KEMPSEY
SHIRE COUNCIL

NOTICE OF MEETING

A COUNCIL MEETING
WILL BE HELD ON TUESDAY 17 MAY 2016
IN THE COUNCIL CHAMBERS
CORNER TOZER AND ELBOW STREETS WEST KEMPSEY
COMMENCING AT 9.00AM

BUSINESS
1 OPENING PRAYER
2 ACKNOWLEDGEMENT OF COUNTRY
3 APOLOGIES
4 DECLARATIONS OF INTEREST
5 ASSESSMENT OF ITEMS LISTED FOR CONFIDENTIAL CONSIDERATION
6 CONFIRMATION OF MINUTES
7 CITIZENSHIP CEREMONIES
8 PUBLIC FORUM / PRESENTATIONS
9 CONSIDERATION OF MOTIONS FOR SUPPLEMENTARY REPORTS AND MOTIONS FOR CHANGES TO THE ORDER OF BUSINESS
10 CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM MATTERS
11 CONSIDERATION OF REPORTS RELATING TO A CONSENSUS MOTION
12 MAYOR’S REPORTS
13 STAFF REPORTS
14 RESCISSION MOTIONS
15 NOTICES OF MOTION
16 DELEGATES REPORT
17 COMMITTEE REPORTS
18 DELIVERY PROGRAM PERFORMANCE INDICATORS
19 COUNCILLOR QUESTIONS
20 CONFIDENTIAL ITEMS
21 CONCLUSION
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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".

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 APOLOGIES

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

4 DECLARATIONS OF INTEREST

That Councillors’ declared interests be noted.

5 ASSESSMENT OF ITEMS LISTED FOR CONFIDENTIAL CONSIDERATION

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

6 CONFIRMATION OF MINUTES

That the Minutes (2016-4-19 Minutes).pdf of the ordinary meeting of Kempsey Shire Council dated 19 April 2016 be confirmed.

RECOMMENDED:

That the minutes of the ordinary meeting of Kempsey Shire Council dated 19 April 2016 be confirmed.

7 CITIZENSHIP CEREMONIES

<table>
<thead>
<tr>
<th>Name</th>
<th>Country of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Wannee APPS</td>
<td>Thailand</td>
</tr>
<tr>
<td>2 Janemary JOY</td>
<td>India</td>
</tr>
<tr>
<td>3 Livana LIJO</td>
<td>India</td>
</tr>
</tbody>
</table>
8 PUBLIC FORUM / PRESENTATIONS

Public Forum

Presentations

Mr Michael Jones - North Coast Renewable Energy Association will conduct a brief presentation concerning the energy revolution that is underway.

10 minute presentation:
• Move away from fossil fuels on the international scene.
• Financial incentives for Local Government to move to renewable energy sources.
• Local Government adoption of LED street lighting and stand-alone power facilities.
• Solar electricity generation and storage
• Electric car fleets for Local Government

9 CONSIDERATION OF MOTIONS FOR SUPPLEMENTARY REPORTS AND MOTIONS FOR CHANGES TO THE ORDER OF BUSINESS

That the Agenda Order of Business be adopted and the late reports be considered in conjunction with the relevant Councillor or Community Strategic Plan reports.

10 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.

11 CONSIDERATION OF REPORTS RELATING TO A CONSENSUS MOTION

The following items will be enacted by one motion unless a Councillor or citizen of Kempsey Shire Council requests the item be considered separately.

RECOMMENDED:

That the recommendations contained in items 6 – 13 in the current agenda as listed be adopted.
| ITEM 8  | STATEMENT OF CASH AND INVESTMENTS ................................................................. | 39 |
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### ITEM 1 COUNTRY MAYORS ASSOCIATION OF NSW

<table>
<thead>
<tr>
<th>Delivery Program Activity:</th>
<th>Reporting Officer:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(CAD-01-03)</td>
<td>Cr Campbell</td>
</tr>
<tr>
<td>Effect of Recommendation on Budget:</td>
<td>File:</td>
</tr>
<tr>
<td>Nil</td>
<td>F12/144-05</td>
</tr>
</tbody>
</table>

**REPORT SUMMARY**

Reporting on a request to re-join the Country Mayors Association of New South Wales.

**RECOMMENDATION**

That Council applies to re-join the Country Mayors Association of New South Wales.

**COMMENTARY**

It is considered that membership of the Country Mayors Association would be beneficial for Council, particularly at this time of change and reform within local government.

Membership of Country Mayors would assist with lobbying on rural and regional issues, and for building the profile and relationships necessary to improve the outcomes for local communities across country NSW.

The current feedback from other Mayors in rural and regional NSW indicates that having access to government and key industry bodies at these meetings provides a dedicated time to discuss and work through issues that are relevant to country NSW. With the amalgamation of the Shires and Local Government Association, Country Mayors is now the only forum that has a specific focus on country issues. It is considered appropriate that Kempsey Shire Council has membership to this local government peak body.

The current annual fee for membership to the Association is $750. In addition, there would be travel and accommodation costs required to attend quarterly meetings.
ITEM 2  DRAFT OPERATING PLAN 2016/2017

<table>
<thead>
<tr>
<th>Delivery Program Activity:</th>
<th>Reporting Officer:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(CAD-01-01) Community Engagement</td>
<td>General Manager</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Effect of Recommendation on Budget:</th>
<th>File:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>F12/423-05</td>
</tr>
</tbody>
</table>

REPORT SUMMARY

The Operating Plan for each year outlines the operational activities that Council will undertake to achieve the outcomes set out in the Delivery Plan adopted by Council. A draft Plan is to be placed on public exhibition, and at the end of the exhibition period Council should consider any feedback before adopting an Operating Plan for the coming twelve months.

RECOMMENDATION

That the Draft Operating Plan for 2016/2017 be placed on public exhibition.

COMMENTARY

Each year, Council has to place on public exhibition a draft Operating Plan that shows the activities that will be undertaken during the coming year to achieve the Delivery Plan adopted by Council for the four-year period.

As such, the Operating Plan must be consistent with what Council has told the community it will be seeking to achieve in the Delivery Plan. This is to ensure that Council remains focused on the strategic outcomes needed to achieve long-term value to the community.

Limitations on revenue are the main financial problem this year. The freeze on the Financial Assistance Grant effectively reduces the overall income of Council by $172,000 in 2016/2017, and the impact of the rate peg level of 1.8% also means that income is not increasing at the same rate that inflation is pushing up costs. As an example, the difference between what IPART has allowed for cost increases in wages and the minimum award increases equates to $50,000 shortfall towards labour. Effectively, Council is faced with an estimated $300,000 shortfall simply from these revenue restrictions.

As per normal, much of the Operating Plan relates to the ongoing provision of services that are delivered each year. The 2016/2017 year sees additional services being provided through the NSW Government mandating new requirements for swimming pool inspections.

In addition to this, there are considerable resources placed into the ongoing renewal of assets that the community uses on an annual basis. As in previous years, there has been an increase in the level of investment into the road network, which relates to the above rate peg increase. Another significant capital project is the Central Kempsey Waste Water Treatment Plant.

Based on this year’s Community Satisfaction Survey, the infrastructure areas having the greatest gap in satisfaction are roads, public toilets and footpaths/cycleways. The satisfaction gap with roads is decreasing, indicating that the additional investment in roads is impacting on the community in a
positive way, demonstrating that this is a good investment. However, if the other two major infrastructure areas creating dissatisfaction are not dealt with these will continue to create problems within the community. When the above rate peg increase was applied for the intention was to gradually improve the financial position of Council and reallocate those funds towards other infrastructure types. The cutting of the Financial Assistance Grant (currently impacting by $338,000 per annum) has significantly derailed the opportunity to achieve that in the medium term. It is not considered that Council can continue for another five years without addressing the other major infrastructure issues from the community’s perspective.

For this reason it is proposed to divert some resources towards the public toilet infrastructure and footpath/cycleways. In terms of public toilets, the priorities are planned to be around usage. This will be reviewed in consideration also of the condition of the toilet block, but in general there are many toilet blocks that are in poor condition. This would lead to the toilet block in Clyde Street being the first project and thus included in the 2016/2017 Operating Plan.

The Pedestrian Access Mobility Plan (PAMP) is in draft version and will shortly be completed. The 2016-2017 Operating Plan will include provision to undertake projects identified as the priorities within that Plan. It is expected that the first year of works will focus on access issues, such as crossing points and other gaps in the network that prevent easy use of the network, particularly for people with some disability.

While this will have some impact on the pace of the roads works program, that program has received a significant boost through additional Roads to Recovery funding, where an additional year’s funding was provided. Overall, the offset is considered to be in the net benefit of the community over the longer term.

In terms of operations, this year will see the acquisition of a software platform that will allow for the development of improved systems for customer services and performance management. In reviewing the available options, it was considered that an open system platform would provide the best value for the available funds as it will allow for considerable automation of processes as well. This will mean that over the next twelve months we will be developing and implementing solutions to various problems, including those that are impacting on customer service and tracking aspects of performance. This will impact on the available resources of Council. Changes that come out of the first service reviews may also begin to be implemented and allowance needs to be made to implement efficiency improvements that come out of those service reviews, even though at this stage they cannot be included in the Operating Plan as we do not know what actions need to be taken.

A copy of the draft Operating Plan is attached at [Appendix L - Page 231]
ITEM 3  2015 KEMPSEY SHIRE GENERAL VALUATION AND REVIEW OF RATE STRUCTURE

Delivery Program Activity: (CAD-02-02) Financial Management
Effect of Recommendation on Budget: Nil impact on total income will impact the distribution of the income between rate payers
Reporting Officer: Director Community Engagement
File: F12/627-04

REPORT SUMMARY

Reporting on new land values that take effect for the 2016/2017 rating year.

RECOMMENDATION

1  That the information in respect of the general valuation 2015 be noted.
2  That the rating model Option 3 is endorsed for the 2016/2017 year.

COMMENTARY

The NSW Valuer General provides new land valuations for land within the Kempsey Shire on a three (3) year cycle. The new valuations with a base date of 1 July 2015 were forwarded to Council in November 2015 and become effective for rating from 1 July 2016.

The Shire’s overall 2015 land value has decreased from the 2012 land value by approximately $127,664,260. A summary of the impact on ratepayers is as follows:

<table>
<thead>
<tr>
<th></th>
<th>BASE DATE 2012 LAND VALUE</th>
<th>BASE DATE 2015 LAND VALUE</th>
<th>% IN CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business</td>
<td>$189,155,576</td>
<td>$164,305,653</td>
<td>-13.13%</td>
</tr>
<tr>
<td>Residential</td>
<td>$1,604,558,404</td>
<td>$1,565,128,667</td>
<td>-2.45%</td>
</tr>
<tr>
<td>Farmland</td>
<td>$483,531,960</td>
<td>$420,147,360</td>
<td>-13.1%</td>
</tr>
<tr>
<td></td>
<td>$2,277,245,940</td>
<td>$2,149,581,680</td>
<td>-5.6%</td>
</tr>
</tbody>
</table>

Whilst the movement in the Land Value between 2012 and 2015 has been relative minor (decline of 5.6%) a comparison of the movement in values between categories shows that residential land has declined 2.45% whilst the value of business and farmland properties has declined by approx. 13.1%.

The report prepared on behalf of the Valuer General in respect of the 2015 valuation included the following commentary:-

- Residential Land value levels have remained relative static.
- Rural land values decreased for the lower river properties and the larger upper valley grazing properties. Rural properties on the coastal floodplain have decreased by 10% to 23% since 2012 following lower commodity prices, several major floods combined with tighter lending policies from the banking sector. Larger grazing properties in the upper valley have reduced in value by approximately 23% following weak commodity prices and reduced demand.
- Commercial Land – Kempsey CBD experienced a decrease of between 30% to 41%, the decrease is attributed to a softer retail sector, impact of the bypass and for some fringe sites some land
use restrictions under the new zoning in the LEP. South Kempsey industrial sector experienced a decrease of 13%.

The variations in the movement of the land value of properties both individually and collectively by category will impact the amount of rates payable by individuals in 2016/2017 when compared to the current year irrespective of the rating model adopted for the 2016/2017 year.

A colour coded map detailing the % variations from the 2012 valuation will be available at the council meeting. A table incorporating a comparison of the changes from 2012 to 2015 based upon rating category and variations by range for each category is attached [Appendix A – Page 1].

It should be noted that the Valuer General issued the Notice of Valuation to ratepayers in late January 2016; ratepayers have sixty days in which to lodge an objection to have their land values individually reviewed. It is anticipated that ratepayers who have experienced significant increases would lodge objections however the objections are not likely to have any major impact on the general valuation outcome. At the time of preparing this report the Valuer General advised Council that three objections have been lodged on the basis that their land value was too low.

**Principles of Rating**

The following information provides an overview of the requirements, principles and factors upon which the Council rating model has evolved.

The land value provided by the Valuer General in conjunction with the rating model adopted by Council is the basis on which the total allowable rate yield is distributed amongst council’s ratepayers. Council’s revenue for the Ordinary Rate is subject to rate pegging which determines the maximum amount Council can raise in any one year.

Changes in land valuations as a consequence of a revaluation does not allow Council to increase its total allowable rate yield however it may impact upon the distribution of the charge between individual ratepayers and rating categories.

The Office of Local Government in its publication Council Rating and Revenue Raising Manual (last updated 2007) provides the following discussion on local rating concept:

> Every inhabitant of a district should be made to contribute according to his ability; and everyone who receives from the local expenditure should be made to contribute in proportion to the benefit he receives.

Thus the fairness or appropriateness of rates may be considered in the light of these two criteria:

1. The extent to which those who receive the benefits of Council’s services also pay for those services – the so called “benefit principle”

2. The extent to which those who pay for Council’s services have the ability to pay for those services – the so called “ability to pay principle”.

Council in setting its rates structure attempts to obtain an equitable balance for its ratepayers in addressing the forgoing principles.
The use of the base rate (benefits principle) provides the basis by which the cost of services enjoyed by all ratepayers are shared equally whilst the ad valorem based upon the value of land can be said to “approximate” ability to pay.

Local Government Act Rating Requirements

A brief overview of the principle requirements in respect of the levying of the ordinary rates is set out below:

- Council must make and levy an ordinary rate for each year on all ratable land in its area.
- Ratable land must be categorised based on its usage as either:
  - Residential
  - Business
  - Farmland
  - Mining

Council may determine sub categories for one or more categories of ratable land.

- An ordinary rate may consist of:
  - An ad valorem amount (i.e. cents in the dollar times land value)
  - A base amount to which an ad valorem amount is added
  - An ad valorem rate subject to a minimum amount.

The base amount may be the same or different for a category or sub category of an ordinary rate, the yield from the base amount must not exceed 50 per cent of the total yield for each category or sub category.

Council Rating Model

In 2014 Council had a Special Rate Variation approved by IPART for a period of 4 years as follows:

<table>
<thead>
<tr>
<th>Rating year</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014/2015</td>
<td>9.3%</td>
</tr>
<tr>
<td>2015/2016</td>
<td>10%</td>
</tr>
<tr>
<td>2016/2017</td>
<td>10%</td>
</tr>
<tr>
<td>2017/2018</td>
<td>4%</td>
</tr>
</tbody>
</table>

Council’s permissible rate yield for 2016/2017 has been calculated at $18,643,000 inclusive of the 10% Special Rate Variation (SRV) approved by IPART.

In developing options in respect of the rating structure to apply in 2016/2017 the following factors have been considered:-
• Land value variations within and between the existing rating categories.
• The current distribution of rate revenue between the three rating categories.
• Base charges to be applied.

Current rating structure

2015/2016 financial year Council introduced the one bill which combined the Water Account and the Rates and Charges account.

The current Council rating model as detailed in the table below is based upon the following principles:-
• The Business, Farmland has the same base amount but the businesses have a higher ad valorem.
• Residential properties base charge accounts for 49% of the revenue raised from this sector. The high reliance on the base charge provides the mechanism by which the rate burden is most evenly distributed among ratepayers.
• Environmental Levy continues to be applied in the form of a uniform base rate to all rateable properties.
• Respective yield percentages from the individual categories detailed in the following table.

2016/17 RATING STRUCTURE

A number of options have been developed for Council’s consideration following receipt of the 2015 General Valuation.

These Options are attached [Appendix B - Page 2].

An overview of the Options and the impact upon ratepayers is set out below.

OPTION 1

Criteria:-
• Maintain existing % yield from the respective categories as per the 2015/2016 model allowing for the 10% SRV increase.
• Base Charge to be increased by 10% in line with the SRV approval.

<table>
<thead>
<tr>
<th>Category</th>
<th>Number Assessment</th>
<th>2015/2016 Base Charge</th>
<th>2015/2016 Ad Valorem</th>
<th>Land Value 2012</th>
<th>2015/2016 Rate Yield</th>
<th>%</th>
<th>Average Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>12,359</td>
<td>$495</td>
<td>$0.38640</td>
<td>$1,604,558,404</td>
<td>$12,317,718</td>
<td>72.65%</td>
<td>$997</td>
</tr>
<tr>
<td>Business</td>
<td>809</td>
<td>$528</td>
<td>$0.79303</td>
<td>$189,155,576</td>
<td>$1,927,212</td>
<td>11.37%</td>
<td>$2,382</td>
</tr>
<tr>
<td>Farmland</td>
<td>1,432</td>
<td>$528</td>
<td>$0.40380</td>
<td>$483,531,960</td>
<td>$2,708,598</td>
<td>15.98%</td>
<td>$1,891</td>
</tr>
<tr>
<td>Total</td>
<td>14,600</td>
<td></td>
<td></td>
<td>$16,953,528</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Impact

An overview of the impact of this Option on ratepayers is set out below and is summarized as follows, when outlining the $ variance this is based on the 2015/2016 Ordinary Rate plus a 10% SRV to apply in the 2016/2017 year:-

- The % yields from the respective categories are the same as in the 2015/2016 year.
- There are distinct impacts on ratepayers within the respective categories, these variances reflect the impact in the movement in the Land Value for individual properties when compared to the average. These variances are:-
  - Residential Category
    - 3975 assessments experience a reduction in rates payable -$142,548 on average $-37.
    - 8384 assessments experience an increase in total rates payable of $137,341 on average $16 per assessment p.a. representing an overall increase of 11.7%.
  - Farmland Category
    - 540 assessments experience a reduction in rates payable -$96,000 on average $-178.
    - 820 assessments experience an increase in total rates payable of $76,000 on average $93 per assessment p.a. or 15.5%.
    - 72 assessments experience an increase in total rates payable of $17,000 on average $236 per assessment p.a. or 23.2%.
  - Business Category
    - 186 assessments experience a reduction in rates payable -$109,500 on average $-589. 144 of these assessments are within the Kempsey CBD and there reduction is $100,000 on average -$699.00.
    - 294 assessments experience an increase in the total rates payable of $11,500 on average $39 per assessment and representing an overall increase of 12%.
    - 329 assessments experience an increase in the total rates payable of $99,500 on average $302 per assessment and representing an overall increase of 22.16%. 326 of these assessments are situated outside the Kempsey CBD.

The change in individual Land Values from 2012 to 2015 will lead to a redistribution of the rate debt within the rating categories. In particular instances ratepayers who experience a reduction in value can be paying proportionately more in rates because their reduction is lesser than the average for the rating category to which they belong.

The retention of this model will impact heavily on assessments within the Business Category and Farmland Categories with 822 of the 1188 assessments subject to an increase of 15% or more when compared to the rates paid by these properties in 2015/2016 are categorised business or farmland.

OPTION 2

Criteria:-
- Rate yield from the respective categories adjusted to reflect the movement in land values from 2012 to 2015.
- Base Charge to be increased by 10% in line with the SRV approval.
### Rate Yield Overview

<table>
<thead>
<tr>
<th>Category</th>
<th>2015/2016 Rate Yield</th>
<th>2016/2017 Rate Yield</th>
<th>% Change</th>
<th>Average Rate 2015/2016</th>
<th>Average Rate 2016/2017</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$12,317,718</td>
<td>$13,954,191</td>
<td>74.87%</td>
<td>$997</td>
<td>$1,129</td>
<td>13.24%</td>
</tr>
<tr>
<td>Business</td>
<td>$1,927,212</td>
<td>$1,957,829</td>
<td>10.50%</td>
<td>$2,382</td>
<td>$2,420</td>
<td>1.6%</td>
</tr>
<tr>
<td>Farmland</td>
<td>$2,708,598</td>
<td>$2,725,426</td>
<td>14.62%</td>
<td>$1,891</td>
<td>$1,903</td>
<td>0.63%</td>
</tr>
</tbody>
</table>

An overview of the impact of this Option on ratepayers is set out below and is summarized as follows, when outlining the $ variance this is based on the 2015/2016 Ordinary Rate plus a 10% SRV to apply in the 2016/2017 year:

- There are distinct impacts on ratepayers within the respective categories, these variances reflect the impact in the movement in the Land Value for individual properties when compared to the average together with the re-distribution of the rate yield based on the yield as a factor of the 2012 Land Value. These variances are:
  - Residential Category
    - 1445 assessments experience a reduction in rates payable -$48,132 on average $-33 per assessment p.a.
    - 8,302 assessments experience an increase of $218,000 on average $26 p.a. representing 12.89% increase in rates payable from 2015/2016.
    - 2,612 assessments experience an increase of $235,000 on average $90 p.a. representing 16.93% increase in rates payable from 2015/2016.
  - Farmland Category
    - 1290 assessments experience a reduction in rates payable -$258,000 on average $-200.
    - 142 assessments experience an increase of $4,100 on average $29.
  - Business Category
    - 505 assessments experience a reduction in rates payable -$184,000 average $-364, 148 of these assessments are within the Kempsey CBD and there reduction is $134,500 on average $-908.
    - 304 assessments experience an increase of $22,000 on average $72.

This Option has a marked impact upon ratepayers in the Residential sector who will experience an average $33 p.a. increase over and above the 10% SRV, in effect a representing a 13.29% increase on rates levied in the 2015/2016 year. The impact upon individual ratepayers will vary in line with their land value movement and for some 2,612 residential assessments this will result in an average increase above the 10% SRV of $90p.a. representing an overall increase of 16.93%.

Substantial savings in rates occurs within both the Farmland and Business Sectors.

### OPTION 3

**Criteria:-**
- Reduction in the yield from Business -0.33%, Farmland -0.52% to reflect decline in land values, residential yield increased by 0.85%.
- Base Charge for Residential properties increased to $550 to flatten out impact of the yield change.
• Business – Kempsey CBD sub category incorporated with a higher ad valorem to maintain yield from this sector. The yield in 2016/2017 will be reduced by -0.30% when compared to the 2015/2016 income amount after allowing for the 10% SRV to apply in 2016/2017.

<table>
<thead>
<tr>
<th></th>
<th>2015/2016 Rate Yield</th>
<th>2016/2017 Rate Yield</th>
<th>% Change</th>
<th>Average Rate 2015/16</th>
<th>Average Rate 2016/17</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$12,317,718</td>
<td>$13,699,667</td>
<td>73.51%</td>
<td>$997</td>
<td>$1,108</td>
<td>11.13%</td>
</tr>
<tr>
<td>Business – Other</td>
<td>$1,424,755</td>
<td>$1,561,231</td>
<td>8.38%</td>
<td>$2,175</td>
<td>$2,384</td>
<td>9.6%</td>
</tr>
<tr>
<td>Business – Kempsey CBD</td>
<td>$502,456</td>
<td>$495,711</td>
<td>2.66%</td>
<td>$3,262</td>
<td>$3,219</td>
<td>-1.31%</td>
</tr>
<tr>
<td>Farmland</td>
<td>$2,708,598</td>
<td>$2,880,879</td>
<td>15.46%</td>
<td>$1,891</td>
<td>$2,012</td>
<td>6.39%</td>
</tr>
</tbody>
</table>

An overview of the impact of this Option on ratepayers is set out below and is summarized as follows, when outlining the $ variance this is based on the 2015/2016 Ordinary Rate plus a 10% SRV to apply in the 2016/2017 year:-

• There are distinct impacts on ratepayers within the respective categories; these variances reflect the impact in the movement in the Land Value for individual properties when compared to the average movement together with the re-distribution of the rate yield based from the Business and Farmland sectors to the Residential to reflect changes in Land Value % for the respective categories.

These variances are:-

  o Residential Category
    ▪ 3230 assessments experience a reduction in total rates levied of -$93,000 on average $-28 p.a.
    ▪ 8,709 assessments experience an increase in total rates levied of $198,200 on average of $23 p.a. representing 12.38% increase on the 2015/2016 rates.
    ▪ 420 assessments experience an increase in total rates levied of $44,500 on average of $106 p.a. representing 20% increase on the 2015/2016 rates.

  o Farmland Category
    ▪ 683 assessments experience a reduction in rates -$141,000 average $-206 p.a.
    ▪ 614 assessments experience an increase in total rates payable of $26,000 on average of $42 p.a. representing 12.6% increase from 2015/2016.
    ▪ 135 assessments experience an increase in total rates payable of $16,250 on average of $120 p.a. representing 17.9% increase from 2015/2016.

  o Business Category
    ▪ Other
      • 271 assessments experience a reduction in rates payable -$39,500 on average $-146 p.a.
      • 324 assessments experience an increase in total rates payable of $14,100 at an average $44 p.a. representing a 12.87% increase on the 2015/2016 rates.
      • 60 assessments experience an increase in total rates payable of $19,500 on average $323 p.a. representing a 16.1% increase on the 2015/2016 rates.
      ▪ Kempsey CBD
• 144 assessments experience a reduction in rates payable -$68,700 on average $-477 p.a.
• 10 assessments experience an increase of $11,700 on average $1170 p.a. representing a 25.1% increase on the 2015/2016 rates.

Conclusion

A Table Comparing the Options and providing an overview of their impacts is attached at [Appendix C - Page 8].

The changes in land values contained within the 2015 General Valuation combined with the Special Rate Variation of 10% to apply in 2016/2017 will impact the distribution of the ordinary rates between the rating categories. In order to transition this change Option 3 is recommended for the 2016/2017 year, it is proposed to review the model in conjunction with the formulation of the Delivery Plan in 2017/2018.

Option 3 provides the lesser impact on ratepayers whilst reflecting the respective movement in the land values between the rating categories.

Option 3 impacts as follows:
- 4,328 assessments will experience savings in rates payable of $342,000 on average of $79 p.a.
- 9,649 assessments will experience an increase in total rates payable of $238,600 on average of $25 p.a. representing a 12.43% increase from 2015/2016.
- 623 assessments (4% of total ratepayers) will experience an increase in total rates payable of $92,000 on average of $148 p.a. representing an 18.86% increase from 2015/2016.
ITEM 4  LGNSW – ELECTION OF BOARD OF DIRECTORS

<table>
<thead>
<tr>
<th>Delivery Program Activity: (CAD-01-03) Governance</th>
<th>Reporting Officer: Director Corporate Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effect of Recommendation on Budget: Nil</td>
<td>File: F12/155-05</td>
</tr>
</tbody>
</table>

REPORT SUMMARY

To nominate three (3) voting delegates for the election of the LGNSW Board of Directors.

RECOMMENDATION

That the Mayor, Deputy Mayor and one Councillor be nominated as voting delegates for the election of Board of Directors for LGNSW.

COMMENTARY

A Notice of Election has been issued in relation to vacant positions on the Board of Directors of the Association (Board).

Arising from an election inquiry concerning the election of members of the Board at the Association’s October 2015 Annual Conference, on 29 March 2016 the Federal Court of Australia made an order declaring the election of 13 persons on the Board void and each such person not to have been elected.

On 15 April 2016 the Australian Electoral Commission (AEC) who will be conducting the election issued a Notice of Election for the vacant positions. A copy of the notice is shown in [Appendix D – Page 9].

Arising from the Federal Court’s judgement declaring specified persons not to have been elected to the Board of Directors of the Association, the Fair Work Commission (FWC) has directed the AEC to conduct an election for the vacant positions by secret postal ballot.

The offices of President and Treasurer were unaffected, and the Court determined that three other directors were not impacted by the irregularity because of the size of their respective primary votes.

The vacant positions that now require filling are:

- Vice President (Metropolitan/Urban council)
- Vice President (Regional/Rural council)
- Five (5) Directors (Metropolitan/Urban council)
- Six (6) Directors (Regional/Rural council)

The only candidates eligible for these positions are those who stood for them at the 2015 Annual Conference.

Each ordinary member must nominate its voting delegate(s) for the postal ballot by 12 noon Thursday
2 June 2016. No changes to voting delegates will be accepted after this time. Council is entitled to nominate three (3) voting delegates who do not need to be the same delegates as were nominated in the Board election conducted in October 2015.
ITEM 5  MAYORAL AND COUNCILLOR FEES FOR 2016/2017

Delivery Program Activity:  
(CAD-01-03) Governance

Reporting Officer:  
Director Corporate Management

Effect of Recommendation on Budget:  
Nil

File:  
F12/818-03

REPORT SUMMARY

Reporting that the Local Government Remuneration Tribunal has made its determination on mayoral and councillor fees for the 2016/2017 year.

RECOMMENDATION

That Kempsey Shire Council mayor and councillor fees payable for the 2016/2017 year be the maximum allowed for regional rural categorised councils as determined by the Local Government Remuneration Tribunal.

COMMENTARY

The Local Government Remuneration Tribunal (the Tribunal) each year sets the range of fees for all councillors and mayors in NSW. The Tribunal sought a submission from Local Government NSW with mayors advised general submissions from individual councils were not required for the 2016 review.

The Tribunal’s report this year noted the Governments significant program of local government reform, including proposed changes to the Local Government Act, and supported initiatives resulting in greater structural efficiencies and the long term viability of local government in NSW. The Tribunal’s report [Appendix E - Page 10] concludes:

“The Tribunal is required to have regard to the Government’s wages policy when determining the increase to apply to the maximum and minimum fees that apply to the councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.

The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and finds that the full increase of 2.5 per cent available to it is warranted. On that basis, and after taking the views of the Assessors into account, the Tribunal considers that an increase of 2.5 per cent in the maximum and minimum fee for each category of councillor and mayoral office, including county councils, is appropriate and so determines.

The Tribunal notes that in the Fit for the Future Progress Report – Stronger Councils, Stronger Communities the Government has identified a number of strategies to strengthen local leadership. These include a review of councillor remuneration during 2016. In undertaking this review the Government may wish to consider the impact of the Government’s wages policy on increases in mayoral and councillor fees and the limitations this may impose on any future remuneration model.”
Kempsey Shire Council is listed as a regional rural council. The levels of fees for this category for 2016/2017 are:

<table>
<thead>
<tr>
<th></th>
<th>Mayor</th>
<th></th>
<th>Councillor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum</td>
<td>Maximum</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td>$18,180</td>
<td>$41,090</td>
<td>$8,540</td>
<td>$18,840</td>
</tr>
</tbody>
</table>

It has been this Council’s past practice to adopt the maximum fee determined by the Tribunal.

The 2016/2017 draft budget allowed for a mayoral and councillors fees totalling $210,555. The total mayoral and councillors fees payable if the maximum limit was adopted is $210,650.
ITEM 6 PEDESTRIAN ACCESS AND MOBILITY PLAN (PAMP)

Reporting that a draft revised Pedestrian Access and Mobility Plan (PAMP) has been developed incorporating the concerns and feedback from the community received to date. Approval is sought to commence the next stage of the community consultation process and place the draft on public exhibition.

RECOMMENDATION

That the draft Pedestrian Access and Mobility Plan be placed on public exhibition for 28 days and the community be invited to provide feedback on the draft plan.

COMMENTARY

Council’s delivery program includes an action to review and update the 2003 Pedestrian Access and Mobility Plan. This action was largely dependent upon being able to source grant funding to undertake this work. Grant funding was received under the 2015/2016 Active Transport Program from Roads and Maritime Services (RMS) for the purpose of reviewing the existing PAMP document and the action was adopted in the current operating plan.

The amount of funding is $63,707. The estimated total cost of the project is $84,942. Under the grant program, the final date to complete and claim the costs of the project is 30 June 2016.

The objective of the grant funding is “to review the current Kempsey and South West Rocks Pedestrian Access Mobility Plan (2003) as well as including other Shire villages and pedestrian links between villages”.

The existing PAMP was developed in 2003 and covers Kempsey and South West Rocks only. The proposed Work Schedules of treatments for each area were prioritised and a proportion of identified treatments were funded during the period 2002-2008.

The development of a revised long term financial plan, which eliminated borrowings, significantly altered Council’s investment priorities in 2009. No further loans were taken and works on new infrastructure ceased. Since the change in priorities, Council has been focussing on repaying debt to increase the overall amount of funding available for asset replacement (rather than servicing loans). Following the prioritisation of community demands, all available funds (including subsequent special rate variations) have focussed on refurbishment of the road network as that was clearly the highest priority at the time.
After seven years of this strategy, funding for asset replenishment is returning to other areas, not just roads, and it is essential to identify the priorities for asset renewal/replacement not only based on condition, but serviceability and demand as well. The exposure of risk and the delivery of good customer outcomes is another driver to consider. Pedestrian facilities are widely recognised as having a low capital and maintenance cost for the level of utilisation (or benefit) that they provide, hence they are considered as good investments.

The review and expansion of the PAMP offers Council a strategic plan to develop pedestrian policies and an action plan to improve and refurbish pedestrian facilities. The PAMP is a tool that can be used by Council to coordinate investment in safe, convenient and connected pedestrian routes assisting to achieve the goals in the community strategic plan.

An adopted PAMP will:

- encourage the incorporation of planned improvements into annual and long term budgets;
- support applications for suitable grant funding; and
- incorporate pedestrian access and mobility into other plans and actions (such as refurbishment of roads or road related infrastructure).

The benefits of a properly developed and implemented PAMP include:

- Structured consultation with the community about pedestrian needs;
- Improved access for mobility impaired groups in the community including older persons;
- Integration with planning instruments such as Section 94 and Section 79(c) under the EP&A Act, provisions within Local Environment Plans (LEPs) and Development Control Plans (DCPs);
- Links with existing vulnerable road user plans such as bike plans, maintenance programs and accessible public transport; and
- Reduced injuries to pedestrians.

The draft of the revised PAMP is contained in [Appendix F – Page 22] for review.

A Community Engagement Plan was developed to deliver effective methods of engagement with the community. The period of community engagement extends from 22 March to 20 May 2016 to incorporate information gathering during preparation of the draft as well as community feedback on the draft.

The initial phases used a survey (available online or in hard copy) to obtain information to consider in developing the draft. The survey provides space for written comment as well as responses to questions that reveal community priorities and expectations. Other available sources of data have been used including accident and condition information.

The Community Engagement Plan for the PAMP review is contained in [Appendix G – Page 79] for further information.

The initial survey was timed to close in conjunction with finalisation of the draft plan on 2 May 2016. A total of nineteen (19) formal letters have been sent out and twenty four (24) phone calls have been made to key interest groups, individuals and schools regarding the draft plan. As a result, fifty six (56) completed surveys have been received.
As part of development of the initial PAMP in 2003 there were sixteen (16) participants, including council staff, at the community workshops organised for the PAMP. The level of community input through the draft development has already exceeded the level observed during the 2003 process and this indicates a shift in the relative importance of pedestrian access in the community as well as a greater level of success with engagement.

Feedback from the community has been included in the draft PAMP as either general comment about the condition of footpaths and pram ramps or safety. Where a location is identified for work, this has been included in the Maps attached as Appendices to the PAMP. All comments received via the survey have been included as an Appendix to the PAMP. At the end of the public exhibition period these items will be updated to include all feedback received.

A key process in reviewing the 2003 PAMP was to inspect the locations which were identified in the Schedule of Works at that time. In all, 115 items were inspected in the Kempsey area and 57 items in South West Rocks. The data from these inspections was included in the Council’s infrastructure asset inspection and defect management system, which will ensure that they continue to be monitored and considered for maintenance intervention/renewal.

The review of the PAMP has already highlighted some significant changes in the use of pedestrian paths. Other external factors such as the ownership and use of mobility scooters (or mobility aids) has increased significantly, particularly in South West Rocks, which supports a need for wider, continuously linked paths, pram ramps and safer facilities for crossing roads.

Children walking to school and recreational walkers seem to have increased in areas of the Kempsey township, again supporting a call for continuously linked paths and improved road facilities.

It is recommended that the draft PAMP be placed on exhibition for 28 days during May and June so that all of the feedback and information can be incorporated into the final document which will be presented to Council in July 2016 for adoption.
ITEM 7  PUBLIC EXHIBITION OF DRAFT NORTH COAST REGIONAL PLAN

<table>
<thead>
<tr>
<th>Delivery Program Activity:</th>
<th>Reporting Officer:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(HD-04-03)</td>
<td>Director Sustainable Environment</td>
</tr>
<tr>
<td>Planning for a sustainable environment</td>
<td></td>
</tr>
<tr>
<td>Effect of Recommendation on Budget:</td>
<td>File:</td>
</tr>
<tr>
<td>Nil</td>
<td>F12/155-05</td>
</tr>
</tbody>
</table>

REPORT SUMMARY

Reporting that the Draft North Coast Regional Plan (NCRP) has been placed on public exhibition seeking submissions and feedback from the community and stakeholders.

RECOMMENDATION:

1. That the matters raised within the following report to form the basis of a submission to the Draft North Coast Regional Plan be endorsed.

2. That the issue of Local Government representation on the proposed Coordination and Monitoring Committee be referred to MIDROC for consideration of an appropriate submission.

COMMENTARY

Introduction

The Draft NCRP is the result of a review of the current Far North Coast Regional Strategy and the Mid North Coast Regional Strategy (MNCRS). A full copy of the Draft NCRP is included in [Appendix H - Page 81].

The current MNCRS provides the blueprint for urban development (including employment and industrial lands) and growth to 2031, and covers the Clarence, Coffs Harbour, Bellingen, Nambucca, Kempsey, Port Macquarie Hastings, and Taree LGA’s.

The Draft NCRP is the proposed blueprint for the next 20 years, to 2036, incorporating the LGA’s of Richmond Valley, Lismore, Kyogle, Ballina, Byron, and the Tweed in addition to the LGA’s within the Mid North Coast Region.

Settlement Hierarchy

The Draft NCRP includes a proposed settlement hierarchy of:-

- Regional Cities
- Regional Centres and
- Towns / Villages
Figure 1: High Environmental Values

Source: NSW DPE Draft North Coast Regional Plan 2016 Page 7
Kempsey is currently identified as a second tier “Major Town” in the Mid North Coast Regional Strategy.

The Draft NCRP classifies Port Macquarie, Coffs Harbour and Tweed Heads as Regional Cities with Taree, Grafton, Lismore and Ballina classified as Regional Centres. Kempsey is classified a Town/Village along with Macksville, Nambucca, South West Rocks, and Bellingen.

The Draft NCRS identifies Kempsey as a third tier “Town/Village” along with towns including:-

- Old Bar
- Wingham
- Camden Haven
- Bonny Hills
- Wauchope
- South West Rocks
- Macksville
- Nambucca Heads
- Bellingen
- Casino
- Alstonville
- Dorrigo
- Woolgoolga
- Lennox Head
- Kyogle
- Maclean
- Yamba
- Mullumbimby
- South West Rocks
- Bellingen
- Dorrigo
- Wauchope
- Casino
- Alstonville
- Coraki
- Casino
- Murwillumbah

The role Kempsey plays as a regional hub relating to the provision of government services includes:-

- Family and Children’s Services
- Centrelink
- Medicare
- Office of Environment and Heritage
- Local Land Services
- Department of Primary Industries
- Juvenile Justice
- 4 high schools
- Vocational College
- Correctional Centre
- Airport
- Health Services
- District Hospital
- Police
- Fire Brigade
- District Rural Fire Services Centre
- SES
- Courthouse
- NSW Ambulance
- TAFE
- Roads and Maritime Service

It is considered that the role Kempsey plays in providing regional services is the same or greater than the role played by Taree, Grafton and Lismore and should therefore be identified as a Regional Centre.

The issue is not simply a matter of regional status. The hierarchy within the strategy will be used to underpin the entire range of Government investment and servicing decisions into the future. A downgrading of Kempsey to a third tier centre may have future implications for maintaining the current range of services provided in Kempsey, including funding of infrastructure to facilitate economic growth.
Hierarchy Criteria

A more detailed analysis of the criteria used to classify Regional Centres within the region (North Coast Settlement Hierarchy of the Planning and Environment North Coast Subregions Background Paper March 2016) ([Appendix I - Page 181]) as indicated in the table below, further supports this position.

<table>
<thead>
<tr>
<th>Criteria/Function for Regional Centre</th>
<th>Kempsey</th>
<th>Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provides Infrastructure and characteristics similar to the regional cities, while servicing smaller catchments. They generally offer a more limited range of services, facilities and job opportunities</td>
<td>Criteria clearly exceeded</td>
<td>Yes</td>
</tr>
<tr>
<td>Perform an important role in the subregion’s economy and provide essential services to their catchments</td>
<td>Criteria clearly exceeded</td>
<td>Yes</td>
</tr>
</tbody>
</table>
|                                      | In addition to the Government services listed above, Kempsey also supports a range of significant employment-generating regional, national and international businesses, including, but not limited to:-  
  • Nestle’ Factory at Smithtown  
  • Akubra Hats  
  • Slim Dusty Centre  
  • DGI  
  • Macleay Valley Transport  
  • 3 significant nursing homes  
  • Eversons Food Processors  
  • O’Donnell Hanlon  
  • Lahey Constructions and Joinery  
  • Australian Solar Timbers  
  • Greenleaf Farms  
  • Australian International Aviation College | Criteria clearly met             | Yes   |
| Act as administrative service centres for State Agencies | Criteria clearly met             | Yes   |
|                                      | • Family and Children’s’ Services,  
  • Mid North Coast Correctional Centre  
  • District Hospital  
  • Regional Rural Fire Services Centre | | |
<p>| The Local Government Area offers a minimum of 10,000 jobs in the area | Criteria clearly met             | Yes   |
|                                      | Currently in Kempsey the LGA offers 11, 357 jobs. Since 2008 Kempsey has offered over 10,000 jobs | | |
| Typically have more than 20,000 dwellings | Whilst this criteria is not met, it is noted that Ballina and Lismore have been included as Regional Centres despite | No    |</p>
<table>
<thead>
<tr>
<th>Criteria/Function for Regional Centre</th>
<th>Kempsey</th>
<th>Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>not meeting this criteria. Having regard to the proximity of both these centres to each other, it is clear that the relative importance of Kempsey as a Regional Centre is far greater</td>
<td>No Y/N</td>
<td>Y/N</td>
</tr>
<tr>
<td>Typically home to between 30,000 and 60,000 people</td>
<td>Kempsey’s estimated population as at 30 June 2015 was 29,684, which is marginally below the criteria and will be exceeded within the life of the strategy. It is also noted that the population of Kempsey exceeds the other LGAs that do not contain Regional Centres</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**SUBMISSION:**

Council strenuously objects to Kempsey being classified as a “Town/Village” as it clearly meets the criteria of a Regional Centre, particularly having regard to the relative importance it plays in providing administrative and economic services to the region.

**Proposed Names for the Subregions**

The current Mid North Coast Regional Strategy has 4 subregions:-

- Clarence
- Coffs Coast
- Hastings – Macleay
- Manning – Great Lakes

The Draft NCRP proposes three subregions:-

- Lower North Coast (Taree to Kempsey)
- Mid North Coast (Nambucca to Clarence Valley)
- Far North Coast (Richmond Valley to Tweed)

It is considered that the proposed new subregions will create unnecessary confusion as the Lower North Coast Region has no association with any regional Government sector including Health, Education, Police, Emergency Services, Regional Economic Development, Tourism Promotion and MIDROC.

**SUBMISSION:**

Council objects to the proposed sub-region names on the basis that they do not align with State and Local Government administrative regions, resulting in unnecessary confusion. It is suggested that this confusion would be reduced by renaming the sub-regions as follows:-
• Manning – Hastings – Macleay
• Nambucca – Bellinger – Clarence
• Richmond – Tweed

Mapping Omissions

It is noted that the Kempsey Airport and District Hospital are not included on the relevant map indicating key regional infrastructure.

Inclusion of the Airport recognises the key role Kempsey Airport plays in the Mid North Coast Excellence in Aviation agreement between Taree, Port Macquarie Hastings and Kempsey Shire Council in securing a sustainable RPT to the sub-region at Port Macquarie Airport.

Similarly, the significant investment into the upgraded Kempsey District Hospital forms part of a strategic relationship with local, district and regional hospitals that should be recognised.

SUBMISSION:

Figure 3 should be amended to include Kempsey Airport and Kempsey District Hospital on the basis that they form a key part of strategic relationships which are critical to the sustainable delivery of services to the region.

Proposed Coordination and Monitoring Committee.

The Draft NCRP proposes a new Coordination and Monitoring Committee to oversee the implementation of the final plan. The structure of the proposed committee is noted in the extract below from the Draft NCP.
From the details provided in the draft plan it would seem that the committee would have a vital role identifying infrastructure and funding priorities, and making recommendations for landuse and infrastructure priorities.

The concept of ensuring that the plan is implemented is supported, however, there are concerns relating to the composition of the group with Local Government representation restricted to two LGAs (i.e. one representative from each of the ROCs within the region), whereas the plan includes three distinct sub-regions and three Regional Cities.

In this regard, it is recommended that the issue of Local Government representation on the Coordination and Monitoring Committee be referred to MIDROC to consider an appropriate submission.

Local Plan Initiatives

It is noted on page 15 of the Draft NCRP:

“That a ministerial direction will require all councils to implement the objectives and actions in the Final plan, appropriate to their local area, in their council planning strategies and local environmental plans.”

These will be in the form of one or more Ministerial Directions under s117 of the Environmental Planning and Assessment Act 1979 (s117 Directions) but it is unclear what they will cover and whether
they will function to limit Kempsey’s ability to zone land for increased growth opportunities. It is considered that while the plan currently envisages low growth for Kempsey, it should not prevent Kempsey from zoning land which it considers suitable for residential, industrial or business zones. Further it should not limit Kempsey in seeking to create growth or development opportunities or incentives.

SUBMISSION:

Council supports the introduction of flexible implementation provisions that enable councils to maximise opportunities for population growth and economic development.

GOAL 1 - A NATURAL ENVIRONMENT

Action 1.1.1. – Identify and Manage areas of High Environmental Value

The Draft NCRP notes that mapped areas of high environmental value will need to be avoided or offset where more intensive development is proposed.

The Draft NCRP notes on page 19 that it is the intention that:

“the maps of high environmental value areas will also be used to consider opportunities for biodiversity certification and to inform council planning strategies and local environmental plans, as well as the fish community status and aquatic threatened species distributions, the key fish habitat, and marine protected areas maps from the Department of Primary Industries, Fisheries.”

The maps are not considered to be an appropriate scale to achieve this outcome, being too broad in scale.

Council is currently preparing a Biodiversity Strategy which involves detailed vegetation, habitat and connectivity mapping across the Shire. This will be at a much finer and suitable scale upon which to base bio-certification or offset considerations.

SUBMISSION:

The plan should be explicit that the use of mapping of areas of high environmental, agricultural and mineral resources should be restricted to flagging potential constraints to development to be addressed in greater detail through the LEP making process. Inclusion of constraint maps should not be used or interpreted by Government agencies as arbitrary barriers to development.

Action 1.2.1. – Investigate Complimentary activities in Rural Zones

Council would be aware that it is currently in the process of amending the Kempsey LEP 2013 to include Restaurants and Café’s, Information and Education Facilities, as well as a broader range of Tourist and visitor Accommodation. This has come about by the need to restore the range of uses previously permitted under KLEP 1987 that are not permitted under the Standard KLEP 2013. Council also has a number of projects, strategies and economic development initiatives focusing on agricultural productivity and agribusiness opportunities. The proposed action supports this approach
which should be reflected in Council’s submission.

**SUBMISSION:**

Council supports Action 1.2.1 to allow a greater range of compatible uses in rural zones which is consistent with Council strategic corporate and land use planning initiatives.

**Action 1.2.3 Review of the Northern Rivers and Mid North Coast farmland mapping projects and 1.2.4 – Adopt State and regionally significant farmland interim variation criteria**

It is noted that the draft NCRP uses the Kundabung Rural Residential Release Area as an example where flexibility of controls related to regionally significant farmland could be applied. This arose out of discussions with the DPE when considering approval of Council’s endorsed strategy, whereby exclusion of slithers of prime land adjacent to Smiths and Pipers creeks would be impractical as ownership of these areas is already fragmented making them unviable for commercial cultivation. By negotiation, DPE allowed these areas to be included in Council’s Rural Residential Land Release Strategy, subject to meeting Agricultural Capability, Land Use Conflict, Infrastructure, Ecological and Environmental Risk criteria.

**SUBMISSION:**

Council supports the adoption of the proposed interim variation criteria to allow appropriate development of regionally significant agricultural land where a rigid application of restrictions is unreasonable.

**GOAL 2 – FOCUS GROWTH OPPORTUNITIES**

**Direction 2.1 – Grow the North Coast regional cities as a Focus for economic activity and population growth**

The majority of this section focuses on actions related to the identified regional cities of Coffs Harbour, Port Macquarie and the Tweed. On page 35 it is noted that “The growth of inland towns will be encouraged”, however there are no new actions or incentives that will deliver that growth outside of the Regional Cities.

Regional cities are already on track to growth and are able to attract investment and funding for infrastructure. It is areas outside of the Regional Cities that require investment and funding to assist or support their growth efforts in order to avoid economic decline and associated social impacts.

**SUBMISSION:**

The plan should explicitly recognise and support the role regional centres such as Kempsey play in providing residential, rural residential and industrial land that compliments the growth of regional cities.
Urban Growth Area Variation Principles

The Draft NCRP requires that all future urban growth be within the nominated growth areas which is the same in the current Mid North Coast Regional Strategy. The Draft NCRP contains a set of variation principles, similar to the farmland variation criteria, whereby urban growth can be considered outside of the nominated growth areas, subject to satisfying a set of criteria that were used to include areas in the draft plan.

SUBMISSION:

Council supports the proposed Urban Growth Area Variation Principles on the basis that they introduce flexibility to consider appropriate urban expansion outside of identified urban growth areas.

GOAL 3 – HOUSING CHOICE, WITH HOMES THAT MEET THE NEEDS OF THE CHANGING COMMUNITIES – COMMENTS/CONCERNS

Direction 3.1 Provide Sufficient Housing Supply to meet the demands of the North Coast

This section sets out the population and dwelling forecasts for the future of the region to 2036. Kempsey is noted as needing an additional 1400-1700 dwellings on top of the existing 13,900 dwellings, for a total of 15,600 dwellings by 2036. This is lower than what Council is forecasting and planning for, and what is in Council’s approved Local Growth Management Strategy. Council recently undertook revised forecasting, which predicts the need for 16,400 dwellings by 2036. The Draft NCRP relies upon the DPE population projections for Kempsey which predicted a lower growth rate for Kempsey than what we are currently planning for.

SUBMISSION:

Consistent with Council’s Local Growth Management Strategy and supporting population growth forecasts, Table 4 should be amended to refer to the need for an additional 2050 – 2500 dwellings by 2036.

GOAL 4 – A PROSPEROUS ECONOMY WITH SERVICES AND INFRASTRUCTURE

Action 4.2.1 – Support Health Services Precincts by Attracting Complimentary Uses in These Precincts

It is noted that the contribution Kempsey Hospital makes to servicing the region is acknowledged, however proposed health precincts are concentrated on Regional Cities.

Kempsey Hospital should be highlighted as being complimentary to Port Macquarie and Coffs Harbour as Kempsey Hospital will be pivotal in supporting the health education. Students will require practical opportunities in their studies at working hospitals. The Port Macquarie and Coffs Harbour Hospitals are unlikely to be able to provide placement for all students of medicine, or other health related degrees, and Kempsey will be able to provide further opportunities for students.
SUBMISSION:

The plan should include reference to the strategic support role that Kempsey District Hospital plays in the delivery of health services to the region, including reference to increased opportunities for allied health precincts.

Direction 4.4 – Provide well-located and serviced supplies of employment land to expand industry investment opportunities

Action 4.4.1. Provide an adequate supply of employment land aligned with demand – does not include any facilitation or specific actions related to servicing of the land.

There are no specific actions in this section which relate to any commitment to fund servicing of current and future employment lands, in particular industrial lands. Priority should be given to funding infrastructure required to develop existing zoned employment lands ahead of new employment land precincts. Kempsey has land and developers who are ready to develop in the South Kempsey Employment lands precinct, however, Council is unable to secure funding for sewer services to the land.

This is contrasted with the proposed financial assistance for servicing to ensure residential development outcomes are delivered.

SUBMISSION:

The plan should include a commitment to prioritise the funding of infrastructure for existing employment land precincts such as South Kempsey ahead of any new employment land precincts.

GOAL 5 – IMPROVED TRANSPORT CONNECTIVITY AND FREIGHT NETWORKS

Action 5.1.3 – Identify Freight Transport Facilities along the Pacific Highway

The intent of this action appears to be in response to LGAs wanting to provide a Freight Transport Hub or similar. The action is to encourage councils to identify strategic sites for freight transport facilities that link to existing and future transport-related industry. The Draft NCRP provides some locational guidelines to assist this and there does not seem to be any restriction as to the location of freight transport facilities elsewhere in the region. Kempsey has the advantage of land that is zoned for such developments at South Kempsey, albeit restricted by the lack a sewer services. Whilst the market will determine whether other facilities are developed within the region, any funding required to provide infrastructure should be directed to existing appropriately zoned areas ahead of funding for new areas.

SUBMISSION:

The plan should provide a commitment that any Government funding required to provide infrastructure to facilitate freight and transport facilities should be directed to existing appropriately zoned areas such as South Kempsey ahead of funding for new areas.
Action 5.2.1 Develop aviation precincts complete with compatible and complementary uses

This action is consistent with steps that Council is taking to ensure that the airport is providing compatible and complimentary uses of the Airport, including support to Port Macquarie and Taree airports that supports Kempsey being classified as a Regional Centre.

SUBMISSION:

Council supports this action which compliments Council’s Business Plan for Kempsey Airport that is consistent with the Mid North Coast Aviation Excellence agreement with Port Macquarie - Hastings and Greater Taree City councils.

APPENDIX A – INFRASTRUCTURE INVESTIGATION LOCATIONS FOR PRIORITY LAND RELEASE AREAS

It is acknowledged that the ability to provide infrastructure for development is critical to ensuring it is provided where the forecast need and demand lies, however, the areas proposed for investigation are not distributed using consistent criteria. The major residential development area of Saltwater/Seascape at South West Rocks in Kempsey LGA is not included in this list, despite the fact that the expected lot yield of release areas SWRUIA 1, SWRUIA 2, SWRUIA 4 and SWRUIA 5 is likely to be in excess of 1000 lots. It is noted that Nambucca and Kew have been included as Infrastructure Investigation areas with lot yields of 800 and 900 lots respectively.

SUBMISSION:

The contiguous urban release areas at South West Rocks (SWRUIA 1, SWRUIA 2, SWRUIA 4 and SWRUIA 5) are likely to have a combined yield in excess of 1000 lots which represents a significant proportion of total urban expansion and should therefore be included in Appendix A – Infrastructure Investigation Locations for Priority Land Release Areas.

APPENDIX B – URBAN GROWTH AREA MAPS

Proposed Urban Land Release at Crescent Head

An error was made within the nominated urban expansion area boundary for Crescent Head in the Mid North Coast Regional Strategy 2006. A portion of land was excluded from the growth area, which was the subject of a rezoning application for residential use. That same error has been repeated in the Draft NCRP. The area is still subject to an active Planning Proposal and Gateway Determination seeking to rezone land for residential purposes.

The growth areas of the Mid North Coast Regional Strategy 2006 and the Draft NCRP are indicated in purple and the area of land excluded in error is outlined in green on map below.
The excluded area, is also noted within Council’s Local Growth Management Strategy Residential Component 2010 (map extract below), as being the subject of a rezoning application.
SUBMISSION:

The Urban Growth Area map at Appendix B should be amended to be consistent with the Urban Release Area within the Kempsey Local Growth Management Strategy map for Crescent Head.
ITEM 8 STATEMENT OF CASH AND INVESTMENTS

<table>
<thead>
<tr>
<th>Delivery Program Activity:</th>
<th>Reporting Officer:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(CAD-02-02) Financial Management</td>
<td>Manager Finance</td>
</tr>
<tr>
<td>Effect of Recommendation on Budget:</td>
<td>File:</td>
</tr>
<tr>
<td>Nil</td>
<td>N/A</td>
</tr>
</tbody>
</table>

REPORT SUMMARY


RECOMMENDATION:

That the information be noted.

COMMENTARY

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 and investments is shown in [Appendix J – Page 213].
ITEM 9 QUARTERLY BUDGET REPORT

Delivery Program Activity: 
(CAD-02-02) Financial management

Reporting Officer: 
Manager Finance

Effect of Recommendation on Budget: 
Nil

File: 
F12/644-03

REPORT SUMMARY

Reporting that the Budget Review for the quarter ending 31 March 2016 has been prepared for all funds

RECOMMENDATION

That the Budget Review for the period ending 31 March 2016 is adopted and the variations contained therein are approved and financed from the sources as indicated.

COMMENTARY

The Budget Review has been prepared for the quarter to 31 March 2016. In preparing the budget review every effort has been made to maintain the underlining budgeted cash result which was adopted by Council in the 2015/2016 Operational Plan.

The following documents are presented for Council’s information as [Appendix K - Page 215]:

- 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 which includes reference to a notes section detailing significant budget variances.
- Budget Review Capital Budget.
- Budget Review Cash and Investment Position.
- Budget Review Key Performance Indicators (KPI). KPIs incorporated within the annual Financial Statements have been included within Council’s Budget Review documentation.
- Contracts Statement detailing any contracts entered into within the quarter.

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>Original Budget</th>
<th>December Budget Review</th>
<th>March Review</th>
<th>Budget</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>$8,893 (S)</td>
<td>$26,898 (D)</td>
<td>$548 (D)</td>
<td>$27,446 (D)</td>
<td></td>
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</tbody>
</table>
The Budget Review reveals a $548 deficit which is a decline of $27,446 on the December review and a decline of $9,441 on the $8,893($) original budgeted result.

**Surplus Variations**

**Increased Income:**

- Building Permits $15k
- Contribution to Legal fees $25k
- Various sundry incomes and permits 14K
- RMS grant for Safer Communities Road Safety program $15k off set by program costs in expenses.
- Domestic Waste Management services charges to owners $23k
- Domestic Waste Management Services Tipping Fees $511K
- 4 Shore Tourist parks Income $317k ($230k transferred to reserve)
- Gordon Young Drive Caravan Park $48k

**Decreased Expenditure**

- Sustainable Environment Directorate Salaries and Allowances $64.5k
- Program for mowing Kempsey and Surrounding Village streets $27.6k
- Saleyards program Routine Maintenance $24.5k
- Saleyards program Non Routine Maintenance and repairs $17.7k
- Operating costs for parks in Kempsey and surrounding villages $61.8
- Civic Maintenance costs $106.3k
- Swimming Pools operations $21k
- Floodplain Management $8.3K
- 4 Shore and South West Rocks Tourist Park Operating Costs $123.2K
- Maintenance Vacant Council Land $40.6k
- Administration / Governance Services Salaries $41.6k
- Legal Expenses $50k
- Human Resources Salary and allowances $59.4K

**Deficit Variations**

**Decreased Income:**

- Private swimming pools inspections - position still vacant off set by decrease in program costs 35k
- Charges for Footpath Lease for outdoor dining $38k
- Disposal Charges to Street Sweeping $27k
- Interest on overdue rates $45k
Increased Expenditure:
- Sustainable Environment Directorate Salaries and Allowances $64.5k
- Program for mowing Kempsey and Surrounding Village streets $27.6k
- Saleyards program Routine Maintenance $24.5k
- Saleyards program Non Routine Maintenance and repairs $17.7k
- Operating costs for parks in Kempsey and surrounding villages $61.8k
- Civic Maintenance costs $106.3k
- Swimming Pools operations $21k
- Floodplain Management $8.3k
- 4 Shore and South West Rocks Tourist Park Operating Costs $123.2K
- Maintenance Vacant Council Land $40.6k
- Administration / Governance Services Salaries $41.6k
- Legal Expenses $50k
- Human Resources Salary and allowances $59.4k

Capital Variations
An increase in capital income for Local Roads of $121,000 and increased expenditure of $195,193 for a net deficit of $74,193 for the function.

An increase of $100,000 for the South West Rocks Flagstaff Footpath extension this is funded from reserve.

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 as at 1/7/2015 $986,118
- 2015/2016 Budgeted Deficit $548
- Balance 30 June 2016 $985,570

Water Fund
The review reveals the budget remains in balance.

The significant variations contained within the review are:-

Decreased Income
- Access Charges $11,000
- Late Fees $58,900
- Sale Recycled Water $15,000

Decreased Expenditure
- Electricity Charges $336,000
- Pump Stations $81,000
<table>
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<tr>
<th></th>
<th>Amount</th>
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<tbody>
<tr>
<td>Bore fields</td>
<td>$90,000</td>
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<tr>
<td>Treatment Works</td>
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**Increased Expenditure**

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<tr>
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<tr>
<td>Mains</td>
<td>$40,000</td>
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<tr>
<td>Mains Renewals</td>
<td>$164,865</td>
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</table>

The net savings of $512,250 have been transferred to the Augmentation Reserve.

The accumulated working fund surplus as at 30 June 2016 is estimated to be $604,117.

**Sewerage Fund**

The review reveals budget remains in balance with the following changes within the Sewerage Fund.

The significant variations contained within the review are:-

**Increased Income**

Access Charges $34,000

**Decreased Expenditure**

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<tr>
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<tr>
<td>Electricity</td>
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<td>Treatment Works Maintenance &amp; Operating</td>
<td>$249,000</td>
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**Increased Expenditure**

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<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pump Stations Maintenance &amp; Operating</td>
<td>$76,000</td>
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</table>

The net savings of $479,900 have been transferred to the Augmentation Reserve.

The accumulated fund surplus as at 30 June 2016 is estimated to be $856,135.
ITEM 10 DEVELOPMENT APPROVALS AND CONSTRUCTION CERTIFICATES

<table>
<thead>
<tr>
<th>Delivery Program Activity:</th>
<th>Reporting Officer:</th>
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<tr>
<td>(HD-05-01) Ensure development undertaken to safe and reasonable standard</td>
<td>Director Sustainable Environment</td>
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<table>
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<tr>
<th>Effect of Recommendation on Budget:</th>
<th>File:</th>
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</thead>
<tbody>
<tr>
<td>Nil</td>
<td>N/A</td>
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</table>

REPORT SUMMARY

Reporting that the following applications have been approved for the period of April 2016 and includes approvals by Private Certifiers.

RECOMMENDATION

That the information be noted.

COMMENTARY


2015/LD-00311 Lot 149 DP752417 92 WEST END ROAD SOUTH KEMPSEY
CONTINUED USE OF AN EXISTING BUILDING AS A DWELLING
Applicant: HINDS J & HINDS L

2015/LD-00336 Lot 1 DP1144474 AIRPORT ROAD ALDAVILLA
AIRSHOW EXHIBITION
Applicant: NORTH COAST COMMUNITY EVENTS INC. T/AS WINGS OVER MACLEAY

2015/LD-00361 Lot 17 DP244900 6 PANORAMA AVENUE SOUTH WEST ROCKS
SECOND STOREY ADDITION TO AN EXISTING DWELLING
Applicant: SUNDANCE HABITATS BUILDING DESIGN

2008/LD-00392 REV01 Lot 1 DP1098509 420 FISHERMANS REACH ROAD FISHERMANS REACH DWELLING & SHED
Applicant: MR B J BROOKS

2015/LD-00390 Lot 2 DP187781 181 YESSABAH ROAD SHERWOOD
ALTERATIONS AND ADDITIONS TO EXISTING DWELLING
Applicant: MR G T SAWYER

2016/LD-00023 Lot 1 DP1199087 STUARTS POINT ROAD BARRAGANYATTI
DWELLING
Applicant: VENNER B & VENNER E

2016/LD-00027 Lot 4 DP418001 41 GREAT NORTH ROAD FREDERICKTON
TWO LOT SUBDIVISION
Applicant: TINLIN P & TINLIN D
2016/LD-00046 Lot 212 DP861436 2993 SOUTH WEST ROCKS ROAD JERSEYVILLE
ADVERTISING BILLBOARD
Applicant: SOUTH WEST ROCKS COUNTRY CLUB LTD

2016/LD-00055 Lot 2 DP884143 93 STUARTS POINT ROAD BARRAGANYATTI
DWELLING
Applicant: PERRY HOMES (AUST) PTY LTD

2016/LD-00058 Lot 321 DP1048570 906 STUARTS POINT ROAD STUARTS POINT
ADDITIONS TO EXISTING PACKING SHED
Applicant: AVO PACK PTY LTD

2013/LD-00358 REV01 Lot 1 DP1191860 200 ILLA LANGI ROAD CRESCENT HEAD
DWELLING & CONTINUED USE OF EXISTING STRUCTURES (SITE 30)
Applicant: COBOURN D & COBOURN D

2016/LD-00066 Lot 1 DP791189 7 MAIN STREET CRESCENT HEAD
DETACHED CARPORT AND DEMOLITION OF EXISTING SHED
Applicant: RUSH G & RUSH K

2016/LD-00069 Lot 502 DP1108879 52A BLOODWOOD CRESCENT YARRAVAL
DWELLING
Applicant: WILCOX W & WILCOX L

2016/LD-00070 Lot 2 DP243601 57 STRAIGHT STREET HAT HEAD
STORAGE SHED & ENSUITE
Applicant: MIDCOAST STEEL STRUCTURES

2016/LD-00072 Lot 13 SP81450 13/2-4 LANDSBOROUGH STREET SOUTH WEST ROCKS
TENANCY FIT OUT - DENTIST
Applicant: CONSULT CONCEIVE CONSTRUCT

2016/LD-00080 Lot 19 DP1156464 16 TALLOWWOOD PLACE SOUTH WEST ROCKS
DUAL OCCUPANCY (DETACHED) AND SUBDIVISION
Applicant: HADLOW DESIGN SERVICES

2016/LD-00081 Lot 29 DP847103 CHAIN O PONDS ROAD COLLOMBATTI
DWELLING
Applicant: FRASER S & FRASER M

2016/LD-00082 Lot 4 DP262433 1-5 REGINALD WARD STREET SOUTH KEMPSEY
11M MONOPOLE
Applicant: MACLEAY VALLEY WORKPLACE LEARNING CENTRE

2016/LD-00083 Lot 3 DP1190824 1327 PACIFIC HIGHWAY KUNDABUNG
ADDITIONS TO EXISTING DWELLING
Applicant: ROBINSON J & ROBINSON C

2016/LD-00085 Lot 5 DP7068 18 MEMORIAL AVENUE SOUTH WEST ROCKS
EXISTING GARAGE CONVERTED TO SECONDARY DWELLING
Applicant: MR G KOUTOULAS
2016/LD-00086 Lot 62 DP870317 54-56 LACHLAN STREET SOUTH KEMPSEY
THREE LOT STAGED SUBDIVISION
Applicant: MR D H ROBINSON

2016/LD-00096 Lot 84 DP258248 9 SPOTTED GUM CRESCENT YARRAVEL
ADDITIONS TO EXISTING DWELLING AND SWIMMING POOL
Applicant: GILL S & GILL L

2016/LD-00109 Lot 25 DP835058 72-74 ELBOW STREET WEST KEMPSEY
INTERNAL FITOUT TO EXISTING COMMERCIAL OFFICE - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: FAIRFAX MEDIA C/- UNISPACE

2016/LD-00110 Lot H DP39009 35 BELGRAVE STREET KEMPSEY
INTERNAL DISABLED ACCESS - NEW LIFT INSTALLATION - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: BDM CONSTRUCTIONS & DEVELOPMENTS PTY LTD

2015/LD-00041 REV01 Lot 9 DP1120281 SPOONERS AVENUE COLLOMBATTI
CONTINUED USE OF EXISTING CONCRETE SLAB AND COMPLETION OF DWELLING
Applicant: MR B SURMA

2016/LD-00113 Lot 3 DP1168206 38 HILLVIEW DRIVE YARRAVEL
SHEL AND CARPORT - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR M A BARNETT

2016/LD-00114 Lot 7C DP17560 136 SOUTH WEST ROCKS ROAD HAMPDEN HALL
TWO STEEL GARAGE BUILDINGS - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR A PATEMAN

2016/LD-00115 Lot 40 DP1676 39 CAMERON STREET WEST KEMPSEY
GARAGE - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MRS J P NUNAN

2016/LD-00121 Lot 31 DP1069016 99 SHERWOOD ROAD ALDAVILLA
SHEL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR R G DAVIES

2016/LD-00072 REV01 Lot 13 SP81450 13/2-4 LANDSBOROUGH STREET SOUTH WEST ROCKS
TENANCY FIT OUT - DENTIST
Applicant: CONSULT CONCEIVE CONSTRUCT

2016/LD-00125 Lot 9 DP1156464 15 TALLOWWOOD PLACE SOUTH WEST ROCKS
DWELLING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: THORMAN D & DAVIS A

2016/LD-00126 Lot 131 DP1164963 TALLOWWOOD PLACE SOUTH WEST ROCKS
DWELLING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: SWAN M & SWAN L
2016/LD-00127 Lot 14 DP1156464 26 TALLOWWOOD PLACE SOUTH WEST ROCKS
Dwelling - Complying Development - Private Certifier
Applicant: SWR DEVCO PTY LIMITED

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<thead>
<tr>
<th>Type</th>
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<th>Sub</th>
<th>Value</th>
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<td>$1,133,460.00</td>
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<td>Local Development</td>
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<td>24</td>
<td>$2,362,688.00</td>
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<tr>
<td>Modifications</td>
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<td>4</td>
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</table>

There were 33 applications approved with a value of $3,496,148.00.

For the financial year to date there have been 404 approvals including 71 modifications approved, with 79.1% approved within 30 days.

The 404 approvals (including 348 sub-applications) have a value of $41,434,750.75.

There are 122 applications awaiting determination for the following reasons:

- FURTHER DETAILS REQUIRED (FD) 54
- FURTHER DETAILS REQUIRED 01 (FD01) 2
- INCOMPLETE APPLICATION (IA) 3
- REFERRAL TO OTHER AGENCIES (OA) 1
- REFER TO RURAL FIRE SERVICE (LD) (RR) 3
- Being Processed (XX) 59

**Council Report on Development Applications refused, withdrawn or rejected**

2006/LD-00496 REV04 Lot 3 DP1191795 15 MEMORIAL AVENUE SOUTH WEST ROCKS
Additions and Alterations to Unit Complex
Applicant: MR T MECHAM
Determination: Withdrawn by applicant

2014/LD-00024 Lot 4 DP105434 43 ELBOW STREET WEST KEMPSEY
Alterations and Additions to Existing Hotel
Applicant: HADLOW DESIGN SERVICES
Determination: Withdrawn by applicant

2016/LD-00093 Lot 21 DP754431 444 WINSTEAD ROAD KUNDABUNG
Agricultural Shed
Applicant: HUBI PTY LTD
Determination: Withdrawn by applicant

2016/LD-00084 Lot 22 DP1211895 RACEMOSA CCT SOUTH WEST ROCKS
Subdivision (One Lot into Two)
Applicant: SALTWATER CIVIL ENGINEERING PTY LIMITED
Determination: Withdrawn by applicant

**Council Report on Construction Certificates Building**

2015/CB-00285 Lot 72 DP1033750 DORSHAE CLOSE SOUTH WEST ROCKS
Dwelling (2) - Stage 2
Applicant: CHRISTEAL INVESTMENTS PTY LTD

2015/CB-00293 Lot 6 DP1073515 26 COX LANE SOUTH KEMPSEY
DWELLING
Applicant: BPA BUILD

2015/CB-00306 Lot 2 DP187781 181 YESSABAH ROAD SHERWOOD
ALTERATIONS AND ADDITIONS TO EXISTING DWELLING
Applicant: MR G T SAWYER

2016/CB-00021 Lot 72 DP1033750 DORSHAE CLOSE SOUTH WEST ROCKS
DWELLING (3) - STAGE 2
Applicant: CHRISTEAL INVESTMENTS PTY LTD

2016/CB-00054 Lot 302 DP754396 NEW ENTRANCE ROAD SOUTH WEST ROCKS
STORAGE CONTAINER
Applicant: SWR DRAGON BOAT RACE CLUB INC.

2016/CB-00059 Lot 168 DP247665 28 CURRAWONG CRESCENT SOUTH WEST ROCKS
ALTERATIONS & ADDITIONS TO EXISTING DWELLING & DETACHED CARPORT
Applicant: MS P E MCTERNAN

2016/CB-00070 Lot 114 DP754441 CRESCENT HEAD
DWELLING & CONTINUED USE OF EXISTING STRUCTURES (SITE 30)
Applicant: COBOURN D & COBOURN D

2016/CB-00080 Lot H DP39009 35 BELGRAVE STREET KEMPSEY
INTERNAL DISABLED ACCESS - NEW LIFT INSTALLATION - COMPLYING DEVELOPMENT -
PRIVATE CERTIFIER
Applicant: BDM CONSTRUCTIONS & DEVELOPMENTS PTY LTD

2016/CB-00081 Lot 25 DP835058 72-74 ELBOW STREET WEST KEMPSEY
INTERNAL FITOUT TO EXISTING COMMERCIAL OFFICE - COMPLYING DEVELOPMENT -
PRIVATE CERTIFIER
Applicant: FAIRFAX MEDIA C/- UNISPACE

2016/CB-00082 Lot 8 DP244717 15 WARD STREET HAT HEAD
DWELLING - PRIVATE CERTIFIER
Applicant: RYAN M & RYAN M

2016/CB-00083 Lot 3 DP1168206 38 HILLVIEW DRIVE YARRAVEL
SHED AND CARPORT - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR M A BARNETT

2016/CB-00084 Lot 7C DP17560 136 SOUTH WEST ROCKS ROAD HAMPDEN HALL
TWO STEEL GARAGE BUILDINGS - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR A PATEMAN

2016/CB-00086 Lot 253 DP754441 Por 253 8 BELMORE STREET CRESCENT HEAD
DWELLING ALTERATIONS AND ADDITIONS - PRIVATE CERTIFIER
Applicant: BRYANT T & BRYANT N
There were 17 applications approved.

For the financial year to date there have been 261 approvals including 4 modifications approved, with 97.3% approved within 30 days.

(Please note: This includes approvals by Private Certifiers).

**VARIATION TO THE DEVELOPMENT STANDARDS CONTAINED IN KEMPSEY DCP 2013**

All development applications determined involving variations to the development requirements contained in Kempsey DCP 2013 are required to be reported to Council for information.

During the preceding month there were three applications approved involving variations to the development requirements contained in Kempsey DCP 2013.

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<thead>
<tr>
<th>Application number:</th>
<th>T6-16-46</th>
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<tbody>
<tr>
<td>Subject land:</td>
<td>LOT 212 DP861436, 2993 SOUTH WEST ROCKS ROAD, JERSEYVILLE</td>
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<tr>
<td>Description:</td>
<td>ADVERTISING BILLBOARD</td>
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<tr>
<td>Chapter:</td>
<td>B18 Advertising and Tourist Signs</td>
</tr>
<tr>
<td>Development requirement:</td>
<td><strong>Distance from similar signage – Clause 7.1(g)</strong></td>
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<tr>
<td></td>
<td>Signage facing motorists using classified roads (e.g. billboard signs) are not to be erected closer than 1 km from other similar signage</td>
</tr>
<tr>
<td>Proposed:</td>
<td>Proposed sign to be erected within 650m from existing billboard sign</td>
</tr>
<tr>
<td>Desired outcome:</td>
<td>DO2, DO4 and DO7</td>
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<tr>
<td>Objections:</td>
<td>Nil</td>
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</table>

**Planning comment:**

Whilst the development requirement of locating the proposed sign a minimum of 1km from other similar signage has not been provided for, it is considered that in this instance the desired outcomes are still achieved as:

- The sign will be located within a paddock, with background trees providing a back drop to the sign;
- The images and colours used in the proposed sign content are generally compatible with the
rural setting;
• The height of the sign does not exceed the height of background trees;
• The proposed sign is separated from a similar sign by a distance of 650m;
• There are three houses and three paddocks separating the proposed and existing signs;
• The two signs are located on a curved road, so that the two signs will not be visible simultaneously for any significant time by passing motorists;
• The content of the sign is simple and able to be read quickly;
• The sign will not be illuminated; and
• The sign will be set back from the fence-line and will not visually obstruct views of the road or road signs in either direction.

Application number: **T6-16-27**  
Subject land: LOT 4 DP418001, 41 GREAT NORTH ROAD, FREDERICKTON  
Description: TWO LOT SUBDIVISION  
Chapter: B1 – Subdivision  
Development requirement: **Lot Dimensions and Layout – Clause 6.3**  
b) The access handle for battle-axe shaped lots is to have a minimum width of:  
(ii) 4m if the side boundary adjoins a reserve; or  
(ii) 5m on any other circumstance  
Proposed: 4.4 metre wide access handle  
Desired outcome: D03  
Objections: Nil

Planning comment:  
Whilst the development requirement for the access handle width for battle-axe shaped lots has not been provided, it is considered that in this instance the desired outcomes are still achieved as the proposed development provides an access handle of sufficient to allow for the minimum standard driveway width of 2.4 metres, a 3 metre cross over at the boundary and 1 metre for landscaping along the full length of the driveway. Separate easements for water and sewer and services are proposed and will not impact the proposed access handle.

Given the location of the existing dwelling, the required access width is not achievable on either side of the dwelling. Any variation to the access width is unlikely to set a precedent considering the existing site constraints and limitations.

Application number: **T6-15-361**  
Subject land: LOT 17 DP244900, 6 PANORAMA AVENUE, SOUTH WEST ROCKS  
Description: SECOND STOREY ADDITION TO AN EXISTING DWELLING  
Chapter: C1 Residential Development – Urban Areas  
Development requirement: **Side/Rear Setbacks – Clause 5.2.2(b)**  
Two storey dwelling requires 1.5m set back from side boundary to comply with DCP.  
The applicant proposed 1.45m which was advertised and received no objection.  
Proposed: 50mm DCP variation  
Desired outcome: D04  
Objections: Nil
Planning comment:

The Proposal is to add a second storey addition. The original house was constructed with the 1.45m set back from the Northern boundary and the 1.5 m requirement of the current DCP came into effect after the original Dwelling was constructed. In this case the 50mm variation is considered minor as there were no objections to the proposal when advertised and there is no discernible effect on the amenity. The BCA provisions requiring a 1.5m setback for fire safety relating to two storey dwellings has now been repealed. The desired outcome would be to allow a 50 mm variation to the dwellings northern side boundary wall which is permissible under the KDPC 10% rule.
14 RESCISSION MOTIONS

Nil
15 NOTICES OF MOTION

Nil
16  DELEGATES REPORT

Nil
ITEM 11  MAYORAL COMMUNITY FUND COMMITTEE MEETING HELD 16 MAY 2016

<table>
<thead>
<tr>
<th>Delivery Program Activity: (SOD-01-02) Work with Community Groups</th>
<th>Reporting Officer: Director Corporate Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effect of Recommendation on Budget: Nil</td>
<td>File: F12/1124-05</td>
</tr>
</tbody>
</table>

REPORT SUMMARY

For Council to adopt the minutes of the Mayoral Community Fund Committee meeting held on 16 May 2016.

RECOMMENDATION

That the recommendations of the Mayoral Community Fund Committee meeting held on Monday 16 May 2016 be adopted.

COMMENTARY

A copy of the Minutes of the Mayoral Community Fund Committee meeting held on Monday 16 May 2016 will be submitted to the meeting.
### REPORT SUMMARY


### RECOMMENDED:

That the information be noted.

### COMMENTARY

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Minimum Target</th>
<th>Performance Y.T.D.</th>
<th>Result</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% projects completed on time and on budget</td>
<td>85%</td>
<td>73%</td>
<td>☒</td>
<td>Sustainable Environment 13/13 Infrastructure Services 6/13</td>
</tr>
<tr>
<td># community projects undertaken by groups in the community</td>
<td>10</td>
<td>5</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>% customer enquiries solved before second contact is made</td>
<td>60%</td>
<td>80.70%</td>
<td>☑</td>
<td>89.74%</td>
</tr>
<tr>
<td>% of instances where service levels met</td>
<td>80%</td>
<td>88%</td>
<td>☑</td>
<td>• Infrastructure 92% • Sustainable Environment 62.5%</td>
</tr>
<tr>
<td># mean satisfaction rating with customer service</td>
<td>3.34</td>
<td>2.81%</td>
<td>☒</td>
<td>2016 Community Satisfaction Survey (CSS). This has improved on 2015 CSS of 2.75%</td>
</tr>
<tr>
<td>Employees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ saved through innovation</td>
<td>$200,000</td>
<td>$97,600</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>Indicator</td>
<td>Minimum Target</td>
<td>Performance Y.T.D.</td>
<td>Result</td>
<td>Commentary</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>----------------</td>
<td>--------------------</td>
<td>--------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>% of staff undertaking discretionary training</td>
<td>52%</td>
<td>56.17%</td>
<td>✔️</td>
<td>A continuation of internal promotion of opportunities of online courses on offer to staff and in house training is part of a strategy of increasing voluntary training</td>
</tr>
<tr>
<td>% unplanned leave hours per employee per annum on average</td>
<td>3.7%</td>
<td>4.35%</td>
<td>✗</td>
<td>Unplanned leave hours down from a 4.58% to 4.35%. Strategies are being implemented to further reduce this figure</td>
</tr>
<tr>
<td># of lost time Injuries per million hours worked</td>
<td>11.00</td>
<td>12.69</td>
<td>✗</td>
<td>No lost time injuries for April - YTD 8. A proactive approach is taken to having employees Recover at Work from their injuries</td>
</tr>
<tr>
<td># of lost time injuries</td>
<td>11</td>
<td>8</td>
<td>✔️</td>
<td>Actual number of LTI is trending below minimum target</td>
</tr>
</tbody>
</table>

Government

<table>
<thead>
<tr>
<th>% variable grants received from applications made</th>
<th>60%</th>
<th></th>
<th></th>
<th>Applications made:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Recreational Fishing Trusts</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>o New Entrance Road Fishing Platform $60,744.74</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>o Jerseyville Fishing Platform $75,089.70</td>
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<td></td>
<td></td>
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<td></td>
<td>o Back Creek Sandbar Ramped Access $40,610.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• ClubGRANTS – upgrade, expansion &amp; enhancement of Kempsey Art Gallery</td>
</tr>
<tr>
<td>Indicator</td>
<td>Minimum Target</td>
<td>Performance Y.T.D.</td>
<td>Result</td>
<td>Commentary</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
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<td>----------------------------------------------------------------------------</td>
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<tr>
<td>&amp; Museum $175,000.00</td>
<td></td>
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</tr>
<tr>
<td>Public Reserves Management Fund Program</td>
<td></td>
<td></td>
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<tr>
<td>CH Reserve New Amenities Block &amp; Demolition of Existing Amenities Block $166,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horseshoe Bay Reserve Amenities including BBQ &amp; Seating Arrangement $128,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EOI Submitted:</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>EPA</td>
<td></td>
<td></td>
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<tr>
<td>Illegal Dumping $95,000.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Littering $125,000.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ variable grant funding received ($mill)</td>
<td>$3.5</td>
<td>$3,354,505</td>
<td>✓</td>
<td>$30,870 Library Special Purpose Grant</td>
</tr>
<tr>
<td>$30,000 Argibusiness</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$30,000 Noxious Weeds TSA</td>
<td></td>
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</tr>
<tr>
<td>$1,000 River Festival Art Project</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Business</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ investment into the local government area ($million)</td>
<td>$50</td>
<td>$79.3M</td>
<td>✓</td>
<td>$41.4M</td>
</tr>
<tr>
<td># people employed in the Shire</td>
<td>11,123</td>
<td>12,593</td>
<td>✓</td>
<td>Figure unchanged</td>
</tr>
<tr>
<td># break &amp; enter, malicious damage crimes</td>
<td>1,010</td>
<td>118</td>
<td>✓</td>
<td>Data to September 2015 Current data on BOSCAR</td>
</tr>
</tbody>
</table>
## COUNCILLOR QUESTIONS

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>Inquiry</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016-4-19</td>
<td>RJS WD-05-03</td>
<td>Moparrabah Road - have any scheduled roadworks been brought forward on this road?</td>
<td>Council is aware of the current conditions of Moparrabah Road and maintenance grading occurred on the 28 April 2016. Major resheeting of this road is not planned within the next 10 years.</td>
</tr>
<tr>
<td>2016-4-19</td>
<td>RBP HD-05-02</td>
<td>Are there any strategies that have come out of the .id process that Council will be implementing in an effort to realise the population growth suggested by that study?</td>
<td>The service provided by id solutions relates to demographic and economic profiling which will be used to inform a range Council’s corporate and land use planning functions. In respect to land use planning, it is noted that the projections of id solutions are very similar to the projections on which Council’s Local Growth Management Strategy is currently based, with residential and rural residential land release areas proposed that actually exceed projected population increases. The service will also allow Council to drill down into projections for various localities that will inform the implementation of Councils locality-based 10 Year Strategic Planning Program.</td>
</tr>
</tbody>
</table>
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.

☆☆☆☆☆
ITEM 13 VARIOUS LEGAL MATTERS

<table>
<thead>
<tr>
<th>Delivery Program Activity: (CAD-01-03) Governance</th>
<th>Reporting Officer: Director Corporate Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effect of Recommendation on Budget: Nil</td>
<td>File: F12/250-05</td>
</tr>
</tbody>
</table>

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.

REPORT SUMMARY

Reporting on the current position regarding legal matters.
ITEM 14  GENERAL MANAGER’S MID-YEAR PERFORMANCE REVIEW FOR 2015/2016

<table>
<thead>
<tr>
<th>Delivery Program Activity: (CAD-02-04) Human Resource Management</th>
<th>Reporting Officer: Mayor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effect of Recommendation on Budget: Nil</td>
<td>File: RAW/28100</td>
</tr>
</tbody>
</table>

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.

REPORT SUMMARY

Advising of the General Manager’s Mid-Year Performance Review Committee Meeting held in April 2016.

ITEM 15  APPOINTMENT OF ACTING GENERAL MANAGER FOR A PERIOD OF LEAVE

<table>
<thead>
<tr>
<th>Delivery Program Activity: (CAD-02-04) Human Resource Management</th>
<th>Reporting Officer: General Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effect of Recommendation on Budget: $50,000</td>
<td>File: F12/245-05 copy F12/109-05</td>
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</tbody>
</table>

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.

REPORT SUMMARY

As the General Manager will be on leave for nine (9) weeks from 17 August 2016 to 17 October 2016, an Acting General Manager will need to be appointed by Council. Historically, for shorter periods of time the authority and delegations of the General Manager have been delegated to other staff. For this period of leave, it is considered that the impact of this absence on the organisation cannot be
covered by the remaining staff, and as such, additional resources will be required. This has a budget impact.

The options available to cover the period of leave are to bring in an Acting General Manager from outside the organisation; replace a Director to fill the General Manager role; or replace the General Manager within the organisation from existing resources. The last option, working within the existing resources, is seen to have a significant impact on the quality of service delivery.