



KEMPSEY
SHIRE COUNCIL

BUSINESS PAPER

A COUNCIL MEETING
WILL BE HELD ON TUESDAY 15 AUGUST 2017
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**
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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 ([2017-7-18 minutes](#)).pdf of the ordinary meeting of Kempsey Shire Council dated 18 July 2017 be confirmed.

RECOMMENDED:

That the minutes of the ordinary meeting of Kempsey Shire Council dated 18 July 2017 be confirmed.

7 CITIZENSHIP CEREMONIES

	NAME	COUNTRY OF BIRTH
1	Phanindranath Prakhya	India
2	Navya Sri Vanam	India

8 PUBLIC FORUM / PRESENTATIONS

Public Forum

- 1 - Donna Clarke will address Council speaking in relation to item 13.4 KLEP 2013 Feltons Lane.
- 2 - Robert Wicks will address Council speaking in relation to item 13.4 KLEP 2013 Feltons Lane.

Presentations

ClubGRANTS:

There are 4 local registered clubs participating in the scheme – Kempsey Macleay RSL Club, Kempsey Heights Bowling Club, Crescent Head Country Club and South West Rocks Country Club.

2016 recipients = total \$12,182;

- **Valley Community Church Auspiced by LifeHouse Church - Providing Dance & Guitar Classes \$1,600**
For school aged people including loan guitars, subsidising classes and funding items for performances.
- **Kempsey Basketball Association Incorporated - Miniball Hoops \$4,150**
To increase participation in basketball for younger players through the installation of height adjustable basketball rings.
- **Cedar Place Aged Care Facility Limited - New Lifter Purchase \$5,100**
This lifter will enable Cedar Place to continue to meet the high physical needs and assisting to maintain the Residents quality of life and dignity of Residents by providing quality manual handling to Residents who are up to 227 kg. It will also decrease the risk of staff injuries.
- **Autism Spectrum Australia (Aspect) - Early Intervention for Young Children with Autism \$1,332**
Early intervention is the most important factor for improving outcomes for children with autism. 3 children with autism living in the Kempsey LGA will receive in-home early intervention services and their parents will receive long term strategies, giving them the best possible opportunities to enter mainstream schooling and integrate as members of the community.

2017 recipients;

- **Crescent Head Community Pre School – fence for bush garden play environment \$2,000**
Develop an edible garden with the children to facilitate a growing appreciation and care for natural and constructed environments. To ensure children are connected with the land and contribute to their world to become socially responsible and show respect for the environment.

- **Baylin's Gift – Batyr School Programs \$4,000**

To deliver innovative peer-to-peer programs that engage, educate and empower young people. Batyr's programs focus on addressing issues that impact the mental health of young people, and promote resilience and help seeking behaviour.

- **South Kempsey Public School – North Coast Deaf Camp 2017 \$1,000**

The North Coast Deaf Camp is for public school students and runs for several days bringing together both primary and secondary students aged 10 to 18 who have a hearing loss so that they might establish/renew friendships, share experiences through participating in a variety of recreational activities.

- **SHINE for Kids – Connecting Kids support program for children of prisoners \$4,800.**

This program will provide access to a range of services run by SHINE for 9 children from the Kempsey area.

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 13.12 – 13.17, 18.1 and 20.1 in the current agenda as listed be adopted.

ITEM 13.12	ESTABLISHING A COMPANY TO ENABLE SHARED SERVICES PROVISION	46
ITEM 13.13	MATTERS IN PROGRESS	47
ITEM 13.14	PROJECT COMPLETION REPORTS	61
ITEM 13.15	SUPPLY AND DELIVERY OF DGB20, DGS20 AND DGS40 GRAVEL	62
ITEM 13.16	STATEMENT OF CASH AND INVESTMENTS	64

ITEM 13.17	DEVELOPMENT APPROVALS AND CONSTRUCTION CERTIFICATES	65
ITEM 18.1	KEY PERFORMANCE INDICATORS.....	79
ITEM 20.1	VARIOUS LEGAL MATTERS	88

12 MAYOR'S REPORTS

Nil

13 STAFF REPORTS

ITEM 13.1 ORGANISATION CULTURE AND STRUCTURE REVIEW

Contact Person: Daryl Hagger – Acting General Manager

File: F12/2009

PURPOSE

To consider the findings and recommendations of the Culture and Structure Review of Kempsey Shire Council.

RECOMMENDATION

- 1 That the LKS Quaero Kempsey Shire Council – Culture and Structure Review report be noted and recommendations adopted.**
- 2 That a proposal from LKS Quaero is sought to:**
 - a Carry out the role of Director Transformation for a period of six (6) months to:**
 - i Establish the program plan (as described in the report and recommendations) and architecture for the governance and management of the program**
 - ii Implement a fully scoped transformation program with supporting plan and business case to implement the recommendations contained within the report**
- 3 That the Director Transformation commence implementation of levels one (1) and two (2) of the structure by;**
 - i Adhering to the requirements of Workplace Change, Local Government (State) Award 2017**
 - ii Engaging Local Government Management Solutions to provide a proposal for the search and selection of the General Manager and Director positions**

ISSUES

The Review findings show that in most areas of performance, improvements can be made. The recommendations encompass the whole of the organisation and if implemented will mean significant change to:

- the way work is done (systems, processes)
- the organisational structure
- the need to build a positive, forward-looking culture
- the development of leadership capabilities among staff

These changes will not be in discrete areas but encompass the whole organisation. It will also need

to be well governed and managed to ensure that the business as usual is achieved while the transformation program is being carried out. The consultants undertaking the review were encouraged by the willingness of all staff to participate in the review. This indicates on a whole that the organisation recognises a need for change and that there is strong support for change. To be successful it is essential that we make the right changes so that we can capitalise on this and achieve the best outcomes.

The Culture and Structure Review report ([Appendix A](#)) makes a number of recommendations for improvement based on a series of interviews that were conducted with staff either individually or in groups at varying levels within the organisation. These interviews, along with desktop research of Council's published documents, contributed to the compilation of a 'scorecard' matrix which provides a generalised result against a variety of criteria. It is not clear what quantitative measures or validation was used in calculating the final scorecard results. Following the presentation of the Review findings by LKS Quaero to staff, very few staff recalled answering questions specifically reflecting the measures calculated in the scorecard.

Whilst the project brief provided to LKS concerning the Review was about the culture and structure, they weren't asked to review the achievements and outcomes of Council or whether the organisation is meeting community expectations. I would like it recognised that many staff in leadership positions are very committed employees who spend numerous hours in excess of normal requirements to ensure delivery of services to the Macleay community. These outcomes are demonstrated by the overall resident satisfaction rating of Council increasing to 2.99 (out of 5) in the last survey undertaken, clearly a commendable achievement. This is in addition to a number of measures that have shown a positive trend of increasing satisfaction with services delivered over the past three years of survey results.

Additionally, in excess of 92% of services/actions contained in the 2013-2017 Delivery Program were completed over the four year period.

The failure to identify the accomplishments of the organisation in a balanced manner reflects unfairly on all the good work that has been done by the staff the organisation and the previous elected Council to get to this point. This has adversely affected morale and in some aspects the limited opportunity for staff to respond could be considered unfair criticism.

Whilst the assessment focussed on the organisation as a whole and our systems this should not be assumed to represent the overall performance of the organisation. The efforts of individuals, groups and teams within the organisation have delivered improvements for the community which is evidenced above.

Whilst the Review report contains a proposed structure below level 1 and 2 for the organisation it needs to be pointed out that in accordance with section 332 (1A) of the Local Government Act, *The General Manager must, after consulting with the Council, determine the positions (other than the senior staff positions) within the organisation structure of the Council.* It is understood the depiction of levels below those of senior staff (General Manager and Directors) was illustrative of the proposed commissioning/thinking and delivery functions for the proposed 2 directorate model.

As there is a proposed structure within the final report, 28 days' notice has been given to likely affected staff (currently direct reports to the GM and their direct reports) and the Unions in terms of clause 39 of the Local Government (State) Award 2017. Once a definitive decision has been made in respect of the structure, further advice to affected employees will be required.

BACKGROUND

On 1 March 2017 the Council resolved to engage LKS Quaero Pty Ltd to undertake a review of the Council organisation's culture and structure. Broadly, the methodology of LKS Quaero was to determine the fitness for purpose of the organisation's culture and structure to:

- Deliver on the Strategic Success Factors of the Delivery Plan
- Ensure work practices are based on modern systems, efficient processes and optimally allocated resources
- Provide choice to the community of the Macleay Valley and customers in the way they access services and do business

Staff at all levels of the organisation participated in diagnosing the current state of the organisation and contributed their views on how and what improvements could be made. Interim briefings were made to Elected Members on two occasions as the review process was undertaken.

ITEM 13.2 KEMPSEY AIRPORT FLY NEIGHBOURLY AGREEMENT

Contact Person: Robert Pitt – Director Sustainable Environment

File: F12/1895

PURPOSE

The purpose of this report is to seek Council's endorsement of the scope of a proposed Fly Neighbourly Agreement for the users of Kempsey Airport and to advise of feedback received from the community at recent community workshops.

RECOMMENDATION

- 1 That the scope of matters to be addressed in the Noise Management Plan and associated Fly Neighbourly Agreement, as detailed in the following report be endorsed.**
- 2 That expression of interest from community members be sought to serve on a Community Reference Group to assist in the process for preparing a draft Noise Management Plan and associated Fly Neighbourly Agreement.**

ISSUES

Council has endorsed a procedure for developing a Fly Neighbourly Agreement (FNA) to address community concerns relating to increased aircraft noise associated with the use of Kempsey Airport. The following report provides an assessment of the feedback received in relation to the scope of matters the FNA should address.

BACKGROUND

At its meeting of 18 April 2017, Council resolved to endorse a procedure for preparing a Noise Management Plan to underpin a FNA between Council and current airport users.

In summary, this involves a 10 step procedure, including:

- STEP 1:** Report to Council seeking endorsement to enter into a FNA
- STEP 2:** Preliminary community consultation, including referral to the Office of Airspace Regulation
- STEP 3:** Report outcomes of preliminary community consultation to Council to endorse the scope of the proposed Noise Management Plan and FNA
- STEP 4:** Seek EOIs from suitably qualified consultants to prepare a draft Noise Management Plan and FNA
- STEP 5:** Prepare a draft Noise Management Plan and FNA and refer to Office of Airspace Regulation for comment
- STEP 6:** Report draft Plan to Council to endorse for public exhibition

STEP 7: Formal public exhibition of the draft Noise Management Plan and draft FNA

STEP 8: Assess public submissions and consider any required amendments in response

STEP 9: Report recommended draft Noise Management Plan and FNA to Council for endorsement

STEP 10: Enter into a Fly Neighbourly Agreement with Airport users

Noise Management Plan and Fly Neighbourly Agreement Process Status

The following is the status of the process for developing a FNA that was endorsed by Council at its meeting of 18 April 2017.

STEP	COMMENTS
STEP 1	Completed as per Council's resolution of 18 April 2017
STEP 2	<p>A meeting was held with a representative from the Office of Airspace Regulator on 18 May 2017. The Office of Airspace Regulation has advised that the proposed process for preparing the Noise Management Plan and FNA is in accordance with Commonwealth requirements and the Office of Airspace Regulation supports Council's initiative.</p> <p>Although covering a wider range of current issues associated with the Airport, the community workshops held on 4 and 5 July 2017 included feedback on the matters the community consider should be within the scope of the Noise Management Plan and FNA.</p>
STEP 3	<p>This report seeks Council's endorsement of the scope of the matters that the Noise Management Plan and associated FNA should address.</p> <p>In response to feedback received more generally, it is also recommended that Council establish a community reference group to assist in overseeing the preparation of the draft Noise Management Plan and FNA. (See "Community Reference Group")</p>

At its meeting of 16 May 2017, Council further resolved:

That Council organise an independent facilitated community workshop, including an evening workshop, as soon as reasonably possible, where Council will outline the present situation at Kempsey Airport regarding the Australian International Aviation College (AIAC) Development Application and the Memorandum of Understanding. This meeting will enable full dialogue with the community on all issues. The Fly Neighbourly Agreement progress should also be addressed.

Three community workshops were subsequently held on 4 and 5 July 2017, including an evening workshop on 4 July 2017 at the Slim Dusty Centre at South Kempsey.

In response to various Airport related issues that have been raised by the community, information was presented, including:

- An overview of Kempsey Airport facilities and operations
- Financial information related to sources of income, areas of expenditure and expected 2017/2018 operating loss
- An outline of the Mid North Coast Aviation Excellence Plan 2011, including grant funding parameters
- The heads of agreement under the existing Memorandum of Understanding between Council and the Australian International Aviation College (AIAC)
- A summary of the expected economic benefits of the proposed expanded flying school facility
- The status of the current DA for the expanded flying school
- Details of the Council endorsed FNA process, including feedback on matters that the community consider that the FNA should address

Community Feedback

Details of all feedback received as a result of the workshops is included at [\(Appendix B\)](#). The feedback has been categorised on the basis of relevance to the:

- Fly Neighbourly Agreement
- Development Application
- Draft Airport Plan of Management
- Other

This report concentrates on the feedback received at the workshops relating to the Fly Neighbourly Agreement. The matters of relevance to the DA will be considered by Council's planners when reporting the DA to the JRPP.

Council is also preparing a Plan of Management for future planning for the Airport that will complement the FNA. Whilst a preliminary draft plan has been developed by consultants, the process has been put on hold pending determination of the DA for the expansion of the flying school. The feedback relevant to this Plan of Management and other miscellaneous comments will be fed into Council's ongoing community engagement strategies for the Airport and to inform Council of the views of the community.

Community feedback on matters relating to the Fly Neighbourly Agreement include:

ISSUES RAISED AT THE COMMUNITY WORKSHOP		COMMENTS	
1	Noise causes hypertension, particularly at night	1	Consideration of restrictions on night time flights should be within the scope of the FNA
2	Standard left-hand flight path concentrates noise	2	The Noise Management Plan should examine flight paths for inclusion in the FNA
3	Can small planes be replaced by larger noisier ones?	3	The types of aircraft used by all operators should be specified in the FNA. In respect to AIAC, the opportunity exists to tie the FNA to the lease agreement, whereby any variation to the specified aircraft would need to go through a process of modifying and renotifying the FNA.
4	Need to consider noise impacts over a wider area, not just land adjoining the Airport	4	The geographic area over which the FNA would apply should be included in the scope of the FNA.
5	Impacts on grazing activities	5	All land uses within the geographic area over which the FNA would apply should be mapped for consideration of any required restrictions
6	Only DA 40 aircraft used in noise assessment	6	See Point 3
7	New noise assessment needed if twin-engine aircraft to be used	7	See Point 3
8	6:00am to 12:00am 7 days a week is unacceptable	8	The Noise Management Plan that underpins the FNA needs to address operating hours
9	Low flying just above the trees	9	The height at which aircraft operate should be within the scope of the FNA
10	Need to stick to agreed flight paths	10	The FNA should include the means for monitoring and enforcing all provisions
11	Low flying will not go below 600ft	11	The FNA should include the means for enforcing all provisions, including the height of aircraft.
12	AIAC described any reductions in hours as catastrophic to their business	12	AIAC has indicated that there is scope for flexibility and Council will need to weigh

ISSUES RAISED AT THE COMMUNITY WORKSHOP		COMMENTS	
			this up with the reasonable expectations of residents
13	1000% increase in flights equates to 5 flights per hour, 7 days a week	13	See Point 12
14	Council needs to stick to the adopted FNA process and communication strategy	14	In addition to the public exhibition process endorsed by Council, it is recommended that Council appoint a community committee to assist in overseeing the process of preparing the Noise Management Plan and FNA. See <i>"Community Reference Group"</i>
15	FNA needs to define what is acceptable to the community	15	See Point 12
16	Stalling practice of drone – stop – full power is very annoying	16	The scope of the Noise Management Plan and FNA should include the location of stalling training. See also Point 4
17	Need to avoid sensitive sites such as schools, nursing homes and hospital	17	See Point 4
18	Noise mitigation works required at most affected residences	18	The scope of the Noise Management Plan and FNA will identify the Australian Noise Exposure Forecast affecting residences, including whether any mitigation works are required or justified
19	Penalties need to be imposed for breaches of the FNA	19	As owner of the Airport, Council is able to include sanctions on AIAC for any deliberate and repeated breaches of the FNA. The FNA will be on a voluntary basis for all other Airport users
20	Needs to be a 7:00pm to 7:00am curfew	20	See Point 8
21	Independent noise assessment required	21	The scope of the Noise Management Plan and FNA will identify the Australian Noise Exposure Forecast affecting residences that will be based on a noise assessment commissioned by Council
22	6:00am to midnight 365 days per year is excessive	22	See Point 8

ISSUES RAISED AT THE COMMUNITY WORKSHOP		COMMENTS	
23	Who will monitor flights?	23	This is a matter that should be included in the scope of the Noise Management Plan and FNA
24	What are the ongoing consultation arrangements?	24	See Point 23
25	Consultation needs to include direct access to the GM	25	See Point 23
26	A complaints management process is needed	26	See Point 23
27	Extra taxiways are needed to increase capacity	27	Whilst the provision of additional taxiways is not currently being considered, should any of the parameters of the FNA change, a revised FNA and consultation process should be included in the scope of the FNA
28	Controls on flights that come from Port Macquarie	28	The FNA will not apply to itinerant aircraft, however, aircraft operated out of Port Macquarie Airport by AIAC could be included in the FNA
29	How will flights be monitored?	29	See Point 23
30	Will we be given the opportunity for a community committee?	30	See <i>"Community Reference Group and Standing Orders"</i> .
31	How robust will the monitoring be?	31	See Point 23
32	How high do aircraft fly?	32	See Point 23
33	Parties to FNA need to be held accountable by Council	33	See Point 19
34	Is the FNA binding?	34	See Point 19
35	FNA process needs to be independently facilitated	35	Having regard to the recommendation for Council to appoint a Community Reference Group and cost considerations, it is not recommended that Council meet the costs of an independent facilitator
36	Flying hours need to be reduced	36	See Point 8
37	Flights should be restricted to 9:00am to 5:00pm	37	See Point 8

ISSUES RAISED AT THE COMMUNITY WORKSHOP		COMMENTS	
38	Why is there no curfew?	38	See Point 8
39	Flight paths need to alternate to share noise impacts on residents	39	This is an option that should be examined in the Noise Management Plan to determine its feasibility for inclusion in the FNA
40	Flight hours should be restricted to 6:00am to 9:00pm to reduce sleep disturbance	40	See Point 8
41	Night flying should be in winter, not during day-light saving	41	See Point 8
42	Who will manage and enforce the FNA?	42	See Point 19
43	Disturbance from revving engines	43	Measures to reduce disturbances from this aspect of operations needs to be examined in the Noise Management Plan to determine whether to include restrictions in the FNA
44	Inconsistent flight paths	44	See Point 23
45	Lack of understanding of the flight jargon	45	Whilst the Noise Management Plan will be the technical assessment that underpins the FNA, the FNA should be in plain English that avoids technical jargon. The means for achieving this should be within the scope of the Noise Management Plan
46	Will jets be allowed?	46	See Point 3
47	Why isn't the FNA compulsory	47	See Point 19
48	Who monitors where flights originate?	48	See Point 23
49	Should have a method for tracking aircraft	49	See Point 23
50	Need to survey the needs of all airport users	50	It is expected that part of the process for preparing the Noise management Plan and community engagement more generally will include some form of communication with all Airport users
51	FNA is a contradiction because it cannot be achieved	51	The endorsed process of preparing the Noise Management Plan and FNA with involve extensive community consultation to seek to achieve a balance between the commercial imperatives of AIAC and the

ISSUES RAISED AT THE COMMUNITY WORKSHOP		COMMENTS	
			reasonable expectations of affected residents that will involve a degree of compromise by all parties

Draft Scope of the Noise Management Plan and Fly Neighbourly Agreement

As previously reported to Council, the scope of a FNA is a matter for the stakeholders involved. The Office of Airspace Regulation provides advice on the scope of matters a FNA could cover which has been cross checked against the matters raised at the community workshops that are considered of relevance to the FNA as follows:

ELEMENTS OF NOISE MANAGEMENT PLAN AND FNA		RAISED AT WORKSHOPS?	COMMENTS
The extent and values of the designated area over which the Noise Management Plan would cover		Yes	This would involve a mapping exercise of existing land uses and tenures.
The nature and extent of the disturbance caused by aircraft and where possible, through measurement or other scientific analysis.		Yes	This would involve noise modelling to identify the Australian Noise Exposure Forecast (ANEF) 20 contour around the airport. An aircraft noise exposure level of less than 20 ANEF is considered acceptable for residential development.
Identify all potential stakeholders to be affected, including residents and all airport users.		Yes	Depending on feedback from residents, this may also identify dwellings beyond the ANEF 20 contour.
Identify the nature and purpose of aircraft operations that are affecting the designated area.		Yes	This will include the operational requirements of all current airport users.
	a. the number of operations;	Yes	
	b. the heights of operations;	Yes	
	c. flight tracks used, including the avoidance of sensitive areas and the repetitive use of particular tracks;	Yes	

ELEMENTS OF NOISE MANAGEMENT PLAN AND FNA		RAISED AT WORKSHOPS?	COMMENTS
	d. the origins and destinations of operations;	Yes	
	e. times of operations;	Yes	
	f. operating procedures available to the type of aircraft in use; and	No	
	g. changing the type of aircraft used.	Yes	
Specify procedures that apply to aircraft operating in the designated area. Such procedures could include:			This will involve input from the Office of Airspace Regulation.
a. avoiding noise sensitive areas	i. follow any high ambient noise routes (main roads, etc.); and	No	
	ii. follow unpopulated routes.	Yes	
b. when operating near noise sensitive areas:	i. maintain an appropriate fly-over altitude for any specific land uses affected;	Yes	
	ii. maintain an appropriate hover/circling altitude;	Yes	
	iii. speed reduction;	No	
	iv. low noise speed/descent settings;	Yes	
	v. route variation;	Yes	
	vi. use high take-off/descent profiles.	Yes	
Identify opportunities for aircraft operators to vary their operations to reduce disturbance		Yes	This will involve seeking a balance between operational requirements and the

ELEMENTS OF NOISE MANAGEMENT PLAN AND FNA	RAISED AT WORKSHOPS?	COMMENTS
without being unreasonably penalised by doing so; and		reasonable expectations of residents.
Set targets for reasonable reductions in the disturbance being caused by aircraft operations;	No	This will enable the effectiveness of the Noise Management Plan to be measured by setting quantifiable targets.
Specify all relevant aviation safety requirements for the airport. These will include any non-negotiable requirements for the safe operation of the airport.	No	These will include any non-negotiable requirements for the safe operation of the Airport.

Matters Raised by the Community Related to a FNA Not Covered by the Guidelines

As previously reported to Council, it is important that Council incorporate all matters raised by the community relevant to the preparation of a Noise Management Plan and FNA in the scope for the consultant brief. In addition to the matters recommended in the guidelines, the following is an assessment of the matters relevant to the FNA that were raised by the community at the workshops that are not covered by the guidelines.

MATTERS RAISED NOT COVERED BY THE GUIDELINES	COMMENTS
FNA needs to be enforceable	The FNA can be enforced through conditions placed on any lease agreement with AIAC. The FNA should include dispute resolution provisions.
Location of stalling procedure training locations	A specific provision can be considered for inclusion in the FNA specifying areas where this activity should be restricted to.
The FNA needs to include penalties for breaches	The dispute resolution provisions can specify any punitive measures in the event of any persistent avoidable breaches of the FNA by AIAC, however, penalties cannot be imposed on other users as the FNA would be on a voluntary basis.
How and by whom will monitor the FNA?	The methods for monitoring the FNA, including responsibilities of all parties should be specified in the FNA.

MATTERS RAISED NOT COVERED BY THE GUIDELINES	COMMENTS
What are the ongoing consultation requirements?	The FNA should specify how the community will be advised of the compliance status of the FNA, including the process for consulting with the community for any variations to operational parameters.
Consultation needs to include direct access to the GM.	The GM should only become involved where any complaints have not been resolved under the dispute resolution provisions of the FNA
What will be the complaints management process?	The process for receiving and responding to complaints should be included in the FNA.
How will flights from Port Macquarie be controlled?	Aircraft movements by AIAC, regardless of origin can be included in the FNA
Will a community committee be formed?	This will be dealt with under the community consultation provisions of the FNA.
Lack of understanding of flight jargon.	The need for the FNA to be expressed in plain English should be included in the scope of matters to be addressed.
Noise mitigation works required at most affected residences	The recommended investigations to determine the Australian Noise Exposure Forecast (ANEF) 20 contour around the airport will determine whether mitigation works at any residences is required.

Recommended Scope of Noise Management Plan and Fly Neighbourly Agreement

The scope of the matters that should be addressed by the Noise Management Plan and Fly Neighbourly Agreement, including those identified in the guidelines and the matters raised by the community at the workshops is at [\(Appendix C\)](#). It is intended that the scope of matters to be addressed will be included in a draft consultancy brief for consideration of the recommended Community Reference Group.

Community Reference Group

Similar to the approach taken with other plans and strategies of broad community interest, it is recommended that an advisory group be appointed to assist in developing the Noise Management Plan and FNA. It is suggested that:

- The group be comprised of a maximum of 4 community representatives
- The chair be a community representative elected by the group

- Council staff representative
- Expressions of interest be sought for representatives from a broad cross-section of the community
- The representatives be appointed by resolution of Council

It is expected that the group would have a time-limited tenure with the purposes of:

- Providing input to developing the consultancy brief seeking expressions of interest (EOI)
- Assisting in developing the selection criteria and associated weightings
- Evaluating the EOIs against the selection criteria
- Reviewing and providing feedback on the consultancy deliverables (milestone reports, drafts and final draft Noise Management Plan and recommended FNA)
- Reviewing and providing feedback on the draft Council report seeking endorsement of the draft plan and FNA for the purposes of formal public exhibition
- Reviewing and providing feedback on all submissions received, including the draft Council report for adoption, or otherwise, of the final Noise Management Plan and FNA

Should Council support the recommendation to establish the group, it is intended to develop a set of Standing Orders for Council's endorsement when EOIs to serve on the group are reported to Council.

It should be noted that the community has also expressed the desire for a community group to monitor and provide feedback on the ongoing implementation of the FNA. Whilst, based on examples of other FNAs operating in Australia, this is likely to be a recommended outcome, it is important that the mechanisms for ongoing monitoring and feedback related to the implementation of the FNA not be pre-empted and that the endorsed process be followed.

Revised Estimated Project Delivery

Having regard to Council's resolution to hold a public facilitated workshop and the appointment of the recommended community reference group, the indicative project plan included in the Council report of 18 April 2017 is likely to result in a delay to completing and implementing the project. It is further noted that the timeframe for preparing the Noise Management Plan and FNA will also be determined by the availability of suitable consultants, however, the following revised indicative timeframe is provided.

TASK	START	END	COMMENT
STEP 1: Report to Council seeking endorsement of the intention to prepare a Noise Management Plan and Fly Neighbourly Agreement, including communications strategy.	Mar 2017	Apr 2017	Completed 18 April 2017

TASK		START	END	COMMENT
STEP 2: Preliminary community consultation. Refer to Office of Airspace Regulation seeking input		May 2017	Jun 2017	Delayed due to Council resolution to conduct a public meeting. Completed 4 and 5 July 2017
STEP 3: Report outcomes of preliminary community consultation to Council to endorse the scope of the matters to be addressed in the Noise Management Plan		Jun 2017 Jul 2017	Jul 2017 Aug 2017	Completed 15 August 2017
	STEP 3(b): Seek EOIs for community representatives for reference group	Aug 2017	Sep 2017	
	STEP 3(c): Report EOIs to Council and appoint community representatives	Oct 2017	Nov 2017	
STEP 4: Seek EOIs and appoint suitably qualified consultants to prepare the Noise Management Plan and confirm with AIAC how the plan will be funded.		Aug 2017 Nov 2017	Sep 2017 Feb 2017	
STEP 5: Prepare draft Noise Management Plan and refer to the Office of Airspace Regulation for comment.		Oct 2017 Mar 2018	Oct 2017 May 2018	Revised timeframe subject to confirmation with appointed consultant
STEP 6: Report draft Noise Management Plan incorporating Office of Airspace Regulation comments to Council to endorse for the purposes of public exhibition.		Nov 2017 May 2017	Dec 2017 Jun 2018	
STEP 7: Formal public exhibition of the draft Noise Management Plan.		Jan 2018 Jun 2017	Mar 2018 Jul 2017	
STEP 8: Assess public submissions and consider any required amendments in response.		April 2018 Jul 2018	May 2018 Jul 2018	
STEP 9: Report recommended Noise Management Plan, including draft Fly		May	Jun	

TASK	START	END	COMMENT
Neighbourly Agreement to Council for its endorsement.	2018 Jul 2018	2018 Aug 2018	
STEP 10: Enter into FNA.	Jun 2018 Aug 2018	Jul 2018 Aug 2018	

ITEM 13.3 KLEP 2013 AMENDMENT 19 – LE BROCQS LANE/GOWINGS HILL ROAD, DONDINGALONG

Contact Person: Robert Pitt - Director Sustainable Environment

File: KLEP2013-AM-19

PURPOSE

The purpose of this report is to advise of the outcomes of the Consultation/Public Exhibition for the Planning Proposal for draft Kempsey LEP Amendment No 19 to facilitate a future 14-lot rural residential subdivision at Dondingalong.

RECOMMENDATION

That Council exercise delegation from the NSW Department of Planning and Environment to make the LEP Amendment.

ISSUES

On 18 April 2017, Council resolved:

That the Planning Proposal and associated documentation be submitted to the Minister for Planning for consideration of issuing a “gateway determination” pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.

The Department of Planning issued a Gateway Determination to proceed with this Planning Proposal to amend the Kempsey LEP 2013 on 19 May 2017. In addition ‘Written Authorisation to Exercise Delegation’ of the Minister’s functions under S59 of the *Environmental Planning and Assessment Act 1979*, was also issued by the NSW Department of Planning and Environment. A copy of the Gateway Determination incorporating the authorisation for delegation is attached [\(Appendix D\)](#).

The Planning Proposal was placed on public exhibition from 30 May 2017 to 27 June 2017, which comprised the standard public notice. Two (2) objections to the proposal were received and are attached [\(Appendix E\)](#).

Public Submissions:

SUBMISSION	COMMENT/RESPONSE
Potential for conflict between existing employment - creating land uses (i.e. nearby Bates Quarry) and concerns as to the expectations of new residents.	On the basis of information contained in the EIS for Bates Quarry (incorporated in the Planning Proposal) Subdivision can proceed in a manner that will not be adversely impacted upon by the quarry.
Neighbouring rural properties will be constrained in the activities they can	Rather than sterilising the legitimate activities that may occur in the adjoining rural properties, the objective of R5 – <i>Large Lot Residential</i> zone is the provision of residential housing in a rural setting

SUBMISSION	COMMENT/RESPONSE
undertake in proximity to this newly created rural-residential development.	<p>and the minimisation of conflict with adjoining land zones.</p> <p>The opportunity exists to maximise separation of future dwellings and an existing trucking business by at least 250 metres, having regard to a flood prone gully that lies between, which is greater than the separation to existing adjoining dwellings. A development application will be required to enable the future subdivision of the site which will need to be designed to account for all site-specific factors.</p>

Agency Submissions:

Agency submissions were received from required consultation with the NSW Rural Fire Service (RFS) and the Office of Environment and Heritage (OEH). The Kempsey Local Aboriginal Land Council were also consulted, however, no response was received. A copy of the RFS and OEH agency submissions are attached [\(Appendix F\)](#).

Neither of the agency submissions 'objected' to the Planning Proposal. The RFS submission provides standard comment in regard to required considerations for the future development of land against the relevant legislative provisions. The OEH submission is more detailed and a summary and comment on of the matters raised is provided below.

SUBMISSION	RESPONSE
<p>1. Demonstrate how the planning proposal accords with Goal 1, Direction 2 and Actions 2.1, and 2.2, and Goal 3, Direction 18 and Action 18.2, of the North Coast Regional Plan 2036.</p> <p>Goal 1 – The most stunning environment in NSW.</p> <p>Direction 2 - Enhance biodiversity, coastal and aquatic habitats, and water catchments:</p> <ul style="list-style-type: none"> ▪ Action 2.1 – Focus development to areas of least biodiversity sensitivity in the region and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value; ▪ Action 2.2 – Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts. 	<p>1. The <i>North Coast Regional Plan 2036</i> (NCRP) comprises 4 Goals, 25 Directions and 80 Actions. It is not necessary to identify and expand on how a Planning Proposal addresses each of the 109 elements contained within the NCRP. Rather, Council's role is to identify and expand on the elements applicable to an individual Planning Proposal that have not been met.</p> <p>The site is identified in Council's <i>Rural Residential Land Release Strategy</i> as part of the <i>Dondingalong Land Release Staging</i> area. The objectives of this strategy include the provision of ecologically sustainable rural residential development consistent with the relevant regional policies.</p>

SUBMISSION	RESPONSE
<p>Goal 3 – Vibrant and engaged communities.</p> <p>Direction 18 - Respect and protect the North Coast's Aboriginal heritage:</p> <ul style="list-style-type: none"> ▪ Action 18.2 – Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms are identified. 	
<p>2. Consider applying an environmental protection zone, or a biodiversity overlay with an associated clause, to mapped areas of high environmental value in the planning area to accord with Goal 1 of the North Coast Regional Plan 2036 by maximising retention of native vegetation, encouraging revegetation and precluding or limiting encroachment by future development and bushfire asset protection zones on land within 40 metres of watercourses.</p>	<p>2. OEH has identified that the site contains a low-order ephemeral watercourse which runs along the western boundary of the area proposed to be rezoned to R5 – Large Lot Residential. The watercourse is currently located in open grazing land, however the indicative subdivision will enable the fencing and regeneration of riparian vegetation along the southern portion of this watercourse. Development of the subdivision will also be restricted in its western encroachment on the watercourse due to the location of the 1:100 flood line.</p>
<p>2. Require the applicant to undertake additional koala habitat survey in accordance with the methodology outlined in Box 1 of the Comprehensive Koala Plan of Management – for Eastern Portion of Kempsey Shire, to determine whether the planning area contains 'core koala habitat' with a view to applying an environmental protection zone, or a biodiversity overlay with an associated clause, to areas mapped as preferred koala habitat in the planning area in lieu of further koala habitat surveys.</p>	<p>3. The site proposed to be rezoned is part of a larger pastoral farm which contains scattered remnant vegetation. The planning proposal identifies the location of each Koala Feed Tree (KFT) on the site in a survey plan. These scattered KFTs do not constitute core Koala habitat.</p> <p>As stated in the planning proposal, all KFTs are proposed to be retained and Council will require the retention and protection of these KFTs (such as utilising a positive covenant arrangement) in the determination of any future subdivision proposal.</p>
<p>3. Require the applicant to undertake an Aboriginal cultural heritage assessment of the planning area to inform the planning proposal and accord with Goal 3 of the North Coast</p>	<p>4. As identified earlier, the site has operated as a pastoral farm over many years with much disturbance to the soil cover. The planning proposal</p>

SUBMISSION	RESPONSE
<i>Regional Plan 2036. The Aboriginal cultural heritage values of the planning area could be assessed through a site inspection by a suitably qualified and experienced person and consultation with the local Aboriginal community.</i>	includes an Aboriginal Heritage Information Management System (AHIMS) search which identifies that no Aboriginal sites or places exist in or near the subject site. Additionally, the Kempsey Local Aboriginal Land Council were also consulted on the proposal but no response has been received.

Final Steps

The NSW Department of Planning has issued Council delegation to make the plan. Council is now requested to resolve to use the delegation in completing the plan.

This will involve a report back to the NSW Department of Planning, obtaining legal advice from the Parliamentary Counsel, the General Manager's final signature on the amended Planning Instrument and then publication on the NSW Legislation website.

ITEM 13.4 PLANNING PROPOSAL FELTON'S LANE, HAMPDEN HALL

Contact Person: Robert Pitt – Director Sustainable Environment

File: RZ-17-2: KLEP2013-AM-21

PURPOSE

The Department of Planning & Environment (DPE) has issued a Gateway Determination not to permit the Planning Proposal to change the minimum lot size for a rural land parcel in Hampden Hall to proceed.

RECOMMENDATION

That a Request for a Review of the Gateway Determination be submitted to the Department of Planning & Environment.

ISSUES

At its meeting of 16 May 2017, Council resolved to seek a Gateway Determination for a Planning Proposal to facilitate a future 2 lot residential subdivision of the subject land. The full details of the Planning Proposal are contained in the Council Report and resolution which is appended [\(Appendix G\)](#).

A Gateway Determination was received on 13 July 2017 from the Department of Planning and Environment that the Planning Proposal should not proceed. A copy of the determination is in [\(Appendix H\)](#).

Subject Land

The subject land is Lot 424 DP 710381, 15 Felton's Lane, Hampden Hall. The area is located on the edge of the existing urban area of East Kempsey, on the Western side of the new Pacific Motorway



Reasons for Refusal of the Gateway Determination

The Gateway Determination is in two parts, a cover letter summarising the determination and reasons, and the actual formal Gateway Determination stating the formal reasons for the Determination. The cover letter contains some of the matters the DPE considered in forming their determination.

Both matters noted in the cover letter and the formal reasons stated in the Gateway Determination are summarised in the table below on the left column. Council's response and comments are provided in the right column.

GATEWAY DETERMINATION REASON	RESPONSE/COMMENT
<p>The rural planning framework established by State Environmental Planning Policy (Rural Land) 2008, Section 117 Direction 1.5 Rural Lands and the North Coast Regional Plan 2036 seek to prevent fragmentation of rural land, protect opportunities for primary production and restrict unplanned rural subdivision. The land is not within Council's Local Growth Management Strategy.</p> <p>The principle of permitting ad hoc and unplanned rural residential subdivision and dwellings based on a physical constraint (such as the location of a sealed road) is not supported. Such proposals are more appropriately addressed as a strategic level through a review of Council's Local Growth Management Strategy.</p>	<p>The subject land is already impacted by fragmentation and the current landowners have advised they are unable to keep the land on both sides of the road in agricultural use. As such the agricultural potential of the land is not currently being met and will not be affected by the proposal.</p> <p>The 117 Direction 1.5 Inconsistency is therefore considered to be justified as the land is currently not being used for its full potential.</p> <p>The Draft North Coast Plan 2036 makes provision for variations, in particular with respect to Significant Farmland. It is considered that the proposal clearly provides responses which justify a variation of the strategy in this instance.</p>

GATEWAY DETERMINATION REASON	RESPONSE/COMMENT
	<p>It is acknowledged that the land is not within Council's Local Growth Management Strategy, however, in the preparation of the strategy the majority of the land was excluded due to broad constraints, such as flooding, vegetation, proximity to other rural residential areas etc. It should be acknowledged that as a modern and effective strategy, it is imperative that a degree of flexibility be applied in circumstances where merit exists.</p> <p>The report considered by Council at its May 2017 meeting clearly indicates how the current proposal is consistent with the intent of the strategy, being consistent with the pattern of development in the locality, whilst providing a flood free building envelope.</p>
Land is predominantly mapped as regionally significant farmland.	<p>The provisions of the North Coast Plan 2036 acknowledge that the exclusion of regionally significant farmland should be flexible, rather than completely prescriptive. The inclusion of variation criteria is part of the North Coast Plan.</p> <p>It is noted that the property is not currently being used to its full agricultural potential. It is considered that the variation criteria for significant farmland should be applied as per the North Coast Plan 2036. A consideration of these provisions was undertaken in the planning proposal and is it considered that the variation is justified.</p>
Proposal is inconsistent with s117 Direction 1.5 Rural Lands.	<p>To be consistent with this direction the Planning Proposal must be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.</p> <p>The Planning Proposal addresses the Rural Planning Principles and the Rural Subdivision Principles. It is considered that the proposal is consistent with the SEPP.</p> <p>Alternatively the inconsistency is permissible as it is considered to be of minor significance.</p>
The proposal is inconsistent with section 117 Direction 4.3 Flood Prone Land. Flooding issues are not adequately addressed.	<p>It is considered that the level of detail regarding flooding provided within the Planning Proposal is sufficient to address flooding issues. Recent modelling from the Draft Kempsey CBD Flood</p>

GATEWAY DETERMINATION REASON	RESPONSE/COMMENT
	<p>Study and Plan confirms that while much of the subject land is affected by flood and partial floodway, that an area of flood free land remains available for a dwelling.</p> <p>Prior to issuing a Gateway Determination, the DPE requested that Council provide further information regarding flooding. Given the level of information supplied in the Planning Proposal, and associated Council Report, it is considered that a site-specific flood study is not necessary.</p> <p>It was considered that if the DPE thought it necessary for further detail, that it could be a condition of the Gateway Determination, along with any other additional studies it thought necessary.</p> <p>It is considered that the Planning Proposal addresses all the requirements of the 117 Direction and that any inconsistency is of minor significance.</p>
<p>The proposal is inconsistent with section 117 Direction 5.10 Implementation of Regional Plans.</p>	<p>The land is not identified within Council's Local Growth Management Strategy. Council however does wish to accommodate additional development outside of identified areas where merit permits. The North Coast Plan 2036 also contains provisions to consider variation of growth areas where merits permit. It is considered that the proposal is of minor significance and does not undermine the achievement of the vision of the North Coast Plan 2036.</p>
<p>The proposal is inconsistent with State Environmental Planning Policy (Rural Land) 2008.</p>	<p>See comments above for 117 Direction 1.5 Rural Lands</p>

Application for Request for Review of Gateway Determination

The required application has been completed. The form needs to be submitted to the Department of Planning within 42 days of the date of the Gateway Determination, which is 17 August 2017. The responses noted within the table above, form the basis upon which Council seeks a review of the Gateway Determination.

ITEM 13.5 LAND ACQUISITION FOR UPGRADING SEWER PUMP STATION K3 ON LEITH STREET, WEST KEMPSEY
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Contact Person: Michael Murphy – Manager Operations Water

File: F12/1983, LA13745

PURPOSE

To accept an offer of \$20,000.00 (GST Exclusive) for the acquisition of an additional 199.6m² of land adjacent to the existing pump station site on Leith Street to allow a capacity upgrade.

RECOMMENDATION

- 1 That the offer in the amount of \$20,000.00 (GST Exclusive) made by the owner of Lot 72 DP588049 for the acquisition of that part of Lot 72 DP588049 being Lot 1 DP1225534 be accepted.**
- 2 That pursuant to Section 34 of the Local Government Act 1993, Council advertise the draft resolution. It is intended to classify Lot 1 DP1225534 (land adjoining the sewer pumping station in Leith Street, West Kempsey) as operational land.**
- 3 That a further report be brought back to Council detailing any submissions received from the public during the advertising period.**
- 4 That pursuant to Section 377 of the Local Government Act 1993, the General Manager is delegated authority to sign:**
 - a) Contract for Sale/Deed of Acquisition.**
 - b) The Land and Property Information Transfer form.**

ISSUES

The K3 sewerage pump station is located on Council owned land with frontage to Leith Street, West Kempsey. It adjoins a private property on the east, west and south boundaries. A map of the site is contained in [\(Appendix I\)](#).

This pump station is operating at its capacity at present with inadequate storage for wet weather events. Despite significant programs to reduce storm water infiltration in the sewer system, the pump station experiences increases in flow due to aging assets and high water table presence.

This can result in sewer surcharges that pollute the surrounding environment. This is a risk to public health and overflows have to be reported to the EPA. Emergency response is also required to rehabilitate the site as soon as possible to neutralise the surcharge. There is a health and safety hazard to Council staff in doing this work.

Upgrading the existing pump station to increase storage and pumping capacity will resolve the risks and improve the performance of the system. The existing site does not have sufficient usable area. We have investigated various options for the upgrade. The most practical and feasible option for upgrade work would be to acquire additional land adjacent to the existing pump station site.

The value of the land intended to be acquired was independently assessed and an offer of \$9,800 (GST Exclusive) was made to the property owner. The property owner counter offered \$20,000.00 (GST Exclusive). Whilst this offer exceeds the valuation, there is an expectation that acquisition of a particular section of land adjacent to the existing site would be at a premium considering the magnitude of the costs, the need to progress the works and the impact of delay, it is recommended to accept this counter offer.

BACKGROUND

The K3 sewerage pump station has a history of sewer surcharges. Detailed assessment of the pumping pattern at the sewage pump station and future flow requirements were undertaken. It was identified that the current pump station required additional storage and pumping capacity to reliably cater for future demands and wet weather flows.

The existing site does not have room for additional storage or construction for the extent of work required. The option to facilitate a temporary bypass of the existing pump well allowing removal of the existing structure and installation of higher storage capacity unit was explored. This operation would require significant resources and is not efficient.

There was an option to use the road reserve of Leith Street for the upgrade works. This would limit the future use of the road reserve and impact the aesthetics of the street with potential for community backlash. There is an overhead powerline on the street verge which will require special arrangements to ensure safety of Council staff and contractors.

Relocation of the pump station was investigated as an alternative. Generally, the location of sewer pump stations are determined by the geography of the catchment area. The relocation to an alternative location would require significant modification of the existing infrastructure and potential acquisition of land at an alternative site.

The preferred option is to acquire land adjacent to the existing pump station site as this would result in minimal modification of the existing infrastructure. This option also offers the advantage of using existing structures as part of upgrade including the existing well to provide additional emergency storage. This is the most practical and cost-effective option.

Following confirmation of site suitability with geotech assessment, site surveying and valuation of the additional land was completed and used to enter in negotiation with the land owner. The Land Acquisition Act (Just Terms Compensation) Act 1991 was followed to acquire land through agreement between Council and the land owner.

A valuation report identified market value as \$9,800.00 (GST Exclusive). An offer of acquisition was made to the owner in this amount. The offer was not accepted and a counter offer was sought from the land owner who then nominated \$20,000.00 (GST Exclusive). This offer was not supported by a formal valuation. Further negotiation attempts were made with no agreement on price between both parties.

This leaves Council with the following potential options:

- Acquire the land at the proposed offer by land owner; or
- Pursue the compulsory acquisition option; or
- Investigate alternatives discussed above and proceed with next most feasible option.

The option exists to pursue compulsory acquisition of land under the Land Acquisition (Just Terms Compensation) Act 1991. This process will take time and resources. Considering all factors in determining the amount of compensation under compulsory acquisition, there is the possibility the compensation amount would exceed the market value proposed in the original valuation report. There would also be additional administrative costs associated with this process.

Based on these factors, the option of acquiring land at the counter offer is considered to be reasonable value for money.

Proceeding with this option will also allow the project to progress immediately after the settlement period or earlier if the land owner is agreeable. Acceptance of the offer by the land owner would also encourage positive relationships as temporary access to their property will be required during construction work of the new pump well installation.

ITEM 13.6 IMPLEMENTATION OF CROWN LAND REFORMS

Contact Person: Robert Scott – Director Infrastructure Services

File: F12/2145, F12/1768

PURPOSE

To consider expressing an interest in participating in the next round of implementing the Crown Land Reforms.

RECOMMENDATION

That an Expression of Interest be lodged in conjunction with the Kempsey Local Aboriginal Land Council to participate in the next implementation round of the Crown Lands Act.

ISSUES

In 2016, the State Government passed the Crown Lands Bill. This instituted new provisions under the Crown Lands Act allowing Crown land categorised as locally significant to be transferred to Local Government as Community Land. There is an obligation as part of the process to consider the significance of the land for Indigenous heritage.

Council has the opportunity to lodge an Expression of Interest to participate in the next round of the implementation program. This will require resources. If Council is accepted then there will be an impact on the ability to complete items listed in the Operating Plan. The opportunity to streamline and remove duplication from the reporting process as well as resolve long term ownership in a collaborative way could potentially outweigh the impacts.

BACKGROUND

The government has been undertaking a long term project to reform the way that Crown land is managed within New South Wales. The process has involved several White Papers and extensive consultation. It culminated in the Crown Lands Bill which was passed in State Parliament in October 2016.

Whilst the reforms have been implemented in four pilots across the State, Expressions of Interest are now open for councils to participate in the next round of implementations. A copy of the information received from the government about this process together with an update for councils managing Crown lands is contained in [\(Appendix J\)](#).

The process will involve a considerable amount of staff time to work through and, as a result, it will impact upon our capability to deliver the actions identified in the current Operating Plan. If we are selected to participate then it will be necessary to revise the actions in the Operating Plan in line with the impact that it has upon our resources.

ITEM 13.7 CHURCH HILL QUARRY

Contact Person: Robert Scott – Director Infrastructure Services

File: F12/696, LA6344 LA32156
LA32158 LA14762 LA14763
LA14765, LA14761

PURPOSE

To consider progress on the development of Church Hill Quarry.

RECOMMENDATION

That a process be commenced to terminate the agreement with NSW Quarry Services for the development of Church Hill Quarry if an alternative agreement cannot be negotiated.

ISSUES

Council entered into an agreement with NSW Quarry Services for the development and operation of Church Hill Quarry. After a lengthy approval process, NSW Quarry Services have not made any substantive progress towards commencing operation of the quarry. Commencement of the quarry will involve expenditure of funds to construct the lead-in infrastructure. Development of the quarry appears to have stalled.

The agreement between Council and NSW Quarry Services requires them to complete a number of actions within an allotted timeframe after the development consent was issued. This was not accomplished and therefore Council now has the option to consider terminating the agreement.

BACKGROUND

At the meeting on 16 April 2013 where the tender was resolved. Council resolved to negotiate an agreement with NSW Crushing & Screening (now known as NSW Quarry Services) for development and operation of Church Hill Quarry. The commercial agreement was negotiated and executed between the parties. This agreement specifies the path for development of the quarry together with timeframes that relate to key milestones such as the issuing of development consent or the physical commencement of quarry operations. A copy of the agreement that prefaces the ultimate lease of the quarry to NSW Crushing & Screening is contained within **(Confidential Appendix K)** for further information. This report is submitted on a confidential basis as it involves information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. (Local Government Act 1993, section 10A(2)(c)). 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.

Development Consent for the quarry was first granted on 9 January 2015 under DA 2014/LD-00067.

The consent conditions were further modified under a separate application on 19 March 2015.

Since then little visible progress has been made in relation to commencing operation of the quarry. A Construction Certificate has been issued for the roadworks into the quarry and on the adjoining public road. Council has completed the water main relocations required as part of these works.

Concern has been raised with NSW Quarries regarding the lack of progress. A copy of the documentation exchanged recently between the parties is contained in [\(Confidential Appendix L\)](#). This report is submitted on a confidential basis as it involves information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. (Local Government Act 1993, section 10A(2)(c)). 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. In summary, they are seeking leave to renegotiate the level of s.94 contribution payable and a longer term to the lease. Whilst these requests are not unreasonable in the circumstances, they have not completed anything of any significance to indicate that they are acting in good faith, other than in their letters.

Variation of the s.94 contributions is a regulatory matter which can only be varied through and application to modify the development consent. It is not appropriate to combine this process with any commercial deal that may be agreed between the parties. Any change would need to be supported by a well-founded argument referencing s.94 of the Environmental Planning & Assessment Act 1979 and the relevant contribution plan. This has not been done.

It is recommended that action be progressed to commence termination of the agreement.

ITEM 13.8 TENDER FOR THE CONSTRUCTION OF THE EXTENSION OF SOUTH STREET TO GOWINGS HILL ROAD	
Contact Person: Tony Green – Manager Engineering Works	File: TQE17/11

PURPOSE

To accept a tender for the construction of the extension of South Street from West Street to Gowings Hill Road.

RECOMMENDATION

- 1 That the tender of Eire Constructions Pty Ltd in the estimated amount of \$1,636,602.55 (exclusive of GST) be accepted for the construction of the extension of South Street from West Street to Gowings Hill Road.**
- 2 That the contract documents be executed under the seal of Council.**

ISSUES

A grant of \$2.25m was received under the Fixing Country Roads program for the extension and rehabilitation of South Street.

Under s55 of the Local Government Act Council must invite public tenders to procure works where the value of the works exceeds \$150,000. The Local Government (General) Regulation 2005 specifies the method for calling and accepting tenders.

BACKGROUND

Tenders were invited by the “open tendering” method in accordance with the Local Government (General) Regulation 2005. Tenders closed at 2.00pm on 25 July 2017.

At the close of tenders, five (5) submissions had been received:

- 1 Coffs Harbour City Council T/as Coastal Works
- 2 Ditchfield Contracting Pty Ltd
- 3 Eire Constructions Pty Ltd Pty Ltd
- 4 ELH Road and Bridge Construction Pty Ltd
- 5 Shearer Contracting Pty Ltd

A Tender Evaluation Panel (TEP) comprised of the Manager Engineering Works, Works Engineer and a Technical Services Engineer assessed the tenders.

All tenders were deemed to be conforming.

Details of the tender evaluation are located in **Confidential Appendix M**. This appendix is submitted on a confidential basis as it involves information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business (Local Government Act 1993, section 10A(2)(c)). 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.

The contract is a “Schedule of Rates” contract and the contract value is based on the estimated quantities of each component of the works. The actual cost will be calculated based on actual quantities.

The TEP concluded that the tender submitted by Eire Constructions Pty Ltd is the tender that, having regard to all the circumstances, appears to be the most advantageous and is recommended for acceptance.

The contract resulting from this tender is for the extension of South Street to Gowings Hill Road. The South Street project includes rehabilitation of the existing section of South Street from Macleay Valley Way to West Street and these works will be undertaken by Council staff. The tendered price for this work, along with design, project management and the estimated cost of the roadworks to be undertaken by Council is within the budget for the project.

The design requires acquisition of Crown land at the western end so that the alignment of South Street and Gowings Hill Road can merge. We are discussing the proposed acquisition of the land with the Kempsey Local Aboriginal Land Council. They have an active claim over this land. It is hoped that a resolution can be found so that the bypass of Middleton Street can be completed as planned.

ITEM 13.9 TENDER FOR THE REPLACEMENT OF MCINTYRES AND SCHMIDTS BRIDGES

Contact Person: Tony Green – Manager Engineering Works

File: TQE17/5

PURPOSE

To accept a tender for the replacement of McIntyres and Schmidts Bridges on Nulla Nulla Creek.

RECOMMENDATION

- 1 That the tender of Waeger Constructions Pty Ltd in the amount of \$860,000 (exclusive of GST) be accepted for the replacement of McIntyres and Schmidts Bridges.**
- 2 That the Roads Program be revised to take into account the actual Roads to Recovery funding available this year and the funding required to complete McIntyres and Schmidts Bridge replacement.**
- 3 That the contract documents be executed under the seal of Council.**

ISSUES

The existing McIntyres and Schmidts timber bridges are in poor condition and are included for replacement in the bridge replacement program.

Under s55 of the Local Government Act Council must invite public tenders to procure works where the value of the works exceeds \$150,000. The value of the works in this case was estimated to be \$800,000. The Local Government (General) Regulation 2005 specifies the method for calling and accepting tenders.

BACKGROUND

Tenders were invited by the “open tendering” method in accordance with the Local Government (General) Regulation 2005. Tenders closed at 2.00pm on 17 July 2017.

At the close of tenders, eight (8) submissions had been received:

- 1 Bridge and Civil Pty Ltd
- 2 BSA Constructions
- 3 Eire Constructions Pty Ltd Pty Ltd
- 4 Green Construction and Management Pty Ltd
- 5 Saunders Civilbuild Pty Ltd
- 6 Shumack Engineering (NSW) Pty Ltd
- 7 VEC Civil Engineering Pty Ltd
- 8 Waeger Constructions Pty Ltd

A late tender was received from Davbridge Properties Pty Ltd. In accordance with the Regulation the late tender cannot be considered. It is noted that the tender would not have been recommended for acceptance had it been considered.

A Tender Evaluation Panel (TEP) comprised of the Manager Engineering Works, Works Engineer and a Technical Services Engineer assessed the tenders.

All tenders were deemed to be conforming.

Details of the tender evaluation are located in **(Confidential Appendix N)**. This appendix is submitted on a confidential basis as it involves information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business (Local Government Act 1993, section 10A(2)(c)). 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.

The TEP concluded that the tender submitted by Waeger Constructions Pty Ltd is the tender that, having regard to all the circumstances, appears to be the most advantageous and is recommended for acceptance.

The tendered price, along with design, project management and the cost of associated roadworks required to be undertaken by Council is above the allocated budget for these projects of \$800,000. Supplementary funding of \$250,000 is required. Advice has been received from the Federal Department of Infrastructure and Regional Development that Council's Roads to Recovery Program grant for 2017/2018 will be more than was originally budgeted. It is recommended that additional funding be reallocated from other road projects to complete these bridges as a higher priority. This could be achieved through a review of the works program for this year.

ITEM 13.10 DRAFT PLAN OF MANAGEMENT FOR COMMUNITY LAND

Contact Person: Robert Scott – Director Infrastructure Services

File: F12/2083

PURPOSE

To consider the draft Plan of Management for Community Land for public exhibition.

RECOMMENDATION

- 1 That the draft Plan of Management for Community Land be placed on public exhibition for submissions in accordance with the Local Government Act 1993.**
- 2 That a public hearing be held during the exhibition period.**

ISSUES

We are required to have a Plan of Management (POM) for all land that is classified as “Community Land” under the Local Government Act 1993. A draft comprehensive POM for all community land has been prepared.

The Act requires Council to:

- Place a draft Plan of Management on public exhibition for a minimum of 28 days
- Provide a 42 day submission period
- Hold a public hearing in respect of a proposed Plan of Management

After this process, Council can consider and formally adopt the POM

BACKGROUND

It was resolved at the April 2017 Council meeting that a Plan of Management to be prepared to satisfy the requirements of the Local Government Act 1993, so that Council could comply when entering into a lease with the NSW Government Telco Authority for a part of Rudder Park, East Kempsey.

The Act requires Council to have a Plan of Management in place for all public land that is classified community land. Therefore, a standard Plan of Management has been prepared for all community land and is contained in [\(Appendix O\)](#).

The purpose of this Plan of Management is to set out broad guidelines for the use and management of community land. It establishes directions for planning, resource management and maintenance.

ITEM 13.11 2017 KEMPSEY SHOW WASTE MANAGEMENT FEES

Contact Person: Steve Pellen – Coordinator Civic Services

File: F12/2041

PURPOSE

To seek approval to reduce waste disposal fees for the 2017 Kempsey Show.

RECOMMENDATION

That the disposal costs for waste from the 2017 Kempsey Show be waived.

ISSUES

The Kempsey Show Society are hosting the Kempsey Show on Saturday 16 and Sunday 17 September 2017. During past years, the Kempsey Show has generated approximately 5 tonnes of general waste over two days.

The current fee to dispose of this general waste at Council's Waste Management Centre is \$270 per tonne. \$79.60 of this fee is the EPA waste levy. If the Show Society are to dispose of the expected five tonnes of general waste, the charge would be \$1,350. Council would be liable to pay \$398 to the EPA for the waste levy.

BACKGROUND

Kempsey Shire Council supports a number of events within the Shire. One of the ways Council supports events is by providing 240 litre waste bins which event organisers can pick up from Council's Depot, use, empty and then return to the Depot for free. They are however required to pay for their waste disposal costs.

The Kempsey Show Society are seeking support to use 20 red (general waste) and 20 yellow (recycling) bins for the duration of the Kempsey Show. They will be taking waste generated to the Waste Management Centre on Crescent Head Road.

Recycling is free for all residents and events to drop off at Council's waste facilities. The Kempsey Show Society is being provided with 20 recycling bins so they can provide recycling opportunities at their event. This will reduce costs and waste entering the landfill.

If the recycling initiative of the Show Society is successful, then it is expected that this amount will be less. The Show is being held on a weekend and if visitor numbers are greater than previous years then more rubbish could be produced.

ITEM 13.12 ESTABLISHING A COMPANY TO ENABLE SHARED SERVICES PROVISION

Contact Person: Daryl Hagger – Acting General Manager

File: F12/925-02

PURPOSE

To negate a Council resolution to establish a company for the purposes of providing local government services.

RECOMMENDATION

That the establishment of a company for the provision of local government services not be progressed.

ISSUES

A long standing resolution of Council regarding the establishment of a company for the purposes of providing local government services has been deferred primarily pending information on what changes are being made under the Local Government Act to allow the establishment of organisations to provide services jointly. A copy of the report is shown in [\(Appendix P\)](#).

The catalyst for the establishment of a company was the memorandum of understanding (MOU) between Kempsey, Bellingen and Nambucca Council's. This MOU related to the intent of the Councils to collaboratively undertake service reviews and develop shared services for the purpose of improving service delivery to the community by reducing the cost of service provision and better utilisation of available resources.

As reported to the July Council meeting there is very little appetite to undertake joint service reviews from neighbouring councils that will lead to the need to establish a company for the purposes of providing local government services.

When the Local Government Act is reviewed for the establishment of Joint Organisations the matter will be reconsidered within that framework.

BACKGROUND

Council at its meeting held on 19 April 2016 resolved:

- 1 That Kempsey Shire Council seek approval by the Minister for Local Government to establish a company for the purpose of providing local government services in line with the attached constitution as amended.
- 2 That Kempsey Shire Council seek approval for the entity to be covered under the NSW Industrial Relations system and covered by the Local Government Award.

ITEM 13.13 MATTERS IN PROGRESS

Contact Person: Daryl Hagger – Acting General Manager

File: F12/1930

PURPOSE

To update Councillors on the progress of resolutions of Council

RECOMMENDATION

That the information be noted.

BACKGROUND**MATTERS IN PROGRESS ARISING FROM PREVIOUS COUNCIL MEETINGS****General Manager**

	Min/CRM #	Subject	Resolution	Progress
	2016.24 Item 2 2016-2-16	Public private partnership for Kempsey cinema project	That a public private partnership be entered into to provide cinema services located in Kempsey.	There are ongoing negotiations among the commercial partners that need to be resolved before this item can progress.
	2016.78 Item 4 2016-4-19	Establishing a corporation to enable shared services provision	<p>1 That Kempsey Shire Council seek approval by the Minister for Local Government to establish a company for the purpose of providing local government services in line with the attached constitution as amended.</p> <p>2 That Kempsey Shire Council seek approval for the entity to be covered under the NSW industrial relations system and covered by the local government award.</p>	<p>This matter has been deferred pending information on what changes are being made under the Local Government Act to allow the establishment of organisations to provide services jointly.</p> <p>3 August 2017</p> <p>A report is contained in this business paper.</p> <p>Recommend removal.</p>
132	2017.182 Item 1 2017-5-25	Kempsey Cinema Project	1 That Council endorse the agreement with Majestic Cinemas and Gowing Bros to enter into a Public Private Partnership to deliver the Kempsey Cinema, conditional upon receipt of the Office of Local	

General Manager

	Min/CRM #	Subject	Resolution	Progress
			<p>Government's concurrence that the project process complies with the requirements of the Local Government Act, 1993.</p> <p>2 That an independent auditor be engaged to audit the accounts of the profit loss sharing agreement between Majestic and Kempsey Shire Council and that prudential rules for the nature of expenses that can be charged to this venture be set.</p>	
163	2017.255 Item 13.3 2017-7-18	Cinema Project – Public Private Partnership	That copies of the responses submitted, and a summary of the issues raised, as a result of the public exhibitions of the documents relating to the cinema project be provided to the Office of Local Government's Project Review Committee for information regarding the cinema project.	20 July 2017 Responses were forwarded to the Office of Local Government's Project Review Committee on 20 July 2017. Recommend removal.
167	2017-7-18 ITEM 13.9 2017.259	Fit For The Future Pathway	That Council receives a report by no later than the October ordinary meeting that answers the question asked at item 15.1 on 20 June 2017.	

Director Sustainable Environment

	Min/CRM #	Subject	Resolution	Progress
37	2016.273 Item 13.6 2016-11-15	Implementation of the rural residential land release strategy – Masterplan proposal – Verges Creek (North) rural	That the selection of verges creek (north) rural residential land release area as the pilot project for the preparation of a masterplan as a means of implementing Council's rural residential land release strategy	Three private planning proposals from individual owners have been received rendering the Masterplan redundant. A report will be provided to Council to select a different

Director Sustainable Environment

	Min/CRM #	Subject	Resolution	Progress
		residential land release area	be endorsed.	locality for a pilot project.
82	2017.36 Item 13.10 2017-2-21	Macleay River Eco-health	That Council receives annual or on occurrence reports on the updates on identifying priority funding sources and interagency support for the recommendations contained in the body of this report.	A report will be provided.
107	2017.120 Item 13.5 2017-4-18	Supply And Install Kempsey Airport Fuel System	<ol style="list-style-type: none"> 1 That the lump sum tender submitted by Australian Fuelling System and Equipment for the amount of \$409,359.50 (including GST), for the supply and installation of the new Kempsey Airport fuel system be accepted. 2 That the installation of the fuelling system at Kempsey airport be done without taking a loan from AIAC 3 That a separate report be returned to Council detailing the actual costs of the civil and electrical works undertaken as part of this project. 	The project is expected to be completed by September 2017.
131	Item 15.5 2017.171 2017-5-16	Kempsey Shire Council's Saleyards Review	<p>That the following matters be included in the review of the saleyards business plan;</p> <ol style="list-style-type: none"> a Compliance of the present users with their licences, b Financial situation, with last two years, and projections to end of present licences, c Animal welfare d Impact of changing cattle prices and e Impact on the saleyards 	No progress as resources allocated to cinema project.

Director Sustainable Environment

	Min/CRM #	Subject	Resolution	Progress
			viability due to changes to neighbouring district saleyards situation.	
142	2017.205 Item 13.4 2017-6-20	Request To Vary Kempsey And Frederickton Contributions Moratorium Procedure	<ol style="list-style-type: none"> 1 That the Developer Contributions Moratorium – Townships of Kempsey and Frederickton procedure be varied, subject to entering into an amended Deed of Agreement with Council to reflect an increased yield from 33 lots to 39 lots. 2 That public notice of Council’s resolution be given in accordance with Section 356 of the Local Government Act, 1993. 	<p>6 July 2017</p> <p>On exhibition from 27 June 2017.</p> <p>3 August 2017</p> <p>No submissions received.</p> <p>Recommend removal</p>
149	2017.213 Item 13.13 2017-6-20	Interim Procedure - Public Domain Contributions Plan	<ol style="list-style-type: none"> 1 That the Draft Procedure – Interim Transitional Arrangements – Kempsey Town Centre Public Domain Section 94 Developer Contributions Plan (2010) be endorsed for the purposes of public exhibition. 2 That the Draft Procedure be placed on public exhibition for a period of 28 days. 3 That Council receives a six monthly report that identifies any changes in development activity since the introduction of the interim Public Domain Contributions Plan. 	<p>6 July 2017</p> <p>On exhibition from 27 June 2017.</p> <p>3 August 2017</p> <p>No submissions received.</p> <p>Recommend removal</p>
151	2017.215 Item 13.19 2017-6-20	Request To Vary Kempsey And Frederickton Contributions	<ol style="list-style-type: none"> 1 That the Developer Contributions Moratorium – Townships of Kempsey and Frederickton procedure be varied so as to apply to the DA T6-16-449, subject to 	<p>6 July 2017</p> <p>On exhibition from 27 June 2017.</p> <p>3 August 2017</p>

Director Sustainable Environment

	Min/CRM #	Subject	Resolution	Progress
		Moratorium Procedure	the conditions detailed in the following report. 2 That public notice of Council's resolution be publicly notified in accordance with Section 356 of the Local Government Act, 1993.	No submissions received. Recommend removal
160	2017-7-18 ITEM 13.7 2017.248	Draft Rudder Park Flying Fox Camp Management Plan	That the draft Rudder Park Flying Fox Camp Management Plan be put on public exhibition for a period of 28 days.	3 August 2017 On exhibition, closes on 21 August 2017 Recommend removal
161	2017-7-18 Item 13.1 2017.253	Demolish Dwelling And Construct Gymnasium	That development consent be granted to development application T6-17-013 for demolition of a dwelling and a shed, and construction of a gymnasium at 100 Smith Street, Kempsey, subject to the conditions contained in (Appendix B).	3 August 2017 Approval issued Recommend removal
166	2017-7-18 Item 13.8 2017.258	Crescent Head Master Plan	1 That the Crescent Head Master Plan be put on public exhibition for a period of 28 days. 2 That changes be made to the population figures on page 3 and a note to substantiate figures on page 5 community profile prior to being placed on public exhibition.	3 August 2017 On exhibition, closes on 21 August 2017. Recommend removal
169	2017-7-18 Item 15.2 2017-262	Memorandum of Understanding Between Kempsey Shire Council and Australian	Council approach the Australian International Aviation College (AIAC) to seek consent for the release of an un-redacted version of the memorandum of understanding to councillors.	3 August 2017 Provided to Councillors

Director Sustainable Environment

	Min/CRM #	Subject	Resolution	Progress
		International Aviation College		Recommend removal

Director Community Engagement

	Min/CRM #	Subject	Resolution	Progress
	2016.165 Item 13.8 2016-7-19	Lot 36 DP 1011989 Crottys Lane, Yarravel	<p>1 That Council proceeds with the sale of lot 36 DP 1011989 Crottys Lane Yarravel.</p> <p>2 That if the agreed sale price is at least 90% of the independent valuation then the seal of Council be affixed to all documentation as required.</p>	<p>An Expression of Interest is in draft for the appointment of a panel of Real Estate Agents to work with council in property management. This will be for a three (3) period. This will include all land identified for sale including Crotty's Lane.</p> <p>An EOI is complete and has been emailed to local real estate agents and advertising will commence week 17 July.</p>
	2016.187 Item 15.1 2016-8-9	100th anniversary of Remembrance Day – 11th November 2018	That the development of a strategy to support community organisations in their endeavours to restore World War 1 Memorials across the Macleay Valley for the 100th anniversary of Remembrance Day be recommended as a key action for inclusion in the 2017/21 Delivery Plan to the incoming Council.	<p>Action to be incorporated in the Operating Plan 2017/2018.</p> <p>Contact has been made with local RSL representatives on funding opportunities available to restoration projects.</p>
130	Item 15.2 2017.169 2017-5-16	Local Community Plans – Update Progress	That Council update the progress achieved for the actions identified in the Local Community Plans prior to each community catch-up.	As required.

Director Community Engagement

	Min/CRM #	Subject	Resolution	Progress
140	2017.201 Item 13.2 2017-6-20	Judith Evill Aged Care Units	<p>1 That a budget of up to \$20,000.00 be allocated in 2017/2018 to engage professional advice in relation to options available - sale, lease or development or a combination of these proposals for the unit complex, 53 Tozer Street West Kempsey.</p> <p>2 That in the first instance the consultant be sought from the Kempsey Local Government area to undertake this work.</p>	<p>3 August 2017</p> <p>In progress - EOI for suitable consultants to be advertised locally.</p>
159	2017.233 Item 4 2017-6-27	Integrated Planning And Reporting Framework	<p>1 That the Macleay Valley 2036 Community Strategic Plan be adopted.</p> <p>2 That the Delivery Program 2017–2021 is adopted with the recommended changes in the report and the addition of;</p> <ul style="list-style-type: none"> - a complete review of the Community Strategic Plan. - a review of key performance indicator targets. - a review of the 10 year strategic land use plan be undertaken. - continuing to work with other agencies on the implementation of the Kempsey Plan. <p>3 That the Operating Plan 2017-2018 be adopted with the recommended changes contained within the report and the addition of;</p>	<p>3 August 2017</p> <p>Completed</p> <p>Completed</p> <p>3 August 2017</p> <p>Delivery Program and Operating Plan have been updated and placed on Council's</p>

Director Community Engagement

	Min/CRM #	Subject	Resolution	Progress
			<ul style="list-style-type: none"> - funding towards the organisational review. - funding towards the implementation of the Communications Strategy. - the development of annual key performance indicator targets. - additional funding be provided to the Economic Sustainability Services. - allocate technical support for community groups/projects. 	<p>website. No funding has been identified for the new projects below at this point.</p>
			4 That the Long Term Financial Plan as tabled be adopted and be placed on further public exhibition for 2 weeks.	Completed
			5 That the Fees and Charges 2017-2018 be adopted.	Completed
			6 That the Workforce Management Strategy, 10 Year Works Program and Asset Management Plan be adopted.	Completed
			7 That a report be brought back to Council for the items to be reviewed or implemented no later than September ordinary meeting.	In progress
162	2017-7-18 Item 13.2 2017.254	Macleay Valley Closed Circuit Television System	That Council accept the revised proposal of \$190,037.91 (GST inclusive) submitted by Secdata Pty Ltd.	3 August 2017 Implementation commenced. Camera locations are being discussed with business / property owners.

Director Community Engagement

	Min/CRM #	Subject	Resolution	Progress
164	2017-7-18 Item 13.4 2017.256	2017 Local Event Application – Kempsey Show	<p>1 That an application be made to NSW Industrial Relations for a local half-day event day (afternoon) on Saturday, 16 September 2017 for the Kempsey Show.</p> <p>2 That a report be brought back to Council outlining the benefits of a local event day whether we should continue to process local event days or promote local events in a different manner.</p>	<p>3 August 2017</p> <p>Letter Issued to NSW IR 26 July 2017.</p> <p>To be reported to the September meeting.</p>

Director Infrastructure Services

	Min/CRM #	Subject	Resolution	Progress
84	2017.42 Item 15.2 2017-2-21	Plummers Lane grant application	That Plummers Lane (from Macleay valley way to the Jerseyville Bridge) be considered for inclusion in the delivery plan to be straightened and brought to the 100 kilometre per hour standard.	<p>To be considered as part of the delivery plan.</p> <p>Survey and investigation already underway for the section between Macleay Valley Way & 400m east of Menarcobrinni Road. This section was deferred from this year's works program to fund Council's contribution to the extension of South Street.</p> <p>Concept planning information is being finalised and will be reported to an upcoming meeting.</p>
97	2017.87 Item 13.6	Anzac Day Marches Kempsey Shire –	1 That ANZAC Day marches are required to be undertaken in accordance with	Anzac Day implemented for this year. Feedback has been received. This

Director Infrastructure Services

	Min/CRM #	Subject	Resolution	Progress
	2017-3-21	Traffic Control	<p>formal/event approvals incorporating Traffic Management Plans.</p> <p>2 That Traffic Management Plans be implemented by qualified traffic controllers at a cost of \$10,600 this year if necessary.</p> <p>3 That savings identified in the next March Quarter budget review be used to fund this cost.</p> <p>4 That Council in conjunction with the RSL sub-branches explore alternative funding options, whether they be private, donations, volunteer or political representations to defray financial cost to Council.</p>	will be reviewed whilst developing the representation to state and federal government.
113	2017.127 Item 13.6 2017-4-18	South Kempsey Pressure Sewerage System	<p>1 That construction of a low pressure sewer scheme for the proposed and potential industrial developments along Macleay Valley Way at South Kempsey be considered as a priority project in the draft delivery program.</p> <p>2 That should the grant application under the Building Better Regions (BBR) fund be successful:</p> <ul style="list-style-type: none"> a The grant be accepted. b The General Manager and Mayor be delegated to execute the funding agreement under Council's seal where 	<p>Meetings are being arranged with each of the major stakeholders to confirm the proposal and their commitment.</p> <p>An outcome in relation to the grant is not yet known.</p>

Director Infrastructure Services

	Min/CRM #	Subject	Resolution	Progress
			<p>necessary.</p> <p>c Acceptance of the grant be subject to obtaining the negotiated upfront payments from key stakeholders from 1 July 2017.</p> <p>d A 10 year loan be taken for the balance of funding (\$585,000) to finance the construction of the pressure sewer system.</p> <p>e \$0.50 per quarter be levied under s.501 of the Local Government Act upon every sewer connection in the Kempsey Shire for the 2017/2018 financial year as part of the normal sewer access charge.</p>	
114	2017.130 Item 13.12 2017-4-18	Lease Request - Rudder Park – NSW Government Telco Authority	<p>1 That the use of Rudder Park for the rollout of the Critical Communications Enhancement Program be supported.</p> <p>2 That subject to the successful completion of a Plan of Management and Planning Approvals, a lease be entered into on the terms set out in correspondence dated 15 February 2017 from the NSW Government Telco Authority.</p> <p>3 That the General Manager be delegated authority to sign the lease documents.</p>	<p>A response has been provided to the NSW Telco Authority.</p> <p>A draft plan of management for all community land is being prepared. It is expected to be reported to the August meeting ahead of being placed on exhibition and a public hearing.</p>
144	2017.208	Lower Macleay Levee Audit	1 That the draft reports be placed on exhibition at	30 June 2017

Director Infrastructure Services

	Min/CRM #	Subject	Resolution	Progress
	Item 13.7 2017-6-20		<p>Council's offices and Council's website for public information.</p> <p>2 That the 10-year Works Program be revised to include a program for reinstating levees to the design height in conjunction with roadworks (as a source of fill material).</p>	<p>Reports on exhibition.</p> <p>The 10 year works program will be revised as part of developing the 2018/2019 operating plan.</p>
146	2017.210 Item 13.9 2017-6-20	Proposed Upgrading Of Crescent Head Water Treatment Plant	<p>1 That a hybrid option of treatment processes, including advanced flocculation, clarification and membrane filtration and carbon filtration followed by disinfection and fluoridation be adopted as the preferred option.</p> <p>2 That the NSW Office of Water (DPI Water) be advised of Council's decision on the basis that it would provide multiple barriers reducing the risk of supplying poor quality drinking water to the community and that any additional capital and operating costs are considered worthwhile.</p>	<p>30 June 2017</p> <p>Design process recommenced incorporating membrane filtration.</p>
168	2017-7-18 Item 15.1 2017.261	Garage Sale Trail Participation	That Kempsey Shire Council receives a report concerning the participation in the Garage Sale Trail from 2018 or an independently Council run garage sale weekend.	

Director Corporate Management

	Min/CRM #	Subject	Resolution	Progress
79	2017.31 Item 13.7 2017-2-21	Council policies	That this item be deferred and a workshop be conducted to review the policies of Council.	A workshop date has been set for Wednesday 2 August 2017 commencing at 4.30pm. 3 August 2017 A workshop was held on 2 August 2017 at which approximately half of the policies were reviewed.
80	2017.34 Item 13.8 2017-2-21	Delegations of Authority procedure	<ol style="list-style-type: none"> 1 That the delegations listed in the delegation of authority procedure be adopted. 2 That an outsourcing policy be developed. 3 That a delegation be provided to the mayoral community fund in order to determine applications to the mayoral community fund. 	<p>The delegations procedure was updated in line with recommendations 1 and 3 and placed on Council's website on 23 February 2017.</p> <p>A draft outsourcing policy has been prepared for consideration by MANEX prior to being submitted to Council for adoption.</p> <p>1 August 2017</p> <p>The draft outsourcing policy was reviewed by MANEX on 19 July 2017. A copy was forwarded to Consultative Committee members, Leadership Team and Unions (United Services Union, Local Government Engineers Association and Development and Environment Professionals</p>

Director Corporate Management

	Min/CRM #	Subject	Resolution	Progress
				Association) for consultation.
112	2017.126 Item 13.4 2017-4-18	Corporate Business Systems Replacement	<ol style="list-style-type: none"> 1 That under Section 178(3) of the Local Government (General) Regulation 2005 no tender offers be accepted as these offers exceeded the approved budget allocation. 2 That under Section 178(3)(e) of the Local Government (General) Regulation 2005 negotiations be entered into with Civica Pty Limited and TechnologyOne Limited. 3 That the outcomes of these negotiations be reported back to a future meeting of the council for authorisation. 4 That fresh tenders for the works not be invited as it is considered that going to the market again would more than likely produce the same results given the limited number of market suppliers. 	<p>Negotiations are continuing with both parties.</p> <p>1 August 2017</p> <p>A councillor briefing session was held on Monday 17 July 2017 to provide an update on negotiations.</p>
165	2017-7-18 Item 13.6 2017.257	Service Review Status Update	<ol style="list-style-type: none"> 1 That the details gathered from the current service reviews be documented. 2 That no further action be taken on the service reviews at this time. 3 That the service review process be recommenced as appropriate with the implementation of the restructure as part of the organisational review. 	

ITEM 13.14 PROJECT COMPLETION REPORTS	
Contact Person: Daryl Hagger – Acting General Manager	File: F12/1859

PURPOSE

To consider the completion reports for projects completed in the last month.

RECOMMENDATION

That the project completion reports be noted.

ISSUES

The completion reports for projects completed since during July 2017 are contained [\(Appendix Q\)](#).

ITEM 13.15 SUPPLY AND DELIVERY OF DGB20, DGS20 AND DGS40 GRAVEL

Contact Person: Tony Green – Manager, Engineering Works

File: TQE16/16

PURPOSE

To provide Council with a report on the supply of DGB20, DGS20 and DGS40 gravel purchased during the June 2017 quarter.

RECOMMENDATION

That the information be noted.

ISSUES

Pacific Blue Metal Pty Ltd (PBM) holds the contract for supply and delivery of the subject gravel products. PBM has continued to have difficulty supplying products that meet the Specification. PBM is sometimes unable to supply a complying product as and when required for Council's work program. In either circumstance material is purchased from alternative suppliers under the same original tender. Testing is being undertaken to verify conformance of PBM products.

BACKGROUND

Item 13.13 of the Council meeting 2016-11-15 resolved:

- 1 That the tenders of Arnway Pty Ltd, Hurd Haulage Pty Ltd and Pacific Blue Metal Pty Ltd be accepted for supply and delivery of gravel as and when required.*
- 2 That the materials be procured from the supplier with the lowest price delivered to each location, provided the material meets the specification at the time of delivery and the supplier can meet Council's delivery requirements.*
- 3 That the contract documents be executed under the seal of Council.*
- 4 That Council receive a report on a quarterly basis on how much gravel has been purchased from these suppliers and to what locations, and if Council have ever paid another contractor to cart gravel past the other tenderers quarry.*

JUNE 2017 QUARTER - GRAVEL SUPPLY DETAILS

MONTH SUPPLIED	DESTINATION	SUPPLIER	MATERIAL TYPE	VOLUME (T)	% OF TOTAL SUPPLIED
May, 2017	North Street, West Kempsey	PBM - Farawells	DGS40	607	
June, 2017	River Street, West Kempsey	PBM - Farawells	DGS40	363	

MONTH SUPPLIED	DESTINATION	SUPPLIER	MATERIAL TYPE	VOLUME (T)	% OF TOTAL SUPPLIED
June, 2017	Entrance Street, South West Rocks	PBM - Farawells	DGS40	93	
June, 2017	Entrance Street, South West Rocks	PBM - Farawells	DGB20	84	
Sub-total:				1,147	30%
May, 2017	River Street, West Kempsey	Arnway - Dondingalong	DGS40	185	
May, 2017	East Street, Crescent Head	Arnway - Dondingalong	DGS40	293	
May, 2017	East Street, Crescent Head	Arnway - Dondingalong	DGB20	292	
June, 2017	North Street, West Kempsey	Arnway - Dondingalong	DGS40	254	
June, 2017	North Street, West Kempsey	Arnway - Dondingalong	DGB20	969	
June, 2017	River Street, West Kempsey	Arnway - Dondingalong	DGB20	144	
June, 2017	River Street, West Kempsey	Arnway - Dondingalong	DGB20	510	
Sub-total:				2,647	70%
Total:				3,794	100%

No pavement materials were purchased this quarter from Hurd's Haulage.

No pavement material was hauled by one supplier past another's quarry.

ITEM 13.16 STATEMENT OF CASH AND INVESTMENTS	
Contact Person: Deanna O'Neill – Manager Finance	File: N/A

PURPOSE

Reporting on the statement of bank balance and investments for the month of July 2017.

RECOMMENDATION

That the information be noted.

ISSUES

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 [\(Appendix R\)](#).

ITEM 13.17 DEVELOPMENT APPROVALS AND CONSTRUCTION CERTIFICATES

Contact Person: Robert Pitt – Director Sustainable Environment

File: N/A

PURPOSE

To report that the following applications have been approved for the period of July 2017 and includes approvals by Private Certifiers.

RECOMMENDATION

That the information be noted.

REPORT DETAILS

Council Report on Local Development Applications, Modifications and Review of Determinations

2016/LD-00024 REV01 Lot 52 DP1165099 511 PACIFIC HIGHWAY SOUTH KEMPSEY
INDUSTRIAL SUBDIVISION
Applicant: MR G HILL

2017/LD-00013 Lot 1 DP997583 100 SMITH STREET KEMPSEY
DEMOLISH DWELLING & SHED AND CONSTRUCT RECREATION FACILITY (INDOOR)
(GYMNASIUM)
Applicant: JEBRIANA PTY LTD

2017/LD-00038 Lot 11 DP1049103 2967 SOUTH WEST ROCKS ROAD JERSEYVILLE
CHANGE OF USE OF EXISTING DWELLING TO RURAL WORKERS DWELLING AND NEW
DWELLING AND SWIMMING POOL
Applicant: HADLOW DESIGN SERVICES

2017/LD-00121 Lot 18 DP1156464 18 TALLOWWOOD PLACE SOUTH WEST ROCKS
DUAL OCCUPANCY (DETACHED) AND SUBDIVISION - STAGED DEVELOPMENT
Applicant: JAI G & JAI Z

2017/LD-00127 Lot 232 DP700451 84 BELGRAVE STREET KEMPSEY
ALTERATIONS & ADDITIONS TO COMMERCIAL PREMISES AND SIGNAGE
Applicant: WAKEFIELD PLANNING

2017/LD-00133 Lot 47 DP832352 68 CYRUS SAUL CIRCUIT FREDERICKTON
TWO (2) LOT SUBDIVISION
Applicant: FRANK O'ROURKE & ASSOCIATES P/L

2017/LD-00149 Lot 197 DP752438 3 RESERVE ROAD GRASSY HEAD
CHANGE OF USE OF GARAGE TO HOME INDUSTRY (COFFEE ROASTING FACILITY)
Applicant: KLINGSPORN D & HARKINS C

2017/LD-00169 Lot 7 DP1078114 14 RIPPON PLACE SOUTH WEST ROCKS

CONTINUED USE OF EXISTING PRIVACY SCREENS

Applicant: DEIGAN G & DEIGAN S

2017/LD-00175 Lot 1 DP1209711 2 KEMP STREET WEST KEMPSEY
ADDITIONS TO EXISTING WASH BAY AREA AND INSTALLATION OF TREATMENT SYSTEM
Applicant: MR P J CAVANAGH

2017/LD-00182 Lot 3 DP2125 305 RIVER STREET GREENHILL
RELOCATED DWELLING WITH ADDITIONS & DETACHED CARPORT
Applicant: CS & W BOOTH SUPERANNUATION FUND

2017/LD-00195 Lot 6 DP22502 289-293 GREGORY STREET SOUTH WEST ROCKS
FOOD AND DRINK PREMISES AND FIT-OUT
Applicant: HADLOW DESIGN SERVICES

2017/LD-00205 Lot 7C DP17560 136 SOUTH WEST ROCKS ROAD HAMPDEN HALL
DUAL OCCUPANCY
Applicant: MR A PATEMAN

2017/LD-00206 Lot 130 DP1177499 WARATAH DRIVE YARRAVEL
TREE REMOVAL
Applicant: FURLONG G & FURLONG S

2017/LD-00209 Lot 57 DP1087210 100 BELMORE RIVER LEFT BANK ROAD BELMORE RIVER
ADDITIONS TO EXISTING FLOOD MOUND
Applicant: PENSON B & PENSON N

2017/LD-00218 Lot 3 DP827419 40 EVERINGHAMS LANE FREDERICKTON
HOME OCCUPATION - COSMETIC TATTOOING
Applicant: MS B F SHERLOCK

2017/LD-00220 Lot 21 DP32035 106 SMITH STREET KEMPSEY
CARPORT
Applicant: BUILDPLAN CONSULTANTS

2017/LD-00223 Lot 43 DP857026 51 ATHOL ELLIOTT PLACE SOUTH WEST ROCKS
CARPORT
Applicant: MR B H & MRS M RABBITT

2017/LD-00229 Lot 2 DP1136272 816 POINT PLOMER ROAD CRESCENT HEAD
CONSTRUCTION OF A FARM SHED AND WORKSHOP
Applicant: TOPSOIL HENHOUSE PTY LTD

2017/LD-00230 Lot 49 DP791310 81 OCEAN STREET SOUTH WEST ROCKS
GARAGE - ALTERATIONS & ADDITIONS
Applicant: MR B T GRANDIN & MS J M ROBERTS

2017/LD-00233 Lot 1 DP784608 24 MCINTYRE STREET SOUTH WEST ROCKS
ALTERATIONS & ADDITIONS (UNIT 4 ONLY)
Applicant: MR G K NIELSEN

- 2017/LD-00235 Lot 25 DP567381 87 EDGAR STREET FREDERICKTON
TREE REMOVAL
Applicant: MRS A T & MR C SHIELDS
- 2017/LD-00236 Lot 30 DP249451 5 HAVEN CRESCENT YARRAVEL
GARAGE
Applicant: SHEDS N HOMES MID NORTH COAST
- 2017/LD-00239 Lot 341 DP711931 391 AUSTRAL EDEN OUTER ROAD AUSTRAL EDEN
FLOOD MOUND & MACHINERY SHED
Applicant: MR J M & MRS B MAINEY
- 2016/LD-00111 REV02 SP93585 15 MEMORIAL AVENUE SOUTH WEST ROCKS
ALTERATIONS & ADDITIONS TO EXISTING UNIT COMPLEX
Applicant: MR J R ATKINSON
- 2017/LD-00241 Lot 2 DP9648 22 BELMORE STREET SMITHTOWN
TWO STOREY DWELLING
Applicant: BALE C & BALE A
- 2017/LD-00245 Lot 32 DP1056405 100 KUNDABUNG ROAD KUNDABUNG
GARAGE
Applicant: MR B W E SMITH
- 2016/LD-00436 REV01 Lot 5 DP259389 190 SHERWOOD ROAD ALDAVILLA
CHANGE OF USE - BED & BREAKFAST
Applicant: MS R A MEARNES
- 2017/LD-00247 Lot 277 DP754400 21-39 ANGUS MCNEIL CRESCENT SOUTH KEMPSEY
INDUSTRIAL UNITS (REV 01 - MODIFICATION) - REFER T4-90-76
Applicant: DATUM CONSTRUCTIONS PTY LTD
- 2017/LD-00249 Lot 1 DP1162326 370 ALDAVILLA ROAD ALDAVILLA
HIGH INTENSITY PROGRAM UNIT (HIPU) - COMPLYING DEVELOPMENT - PRIVATE
CERTIFIER
Applicant: MCKENZIE GROUP CONSULTING
- 2014/LD-00122 REV02 Lot 1324 DP785874 TEA TREE LANE BELMORE RIVER
EXTRACTIVE INDUSTRY
Applicant: TOWNPLANNING CONSULTANTS P/L
- 2017/LD-00252 Lot 104 DP807723 COCHRANE STREET WEST KEMPSEY
DWELLING & SHED
Applicant: MS H G BUCKLEY
- 2017/LD-00253 Lot 213 DP1089079 263 CRESCENT HEAD ROAD SOUTH KEMPSEY
CARPORT, DECK AND ALTERATIONS - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: LYNALLAN INVESTMENTS PTY LTD

2017/LD-00254 Lot 22 DP1117397 22 FRANCIS CONN PLACE FREDERICKTON
 DWELLING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
 Applicant: MS E ARNDELL

2016/LD-00056 REV01 Lot 1 DP587960 2-4 GREAT NORTH ROAD FREDERICKTON
 COMMERCIAL PREMISES & SERVICE STATION
 Applicant: BUCK AND SIMPLE

2016/LD-00057 REV01 Lot 1 DP587960 2-4 GREAT NORTH ROAD FREDERICKTON
 CHILDCARE CENTRE
 Applicant: BUCK AND SIMPLE

2017/LD-00255 Lot 15 DP868688 COCKATOO PLACE ARAKON
 DWELLING AND ATTACHED CARPORT
 Applicant: MACDONALD S & MACDONALD J

2014/LD-00138 REV01 Lot 4 DP2124 41 QUEEN STREET GREENHILL
 DWELLING & TWO LOT SUBDIVISION
 Applicant: MITCH JOYCE

2017/LD-00257 Lot 1 DP1162326 370 ALDAVILLA ROAD ALDAVILLA
 HIGH INTENSITY PROGRAM UNIT (HIPU) - COMPLYING DEVELOPMENT - PRIVATE
 CERTIFIER
 Applicant: MCKENZIE GROUP CONSULTING

2017/LD-00258 Lot 5 DP1113014 15 DALEY PLACE SOUTH KEMPSEY
 DWELLING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
 Applicant: MR M J O'LEARY

2017/LD-00262 Lot 36 DP31938 5 RUDDER STREET SOUTH WEST ROCKS
 ADDITIONS TO EXISTING DWELLING
 Applicant: MS J M DODDS

2017/LD-00263 Lot 7 DP2125 313 RIVER STREET GREENHILL
 ADDITIONS TO EXISTING DWELLING
 Applicant: MR C J PECK

2017/LD-00271 Lot 1 DP197863 4 HOPETOUN STREET KEMPSEY
 ADDITIONS TO EXISTING DWELLING
 Applicant: MR R J DOUCH

2017/LD-00273 Lot 26 DP253279 398 GOWINGS HILL ROAD DONDINGALONG
 GARAGE - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
 Applicant: SHEDS N HOMES MID NORTH COAST

2017/LD-00277 Lot 31 DP853829 22 ATHOL ELLIOTT PLACE SOUTH WEST ROCKS
 SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
 Applicant: MAYNARD K & MAYNARD M

2017/LD-00278 Lot 3 DP262395 4 WIRRAWAY CRESCENT ALDAVILLA

SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER

Applicant: FULLER J & FULLER A

2017/LD-00283 Lot 4 DP105434 43 ELBOW STREET WEST KEMPSEY

INTERNAL ALTERATIONS TO EXISTING HOTEL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER

Applicant: WARRANE PTY LTD

Type	No	Sub	Value
Private Certifier (Complying SEPP)	9	9	\$3,162,700
Local Development	30	30	\$2,792,040
Modifications	7	7	-

There were 46 applications approved with a value of \$6,206,740.00.

For the financial year to date there have been 46 approvals including 7 modifications approved, with 73.9% approved within 30 days.

The 46 approvals (including 50 sub-applications) have a value of \$6,206,740.00.

There are 116 applications awaiting determination for the following reasons:

DA REQUIREMENTS (DR)	1
FURTHER DETAILS REQUIRED (FD)	40
FURTHER DETAILS REQUIRED 01 (FD01)	1
INCOMPLETE APPLICATION (IA)	2
REFER TO RFS - INTEGRATED - MORE DETAILS (RFS3)	1
REFER TO RURAL FIRE SERVICE (LD) (RR)	3
Being Processed (XX)	68

Council Report on Development Applications refused, withdrawn or rejected

2013/LD-00240 REV01 Lot 367 DP704822 RESERVE ROAD CRESCENT HEAD

REPLACE EXISTING TWO STOREY SURF CLUB BUILDING

Withdrawn by applicant

2015/LD-00274 Lot 2391 DP263198 835-845 SPOONERS AVENUE COLLOMBATTI

CHANGE OF USE - RURAL LANDSHARING COMMUNITY TO SINGLE DWELLING

Determination: Withdrawn by applicant

2016/LD-00036 Lot 2391 DP263198 835-845 SPOONERS AVENUE COLLOMBATTI

CHANGE OF USE - RURAL LANDSHARING COMMUNITY TO SINGLE DWELLING

Determination: Withdrawn by applicant

Council Report on Construction Certificates Building

2017/CB-00078 Lot 12 DP703105 30 CLYDE STREET KEMPSEY

ALTERATIONS AND ADDITIONS TO MEDICAL CENTRE AND DEMOLITION OF EXISTING BUILDING

Applicant: PAXI PTY LTD

- 2017/CB-00148 Lot 3 DP2125 305 RIVER STREET GREENHILL
RELOCATED DWELLING WITH ADDITIONS & DETACHED CARPORT
Applicant: CS & W BOOTH SUPERANNUATION FUND
- 2017/CB-00156 Lot 18 DP1156464 18 TALLOWWOOD PLACE SOUTH WEST ROCKS
DWELLING ONE (STAGE ONE)
Applicant: JAI G & JAI Z
- 2017/CB-00166 Lot 43 DP857026 51 ATHOL ELLIOTT PLACE SOUTH WEST ROCKS
CARPORT
Applicant: MR B H & MRS M RABBITT
- 2017/CB-00168 Lot 2 DP1136272 816 POINT PLOMER ROAD CRESCENT HEAD
CONSTRUCTION OF A FARM SHED AND WORKSHOP
Applicant: TOPSOIL HENHOUSE PTY LTD
- 2017/CB-00170 Lot 11 DP1049103 2967 SOUTH WEST ROCKS ROAD JERSEYVILLE
CHANGE OF USE OF EXISTING DWELLING TO RURAL WORKERS DWELLING AND NEW
DWELLING AND SWIMMING POOL
Applicant: HADLOW DESIGN SERVICES
- 2017/CB-00174 Lot 3 DP1191795 15 MEMORIAL AVENUE SOUTH WEST ROCKS
ALTERATIONS & ADDITIONS TO EXISTING UNIT COMPLEX
Applicant: ATKINSON J & ATKINSON S
- 2017/CB-00175 Lot 1 DP784608 24 MCINTYRE STREET SOUTH WEST ROCKS
ALTERATIONS & ADDITIONS (UNIT A ONLY)
Applicant: MR G K NIELSEN
- 2017/CB-00181 Lot 341 DP711931 391 AUSTRAL EDEN OUTER ROAD AUSTRAL EDEN
FLOOD MOUND & MACHINERY SHED
Applicant: MR J M & MRS B MAINEY
- 2017/CB-00185 Lot 32 DP1056405 100 KUNDABUNG ROAD KUNDABUNG
GARAGE
Applicant: MR B W E SMITH
- 2017/CB-00186 Lot 1 DP1162326 370 ALDAVILLA ROAD ALDAVILLA
HIGH INTENSITY PROGRAM UNIT (HIPU) - COMPLYING DEVELOPMENT - PRIVATE
CERTIFIER
Applicant: MCKENZIE GROUP CONSULTING
- 2017/CB-00187 Lot 22 DP1117397 22 FRANCIS CONN PLACE FREDERICKTON
DWELLING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MS E ARNDELL
- 2017/CB-00188 Lot 213 DP1089079 263 CRESCENT HEAD ROAD SOUTH KEMPSEY
CARPORT, DECK AND ALTERATIONS - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: LYNALLAN INVESTMENTS PTY LTD

- 2017/CB-00189 Lot 1 DP254026 KINCHELA STREET GLADSTONE
ALTERATIONS & ADDITIONS TO EXISTING DWELLING INCLUDING THE ESTABLISHMENT OF
A TOURIST FACILITY - PRIVATE CERTIFIER
Applicant: MR A A C CUMMINS
- 2017/CB-00190 Lot 15 DP868688 COCKATOO PLACE ARAKOOON
DWELLING AND ATTACHED CARPORT
Applicant: MACDONALD S & MACDONALD J
- 2017/CB-00191 Lot 5 DP1113014 15 DALEY PLACE SOUTH KEMPSEY
DWELLING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR M J O'LEARY
- 2017/CB-00192 Lot 1 DP1162326 370 ALDAVILLA ROAD ALDAVILLA
HIGH INTENSITY PROGRAM UNIT (HIPU) - COMPLYING DEVELOPMENT - PRIVATE
CERTIFIER
Applicant: MCKENZIE GROUP CONSULTING
- 2013/CB-00081 REV01 Lot 1 DP1128226 55 KINCHELA CREEK RIGHT BANK ROAD KINCHELA
DWELLING - PRIVATE CERTIFIER
Applicant: WESTERMAN C & WESTERMAN N
- 2017/CB-00194 Lot 32 DP1228126 9 PRIOR CIRCUIT WEST KEMPSEY
DETACHED DUAL OCCUPANCY, RETAINING WALLS AND SUBDIVISION
Applicant: VOYEE PTY LTD
- 2017/CB-00195 Lot 2 DP759080 52-58 MARSH STREET WEST KEMPSEY
PARISH ADMINISTRATION BUILDING - PRIVATE CERTIFIER
Applicant: WAYNE ELLIS ARCHITECT
- 2017/CB-00196 Lot 36 DP31938 5 RUDDER STREET SOUTH WEST ROCKS
ADDITIONS TO EXISTING DWELLING
Applicant: MS J M DODDS
- 2017/CB-00197 Lot 33 DP1228126 11 PRIOR CIRCUIT WEST KEMPSEY
DETACHED DUAL OCCUPANCY & RETAINING WALLS - PRIVATE CERTIFIER
Applicant: VOYEE PTY LTD
- 2017/CB-00198 Lot 30 DP249451 5 HAVEN CRESCENT YARRAVEL
GARAGE
Applicant: SHEDS N HOMES MID NORTH COAST
- 2017/CB-00199 Lot 197 DP752438 3 RESERVE ROAD GRASSY HEAD
CHANGE OF USE OF GARAGE TO HOME INDUSTRY (COFFEE ROASTING FACILITY)
Applicant: KLINGSPORN D & HARKINS C
- 2017/CB-00200 Lot 7 DP2125 313 RIVER STREET GREENHILL
ADDITIONS TO EXISTING DWELLING
Applicant: MR C J PECK

2017/CB-00202 Lot 1 DP197863 4 HOPETOUN STREET KEMPSEY
ADDITIONS TO EXISTING DWELLING
Applicant: MR R J DOUCH

2017/CB-00203 Lot 26 DP253279 398 GOWINGS HILL ROAD DONDINGALONG
GARAGE - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: SHEDS N HOMES MID NORTH COAST

2017/CB-00204 Lot 623 DP1191515 37-39 BELLE O'CONNOR STREET SOUTH WEST
ROCKS
DWELLING - PRIVATE CERTIFIER
Applicant: MR G R & MRS G GREENWOOD

2017/CB-00209 Lot 21 DP32035 106 SMITH STREET KEMPSEY
CARPORT - PRIVATE CERTIFIER
Applicant: BUILDCERT CONSULTANTS

2017/CB-00210 Lot 31 DP853829 22 ATHOL ELLIOTT PLACE SOUTH WEST ROCKS
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MAYNARD K & MAYNARD M

2017/CB-00211 Lot 3 DP262395 4 WIRRAWAY CRESCENT ALDAVILLA
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: FULLER J & FULLER A

2017/CB-00212 Lot 4 DP105434 43 ELBOW STREET WEST KEMPSEY
INTERNAL ALTERATIONS TO EXISTING HOTEL - COMPLYING DEVELOPMENT - PRIVATE
CERTIFIER
Applicant: WARRANE PTY LTD

There were 32 applications approved

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

VARIATION TO THE DEVELOPMENT REQUIREMENTS 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 was one application approved involving variations to the development requirements contained in Kempsey DCP 2013.

Application number:	<u>T6-17-223</u>
Subject land:	Lot 43 DP857026, 43 Athol Elliott Place, South West Rocks
Description:	ATTACHED CARPORT
Chapter:	C1 Residential Development – Urban Areas
Development requirement:	<u>Clause 5.3 - Side/Rear Setbacks</u>
Proposed:	Sidewall setback 900mm Sidewall setback 500mm

Desired outcome: D01,DO2, DO4, DO5

Objections: Nil

Planning comment:

Whilst the development requirement of required side setback of 900mm to the side wall hasn't been achieved, the development is only encroaching for approximately 1500mm until the angular boundary moves away from the side wall. The residence to the north will not be affected by any loss of amenity or solar access. Site coverage requirements have not been exceeded. The carport is considered an open structure and achieves the required fire separation requirements in accordance with the BCA.

VARIATIONS TO DEVELOPMENT STANDARDS IN KEMPSEY LEP

In accordance with a Department of Planning and Environment direction, all applications determined involving the use of SEPP 1 or clause 4.6 of KLEP 2013 to vary a development standard are required to be reported to Council for information.

During the preceding month there was one application approved which involved the use of clause 4.6

Application number:	<u>T6-17-133</u>
Subject land:	Lot 47 DP832352, 68 Cyrus Saul Circuit, Frederickton
Description:	TWO (2) LOT SUBDIVISION
Zone:	R1 – General Residential
Clause:	<u>Clause 4.1</u>
Development standard:	Minimum lot size of 500sqm
Proposed:	Lot 1 proposed to be 451sqm
Objections:	Nil

Requirement/Criteria

That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

Comment

The objectives of the minimum lot size development standard are to promote the efficient use of residential land, and to ensure that lot sizes have a practical and efficient layout to meet the intended use. In this instance, strict compliance with the minimum lot size is considered unreasonable given these objectives are still achieved, notwithstanding the numerical non-compliance. The proposed lots already each accommodate an existing dwelling, both of which have appropriate vehicular access, adequate off street car parking, adequate solar access and sufficient private open space.

That there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.1A of KLEP 2013 permits a minimum lot size of 300 square metres when in the same application, consent is sought for subdivision and the erection of a dwelling house on each lot resulting from the subdivision. The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity. The current application would comply with clause 4.1A, and therefore be compliant with KLEP 2013, were it not for the fact that both the dwellings are existing. Given that the proposal demonstrates adequate residential amenity for the

occupants of the two dwellings, as well as no adverse impacts for neighbours, it is considered that a case has been made out, on environmental planning grounds, to allow a variation to the development standard in this instance.

The proposed development will be in the public interest because it is consistent with the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the R1 General Residential zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- *To encourage urban infill and redevelopment in areas that surround existing or proposed facilities and services.*

The existing dwellings and proposed subdivision contribute to the provision of a variety of housing types by providing a housing choice, albeit one on a lot 50sqm below the minimum lot size, which reflects the housing needs of the community.

The concurrence of the Director-General has been obtained.

Pursuant to clause 64 of the *Environmental Planning and Assessment Regulation 2000*, the Director-General has notified Council of assumed concurrence in respect of all applications made under clause 4.6 of the *Standard Instrument (Local Environmental Plans) Order 2006*.

Given the above, it is considered that the proposed variation is well-founded and will not set an undesirable precedent.

14 RESCISSION MOTIONS

Nil

15 NOTICES OF MOTION

Nil

16 DELEGATES REPORT

Nil

17 COMMITTEE REPORTS

Nil

18 DELIVERY PROGRAM PERFORMANCE INDICATORS

ITEM 18.1 KEY PERFORMANCE INDICATORS

Contact Person: Kathy Oliver – Director Community Engagement

File: F12/1908

PURPOSE

Updating status of key performance indicators for the month ending July 2017.

RECOMMENDATION

That the information be noted.

BACKGROUND

Key

Council's Role

Control Direct decision-making and action is required as this is core business of Council including statutory responsibilities and service provision. Includes Council facilities and services, buildings and other assets.

Influence Areas of partial or shared responsibility for Council including advocacy, lobbying, education and communication. Action may be possible in collaboration with other agencies and levels of government.

Concern Represents a wide range of issues of importance to the community and Council's demonstrated awareness and understanding is important alongside inclusion in long-term strategic visions.

Annual Key Performance indicators next updates

KPI	NEXT UPDATE
# Residents	July 2018
# Rating of overall satisfaction with Council	May 2018
# Rating of satisfaction with Council's outgoing communications	May 2018
\$ Farm output (\$) mill	March 2018
\$ gross regional product	March 2018
% satisfaction of businesses with Council	October 2018

KPI	NEXT UPDATE
% key development stakeholders expressing satisfaction	September 2017
\$ Total visitor spend (\$ mill	October 2017
% satisfaction of visitors with quality of general facilities	July 2018

Comment

\$ variable grant funding received

	\$120,000
Voluntary House Raising	
Fixed and Mobile CCTV Cameras	\$300,000

% unplanned leave hours per employee

4.78% is the raw data result for the unplanned leave. Taking into account known employee significant non-work related injury/ illness the unplanned leave adjusted result is 3.76%.

of lost time Injuries per million hours worked

Historically the first months LTIFR of the calculation period is high due to the low man hours worked. YTD result is the rolling LTIFR in the last 12-month period.

KEY STAKEHOLDER	KEY PERFORMANCE INDICATOR	2016/2017 RESULTS	DELIVERY PLAN TARGET	FREQUENCY MEASURED	YTD	COUNCIL'S ROLE
Residents						
Wealthy	# residents	29,684	30,000	Annual		Influence
Connected	# rating of overall satisfaction with Council	2.99	3.30	Annual		Control
Connected	# rating of satisfaction with Council's outgoing communications	2.79	3.00	Annual		Control
Connected	# community projects undertaken by groups in the community	19	60	Monthly	2	Control
Wealthy	# new residences approved	262	140	Monthly	10	Influence
Safe	# break & enter, malicious damage crimes	876	790	Quarterly		Concern

KEY STAKEHOLDER	KEY PERFORMANCE INDICATOR	2016/2017 RESULTS	DELIVERY PLAN TARGET	FREQUENCY MEASURED	YTD	COUNCIL'S ROLE
Business						
Wealthy	# people employed in shire	11,314	12,600	Quarterly	12,600	Influence
Wealthy	% unemployment	7.28%	7%	Quarterly		Influence
Wealthy	\$ farm output (\$mill)	\$139.2	\$148	Annually		Influence
Wealthy	\$ gross regional product (\$mill)	\$1,261	\$1,290	Annually		Influence
Wealthy	\$ value of development applications approved (\$mill)	\$79	\$200	Monthly	\$6.2	Concern
Connected	% satisfaction of businesses with Council	59%	75%	Annually		Control
Connected	% key development stakeholders expressing satisfaction		75%	Annually		Control
Visitors						
Wealthy	\$ total visitor spend (\$mill)	\$49.6	\$64	Annually		Influence
Connected	% satisfaction of visitors with quality of general facilities	73%	75%	Annually		Control
Employees						
Wealthy	\$ saved through innovation	\$130,000	\$ 800,000	Monthly		Control
Connected	% unplanned employee turnover	6.1%	10%	Quarterly		Control
Connected	% of positions unfilled	6.4%	2%	Quarterly		Control
Connected	% of instances where service levels achieved	88%	80%	Monthly	91.52%	Control
Connected	% projects completed on time and on budget	70%	85%	Monthly	90%	Control

KEY STAKEHOLDER	KEY PERFORMANCE INDICATOR	2016/2017 RESULTS	DELIVERY PLAN TARGET	FREQUENCY MEASURED	YTD	COUNCIL'S ROLE
Connected	% satisfaction of staff with employment	86%	90%	Quarterly		Control
Safe	% unplanned leave hours per employee	4.70%	3.90%	Monthly	4.78%	Control
Safe	# of lost time Injuries per million hours worked	19.51	11.00	Monthly	19.63	Control
Government						
Leadership	% variable grants received from applications made	87%	60%	Monthly		Control
Leadership	\$ variable grant funding received (\$mill)	\$6.00	\$3.5	Monthly	\$420K	Control
Leadership	% expected financial parameters met		100%	Annual		Control

19 COUNCILLOR QUESTIONS

2017-7-18	x
RBP	
COUNCILLOR A P PATTERSON	FILE: F12/1945
QFNM1	
Is the LEP rezoning map available on Council's website? And if so, is it advertised?	
RESPONSE:	
The LEP is available on Council's website under Planning and Development http://www.kempsey.nsw.gov.au/development/klep/index.html	

2017-7-18	x
RBP	
COUNCILLOR D F SAUL	FILE: F12/1945
QFNM1	
Have baits been laid regarding the rabbit plague at Cyrus Saul Circuit Frederickton?	
RESPONSE:	
Baiting is in progress. Dummy baiting has commenced to establish a pattern of feeding for the animals. Once this is shown to have a good take up, real baiting will proceed.	

2017-7-18	x
RBP	
COUNCILLOR B J MORRIS	FILE: F12/1945
QFNM1	
If the Kempsey Airport fuel installation has not been delayed, why is the completion scheduled for September, when the body of the report at Item 13.5 of Councils Meeting held on 18 April 2017 indicated a completion requirement of 30 June 2017 as a part of the grant funding milestones? When was this varied? What caused the delay? Have the funding milestones for the grant been varied?	
RESPONSE:	
The purpose of the 18 April, 2017 report to Council was to endorse the tender for the Kempsey Airport Fuel System supply and install contract. At that time, Council and the Department estimated an install completion date of the end of July and tenders were called on that basis. Upon awarding the contract to Australian Fuelling Systems, the delivery timeframe was agreed by Council, the NSW Government and AFS to be extended to a more realistic completion date based on a range of commercial and operational factors which is reflected in the Project Plan. The approved Deed of Variation signed off in May 2017 provides for a September 2017 installation date.	

2017-7-18	x
RJS	
COUNCILLOR B J MORRIS	FILE: F12/1945
QFNM2	
When is the repair of further recent pavement failure at the intersection of South West Rocks Road and Old Station Road to be repaired?	
What has been the cost for rectification works for this project to date?	
RESPONSE:	
The pavement at South West Rocks Road/Old Station Road has been inspected. While some cracking of the asphalt is evident there is little deformation or potholing. Rectification works are not considered pressing and work would be best delayed until warmer weather prevails.	

There has been no need for any significant work since December 2016. The pavement will be monitored and repairs will be undertaken when necessary.

This particular section was part of the project to refurbish South West Rocks Road from Pola Creek Bridge to Pola Creek Road. The estimated cost of the original asphalt overlay is \$150,000. The cost of previous rectification work or "heavy patching" total approx. \$105,000. Allowing for further repairs and a maintenance reseal in the future, the total cost of work on this section could reach \$300,000. This is still well below the cost to fully reconstruct this section.

In hindsight, the perception of the failures representing a waste of funds would have warranted the expenditure of over \$400,000 to rebuild this section completely rather than the \$250,000 that has been spent. However, this would have meant that a shorter length of road would have been done in the first instance.

2017-7-18	✖
RJS	
COUNCILLOR B J MORRIS	FILE: F12/1945
QFNM3 Council staff indicated that an opportunity to change bin sizes for those that missed the bin size selection cut-off date would be made available in September or October of this year, at no charge to the resident. Will this opportunity still be made available and how will the community be informed of this?	
RESPONSE: The opportunity for ratepayers to select a smaller bin service or a larger recycling (yellow) bin was communicated via numerous methods. These included face to face discussions via the "bin trailer", a direct mailout to all ratepayers with a waste service, newspaper advertisements/editorials, together with social media. The selection process had a cut-off date at the end of April 2017 to enable the new bin roll out to occur. At the cut-off date, Council had received 1,113 bin selection requests. The requests were received from all areas of the community which indicated that our communication of the process was effective. Any ratepayer requesting a bin change since the cut-off date has been advised that the bin alteration process will recommence from 1 September 2017. This allows for the new waste service to be fully implemented and residents to experience the new system. To date, minimal ratepayers (less than a dozen) have requested a bin change and have been advised to contact Council after 1 September 2017. Throughout the implementation of the new service, an extensive communications plan has been prepared and used. This plan is ongoing and will include messages about the bin selection continuing after 1 September 2017. An administration charge will not be applied to any bin selections for the remainder of 2017.	

2017-7-18	✖
RJS	
COUNCILLOR B J MORRIS	FILE: F12/1945
QFNM4 What is the current service level for the repair of a pothole that is considered dangerous? If it is less than 14 days, why has a pothole in South Street that was reported on 4 July 2017 and concurred by staff as needing urgent attention on 5 July 2017, not repaired as at COB 17 July 2017?	
RESPONSE: The current service level is to: <i>"Inspect customer requests for dangerous road/footpath defects within 48 hours and assess the risk"</i> then:	

“Repair high risk defects within 24 hours” and “Repair medium and low risk defects within normal routine maintenance programs”

In the particular example the defect was verbally reported to senior staff. It did not go through the normal customer request and inspection system. The staff involved agreed with the need to repair the pothole. However, the level of risk was not assessed. This request was then relayed verbally. The team responding to the verbal request found other defects and assumed they had repaired the ones verbally reported without looking further along the road until the matter was followed up.

2017-7-18	✘
RJS	
COUNCILLOR B J MORRIS	FILE: F12/1945
QFNM5 What is the current budgetary allocation within the roads program for reseals, and what is the budgetary allocation and actual spend for reseals within the roads program over the last 3 years?	
RESPONSE: <p>The total budget for the current year for the roads program on sealed roads is \$4,800,000. The roads program includes the following road sections:</p> <ul style="list-style-type: none"> • South West Rocks Road (Pola Ck Rd. to Red Hill Ln.) - \$250,000 • Stuarts Point Road (Browns Rd. to near Barbers Ln.) - \$1,000,000 • Sherwood Road (Sherwood Bridge to Gowings Hill Rd.) - \$250,000 • Sherwood Road (Ronella Dr. to Hillview Dr.) - \$200,000 • Tozer Street - \$1,600,000 • Airport Road - \$500,000 • Plummers Lane (First kilometre east from Macleay Valley Way) - \$1,000,000. <p>Of these projects, none of the funding is allocated purely to reseals. All of the projects involve some level of rehabilitation, strengthening and/or widening. Last year’s program did contain some straight resealing in Crescent Head.</p> <p>A detailed presentation on the methodology used for determining road treatments was provided to Council earlier this year. Whilst technically, all of the projects involve sealing of the road segment, the actual treatment applied to the segment will vary with most requiring some level of rehabilitation/pavement strengthening over part or all of the pavement. In the worst cases, complete reconstruction is required. In other cases the kerb and gutter may require reconstruction.</p> <p>The total budget for the sealed roads program in previous years has been:</p> <p>2016/2017 - \$6,800,000 2015/2016 - \$5,400,000 2014/2015 - \$3,800,000</p> <p>This includes funding programmed under the highway handover, blackspot grants, and the double allocation of the roads to recovery grant.</p>	

2017-7-18	✘
RJS	
COUNCILLOR M J BAXTER	FILE: F12/1945
QFNM1 Can we have a report on the estimated cost and possible source of grant funding for the building of new playgrounds and outdoor gym equipment at South Kempsey, Greenhill, North Street and Crescent Head?	
RESPONSE:	

Based on previous experience, building playground and outdoor gym equipment at any of these sites would be in the vicinity of \$250,000 to \$500,000. This is heavily dependent upon the elements included in each park and also would be reliant upon minimal civil infrastructure such as parking, drainage and kerb and guttering being required.

At Greenhill, there will be additional costs associated with acquiring land of suitable size for a new park. The existing park is on land leased from the Macleay District Motor Cycle Club.

At South Kempsey, previous attempts to develop a park under a \$500,000 Federal Government grant were unsuccessful due to the proposed site in Queen Street being subject to a land claim.

At Crescent Head, redevelopment of the foreshore playground is part of the scope of works intended under the Foreshore Revitalisation Project.

In West Kempsey, improvements are currently being made to the park on the corner of Leith and Cochrane Streets under a grant provided by Family and Community Services.

The Delivery Program adopts the philosophy of providing fewer but better quality parks. An ongoing action in our Operating Plan has been to develop an underlying strategy of how we manage our parks going forward so that we can be in a position to provide better outcomes in some areas balanced with the demand or need from the community.

A separate report with greater level of detail could be provided, further guidance should be given as the purpose or intent. A notice of motion outlining what is being sought on would be appropriate.

2017-7-18	x
DBH	
COUNCILLOR L J HAUVILLE	FILE: F12/1945
QFNM1 Would Councillors be provided with the itemised details of the costs associated with a staff member and Mayor undertaking a fact finding study to China in November last year and what are the positives of this trip?	
RESPONSE: Costs totalling \$4,718.77 associated with the trip paid by Council are as follows: It should be noted that international travel costs, insurance, and incidentals for the Mayor were paid for personally by the Mayor, at no cost to Council.	
International Flight to China – Staff Member	\$1,871.30
Accommodation – Stamford Sydney Airport – staff member and Mayor	\$110.46
Flight – PMQ to Sydney and travel insurance – Staff Member	\$377.00
Accommodation – Stamford Sydney Airport – Staff Member and Mayor	\$110.46
Flight – PMQ to Sydney – Mayor	\$159.00
Evening Meal at Stamford Sydney Airport – Staff Member and Mayor	\$132.73
Breakfast at Airport – Staff Member and Mayor	\$52.82
Taxi to Airport – Staff Member and Mayor	\$23.77
Accommodation – Millennium Hotel – Staff Member	\$213.27
Accommodation – Crowne Plaza – Staff Member	\$77.23
Accommodation – Hainan Guest House – Staff Member	\$568.00
Meals in China	\$630.00
Gifts for Sister City Visit	\$392.73
Benefits to the community were provided in item 12.1 from 20 December 2016 Council meeting, a copy is provided at (Appendix S) .	

20 CONFIDENTIAL ITEMS

MOTION FOR CONFIDENTIAL SESSION

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

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

The matters and information are the following:

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

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

That Council form itself into the Confidential Session, and at this stage, the meeting be closed to the public to permit discussion of the confidential business items listed for the reasons as stated in the Agenda.

◆◆◆◆◆◆◆◆

ITEM 20.1 VARIOUS LEGAL MATTERS	
Contact Person: Daryl Hagger – Director Corporate Management	File: F12/1960

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.

PURPOSE

Reporting on the current position regarding legal matters.

CONFIDENTIAL

21 CONCLUSION