for required infrastructure.

56. Agreement from all councils in a Subregion to which priority infrastructure relates, including any contributory or incidental funding required from councils, should be obtained prior to commitment to the project and approval of Subregional plans.

**Delivery Culture**

To improve the delivery of the planning system, four governance changes are proposed:

**Change 20 – A Chief Executive Officer’s Group** - The NSW Government will establish a formal NSW CEO Group with clear accountability for the delivery of approved strategic plans, including infrastructure coordination and provision across the State. Key functions of the CEOs Group would include:

- Overseeing the whole of government input into the preparation of growth plans, planning policies and standards to secure a coordinated integrated outcome
- Signing off at the relevant strategic level on agencies relevant statutory requirements as applicable
- Ensuring the integration and services in the strategic plans
- Coordinating implementation, delivery and monitoring.

**Comment**

57. This reform is strongly supported and is critical to the success of the reforms. It is assumed each relevant minister is committed to the reforms as a lack of commitment was the reason the previous Plan First reforms aimed at integrating development related agency approval functions failed.

58. If the NSW Government is looking at a true “whole of government” approach provisions should be for a representative of local government practitioners to be on the NSW CEOs group. Local government is a key partner in planning.

**Change 21 - Regional Planning Boards** - The key functions of Regional Planning Boards would include:

- Providing advice on the formulation and implementation of growth strategies,
local land use plans, planning guidelines and practices

- Providing an independent transparent source of advice to the Director General of Planning and Infrastructure and the Minister for Planning and Infrastructure on the functioning of the planning system and the adoption of growth plans at the regional and subregional levels.

Membership of the Regional Planning Boards would include:
- Independent local chair
- Key stakeholders with relevant experience (e.g. Catchment Management Authorities)
- Representatives of local government
- Ex officio members representing relevant NSW Government agencies.

**Comment**

59. This reform is supported as current models for regional coordination are lacking, however, greater detail relating to criteria for local government representation is required.

**Change 22 - Mandatory Performance Monitoring** - The Green Paper proposes the introduction of regular and mandatory performance measurement for strategic planning at all levels, with requirements to be embodied in the new Act.

**Comment**

60. Whilst this reform is supported, input from councils should be sought in the preparation of the proposed guidelines and in setting KPIs.

**Change 23 – Planning Culture** - The Green Paper proposes organisational reform to resource strategic planning and to improve the culture of the planning profession at all levels.

**Comment**

61. Noted, however, the culture that the Green Paper is critical of stems from the prescriptive, repetitive and bureaucratic legacy of the existing planning system perpetuated by successive State governments.

### 1.4 Councils On-Site Sewage Management Strategy

**SUMMARY:**

Reporting on Council’s On-site Sewage Management (OSM) Program.

**RECOMMENDATION**

That Council endorse the changes to the On-Site Sewage Management Strategy program to include funding of risk and land capability mapping and legal matters.

**RECOMMENDATION IMPLICATIONS**

**Environmental:** The inspection program will give greater health outcomes and reduce cumulative environmental impacts along with an improvement of water quality within the Macleay catchment.

**Social:** Failing septic systems pose a threat to the health of all residents within the
Shire and can cause conflict between residents. The OSM program aims to see improvements in the monitoring of septic systems within the Shire and therefore lessen the risk of septic failure.

**Economic (Financial):** The system will be an entirely self-funded program and not draw from Council’s general fund.

**Policy or Statutory:** All septic systems within Kempsey Shire must comply with the following; Council’s DCP 32 – OSMS Strategy, Sections 68 and 124 of the Local Government Act 1993, and the Local Government (General) Regulation 2005.

**REPORT DETAILS**

**Background to On-site Sewage Management Strategy Program**

On-site Sewage Management reforms were introduced by the NSW Government in 1998. Successful implementation of these reforms has contributed to environmental improvements and a reduction of risks to public health to owners of On-site Sewage Management Systems (OSMS) and also the community as a whole.

Under the Local Government Act 1993, owners are required to obtain Council approval for the installation and operation of an OSMS and must comply with conditions of approval. In order for Council to control and regulate OSMS, Council introduced and implemented the On-site Sewage Management Strategy which sets performance standards and related maintenance and reporting requirements.

Council’s OSM Strategy was adopted in 1999 with the implementation being partially funded by registration and inspection fees.

A change in fee structure was adopted by Council in July 2010 ensuring, over time, that the program is self-funded. The system for charging was derived from the practices of 12 of 15 councils from the Hunter northward in accordance with Department of Local Government guidelines. The system involves funding Council’s OSM Program from an annual rates charge, which has been set at $50 per annum for single dwellings, with other charges for initial registration and inspection, installation, upgrade or non-compliance issues.

**The scope of the OSM Program**

The OSM Program is targeted towards a holistic approach to on-site sewage management within the Shire. The program structure allows the ability to focus on areas of concern to achieve greater health outcomes and a reduction in environmental impacts.

Whilst the current OSM Program is encompassed largely by the general inspection program and the issuing of approvals and their associated fees, it also has involvement in:

- the identification of unapproved dwellings and their associated unregistered OSMS,
- responding to complaints,
- the revision of OSM reports for proposed subdivisions and developments,
- water quality monitoring,
- providing public education material,
- policy development and research into future-planning tools.

**The General Inspection program**
The major focus of this year’s program has been targeted towards inspection of unregistered systems and systems previously never inspected within the Shire. Under the program a total of 914 inspections were conducted this financial year of which approximately 28% (256 inspections) were found to have compliance issues. The table below displays the origin of the inspections.

<table>
<thead>
<tr>
<th>Origin of system inspection</th>
<th>Inspections completed</th>
<th>Percentage of total inspections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing unregistered systems</td>
<td>302</td>
<td>33%</td>
</tr>
<tr>
<td>Registered but uninspected</td>
<td>201</td>
<td>22%</td>
</tr>
<tr>
<td>Compliancy related</td>
<td>256</td>
<td>28%</td>
</tr>
<tr>
<td>General/High Risk Inspections</td>
<td>91</td>
<td>10%</td>
</tr>
<tr>
<td>Work order, installation or development related</td>
<td>64</td>
<td>7%</td>
</tr>
</tbody>
</table>

The most common non-compliance issues observed were trench failures, overflow pipes, grey water diversion and unsealed septic tanks. Common non-compliance issues associated with Aerated Wastewater Treatment Systems (AWTS) were inappropriate irrigation of treated effluent and non-maintenance of the system (no service contract).

**Areas of High Risk - Willawarrin Township Audit**

After the Willawarrin Township was initially identified as an area of high risk, due to predominantly small lot sizes and unfavourable soil types, an audit of the area was undertaken in February 2009. Due to the high failure rates identified by the audit, it was determined that systems throughout Willawarrin should be inspected every 1-2 years. As such, monitoring and assessment of the township and the surrounding area was undertaken in March and April of this year for comparison. As the table below demonstrates, an increase in compliance has been achieved when compared to inspection data from the prior audit.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Inspections</td>
<td>38 (town)</td>
<td>62 (including small holdings surrounding town)</td>
</tr>
<tr>
<td>Compliant</td>
<td>19</td>
<td>50%</td>
</tr>
<tr>
<td>Non-compliant</td>
<td>19</td>
<td>50%</td>
</tr>
<tr>
<td></td>
<td>19</td>
<td>50%</td>
</tr>
<tr>
<td></td>
<td>17</td>
<td>27%</td>
</tr>
</tbody>
</table>

The increase in flexibility of the current program allows the ability to concentrate on areas of continual non-compliance and high risks regions similar to the example given.

An audit of the Bellbrook Township is currently being undertaken. Other areas identified as high risk include Stuarts Point, Fisherman’s Reach, Grassy Head, Kinchela and Kinchela Creek, Belmore River, Rainbow Reach and Jerseyville.

**Unregistered OSM Systems**

Approximately 575 lots were identified as properties with buildings potentially operating on-site systems without Council approval. Since inspections commenced, approximately 300 of these identified lots have been inspected. It is projected that completion of the remaining inspections will take between 12-18 months due to the increasing remoteness and restricted accessibility of the properties. Identification of these buildings and their associated OSMs have required registration and inspection fees to be charged and their addition to the OSM Program for future inspection and monitoring.

**Registered but uninspected systems**
As of July 2011 approximately 172 on-site systems existed in the Shire that were initially registered but had not been inspected to verify the registration. Inspection of these systems, were completed in February 2012 transferring them to the current program. As such, these systems can now be monitored and associated fees and charges implemented.

Financial Projection

Systems still operating under approval from the former program will attract the annual fee upon their expiry. Approximately 315 systems expired in the 2011/2012 financial year and have been charged the Onsite Waste Management annual fee on the rates assessment. It is estimated that approximately 780 systems will be progressively transferred upon their expiry to the current program in the coming years. The table below demonstrates the increase in revenue from the transfer of these systems, assuming that the annual fee of $50 for a single dwelling remains unchanged, when compared to previous initial projections. The table does not take into account systems:

- still unregistered within the Shire - potentially as many as 260
- with current dwelling approval issues – figure currently unknown
- the registration of new systems

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>2011/12</th>
<th>2012/13</th>
<th>2013/14</th>
<th>2014/15</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial projected revenue</td>
<td>$202,750</td>
<td>$214,100</td>
<td>$232,050</td>
<td>$241,200</td>
</tr>
<tr>
<td>Projected revenue from Annual OSMS and registration fee</td>
<td>$206,000</td>
<td>$220,000</td>
<td>$200,000</td>
<td>$220,000</td>
</tr>
</tbody>
</table>

Current projections are slightly down on initial estimates of annual revenue for 2013/14 and 2014/15. This is mainly due to new registrations of unauthorised dwellings being finalised by the end of 2012/13.

As previously reported and endorsed by Council, the income from the program is currently being used to fund:

- Environmental Officer
- Development Compliance Officer
- Expanded water quality monitoring program
- Public education
- Development of a new OSMS DCP (to replace now outdated DCP) - which is currently underway

Risk and land capability mapping for rural/residential areas was also indicated in a previous report as possible future areas for investigation when funds became available.

Risk and Land Capability Mapping

Progress within the program is developing and research has begun into the potential benefits of risk and land capability mapping. A number of councils along the coast have already undertaken capability mapping to aid in the establishment of local minimum standards for the approval of new and upgrading of on-site sewage management systems. The technical process in these works involves:

- Land capability mapping – of factors such as soil, slope, climate and proximity to waterways etc.
- Creation of On-site Sewage Hazard Maps – classification of lots based on associated risks
• Creation of Acceptable Solutions – minimum standards required

This will lead to the creation of a Development Assessment Framework (DAF) which is designed to be incorporated into Council’s DCP. The DAF uses the assigned On-site Sewage Hazard Class for each lot to determine minimum standards for the assessment, design and ultimately the approval of unsewered developments and Section 68 applications. In an attempt to streamline applications, the DAF includes a "deemed to comply" type opportunity for Low/Medium Hazard lots (e.g. large rural lots). For lots assessed as High and Very High Hazard, minimum standards are fairly specific and require a higher level of justification for approval to be granted. Applications for increases in building entitlements in unsewered areas classified as High to Very High Hazard require consideration of cumulative impacts. Once a draft DCP is completed it will be reported to Council to endorse for the purposes of public exhibition.

The proposed mapping system is designed to be implemented in stages over a number of years as funds are made available through the increase in revenue received from the annual charge. Initial investigations into the total cost of the mapping is $60,000 which can be broken up in stages as indicated.

This study may also assist in the current work which is being undertaken for the Rural Residential component of the Local Growth Management Strategy. The information from the risk and land capability mapping will be useful in future implementation of the Strategy.

Legal Costs

With the number of reported unauthorised dwellings, funds from the program may also be used to offset Council’s legal expenses that may be incurred during the identification and clarification of illegal dwellings and their associated OSMS. It is estimated that additional available funds to undertake mapping and contribute to legal costs associated with unauthorized dwellings will be approximately $30,000 in 2012/13.
GOAL 2: To Foster and Enhance Effective Social, Cultural and Community Relations Building Respect and Civic Pride

2.1 Euroka Cemetery Asset Management Strategies Plan
   File: F12/207

SUMMARY
Reporting on the preparation of an Asset Management Strategies Plan for Euroka Cemetery.

RECOMMENDATION
That the Euroka Cemetery Asset Management Strategies Plan be placed on public exhibition and resubmitted to the October 2012 Council meeting for final review and adoption.

Environmental: The environmental implications are outlined in the Plan.

Social: The social implications are outlined in the Plan.

Economic (Financial): Council approved in the 2011/2012 budget for the Plan to be prepared and there has been no over-expenditure.

Policy or statutory: To continue to provide plots for burial and introduce niche positions for ashes.

REPORT DETAILS
The purpose of the Plan was to guide the development and management of the Euroka Cemetery for the next 20 years and outline the requirements for opening Euroka Cemetery for further burials.

The Plan assesses trends in burial, cremation and allocation of areas, structures and settings. The Plan also recommends improving and integrating the function, form and appeal of physical landscape; its infrastructure, management and maintenance of the site.

The Plan is in electronic format on a disc provided to Councillors and Directors enclosed with Agenda, the hardcopy is to be tabled for information at the meeting. The Plan will be available to the public on Council’s web site.

2.2 Donation Request Macleay District Motorcycle Club Inc.
   File: F12/28

SUMMARY
Reporting on a request received from the Macleay District Motor Cycle Club for a donation of 20 Sulo bins to be utilised at the inaugural “Akubra Classic” on 30 September 2012.
That the request from Macleay District Motor Cycle Club for a donation of 20 Sulo bins to be utilised at an event, be denied.

**RECOMMENDATION IMPLICATIONS**

**Environmental:** The funding will permit the appropriate disposal of waste from the Macleay District Motor Cycle Club’s event.

**Social:** The Club provides significant events to the Shire.

**Economic (Financial):** If granted Council will need to organise 20 Sulo bins and pay the tipping fees of $530. These funds would need to be met from Council’s Donations allocation.

This budget allocation’s primary purpose is for the provision of donations to not for profit community groups.

**Policy or Statutory:** This report meets the statutory obligations for the making of donations.

**REPORT DETAILS**

This recommendation is consistent with previous Council resolutions in not donating/paying for garbage services.

Any authority to dispose is deemed a donation under Section 356 of the Local Government Act, Council may “in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

The intent of that section is to ensure that prior to making a decision to use community resources and/or expend public money in a form of financial and other assistance to persons, councils should comply with the requirements that are designed to promote better accountability and transparency in relation to council decision making processes.”

Accordingly this request for financial assistance is forwarded to Council for determination. Copy of letter from Macleay District Motor Cycle Club attached

(Appendix A – Page CE1)

## Summary

Reporting on a request from Smithtown Hall for financial assistance through provision of rates subsidy.

**Recommendation**

That a rates subsidy of $1,955.43 be granted to the Smithtown Hall for the 2012/2013 financial year.
**RECOMMENDATION IMPLICATIONS**

**Environmental:** Nil.

**Social:** Community Halls play an important role in the fabric of community life. These centres provide a social venue for recreational and other celebration events.

**Economic (Financial):** The financial implication of this report is a rates subsidy donation of $1,955.43.

As at the 10 August 2012, $4,166.51 is available within the Subsidy – Sec 358 Halls budget with its primary purpose being the provision of rates subsidies to community halls.

**Policy or Statutory:** This report meets the statutory obligations for the making of rates subsidies.

**REPORT DETAILS**

The Smithtown Hall is located at 26 Main Street, Smithtown. This hall is currently managed by a Citizen Management Committee appointed by the Department of Crown Lands.

Currently Council is in negotiation with the Department of Crown Lands to take over the care, control and management of this facility.

The Smithtown Hall Committee has approached Council for a rates subsidy due to their diminished ability to cover the operations of the hall.

**Rates and Charges – Smithtown Hall**

For the 2012/2013 financial year the rates and access charges payable on the hall are $1,955.43.

Previously in the 2011/2012 financial year Council provided a full rates donation for which the Committee is requesting that Council considered for this financial year.

Consideration is now requested for Council to meet the full rates and access charges for the hall.

**Donations**

Given that any authority to dispose is deemed a donation under Section 356 of the Local Government Act, Council may “in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

The intent of that section is to ensure that prior to making a decision to use community resources and/or expend public money in a form of financial and other assistance to persons; councils should comply with the requirements that are designed to promote better accountability and transparency in relation to council decision making processes.”
GOAL 3: To Plan and Fund the Shire’s Infrastructure and Service Needs

3.1 Proposed Renaming of the Pacific Highway – South Kempsey Interchange to Frederickton Interchange File: F12/238

SUMMARY

To consider the submissions received during the statutory advertising period for Council’s proposal to rename the existing sections of the Pacific Highway between South Kempsey and Frederickton – Macleay Valley Way and Memorial Avenue.

RECOMMENDATION

1. That Council proceed with the renaming of the sections of the Pacific Highway between South Kempsey and Frederickton identified and detailed in the report to Macleay Valley Way as advertised.

2. That Council appeal the objection from the Department of Lands regarding the proposed name of Memorial Avenue for the section of the existing Pacific Highway from Macleay Street to Great North Road at Frederickton on the basis that the name has significance in linking geographical features associated with the remembrance of returned service personnel.

3. That Council suggest the alternative name of Memorial Drive in the appeal to the Geographical Names Board.

RECOMMENDATION IMPLICATIONS

Environmental: Nil

Policy or Statutory: Council is following the requirements for naming / renaming of roads.

Economic (Financial): There are some administrative costs associated with proceeding with the renaming process.

Social: The proposal is in keeping with the community’s desires regarding the proposed renaming.

REPORT DETAILS

As a result of the upgrading in the Pacific Highway and construction of the Kempsey Bypass, Council has the opportunity to rename the sections of the existing Pacific Highway that do not already have an alternative name between South Kempsey and Frederickton.

The matter was considered by Council at its meeting on 21 June 2011 where Council resolved:

"That Council undertake public consultation regarding the proposed renaming of the sections of the Pacific Highway replaced as the result of successive highway upgrades with the suggestion that the road be
named “The Macleay Valley Way”.

In addition, at Council’s meeting in March 2012 Council resolved:

“That Council proceeds to instigate the process to name the section of highway from the Frederickton Boat Ramp to the proposed Frederickton Interchange, ‘Memorial Drive’ including the planting of appropriate trees and installation of plaques.”

The proposal was placed on public exhibition and submissions were called during July 2012. Council also wrote to the statutory bodies advising of the proposal. The advertising period ended on 7 August 2012. In that time, Council received a number of submissions including a petition signed by approximately 120 people supporting the proposed change to “Memorial Drive” (Note Council’s proposal was for “Memorial Avenue”, the reason for this is discussed in the paragraphs below).

Copies of the submissions are contained within [(Appendix A – Page IS1)](#).

Of the objections received, one suggested alternatively naming the sections of road after prominent early pioneers in the development of the Macleay and another objected to the proposed renaming as it would result in a change to their current address. It should be noted that individual letters were sent to every property along the existing highway detailing the proposal.

The Department of Lands raised a formal objection to the use of the name Memorial Avenue on the basis that there are a number of other existing areas where this name is used within the shire. The advertised proposal utilised “Avenue” in preference to “Drive” as the section of road to be renamed was short and more consistently met the description of an “Avenue” within the road naming guidelines. Considering the objection by the Department of Lands and the supporting petition, amending the proposal to be “Memorial Drive” would be appropriate.

The proposal to rename the section of road from the Frederickton Boat Ramp to the new road adjacent to the Cenotaph was first proposed by the Kempsey Macleay RSL Sub-branch as a gesture to effectively link the Cenotaph in Great North Road with the Ferry Lane memorial grove of trees on the south bank of the Macleay River directly opposite the current boat ramp site. In the past, a ferry linked both sides of the river and this area was a major access point to and from the town of Frederickton prior to the construction of major river crossings at Kempsey and Gladstone in the early 1900s.

Council has the option to lodge an appeal against the objection received from the Department of Lands regarding the proposal on the basis that there are significant reasons why it should proceed. This appeal would then be considered by the Geographical Names Board for a determination. It is recommended that Council appeals to the Geographical Names Board regarding the objection lodged by the Department of Lands to the proposal and that pending a favourable outcome, Council proceeds with the proposal for renaming of this section of road to “Memorial Avenue”. The option to consider an alternative suffix such as “Drive” should also be suggested as this would differentiate it from other nearby streets.

In the event that the Geographical Names Board accepts the objection raised by the Department of Lands, Council has the option to consider an alternative name for this section of road; and a further report would be submitted to Council at that time.

A copy of the notices and materials provided to the public during the advertised period is contained in [(Appendix B – Page IS13)](#) for further information.
3.2 Proposed Naming of Unnamed Road – Kundabung  File: F12/238

SUMMARY

To consider the proposed naming of an unnamed public road between Ravenswood Road and Amber Way at Kundabung.

RECOMMENDATION

That Council proceeds to name the unnamed section of road between Ravenswood Road and Amber Way at Kundabung, “Gideon Road”.

RECOMMENDATION IMPLICATIONS

Environmental, Social: Nil

Policy or Statutory: Council is following the requirements for naming of a public road. The subdivision of property resulting in the dedication of Amber Way has generated a need for Council to name the unnamed public road. This will improve property access by emergency services. However, the section of road is currently classified as unmaintained and it is not proposed to alter this status through naming of the road.

Economic (Financial): Nil

REPORT DETAILS

During July 2012, Council exhibited a proposal for naming of the existing public road between Amber Way and Ravenswood Road at Kundabung, “Gideon Road”. A map of the section of road involved is contained in [Appendix C – Page IS19] for further information.

The period for submissions ended on 7 August 2012. Copies of the submissions received by Council during the advertising period are contained in [Appendix D – Page IS20]. The submissions received raised no objection to the proposed naming and as a result is recommended that Council proceeds with the naming process.

3.3 Replacement of Sports Field Lighting – Philip Drive Sporting Complex South West Rocks  File: F12/115

SUMMARY

To review options and funding available for the replacement of the existing lighting at Philip Drive sporting fields in South West Rocks.

RECOMMENDATION

1. That Council applies for grant funding through the Department of Sport and Recreation under the Participation and Facility Program for replacement/upgrading of the Philip Drive sports field lighting.
2 That in the event Council is successful with grant funding, the recommended sources of Council’s contribution detailed in the report be implemented and reported to Council in the following quarterly review.

3 That Council writes to each of the sporting clubs currently using the Phillip Drive Sporting Complex seeking a financial contribution towards funding of the project to aid in the success of Council’s grant application.

3 That Council writes to all of the current sporting field users advising of the intention to levy charges for use of floodlighting from 2013/14 onwards with all income generated to be utilised to fund future light replacements.

**RECOMMENDATION IMPLICATIONS**

**Environmental:** The upgrade of lighting intensity has the potential to impact adjoining properties via the spill of flood lighting, however, the modern fittings available are able to overcome this risk.

**Social:** There are a number of sporting groups within the South West Rocks community who currently utilise the Philip Drive sporting complex and could benefit from an improvement in the lighting of the facility for training and match fixtures.

Other sporting groups within the Macleay Valley have already obtained grants for the replacement/upgrade of lighting on the basis of that they have funded the matching contribution directly. Considering the multiple users of the Phillip Drive Complex, it may be difficult to obtain contributions from each of the groups.

**Economic (Financial):** In the event that Council’s application for a grant is successful, the funding sources available for Council are identified in the report and considered suitable for Council’s contribution to the project. Savings in the cost of replacing fittings together with reduced electricity consumption may be achieved.

**Policy or Statutory:** Nil

**REPORT DETAILS**

The Philip Drive sporting complex in South West Rocks is the main public sporting venue in the area. Previously, Council had proposed the development of an additional complex at Boyters Lane in order to meet the demand for adequate sporting facilities in the local community. The Boyters Lane project was abandoned in 2009/10.

The Philip Drive sporting complex is utilised by an array of sporting groups in South West Rocks including soccer, rugby league, rugby union, cricket, croquet and athletics. Plans of the current field layout are contained in [Appendix E – Page IS22].

At present, Council and the croquet club are investigating options for relocation of the croquet field either to an alternative place in the Philip Drive sporting complex or elsewhere upon public land in South West Rocks.

At Council’s meeting on 17 July 2012, Council received a representation during the public forum regarding the existing lighting at the Phillip Drive sporting complex.
Council subsequently considered a motion requesting replacement of the lighting and upgrading of the output to provide a standard which satisfies the minimum for night time local competition games. The basis for this action was that the lights are old and problems are regularly experienced with light fittings blowing during the winter season. The level of lighting is also understood to be below the currently accepted standard even if all fittings were functioning properly. No actual data is available to confirm this. The upgrade/replacement of this facility is not currently listed in Council Unfunded Projects List.

The ongoing problems with blowing of light fittings progressively was thought to be the result of numerous users to the site and switching on or off of the lights without adequate cooling down or warming up time. Work completed recently has not overcome the problems being experienced at the site. Once the fittings are blown, access to the playing surface has to be arranged for a crane truck with reach to get to the lights. This often leads to delays in physically undertaking the works and is heavily dependent upon favourable weather conditions over a period of time to leave the surface in a condition where access can be achieved without generating significant damage.

Council has previously responded to the South West Rocks Soccer Club regarding the issues concerning the lights, with the most recent correspondence including providing a plan of the facility. This was intended to assist the club to obtain quotations with a view to making grant applications for funding of the replacement/upgrade. Following the July 2012 Council meeting, the club confirmed that it has previously obtained verbal quotes from an electrical contractor in Coffs Harbour for the supply and installation of new light fittings on the existing towers. This work was estimated verbally at $80,000.

Since the last meeting Council has obtained quotations from a number of contractors specialising in lighting of sporting fields. Copies of the quotations are contained in (Confidential Appendix A - Page IS1). Based upon the submissions received, the likely cost of replacing the existing lighting is between $70,000 and $250,000, depending upon the extent of the works involved. The lower option includes replacement of the light fittings only and assumes the poles and cables are still suitable. It is unclear if an increase in the standard of the lighting would be achieved from this option. The upper cost is for full replacement of the system. Both costs do not provide for upgrade of the control switchboard. Council has no information regarding the conditions of the existing poles and lights and as a result it is unknown if they are suitable to be retained. A preliminary figure for upgrading of the lighting system, allowing for some rewiring and a new control system is $150,000.

A review of Council’s current capital program has identified that there are a number of completed projects from 2011/12 with unexpended budget allocations which are effectively surplus to Council’s needs. There are also a number of projects that have not proceeded which could possibly be reallocated to this project. The list below summarises the budget position in relation to the capital program for sports field improvements.

<table>
<thead>
<tr>
<th>Project</th>
<th>Comment</th>
<th>Current Budget Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Kempsey Amenities Block</td>
<td>Awaiting successful grant application from Cricket and AFL clubs</td>
<td>$45,522</td>
</tr>
<tr>
<td>Crescent Head - Additional Storage and Undercover Seating Area</td>
<td>Draft Design in Progress</td>
<td>$33,440</td>
</tr>
<tr>
<td>Stuarts Point Oval - Floodlight Replacement</td>
<td>Complete</td>
<td>$11,600</td>
</tr>
</tbody>
</table>
Council currently holds $392,000 in the Section 94 reserve for augmentation of open spaces and sporting fields in South West Rocks. A proportion of this funding could be utilised on the basis of an increase in the level of service provided and the resulting capacity of the infrastructure. However, the full value of the works could not be funded from Section 94 alone as a proportion of the project relates to replacement of existing infrastructure.

Applications are currently being called for the next round of sport and recreation grants from the State Government up to an amount of $50,000 for upgrading sporting facilities. This is another potential funding source; however, an application may not be successful. Funding under this grant program is matched, dollar for dollar.

Council’s asset management plan has not been extended yet to cover sports field lighting in particular. Previous efforts have been focussed on the major value areas of roads and bridges. The next priority areas considered in Council’s operating plan include public buildings, footpaths, maritime infrastructure and recreational land.

Whilst recreational land is a current priority, it was not intended to get down to the level of detail involving lighting at this stage. The priority was to identify the current facilities and review the level of service Council provides to the community. In this regard, there is no information currently available to confirm that the lighting at Philip Drive sporting complex is the highest priority for replacement with respect to all of Council’s other lighting systems. There is also no information to confirm if this matter is the highest priority overall for Council to address in relation to its recreational infrastructure. In general, there is an acknowledged need for increased capacity in sporting facilities in South West Rocks.

A number of other clubs already have active grant applications to improve sports field lighting, including the Macleay Valley Eagles for lighting at Gladstone and the Macleay Netball Association for increased lighting at the Pam Guyer Netball Centre. Council has not supported these applications other than with technical support. The clubs have fully funded their contribution to the works so far. It may not be appropriate to financially support the request from South West Rocks Soccer Club without considering the other sporting associations.

A review of Council’s Operating Plan has identified that Council does have a charge listed in the fees and charges schedule of the operating plan for the use of floodlighting. This is in addition to any field usage charges. The document provides for free use by community and not for profit based sporting clubs/associations. Council has not implemented the charges for sports field lighting on this basis; however, the exemption in the fees and charges does not appear to expressly apply to floodlighting. It is recommended that Council considers implementing this charge on all fields from 2013/2014 and that the income be utilised for future replacement of the lighting.
SUMMARY

To consider a draft submission to General Purpose Standing Committee Number 5 of the NSW Legislative Council relating to the Enquiry Into The Management Of Public Land In NSW.

RECOMMENDATION

1. That Council submits the draft submission to the enquiry as detailed in the report.

2. That Council writes to the Hon Andrew Stoner, Member for Oxley, to advise of Council’s submission to the Enquiry.

RECOMMENDATION IMPLICATIONS

Environmental, Social, Economic (Financial), Policy or Statutory: Nil

REPORT DETAILS

The NSW Government recently announced an Enquiry into the management of public land in NSW particularly focussing upon the conversion of managed lands into national park or other types of conservation areas. The Terms of Reference for the Enquiry are contained in (Appendix F – Page IS24). The Terms of Reference specifically refer to native hardwood state forests in Northern NSW which would include those within the Kempsey Shire.

Over the past 30 years, Council has been aware of a number of areas where managed lands have been converted to national park or nature reserves including Hat Head National Park, Goolawah Reserve and the conversion of State Forest 601 to national park at the end of Hickey’s Creek Road.

There is likely to be other conversions affecting the Kempsey Shire that have not been listed above.

In the abovementioned examples, there have been significant implications for Council, particularly in relation to the disruption of legal access to private property and the expectations for ongoing road maintenance of the adjoining public roads. In each of the situations where problems have resulted, there is a significant exchange of correspondence between Council, residents/property owners, local members and various state government departments.

In one example, as a result of the creation of the Hat Head National Park, Council attempted to resolve the property access issues by opening a new public road only for the application to be refused by the then Minister for Local Government on the basis that the action proposed by Council was not in the interests of the broader community.

In other examples, the community and local members have persistently attempted to have Council alter the unmaintained status of a public road to maintain the level of service experienced prior to conversion of the adjoining state forest into national park.

A draft submission (Appendix G – Page IS26) into the Enquiry has been prepared detailing the experiences of Council resulting from the conversion of managed lands to national parks and it is recommended that this draft submission
be finalised by Council and submitted to the Enquiry.

Considering the substantial volume of correspondence between Council and the Hon Andrew Stoner MP regarding the ongoing maintenance of Hickeys Creek Road, it is also recommended that action is taken to raise his awareness to Council’s submission to the enquiry.

### 3.5 Kempsey Airport – Navigation Beacon

**SUMMARY**

To consider options for the ongoing location of the non-directional navigation beacon for Kempsey Airport.

**RECOMMENDATION**

1. That Council continues to negotiate a commercial lease with the property owner according to the valuation obtained.

2. That the operational budgets for the ongoing maintenance of the airport grounds be reallocated in the next quarterly review to fund the additional cost of renewing the lease for the current site subject to final confirmation of the costs.

**RECOMMENDATION IMPLICATIONS**

*Environmental, Social, Policy or Statutory: Nil*

*Economic (Financial):* The recommendation will result in a reduction in the available budget for maintenance of the airport grounds of approximately $6,000 per annum pending the final negotiated price of the renewed lease. This will have an impact upon the presentation & maintenance of the airport site in general.

**REPORT DETAILS**

During the 1970s Council established a non-directional beacon as an aid for aircraft upon approach to Kempsey airport for an instrument based landing. The beacon is also helpful to aviators in general for navigation through the skies surrounding Kempsey. The original site was proposed to be located at Kempsey Airport; however, upon reviewing Council’s proposal, the then Civil Aviation Safety Authority (CASA) recommended an alternative site of higher elevation along the landing approach line to the airport be used. A site in the vicinity of Greenhills was located and the beacon was subsequently established on this site. Location map and photos of the site are contained in [Confidential Appendix B – Page IS11](#).

Sometime after its establishment, Council secured a lease over the land upon which the beacon is situated as well as the land encompassed by the lightning protection earth grid for the beacon.

The site has continued to operate since this time. However, the period for the lease has now expired and the lease is due for renewal.

In pursuing renewal of the lease, the property owner has submitted a proposal for the consideration of Council regarding the value of the annual lease fee. In
following an appropriate process for this negotiation, Council engaged a professional valuer to provide Council with a valuation of both acquisition of the land and an annual lease. A copy of the correspondence from the property owner’s representative and Council’s valuation is contained in [Confidential Appendix C – Page IS13] for further information.

In considering the matter, Council has four options:

- **Option 1** – Negotiate a renewed lease in accordance with the evaluation at approximately $7,500 per year; or
- **Option 2** – Acquire the land upon which the beacon is located at a cost of approximately $125,000; or
- **Option 3** – Remove the beacon from the land and relocate into the airport grounds at an estimated cost of $95,000,
- **Option 4** – Remove the beacon and discontinue providing this service at a cost of $10,000.

In assessing the options, Council has insufficient capital funding available to proceed with option 2 or 3 without identifying an alternative source of funding suitable to utilise for this once off expenditure. Option 3 is also considered to be a lower level of service and further consultation should occur with users before proceeding with this option. Option 1 will result in an increase in the annual cost to Council of approximately $6,000 (depending upon the final agreed annual lease fee). Option 4 would result in a once off additional cost of approximately $10,000; however, Council would save approximately $4,000 per annum which is the amount currently allocated to maintenance of the beacon.

Council’s total annual budget for maintenance of the airport is $60,000 of which proceeding with Option 1 represents a variation to the budget of approximately 10%.

It is recommended that Option 1 be pursued in preference to Option 4 with the additional cost being funded from a reduction in the level of maintenance funding to other aspects of the airport including mowing, building and general maintenance. This will have an impact upon the overall level of service achieved at the airport; however, the navigation assistance provided by the beacon will remain. In the event that agreement cannot be reached upon the amount of the annual lease fee in accordance with Council’s valuation, the beacon will require removal from private property and be placed into storage until such time as funding can be identified for its reestablishment.

### SUMMARY

To consider options regarding the restriction of unauthorised vehicular access to Eden Street levee and the Verge Street Sporting Complex.

### RECOMMENDATION

That a budgetary adjustment be undertaken at the next quarterly review to reallocate funding towards replacement of the existing fence along the Eden Street levee with bollards to prevent unauthorised vehicular access
to the area and discourage anti-social behaviour.

**RECOMMENDATION IMPLICATIONS**

**Environmental, Policy or Statutory:** Nil

**Social:** Preventing access to the Eden Street levee will interrupt the current practice and provide an effective barrier in discouraging anti-social behaviour during sporting events at the Verge Street sporting complex.

**Economic (Financial):** Reallocation of funding from the review and redesign of the existing amenity facilities will reduce the extent of works that can be completed under the current budget; however, there is still sufficient funding available to achieve the desired outcome.

**REPORT DETAILS**

There have been a number of recent incidents regarding anti-social behaviour at the Verge Street sporting complex during recent sporting events. This is in addition to the previous history that has occurred at this site over recent years.

The matter has been considered and reviewed by representatives from the sporting clubs utilising the fields, the Police and Council’s Community Engagement team. One of the key contributing factors identified has been the ease at which vehicular access can be obtained to the Eden Street levee at the southern end of the Verge Street sporting complex.

This area provides a good vantage point for members of the public to watch the sporting event without paying to enter the ground. The proximity of this location and the difficulties involved with surveillance has created the opportunity for people to enter the grounds via holes or other exploited weaknesses of the perimeter fencing.

There are also concerns that bottled alcohol is being passed through the fence in these locations to be consumed within the sporting complex, which is against the licensing controls for this facility. No glass is permitted within the Verge Street sporting complex and bags are searched upon entry to the grounds in order to enforce this requirement.

A combined site inspection on Monday 6 August 2012 between Council staff, Police and sporting club representatives identified significant weakness in the fence that is intended to exclude vehicular access all the way along the Eden Street levee. The existing fence consists of treated pine posts at approximately four metre centres with galvanised wire in between. The wire has been cut in several locations which provides for uncontrolled access by vehicles to the levee and the sports fields behind.

Council recently reviewed the existing surface levels of the Eden Street levee and identified a number of locations where the levee was below the designed surface. Uncontrolled access could exacerbate this situation. Council has an action within its current Operating Plan to restore the height of this levee to design during 2012/13 and it is appropriate that action be taken to prevent this from being compromised by inappropriate vehicular access.

Because of the broken wire, it is also difficult to regularly maintain the grass around the base of this fence and it had previously been identified as being in a poor condition.
An alternative option for Council would be to consider replacement of this fence with treated pine timber bollards at an appropriate spacing effectively preventing vehicle access to the levee and as a result, access to the playing fields. By creating this separation, it is considered that this would discourage some of the anti-social behaviour that is currently occurring. Combined with actions such as replacement of the rear perimeter fence to the Verge Street sporting complex and improved enforcement of the alcohol free zone, this may overcome the current problems being experienced in the long term.

It is recommended that Council proceed with replacement of the fence in timber bollards adjacent to the Eden Street roadway in order to prevent unauthorised vehicular access to the levee. Council has the option to proceed or not.

In 2009/10 Council resolved to reallocate funding from the construction of an additional amenities building at Verge Street Oval to the demolition of toilets within the Kempsey CBD. The funding remaining after demolition was to go into the redesign of the existing toilets in Clyde Street Mall and Riverside Park.

In 2011/12, Council successfully completed the demolition of the toilet blocks following their closure after a period of extensive community consultation. Council utilised its own day labour resources to complete the demolition, making a considerable saving when compared to the commercial rates obtained for the work. Funding of $65,000 is currently unexpended from the demolition project and approximately $35,000 could be reallocated to this issue whilst still leaving sufficient funding to redesign the toilet blocks.

A trial involving the use temporary star pickets was arranged for Sunday 12 August 2012. This will determine if the measure will be effective at discouraging anti-social behaviour. In the longer term it is appropriate for Council to ensure that the fencing acts as an effective vehicle barrier preventing damage to the Eden Street levee and any undesirable consequences during a flood event that may occur. Unfortunately, the weather conditions themselves on 12 August were a significant deterrent and it is unclear if the trial was effective.

### 3.7 Sutherlands Lane Desktop Drainage Review

**SUMMARY**

To consider a desktop review of information in relation to drainage of rural lands in the vicinity of Sutherlands Lane, Bellimbopinni.

**RECOMMENDATION**

That no further action be taken.

**RECOMMENDATION IMPLICATIONS**

*Environmental, Social, Economic (Financial), Policy or Statutory: Nil*

**REPORT DETAILS**

Council at its meeting on 17 July 2012 resolved:
“That a report to Council be prepared outlining the drainage issues in the Sutherlands Lane area and surrounds.”

A desktop review has been completed of the information currently held on old plans as well as within Council’s geographical information system regarding drainage in this area.

Upon initial review, the aerial photography indicates an intricate network of natural drainage depressions, flood mitigation drains and what appears to be smaller formed drains within private property. A view from Council’s geographical information system using aerial photography overlaid with property boundaries and roads is contained in [Appendix H – Page IS28].

The map from Council’s GIS also shows the flood mitigation drains by dashed lines and notes that these are joint owned drains between Council and the Seven Oaks Drainage Union. In addition, private access crossings/bridges are noted by dots and the apparent direction of drainage is marked with small arrows in various locations.

During 2009, Council undertook a survey of the table drain within Sutherlands Lane from point B to point C marked upon the map. The survey revealed that the table drain falls in a northerly direction from C to B. The total difference in height between point C and B was approximately 600mm over 800m. This corresponds with a longitudinal gradient of approximately 0.07%.

The minimum accepted gradient of a constructed drainage system to ensure free drainage of water and to avoid ponding is 0.5%. Gradients lower than 0.5% will result in localised ponding of water due to the level of accuracy able to be achieved during construction. As can be seen, the gradient within Sutherlands Lane itself is significantly below the nominal minimum accepted for a drainage system indicating that the area could be described as very flat and ponding of surface water should be expected.

Plans obtained from Council’s records around the time of construction of the flood mitigation system provide spot levels in various locations that support Council’s survey information as being indicative of the gradients generally existing in this area. An excerpt from this plan is contained in [Appendix I – Page IS29] for further information.

Utilising this information it is likely that the difference in height between points A and B marked on the map is approximately 600mm over 2.4km. This is significantly below the gradient between points B and C and is reflective of the trend of the land to flatten out as it approaches the lowest points.

The GIS sketch also shows a number of bridges crossing the various drainage lines that can be identified from the aerial photos. It is unclear how these crossing points have been constructed. Council has received copies of photographs of a crossing at approximately point A on the map showing that a number of hollow logs have been laid in the drain and a road built on top. Additional images showing flow across the bridge during rainfall events have also been submitted. These images are contained in [Appendix J – Page IS30]. In this instance, the method of crossing construction appears to create a restriction in the free flow of water through the drain; however, it does not block the drain entirely.

Council has written to the respective property owner of the abovementioned crossing requesting that the logs be removed and replaced with a suitable bridge or culvert structure. Council’s ability to force the property owner to comply with this direction is not clearly known.
The condition of the other crossings indicated on the map is unknown.

In addition to the information above, Council is aware of a number of initiatives implemented within the flood mitigation drains downstream of the Sutherlands Lane area to regulate the level of water. In each case, information has been provided to Council in the form of an application for development and approval has been granted. These works are not considered to have the potential to impact upon the current situation being experienced by the property owners in the Sutherlands Lane area.

In reviewing the matter, it is apparent that the past three years have been unusually wet in terms of rainfall with numerous major and minor flood events experienced. Visual observation of the area indicates that water is laying at or near the surface and it is considered that the soil is in an almost saturated condition. This, together with the overly flat topography, could easily result in the area appearing not to be draining. The bridge crossing shown above may have a minor effect upon this; however, it is unlikely to be significant considering the other issues involved.

The flood mitigation drain running in a north south direction towards the east of the investigation area was one of the last stages of construction for the Seven Oaks Drainage area. Previous information indicates that the cost of this work during the 1980s was approximately $200,000 and it had the impact of reducing the water level within the creek 5km upstream by 80mm. (This information was not confirmed as part of the desktop study and may not be accurate). Based upon this information, the costs of any works to improve drainage in the Sutherlands Lane area would be significant whilst not having a major impact on the situation.

### SUMMARY

A report of the outcome of the call for tenders for the provision of a Beach Patrol Service to swimming beaches of the Macleay Valley Coast.

### RECOMMENDATION

1. That Council reject all tenders on the basis that a decision cannot be made due to the ‘caretaker’ mode of the Council and the matter cannot be held over until the next meeting.

2. That Council call fresh tenders according to a revised specification

3. That the contract commencement date be postponed until after the Spring 2012 school holiday period

### RECOMMENDATION IMPLICATIONS

**Environmental:** Nil

**Social:** Nil
**Economic (Financial):** The tender’s received exceed the allocated budget.

**Policy or Statutory:** The recommendation complies with the tendering provisions of the Local Government Act & Regulation.

Under the caretaker provisions, Council cannot enter into this contract until after the election of the new Council. The fresh tenders will be reported to the September Council meeting.

**REPORT DETAILS**

Tenders were invited publicly on Tuesday 26 June 2012 in accordance with the Local Government (General) Regulation 2005 for the Provision of a Beach Patrol Service to swimming beaches of the Macleay Valley Coast. A total of five beaches are included in the service being:

1. Grassy Head;
2. Horseshoe Bay South West Rocks;
3. Main Beach South West Rocks;
4. Hat Head; and
5. Crescent Head.

Prior to advertising the tender, a review of the specification identified the need to increase the number of lifeguards at Main Beach, South West Rocks, from one to two, to comply with current best practice. Main Beach, South West Rocks, was the only site that had traditionally been patrolled by a lone lifeguard with all of the other sites including Horseshoe Bay having two lifeguards on duty. It was expected that there would be some increase in the tendered rates as a result of this and the projected budget did take this into account.

Prior to Tenders closing, a Tender Evaluation Panel (the Panel) was formed consisting of:

1. Manager Technical Services
2. Engineer Technical Services

Tenders closed at 2:00pm on Tuesday 24 July 2012. Tenders were received from two Tenderers:

1. Lifeguarding Services Australia Pty Ltd (LSA) $136,043 (2012/13)
2. Surf Lifesaving Services Pty Ltd (trading as the Australian Lifeguard Service - ALS) - $137,000 (2012/13)

Tenders received were firstly assessed by the Panel for conformance with the Conditions of Tendering and the Specification and both tenders were found to be conforming.

Initial inspection of the tendered prices revealed that both exceeded the allocated budget. The budget allocation for 2012/13 was $133,200. Additional funding would be required to be allocated to permit acceptance of the tenders.

A review of the statutory provisions identified that Council cannot enter into this tender whilst in caretaker mode due to the term of the tender being over three years and the net value of the tender exceeding the permissible levels in the legislation. If consideration of the tenders was held over until the first meeting of the new Council in September 2012, there would be insufficient time between
acceptance and commencement for the successful contractor to be able to complete the requirements of the tender.

It is recommended that Council reject all tenders on the basis that a decision cannot be made within a timeframe suitable to achieve the requirements of the tender. It is also recommended that Council invite fresh tenders according to the revised specification for the service including a commencement date prior to the Christmas 2012 School Holidays.
GOAL 4: To Pursue Beneficial Relationships with Regional Neighbours and Other Levels of Government

4.1 Independent Local Government Review Panel Consultations

SUMMARY

Council attended the first of a number of rounds of consultation and has an opportunity to provide a submission to the committee.

The first stage is about identifying key issues and exploring ideas.

RECOMMENDATION

That the Council lodge a submission to the Local Government Review Panel based around:

1 That the best aspects of current local government are:
   a Ability to tailor responses to local needs
   b Having strong connections to the local community
   c Ability to undertake extensive consultation within the community quickly and effectively
   d Ability to respond quickly to issues that are arising
   e Ability to advocate on the needs of small communities based on their needs
   f Integrated Strategic Plans that capture all of the needs and aspirations of the local community.
   g Ability to determine quality of life indicators that are relevant to the local community.

2 That the key challenges facing the community over the next 25 years will be:
   a Adequately funding the infrastructure and services that the community needs and wants
   b Under-employment within the local economy
   c Under-valued employment within the local economy
   d Rebuilding social cohesion

3 That the top five changes seen as required are:
   a Reviewing access to funding
   b Removing structural barriers to alternative service delivery
   c Clarify responsibility for providing services
   d Develop a true State/Local partnership
   e Developing strong and effective strategic planning processes.

RECOMMENDATION IMPLICATIONS

Environmental, Policy or Statutory: Nil

Social: The recommendation is designed to improve the ability of local government to advocate and provide services to the community, many of which provide social
benefits.

**Economic (Financial):** The recommendation discusses the need for substantial levels of funding above what is required for the provision of the services the community wishes to have.

**REPORT DETAILS**

The report needs to be read in conjunction with the current issues paper put out by the panel, which can be found at the following link:


As part of the framework of Destinations 2036 a panel has been set up to report back to the NSW Government with the following terms of reference:

“The panel will investigate and identify options for governance models, structural arrangements and boundary changes for local government in NSW, taking into consideration:

1. ability to support the current and future needs of local communities
2. ability to deliver services and infrastructure efficiently effectively and in a timely manner
3. the financial sustainability of each local government area
4. ability for local representation and decision making; and
5. barriers and incentives to encourage voluntary boundary changes.

In conducting the review the panel will:

- Ensure recommendations meet the different nature and needs of regional, rural and metropolitan communities.
- Consult widely with the broader community and key stakeholders.
- Take into account the work completed, and future work to be completed, under the Destination 2036 initiative.
- Take into account the broader interests of the State including as outlined in the State Plan.
- Consider the experiences of other jurisdictions in both the nature and implementation of local government reform.
- Take into account the Liberal-National’s 2011 election policy of no forced amalgamations.”

**Information on what the panel is currently interested in**

In the first round of consultations, the panel is asking three questions:

1) What are the best aspects of NSW local government in its current form?
2) What challenges will your community have to meet over the next 25 years?
3) What ‘top five’ changes should be made to local government to help meet your community’s future challenges?

The recommendations in this report are based around responding to those aspects of the process the Panel is following. In the second part of the report information is provided on broader areas that the paper covers. It is expected that those areas will be canvassed again at a later stage.

1) **What are the best aspects of NSW local government in its current form?**
Ability to tailor responses to local needs: The restrictions that come into place through the NSW government, when resources across the State are targeted against predefined areas of concern that are determined by a central decision making structure highlights the value that exists in local government being able to tailor its response to what is needed or happening in the local community. This increases the chance that the resources are properly targeted where they are needed, leading to a better outcome for the resources applied. This also allows events and incidents that are not large enough to reach the radar of regionals to be identified and addressed.

Having strong connections to the local community: Because of the close involvement and the access the community has to local government, there is a strong connection between the people involved in local government and the local community. This provides for a greater understanding of where the community is coming from and gives a better ability to then respond to the real needs now and into the future for the community.

Ability to respond quickly to issues that are arising: While councils are generally hamstrung by lack of resources, there is still the capacity to respond quickly to local events. Councils do not have the long chain of commands that other levels of government have and where good systems of delegated authority are in place can adapt and respond quickly. This is seen as a strength as the faster response often minimises the damage or increases the advantage that can be gained.

Ability to advocate on behalf of smaller communities: The current scale of local government means that it is able to advocate on behalf of very small communities based on their needs. This is a strength as it means less issues “fall through the cracks”.

Integrated Strategic Plans: This issue is seen as a strength and an area needing change. In terms of strengths, the ability to codify the needs of communities at a relatively small scale into a document that expresses the strategic needs and desires of that community is a valuable thing for the community. Done properly, it provides a clear vision of the future, identification of the variations between the desired future and the current situation, priorities for the goals that come from the gaps and clear measures based on what is important to be achieved from the point of view of the community.

Ability to determine quality of life indicators that are relevant to the local community: This derives directly from the above commentary. Currently the NSW Government has a State Plan and is developing regional plans. The regional plans have to link to the goals and targets in the State Plan. Where the regional needs are not in alignment with the State needs there will be a conflict. Local government provides the opportunity to develop indicators that are relevant to the local community. This again adds to the strength of the community’s real needs being targeted with the available resources.

2) What are the key challenges the community will face over the next 25 years?

Adequately funding infrastructure and services: Without the basic services the local community will have a poor quality of life. Without services that are desirable the community will have a lower quality of life than it desires. But these assets and infrastructure take significant levels of resources. The most significant challenge will be for this community to be able to afford the lifestyle it wishes to have and which will attract people to invest in the area, leading to increased overall wealth. Most of the key challenges are seen as reflecting this fundamental point; that the infrastructure required to provide a good quality of
life is expensive and our community will have to address it. This can be through additional external funding or determining that the value to the community of the infrastructure or services is high enough to warrant the investment into that instead of other things they could spend their money on.

**Under-employment:** As reported in the development of a new economic development strategy there is as issue that the level of working aged people in employment is too low. We currently have 44% in employment. Communities with high net earnings and wealth have 55%. A high percentage of people reliant on government support impacts on the ability of the community to fund both the services of local government and the activities that add to quality of life. For example, increased earnings in the area may make the provision of a cinema or a greater range of dining out financially feasible, leading to greater recreational choices for the whole community.

**Under-valued employment:** In a similar vein to the above, the earnings of those employed or running businesses in the area are below average and well below the top performing local government areas. Small fragmented businesses and traditional models of business lead to low incomes. This in turn leads to low employment and low wages paid. The low level of incomes compounds the impact of under employment. Increasing the earning power of the businesses in the area will lead to flow on increases in wealth. The area also needs to be able to tap into some of the high earning areas of employment and high future growth as identified in the report into economic development presented to the Council previously.

**Rebuilding social cohesion:** This challenge is seen as separate from the wealth of the community, but much of the problem can be traced back to lower socio economic conditions within the community. There are significant divides within the community and cultures that are negative and destructive. There is a great need to bring together the communities within our local government area and get them working together, focusing on positive cultures and outcomes and marginalising people and activities that are not part of a good culture. In many ways this is a much more challenging problem than economic wealth, but also in many ways is a large part in creating future wealth. Most investment will come from people who are looking to have a good lifestyle. Having good social cohesion and a positive community culture is essential in attracting both local people to reinvest and new people to come in and invest. Without investment, there is no wealth and the community will slip into an increasingly welfare dependent state. This is not in anybody’s best interests.

3) **What are the ‘top 5’ changes that should be made to local government to meet the community’s future challenges**

It is important to note that the changes should be changes that will help local government meet the community’s future needs.

In seeking to address the issue of funding the infrastructure and services there are two main streams that need to be considered: source of funding; and how the funds are allocated.

In terms of source of funding, the size of local government does mean that it is not possible to access a sufficient range of people with differing income levels to allow for taxation to be used to equitably transfer wealth. The difference between the wealth of local government area is too great, that the current system creates “haves and have nots” due to what pool of people they can access. A system that addressed this by broadening the base from which the funding for basic services comes from is seen as a change that is required. This could take many shapes, such as increasing GST or Commonwealth taxes,
cutting other level of government funding to divert it to local government or State-wide rate collection which is then reallocated based on disadvantage and need.

Linking of funding to the development of strategic plans is seen as a valuable change. If the Council, after consultation with the community, develops a strategic delivery plan they should be able to then raise the funds required to achieve those outcomes. Without any capacity to funds the items determined as needed by the community strategic planning is simply wasting resources and time.

How councils expend the funds that they have is an area that could also benefit from changes. Establishing systems and processes to provide local government councils with good factual information on the best way to provide services is a key change needed. At the moment, the focus is on trying to get by and provide the services. This Council does not have the resources to undertake a full business analysis, both in terms of time and the specialist skills required. In some areas Council would have the specialist skills, but generally does not have the time. Without good knowledge on the real business case, council restructuring is simply guesswork. Such an approach could prove very costly. For that reason getting science behind service delivery is one of the more significant changes sought.

Allowing a business model that can provide in that way is another key change that is required. One thing that is fundamentally clear is that the approach of trying to provide such a large range of services through one sized organisation will not capture all of the potential efficiencies of scale and scope. To achieve this will require a conglomeration of external service providers and a range of different sized internal providers, depending on where the most cost efficient model lies. Councils already use external providers, but have not effectively moved into internally providing service at different scale, both larger and smaller. When referring to removal of structural barriers, it is the removal of barriers to establishing different structures of providing local government services.

To achieve the results needed to improve, the overall Macleay Valley community will require several levels of government to work together in a true partnership. While the NSW Government has commenced moving in this direction, the current approach is not yet one where the two spheres of government are working in sync in determining the strategies and actions that will best achieve the results the community is looking for.

The integrated strategic planning process has the potential to provide great benefits for our community as it has the ability to allow for the development of a clear strategy and vision of what the community wants to be. This would allow for the identification of gaps and then the development of actions that should move the community towards its goals. But doing strategic planning properly takes considerable resources and highly specialised resources. The system needs to be changed to allow for local government to be able to undertake this work. In addition, the planning will only be able to result in positive outcomes if the NSW and Commonwealth Governments take on board the information and work to achieve the goals within those plans. Under the current system this does not really occur and needs to. Planning and decisions on what is done are still top down and centralised within the State Government.

**Discussion of the Matters Raised in the Paper**

The first aspect under consideration in the paper is the question of what makes a good council. It states that the panel will look at a number of different models and
needs to test these against what the community says that it wants its councils to be like and what it needs them to do.

From the various consultations and discussions that have been had between Kempsey Shire Council and the community, it is considered that what the community wants its Council to be is:

1) Responsive to the needs of the community
2) Providing clear and strong leadership
3) Proactive in identifying problems and solutions
4) Efficient in its provision of services and infrastructure
5) Equitable in how it allocates its resources.

What the community needs Council to do is a more difficult question and may conflict with the above points. This leads to the question of what is essential, and what is optional. It is considered that what the Council needs to do is:

1) Provide the basic services required to live a good life
2) Anticipate what will be needed by the community in the longer term and put in place solutions to meet future needs when they arise.

The panel asks that the community sees as the most important functions of councils: The work the Council has previously done in surveys of the community has shown us that the most important functions are those relating to roads infrastructure and flooding infrastructure. Of greater note is that there are very few services that the majority of the community wants the Council to stop providing.

The councillors have previously determined a prioritised listing of services offered based on previous surveys and the councillors considered opinion of the community’s thoughts.

The panel asks if it is seen that the range of activities will expand into the future: The answer to this is probably best seen from the experience of the past. Two factors will influence the expectations of the community into the future:

1) Over time the standards people expect have been growing. There are no signs that this trend has changed or is coming to an end. As such, increasing standards is expected to mean that people will be expecting more to be provided. As the level of government most accessible to the community the greatest pressure will be placed on local government to provide these services. It is expected that local government will follow the same path that it has taken in the past, deferring long term asset replacement, to meet the demands for new services.
2) Other levels of government are underfunded compared to what they want to provide. As such they can be expected to continue to contract and centralise services. They will not be in a position to expand services in smaller population bases. Those councils least able to fund the additional services will find that services from other levels of government are being withdrawn. Those councils will then see the need to provide the services or they will no longer be competitive with areas that have access to the services (doctors are a classic example of this in practice).

Additionally, the higher levels of government will be less influenced to provide for new services as the desire will initially come from isolated pockets and by the time the demand is widespread enough to reach sufficient demand to be at the State or Commonwealth level, local government would probably have already stepped in (after lobbying for localised response to demand has failed).

For the above reasons, it should be expected that the range of services local
government provides will continue to expand. The Local Government Act prescribes that the council is to provide for the services that the local community demands. This changed from previously having a prescribed list of functions with the current Local Government Act.

The paper discusses the UK research that talks about the role of Councils as being place shapers and asks if such concepts are understood and accepted by citizens and ratepayers. Place shaping is about linking the various service delivery, planning and regulatory roles so as to make a real difference to the quality of the places and communities they govern. Generally, there was a good reception to the community consultations around the roads infrastructure, which was looking at this larger strategic approach to managing that asset class. This indicates that there are people in the community that wish to see this approach, support and understand it. However, there was also a strong focus on individual issues of concern from the community in these forums as well.

To look at whether the Council is operating based on the above approach, the notices of motions placed before Council over the last 12 months were reviewed to see how many related to place shaping and how many do not. Notices of motions on matters such as nominating the attendees at a conference were ignored as they are simply operational matters. Based on this review 38% of the recommendations could be related to place shaping. This indicates that at a councillor level there is a greater focus on immediate and isolated issues. It was also noted that many of the notices of motions about matters that relate to place shaping still do not connect to the strategic plans of the Council. Combined, these indicate that there is a need to look at how well the Council itself is focused on place shaping and strategic views. Both these areas indicate that the current system does not seem to encourage a major focus on strategic and integrated approaches to government. Instead the major focus is on immediate reactive actions.

This leads into the next question put by the panel, which is does more need to be done to ensure high standards of governance in local government? Are councils providing sound leadership to their communities?

The areas covered in the paper about governance are difficult for the Council to comment on, as the position on transparency, whether council meetings are run smoothly and debate well informed are very subjective. Feedback on these issues needs to come from the community.

One definition of leadership in a business role found online is:

In its essence, leadership in an organizational role involves:

1) establishing a clear vision,
2) sharing that vision with others so that they will follow willingly,
3) providing the information, knowledge, and methods to realize that vision, and
4) coordinating and balancing the conflicting interests of all members or stakeholders.

A leader comes to the forefront in case of crisis, and is able to think and act in creative ways in difficult situations. Unlike management, leadership flows from the core of a personality and cannot be taught, although it may be learned and may be enhanced through coaching or mentoring.

http://www.businessdictionary.com/definition/leadership.html#ixzz22ISXLfcg

Local government is not good at achieving the above points. The Integrated
Strategic Planning Framework is working towards the outcome of a clear vision, but if there was good leadership in place in local government there should not be the need for such requirements. Councils are not good at sharing the vision with the community and bringing the communities along. Partly this is because traditionally there has not been a vision, only a series of decisions of immediate issues.

While there are vision statements adopted, they are generally not well known and have little relevance to the actual activities of the council or are such broad statements that they have no real meaning.

Councils have for a long time been seeking to balance the conflicting interests of all members or stakeholders, but as most local government has reached a point where the infrastructure is worn out and are facing a crisis, it could easily be argued that councils have been taking the path of least resistance, rather than balancing conflicting interests.

A crucial question put in the paper is **what are the most important features of today’s local government that we want to retain, and what may we need to change.** This is an area that the councillors need to carefully consider as the responses may well shape the future.

In terms of the most important features to retain it is considered that the following are important:

1) **Identifying local communities’ needs and aspirations:** Local government in its current form can identify to a very small community issues relevant and pertinent to that community. Being able to do this gives local government the information to allow for responses to be targeted to the real needs within those communities. As you get into larger groupings the ability to manage all of the variances of the sub communities diminishes. Local government sees this approach from State Government, where one area is targeted and as a result irrespective of the needs of the local community, the State priority is where resources are put.

2) **Ability to react quickly:** As local government does not have a large bureaucratic chain of command it can act and react much quicker than other levels of government. While it would be possible to establish systems within a larger organisational structure that achieve this (as is done in the private sector), it is important that the ability to respond is not lost in the future of local government.

3) **Communication with the community:** Councils can and do communicate with the public at a level that is unmatchable by the State Government. The ability to have an ongoing discussion and relationship with micro communities is an important aspect of local government that needs to be retained.

There are areas that need to change. Identifying the areas of weakness is more challenging to people, but this process provides such an opportunity that critical self-assessment needs to be undertaken. It is considered that the main changes that are needed relate to:

1) **Funding:** No matter what structure is developed there is the need to develop a financing model that ensures that the true long term financial cost of providing the services and infrastructure are raised. Within this there is a need to look at whether the pools of community covered within a council area are too small to readily share the tax burden. It is clear that there are considerable variations in the ability of people to provide for their services
throughout local government areas. Different funding models are needed to address this problem or different quantums of funding. As part of beginning research to develop position information on councils around Australia is being compiled. Information from Victoria has been reviewed. Amalgamations occurred there in the mid 1990’s. Taking those councils in Victoria with a population between 25,000 and 35,000 the lowest average residential rate is $1,077 and the highest is $1,497. Over the last five to six years the rate increases have averaged over 6% throughout Victoria. This compares to our Council with an average residential rate of $635.55. Even when I go to the Index of Social Disadvantage Index and find our neighbouring council in Victoria, (rank 110 to our 102), their average residential rate is $1,028.

2) Linkages to other levels of government: There needs to be a whole of government approach to providing services and this means a totally different approach to communicating what services are to be provided and why. Currently there is little information available on what service the State Government provides and no good processes for linking programs to what local government is seeing as the need within the community. This is not to say that the State Government is expected to simply do everything that local government wants, but rather there needs to be a good way of working together to set the priorities and resources.

3) What is a local community: The boundaries of local government were set long ago in a totally different time. These boundaries need questioning. One of the areas that is not raised by the Panel and needs to be asked is what is a local community? We need to know what level we should be looking at to define when a community is too small to require its own board of governance.

4) Removal of close connection between the community board and the method of service provision: Currently, services are provided through one organisation that is bound to one board. While in a number of areas services have been contracted out to gain efficiencies of scale, many services of vastly different nature are often sought to be provided within the one sized organisation. While there is no good science about what size and type of organisation is more efficient and effective for the different services that a council provided, it can be considered certain that the one size is not right for all services. Amalgamations are not seen as the answer, as this only creates the same issues in a larger sized council. Detailed investigations into the factors that affect the efficiency and effectiveness of service delivery need to be undertaken and from this it can then be determined what is the best way to provide the services required or desired by the community.

We now turn to the “five big issues” that the panel aims to address:

1) Council’s ability to support the current and future needs of local communities

In this section the Panel is asking the Council to look at what the community will be like in 25 years and consider how councils can plan for these changes and will they have the capacity to respond.

The first reality that local government has to face is that the skills and resources to undertake the social demographic mapping required to identify the trends and be able to forecast the composition of the community in 25 years are normally either not available or the shortage in overall resources means that they are not able to be allocated to undertaking this forward modelling. The following modelling has been based on the aged population data from the 2001
to 2011 census.

Based on extrapolation of the trends in various groups a population line for 2026 has been modelled. The top age brackets have been amended as from the available data it is not possible to accurately forecast those population figures. The model is based on industry retaining its current level of employment. Drops in employment will reduce the overall population level.

Based on the historical data, over time the number of females giving birth will diminish at a rate of 6% each five year period. If this trend were to continue it would reduce the number of children being born locally over time. However, the impact of the baby boomers moving into retirement will come into effect by 2025. It is expected that the reduction in women in this category will start to reverse from 2021 onwards as the baby boomer generation moves into retirement and new employees are required in the Macleay Valley.

The baby boomers show as a “hump” in the population, which is gradually moving through the system. The start of the hump, currently around the 45 year age bracket, can be seen progressively moving towards retirement through the historical census results. By 2025 that group will have moved into their retirement phase.

An assessment of the working age population indicates that 69% of the working age population are in the workforce. Once this “hump” of baby boomers moves into the retirement phase there will be a demand for inward migration to fill the workforce positions they leave.

This inward migration for jobs of the baby boomers is expected to boost the middle section of the age. This will lead to additional women in the population within the main child bearing age groups. Using the birth rate levels for the Mid North Coast, this will lead to a continued increase in the number of children being born locally. Annual birth rates are modelled to increase from the current 363 to around 480, where they will stabilise. This will translate to increased numbers of youth in the local community.
It is anticipated that the 40% loss of youth once they hit 18 will continue to occur for some time. Once the baby boomers start to retire (from 2021 onwards) the demand for labour will start to normalise over the age brackets as increasing job openings occur. This should see increased youth employment opportunities. There will still be many youth leaving the area for higher education and other reasons, but there will be others moving in for work opportunities.

The level of children is possibly overstated as no adjustment has been made to reflect changing trends in family size. Comparison data on the number of children by each woman is only available for 2006 and 2011. This data shows very little change in the number of children born to women in the LGA over this time period. The average family size has been shrinking, from 2.6 in 1996 to 2.5 in the 2001 survey and then 2.4 in 2011. This trend indicates that the rate that family sizes are reducing is slowing.

The data would indicate that in terms of dealing with the future:

- Roads and bridges – the workload should not significantly change
- The flattening out of the ages of the population is likely to lead to an increased demand for recreation and cultural services, from the young and the older segments of the population. The level of impact of this should not be unmanageable if planned for.
- Demand for housing would not be sufficiently high that growth could not be managed.
- The expected growth in aged people by 61% will lead to challenges. This is seen as primarily an area that should be covered by Commonwealth funding. Assuming the Commonwealth continues to provide services and funding to support the aged population the Council should be able to cope with the resulting pressures.

Data analysis of population indicates that the Council could cope with the likely population in 2036.

The current challenges faced by the community, underemployment, low value employment and social cohesion, are factors that will need to be addressed before 2036. They are not factors that the Council is currently adequately resourced to deal with. The level of increased funds required to provide for basic services and infrastructure and the low levels of income locally indicate that there would be a significant difficulty in raising sufficient revenue from the local rate base to allow for these issues to be resourced. Council will have to seek resources from partnerships with other levels of government to solve these issues.

The information indicates that Council is not currently able to support the needs of the community. Without a change in funding levels and the development of a partnership with other levels of government (who may well also need additional funding) the Council will continue to be unable to meet the needs of the community.

It is not considered impossible for the council to place itself in a position where it could meet the community’s needs by 2036 if other levels of government adequately provided services in the areas of health and support for the aged.

2) Council’s ability to deliver services and infrastructure efficiently, effectively and in a timely manner

In the recent past this has been the area where the primary focus has been on improving the council operations. Council has moved from ad-hoc funding and extremely short term focused determinations of allocation of funds to one where
there is a strategic and long term focus on the roads and bridges. This strategic focus has to be developed for the other asset classes. Council has also moved from a recurrent debt cycle to a cycle of funding recurrent expenses and asset replenishment from recurrent revenue.

Council also has to develop systems for clearly setting out what services it provides and the levels that it provides those services at. These service standards then need to be monitored, both for whether they are adhered to and done efficiently and effectively. The current services and levels of service have been developed over a long period of time without a system of determining the value to the community and relative merit. As there is no system to what services are provided it cannot be said that at this time the Council can provide services in an efficiently, effectively, and in a timely manner.

Due to the fact that it will not be possible to work on improving the other asset classes until such time as funds become available, the priority needs to be looking at the services we provide and setting clear service standards.

Overall, the funding again means that the Council cannot manage infrastructure and the required works to replenish what exists efficiently, timely or effectively.

As with the above, this can be achieved by 2036 with a commitment to doing so.

3) Financial sustainability of each council area

In this regard the council is not currently financially sustainable. The works done in the past years shows an annual shortfall of around $10million per annum from general funds. This equates to $10 per week per ratepayer. Water and sewer also need additional funding increases to become sustainable, with ongoing increases in those areas already having been underway for several years.

The work that has been done over the last three years and will be done over the next few years to identify ways to reduce ongoing cost and convert those to asset replenishment and increasing the overall level of revenue will address the fiscal imbalance that was allowed to arise where ongoing expenditure was higher than ongoing revenue.

If rates are allowed to increase in line with the real costs of providing services within the Macleay Valley, the Council should not become less financially viable. The scale of the infrastructure backlog is not insurmountable.

Roads and bridges are the largest concern and Council has started on addressing these. While it is expected to take in the order of 30 years to deal with the backlog, a focus on bridge replacement means that the issues facing the community will be the impact of rough roads. Failure of any of the bridges could lead to fatalities. Road conditions also have potential for fatal impacts.

Failure of the water and sewer systems needs to be avoided as there would be significant impacts on the community or the environment as a result of the failure of these systems. It is expected that the likely impacts would be serious but not fatal. Council is facing a number of backlog issues and pressure to upgrade systems to ensure that adequate processing occurs, particularly relating to potential environmental impacts.

Flood mitigation infrastructure is the next area of priority. Should funding not come before parts of the system start to fail, council would need to retract the available funding to focus on the parts of the network that protect high value areas, such as dense residential and CBD areas. The community will be
impacted by increased water on rural agricultural areas, which will reduce production capacity around flood events. The community could be advised that parts of the flood mitigation system were not working and evacuation could occur in advance of flooding impacts.

The other significant impacts will be from community buildings and recreational infrastructure that may reach the point where they can no longer safely be used by the community. Because of the limited knowledge about some (particularly swimming pools) there is significant risk that an asset could fail with large costs attached to bringing the asset back into service. However, while the lack of the facility would cause inconvenience, this is the likely limit of the risk on this type of asset.

By 2036 the Council should be able to be funding the amount of assets used up each year by the community and still be able to provide a reasonably safe environment, one potentially safer than the current situation. With the current financial plans, Council would by that time be financially sustainable.

4) **Ability of councils to provide local representation and decision making**

The ability of the council to undertake effective local representation is limited. Simply writing letters asking for things to be provided is not an effective way to achieve change. To undertake effective representation the issue on which the representation is undertaken needs to be fully researched and a quality submission has to be developed to put the case. This then needs presentation to a range of people to hopefully culminate in support for the desired outcome.

With the increasing financial constraints that are facing the state and commonwealth governments, this will become increasingly important.

The level of resources to undertake this for the number of issues that need to be worked on are not currently available.

The level of information and reporting on the matters requiring decisions by Council is considered to have been improving significantly over recent years. Good quality information is being provided which assists the councillors in determining what they think is the best outcome. This is an area where the more resources that are available the more that could be done, but the current extent of research and detail provided is considered of an acceptably high level to allow for good decision making.

This Council has also been expanding into new ways of engaging the community with the use of social media and the SMS messaging systems, so in this area it is considered that the Council as it stands is capable of meeting the criteria in general.

The paper mentions the development of the Community Strategic Plan. To undertake this properly takes much more than just community consultation. Councils should be using social demographers to map the longer term trends and a range of social science people to develop quality targets and indicators against which success should be measured. As in many areas, the funding for accessing such skills is not currently available. This may limit the quality of the decisions being made in setting the forward strategic directions.

5) **Barriers and incentives to voluntary boundary changes**

Everything from minor boundary adjustments to wholesale amalgamations are under consideration by the panel. The paper has a significant bias towards the view that larger councils are better. Of great concern is that literature reviews
do not generally support such a stance.

It is considered that the greatest barrier to voluntary changes to local government structures – whether it be amalgamations, shared services or alternative structures – is the lack of transparent robust information to show realistic benefits of alternative structures.

### 4.2 Assisting in upgrading Kempsey Showground

**SUMMARY**

Council has been approached by the local representative for Shannons Insurance seeking support for Council to undertake works to create hard stand areas at the Kempsey Showground on an “at cost” basis from funds they intend to raise from donated goods auctions and other activities.

**RECOMMENDATION**

That Council supports the development of the Showground by working with the users of the facility.

**RECOMMENDATION IMPLICATIONS**

*Environmental: Nil.*

*Social: Will lead to an improved public facility that will give a better experience to the community.*

*Economic (Financial): The group are raising the funds and agreeable to Council undertaking the works to suit Council’s needs. In this situation there will be only minor indirect costs of oversight and discussions on the works.*

*Policy or statutory: Nil. The land is public land and as such does not qualify as private works.*

**REPORT DETAILS**

The purpose of the report is to ensure councillors are aware that Council staff will be working with users of the Kempsey Showground to develop the facility. Council was approached to see if we could assist the organiser of the “show and shine” events following issues they have had with not having good hard stand areas for their activities. They are looking to raise funds to undertake the works but are hoping to be able to do more with the funds they raise by using Council.

Council’s costs will be recouped from the funds that are raised and agreement has been reached that the quality and level of work will be agreed between the fund raisers and the Council staff to ensure that what is done is a good long term solution.

Staff were keen to encourage innovative approaches from within the community to take ownership of public facilities and raise funds to develop those facilities.

The hard stand areas are likely to provide benefits to other users of the facility over time as well.
GOAL 5: To Ensure Leadership and Effective, Efficient, Accountable Management

5.1 Statement of Cash and Investments

**SUMMARY**

Reporting on the statement of bank balances and investments.

**RECOMMENDATION**

That the information be noted.

**RECOMMENDATION IMPLICATIONS**

Environmental, Social, Policy or Statutory, Economic (Financial): Nil

**REPORT DETAILS**

The Local Government Act 1993 requires that council be notified at each ordinary meeting of details of all monies invested by Council.

A statement of balances is shown in [Appendix A – Page CM1].

The statement of investments is shown in [Appendix B – Page CM2].

**5.2 Management Plan Variations**

**SUMMARY**

The following are Operational Action Plans identified in the 2011-2012 Operational Plan that require the alteration of completion dates.

**RECOMMENDATION**

That extensions of time detailed in the report be adopted.

**RECOMMENDATION IMPLICATIONS**

Environmental; Social; Economic (Financial); Policy or Statutory: Nil

**REPORT DETAILS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Change Date</th>
<th>Previous Information</th>
<th>New Information</th>
<th>Comment</th>
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</thead>
<tbody>
<tr>
<td>Review and enhance systems relating to Minute taking,</td>
<td>21/8/12</td>
<td>30/6/12</td>
<td>31/8/12</td>
<td>The finalisation of this review will be completed in</td>
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<tr>
<td>business papers, agenda preparation and distribution.</td>
<td></td>
<td>conjunction with the introduction of an electronic business paper.</td>
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<tr>
<td>Review Council’s policies in regards to access to information and ensure that confidential matters are dealt with appropriately.</td>
<td>21/8/12</td>
<td>30/6/12</td>
<td>31/8/12</td>
<td>Access to information systems are being totally reviewed with the set-up of the electronic document management system (TRIM) which became operational from 2/7/12.</td>
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</table>

| Develop and implement an electronic Delegations Register to capture and allocate delegations of authority to every staff position. | 21/8/12 | 30/6/12 | 28/2/13 | Position and delegation listings have been developed. A data base for this information is to be developed with delegations to be allocated to each position. |

| Review, enhance and update (as appropriate) all IT related software and hardware for internal process improvements. | 21/8/12 | 30/6/12 | 30/6/13 | A significant number of upgrades have been completed. Additional upgrades are planned following the deployment of new server infrastructure. This will be an ongoing operational activity. |

| Implement an effective organisational Risk Management Strategy. | 21/8/12 | 30/6/12 | 30/11/12 | The review of this strategy has commenced. It is expected to be in place by November 2012. |

### 5.3 Panel Source Tender for Hire of Plant and Trucks T2012-004

**SUMMARY**

Reporting on a panel tender T2012-004 Hire of Plant and Trucks 2012-2014 for work within the Kempsey Shire Area.

**RECOMMENDATION**

That Council accepts the conforming tenders as detailed within this report for the period to 30 June 2014.
RECOMMENDATION IMPLICATIONS

Environmental and Social: Nil.

Economic (Financial): The tender provides Council with a panel of pre-qualified suppliers at competitive market tested pricing.

Policy or Statutory: The tender has been conducted in accordance with Council’s Purchasing Policy and requirement of the Local Government Act and Regulations.

REPORT DETAILS

A Panel Source tender for the Hire of Plant and Trucks T2012-004 for a two year period to the 30 June 2014 closed on Tuesday 3 July 2012.

Council’s current quotation for the hire of Plant and Trucks expired on the 30 June 2012.

The purpose of the tender is to provide Council with access to a panel of pre-qualified suppliers for the hire of trucks and plant both on a wet (operator driven) and dry hire (plant only) basis whilst detailing Council terms and conditions including performance management procedure applying to the engagement of the contracted plant and trucks.

The tender evaluation was conducted on Friday 3 August 2012.

Tender Evaluation Criteria

In order to address the evaluation criteria Tenderer’s were required to provide the following information:

- Trading Details
- Confirmation Statement of Business Ethics
- Contractor Staff Information
- Workers Compensation/Personal Accident Insurance
- Public Liability Insurance
- Plant/Truck Details
- Comprehensive Insurance
- Registration Papers
- Compulsory Third Party Insurance
- Safe Work Method Statements (for each item of plant/truck tendered)
- Two written references.

A copy of the Tender Evaluation report is attached as Confidential Appendix A – CM1 within the confidential section of Council’s business paper. The evaluation report has been provided to Council on a “Commercial in Confidence” basis as it involves commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it (Local Government Act 1993, Section 10A(2)(d)(i)).

Tender Outcome

In all forty tenders were submitted with only one failing to meet the assessment criteria.

The following tenders were evaluated as complying and will be appointed as the panel to service Council over the next two years:
An analysis of rates quoted indicates that pricing provided has increased by approximately 5% over current levels. Pricing under the tender is fixed until the 30 June 2013 with provision for tenderer’s to review their rates from 1 July 2013.

The panel tenders process provides Council with access to a wide variety of plant and trucks at competitive market tested rates whilst ensuring that insurance, licensing, safety and performance requirements are satisfactory to Council.

5.4 Interim Budget Review 30 June 2012

SUMMARY

Reporting that the Budget Review for the quarter ending 30 June 2012 has been prepared for all funds.
1 That the Budget Review for the period ending 30 June 2012 is adopted and the variations contained therein are approved and financed from the sources as indicated.

2 That the information in respect of the Works in Progress as at 30 June 2012 is noted.

3 Council approve the carry forward to 2012-2013 those projects identified as revotes.

RECOMMENDATION IMPLICATIONS

Environmental, Policy or Statutory, Social: Nil.

Economic (Financial): The financial implications of the following recommendation would be a reduction in the budgeted deficits in the General Fund of $39,093, Water Fund $61,614 and Sewer Fund $14,028.

REPORT DETAILS

The Interim Budget Review summary aligned to Council’s Operational Plan has been prepared for the quarter to 30 June 2012.

The financial accounts for the 2011-2012 years are currently being prepared and a final report in respect of the financial result will be provided to Council upon receipt of the Auditors Report.

A listing of projects proposed to be carried forward to the 2011-2012 year together with their funding source is attached at (Appendix C – Page CM3) for Councils approval. The projects have been categorised as either a work in progress, i.e. work was commenced but the project remains incomplete as at 30 June or alternatively where work was not substantially commenced as a revote.

The following documents are presented for Council’s information as (Appendix D – Page CM11):

- Budget review Income and Expenses Statement as per Councils 2011-2012 Operational Plan.
- Report by the Responsible Accounting Officer that the quarterly budget review statement indicates that Council’s projected financial position will be satisfactory at year end.
- Budget Review Income and Expenses Statement.
- Budget Review Capital Budget.
- Budget Review Cash and Investment position.
- Budget Review Key Performance Indicators. KPI incorporated within the annual Financial Statements have been included within Council’s budget review documentation.

BUDGET SUMMARY
A comparison of the estimated financial result of each fund for the quarter is as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>March Budget Review</th>
<th>June Budget Review</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>($87,510) (D)</td>
<td>($48,417) (D)</td>
<td>$39,093 (S)</td>
</tr>
<tr>
<td>Water</td>
<td>($21,196) (D)</td>
<td>$40,148 (S)</td>
<td>$61,614 (S)</td>
</tr>
<tr>
<td>Sewer</td>
<td>($15,998) (D)</td>
<td>($1,970) (D)</td>
<td>$14,028 (S)</td>
</tr>
</tbody>
</table>

**General Fund**

The Budget Review shows a revised deficit as at the close of the quarter of $48,417 representing an improvement of $39,093 in the June quarter.

The significant variations in revenue funded items that contributed to the deficit result in the quarter are set out below:

**Surplus Variations**

**Increased Income:**
- Income from Private Works: $45,722
- Investment Income: $141,223

**Decreased Expenditure:**
- Salaries: $346,659
- Workers Compensation Insurance: $125,373 (net of overhead charges)

**Deficit Variations**

**Decreased Income**
- Landfill Income: $74,165
- Workshop Income: $96,180
- Cemetery Fees: $23,578

**Increased Expenditure:**
- Road Maintenance: $172,574
- Flood Maintenance & Repairs: $160,441
- Obsolete Stores: $67,897

**General Fund – Accumulated Surplus (Working Funds)**

Working funds comprise those uncommitted funds held by Council from surpluses generated in previous years. By nature working funds are readily convertible to cash in the short term. The working funds provide Council with a buffer against the impact of significant unbudgeted financial imposts.

Council’s current working fund balance is:

- Balance 1/7/2011: $1,246,687
- 2011-12 Interim Budgeted Result: $(48,417)
- Balance 30 June 2012: $1,198,270
Water Fund

The review reveals a surplus result for the year of $40,418.

The variations in revenue funded items in the quarter are set out below:

**Surplus Variations:**

**Increased Income:**
Water Sales $39,939

**Decreased Expenditure:**
Pumping Stations - Operations $174,313

**Deficit Variations:**

**Increased Expenditure:**
Treatment Plant Operations $113,652
Dams - Operational $31,787

The accumulated fund surplus as at 30 June 2012 is estimated to be $434,231

Sewerage Fund

The review reveals a deficit result for the year of $1,970.

The significant variations in revenue funded items in the quarter are set out below:

**Surplus Variations:**

**Increased Income:**
Investment Income $40,906

**Decreased Expenditure:**
Sewer - Maintenance $103,766
South Kempsey Mains $90,625

**Deficit Variations**

**Decreased Income**
Sewer Volumetric Charges $45,625

**Increased Expenditure:**
Loan Interest $44,321
Pumping Stations & Treatment Plant Operations & Maintenance $93,926
Utility Charges $64,621

The accumulated fund surplus as at 30 June 2012 is estimated to be $758,101
16 QUESTIONS FOR NEXT MEETING

(Excerpt from Code of Meeting Practice Procedure 5.1.4)

2.4.3 Questions for Next Meeting

1 Councillors, just prior to the end of a Council meeting, may raise questions on the understanding that the answers will be provided at the following meeting. Each Councillor will be allowed a maximum of five questions.

2 Such questions will be recorded in the minutes of the meeting.

3 When such questions are listed, there is nothing preventing an answer being given straight away if it makes sense to do so. (Local)

Responses to Questions from 17 July 2012

<table>
<thead>
<tr>
<th>COUNCILLOR SNOWSILL</th>
<th>QFNM1</th>
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<tbody>
<tr>
<td>In regard to fuel cards used for Council vehicles – are the fuel cards vetted in any way on how the fuel is used?</td>
<td>RESPONSE: The fuel cards that are used by Council are a Custom Fleet Blue Card which are coded to allow the purchases of fuel and oil’s only. Reporting options are available which enable the monitoring of fuel usage.</td>
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<table>
<thead>
<tr>
<th>COUNCILLOR SAUL</th>
<th>F12/227 (D12/1272)</th>
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<tbody>
<tr>
<td>Has the timeframe been issued for the erection of the fence at the Kempsey airport yet?</td>
<td>RESPONSE: This matter was recently reported to Council where Council resolved to place a copy of the draft Wildlife Hazard Management Plan for the Kempsey Airport on public exhibition. The fencing of the airport is an option that has been identified to reduce the risk of accidental wildlife strike occurring at the airport and the data collected through operation of the Management Plan will assist Council to make an informed decision regarding the risk. Council was also provided with an information update report about recorded wildlife strike incidents at the airport and it was confirmed that there were two previous records in the vicinity of the Kempsey Airport over the last 10 years. The fencing of the airport is currently listed as an unfunded project and has not been allocated any funding in the 2012-13 Operating Plan recently adopted by Council. There is no present timeframe for the construction of this infrastructure.</td>
</tr>
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<table>
<thead>
<tr>
<th>COUNCILLOR WALKER</th>
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<tbody>
<tr>
<td>Can Council investigate the Verge Street boat ramp as it is getting difficult to launch boats?</td>
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<table>
<thead>
<tr>
<th>COUNCILLOR GRIBBIN</th>
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</thead>
<tbody>
<tr>
<td>Does the sand pit in Belmore Road pay royalties for its upkeep as the sand trucks carting to the new bypass are damaging the road?</td>
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</table>
RESPONSE:
There are two sand quarries that gain access via Belmore River Road. One sand quarry is active with all contributions paid. The other quarry is currently inactive; however, contributions have previously been paid.

COUNCILLOR GRIBBIN  F12/227 (D12/1280)

QFNM2
When can the residents of Goulds Lane Clybucca expect Council to do some maintenance work on it?

RESPONSE:
Goulds Lane is sealed for the first section and then reverts back to an unsealed road. Maintenance grading of the unsealed section occurred in May 2012 and the unsealed section of road is believed to still be in good condition.

The sealed section is badly deteriorated and in need of reconstruction. Due to the relatively lower volumes of traffic the road is not considered an immediate priority under the Asset Management Plan and in Council’s 10-year roadworks program, Goulds Lane is identified for major maintenance works in 2018/19.

Council staff are currently liaising with a local quarry operator & the RMS to identify opportunities to remediate the bitumen sealed section to allow material supply for the next stage of the highway upgrade. No firm options have been identified.

COUNCILLOR GRIBBIN

QFNM3
How much interest is received from the $1.26million in the SWR contribution account, and where does it go to and what will this $1.26million be used for?

RESPONSE:
Interest for the 2011-12 year totals $42,140 and is credited to the Contribution Plan.

The balance of funds in the SWR Contribution Plan at the 30 June 2012 is $1,296,474 which includes $470,000 proposed to be expended in the 2012-13 year.

The SWR Contribution Plan is an all-encompassing Plan which includes provision for Library, Transport, Open Space and Bushland, Public Domain, Stormwater, Bushfire, Surf Life Saving and Plans, Studies and Management components.

Funds are expended in accordance with the schedule of work identified within the Plan.

COUNCILLOR GRIBBIN

QFNM4
Is it legal for Council employees to open Councillors personal mail?

RESPONSE:
Yes, when the mail is received at Council’s business offices.

All Council documents come under the definition of state records. This means any record made and kept, or received and kept, by any person in the course of official functions in a public office is a Council document. This includes mail addressed to a councillor or staff member received at Council’s office whether or not it has privacy markings.

Letters addressed to council’s address of PO 3078 West Kempsey or 22 Tozer Street West Kempsey become a council record and need to be registered in
council’s record management system. This is so a proper record is kept of all documents received by council.

Council staff who open mail are subject to the Code of Conduct in regard to maintaining integrity and security of confidential information. As a councillor is a part of the organisation it is not a breach of privacy to open mail addressed to them in accordance with the organisation’s procedures.

Personal mail that is not related to council business should not be addressed to the Council business address.

<table>
<thead>
<tr>
<th>COUNCILLOR BOWELL</th>
<th>QFNM1</th>
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</thead>
<tbody>
<tr>
<td>Has Council received advice on the Jobs Plan Program on the Mid North Coast and in particular Kempsey Shire?</td>
<td><strong>RESPONSE:</strong> No recent information has been received under a heading of “jobs program” in Council’s records.</td>
</tr>
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<tr>
<th>COUNCILLOR BOWELL</th>
<th>QFNM2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is Council participating in the Local Infrastructure Renewal Scheme and if not why not?</td>
<td><strong>RESPONSE:</strong> Applications were submitted for the Kempsey Bypass Project ($5.6m) and Kempsey Water Supply and Sewerage Augmentation Scheme ($34.8m). Both projects were not successful on this occasion as it was deemed they did not address a genuine existing infrastructure backlog rather than providing for future growth. Round two of the Local Infrastructure Renewal Scheme is anticipated to be open towards the end of 2012.</td>
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<thead>
<tr>
<th>COUNCILLOR BOWELL</th>
<th>QFNM3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can the request for the social impact study for the Mid North Correctional Centre be followed up urgently in light of the closure of Grafton Jail and transfer of some inmates to Kempsey?</td>
<td><strong>RESPONSE:</strong> Letter distributed to Councillors from the Attorney General, Minister for Justice on 3 August 2012.</td>
</tr>
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<tr>
<th>COUNCILLOR BOWELL</th>
<th>QFNM4</th>
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<tbody>
<tr>
<td>Has the meeting with the Ministers on flood issues been organised?</td>
<td><strong>RESPONSE:</strong> A meeting with the Ministers regarding flood issues has not been organised as the preparation of a brief for the meeting based on the various sources nominated by Council has not been completed.</td>
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<tr>
<th>COUNCILLOR BOWELL</th>
<th>QFNM5</th>
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<tbody>
<tr>
<td>Is there a works program proposed for Geoffrey O’Hea Street?</td>
<td><strong>RESPONSE:</strong> Geoffrey O’Hea Street is well known to Council for the poor condition of the kerb and gutter and road pavement. However, it is not identified in the 10-year roadworks program which was developed from Council’s Asset Management Plan. This is a result of the road being relatively low traffic compared to other roads.</td>
</tr>
</tbody>
</table>
It had been hoped to recommend that Council reallocate identified savings in the major roadworks program during 2011-12; however the persistent rain and associated wet weather delay costs consumed any savings that might have been able to be made. It is hoped that savings can be achieved during 2012-13 which Council may be able to reallocate towards the completion of Geoffrey O’Hea Street. Until this time, no firm commitment on when the condition of Geoffrey O’Hea Street will be rectified can be given.

COUNCILLOR E A GREEN  
QFNM1  
Green paper Planning review – will Council be putting in a submission?  
RESPONSE:  
A report is included in the September 2012 Business Paper seeking Council’s endorsement of a submission in respect to the Green Paper.
17 CONFIDENTIAL ITEMS

MOTION FOR CONFIDENTIAL SESSION

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the Local Government Act 1993 in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:
(a) personnel matters concerning particular individuals (other than councillors)
(b) the personal hardship of any resident or ratepayer
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
(d) commercial information of a confidential nature that would, if disclosed;
   (i) prejudice the commercial position of the person who supplied it,
   or
   (ii) confer a commercial advantage on a competitor of the Council,
   or
   (iii) reveal a trade secret
(e) information that would, if disclosed, prejudice the maintenance of law
(f) matters affecting the security of the Council, councillors, council staff or Council property
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Councillors are reminded of their statutory obligations in relation to the non-disclosure to any outside person of matters included in this section.

That Council form itself into the Confidential Session, and at this stage, the meeting be closed to the public to permit discussion of the confidential business items listed for the reasons as stated in the Agenda.
Section 10A(2)(a) – Personnel Matters

This report is submitted on a confidential basis as it involves personnel matters concerning particular individuals (other than Councillors). (Local Government Act 1993, section 10A(2)(a))

On balance, the public interest in preserving the confidentiality of the commercial information supplied, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.
Section 10A(2)(a) – Personnel Matters

This report is submitted on a confidential basis as it involves personnel matters concerning particular individuals (other than Councillors). (Local Government Act 1993, section 10A(2)(a))

On balance, the public interest in preserving the confidentiality of the commercial information supplied, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.
GOAL 5: To Ensure Leadership and Effective, Efficient, Accountable Management

5.1 Various Legal Matters

Section 10A(2)(g) – Legal Proceedings

This report is submitted on a confidential basis as it involves advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. (Local Government Act 1993, Section 10A(2)(g))

On balance, the public interest in preserving the confidentiality of the advice outweighs the public interest in openness and transparency in Council decision making by discussing the matter in open meeting.

5.2 Code of Conduct Matter

Section 10A(2)(a) – Personnel Matters

This report is submitted on a confidential basis as it involves personnel matters concerning particular individuals (other than Councillors). (Local Government Act 1993, section 10A(2)(a))

On balance, the public interest in preserving the confidentiality of the commercial information supplied, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

5.2 Code of Conduct Matter – Supplementary

Section 10A(2)(a) – Personnel Matters

This report is submitted on a confidential basis as it involves personnel matters concerning particular individuals (other than Councillors). (Local Government Act 1993, section 10A(2)(a))

On balance, the public interest in preserving the confidentiality of the commercial information supplied, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.