



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 12th April 2005 commencing at 9.04am.

PRESENT:

Councillors J A C Hayes, (Mayor and Chairman), J H Bowell, E A Green, J C Gribbin, T L Hunt, R H McWilliam, D F Saul, B R Sowter and E R Walker.

General Manager, A V Burgess; Director Shire Services, K J Finnie; Director Sustainable Services, R B Pitt; Director Corporate Services, G B Snape; Minute Taker, Ken Woods and Donna Pearson.



CONSIDERATION OF CONFIDENTIAL REPORT

2005. 203

RESOLVED:

*Moved: Cl. McWilliam
Seconded: Cl. Sowter*

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



CONSIDERATION OF LATE REPORTS

2005. 204

RESOLVED:

*Moved: Cl. Green
Seconded: Cl. McWilliam*

That the late reports be considered in conjunction with the relevant Director's reports.



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 8TH MARCH 2005

2005. 205

RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Sowter*

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 8th March 2005, be adopted.



MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 23RD MARCH 2005

2005. 206

RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Bowell*

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 23rd March 2005, be adopted.



MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 4TH APRIL 2005

2005. 207

RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Walker*

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 4th April 2005, be adopted.



PUBLIC FORUM

- 1** - Peter McGrath addressed Council speaking for Rescission Motion RM2 (Page E2)
- 2** - Mr Darren Perrin addressed Council speaking in favour of DSDS1 (Page G1)
- 3** - Mr Peter Cornelius addressed Council speaking against DSDS1 (Page G1)
- 4** - Anne Stevenson addressed Council speaking against DSDS2 (Page G16)
- 5** - Mr Trevor Scott addressed Council speaking against DSDS10.
- 6** - Dallas Kemp addressed Council speaking in favour of DSS23 (Page H47)
- 7** - Mr Greg Mason addressed Council speaking against DSS23 (Page H47)
- 8** - Mr John Langford addressed Council speaking against DSS25 (Page H49)

2005. 209 **RESOLVED:**

*Moved: Cl. Howell
Seconded: Cl. Green*

That resolution number 2005.123 from the Ordinary Meeting of Kempsey Shire Council held 8th March 2005, as printed below;

That this matter be referred back to the Director Shire Services to find a more appropriate location.

be rescinded.

Councillor Saul recorded his vote against the foregoing Resolution.

2005. 210 **RESOLVED:**

*Moved: Cl. Howell
Seconded: Cl. Gribbin*

That the matter of the Youth Information and Referral Service together with the activities proposed for the area below the Pool Grandstand be dealt with through the Development Application process.

Councillor Saul recorded his vote against the foregoing Resolution.

DSDS1	KEMPSEY MACLEAY OFF ROAD CLUB INC.
FILE: T6-05-12 GGL	{Folio No. 294027}

SUMMARY:

Reporting that Council has received a development application to stage an off road racing event to be held over two days annually, for which thirty one (31) objections and four (4) letters of support have been received.



Applicant: Kempsey Macleay Off Road Club Inc.
Owner: Mr D F B and Mrs M R Kemp
Subject Land: Lot 12, 17, 16, 15, 14, 21, 20, 7, 12, 25, 23, 24,
DP 752435, 701 Dungay Creek Road, Wittitrin
Zone: 1(A1) Rural A1 Zone

Background

Kempsey Macleay Off Road Club Inc. have previously held national off road racing events within the Shire at Temagog and club events at Dondingalong.

Council previously refused a development application in April 2004 to stage a single off road racing event over one weekend on the subject land.

In this current proposal the Kempsey Macleay Off Road Club Inc. have indicated that the event will be held over two days for one weekend annually, the likely dates this year are 2nd and 3rd July. Any additional events during the year would be subject to a separate application.

The applicant proposes to hold the event under a permit from the Confederation of Australian Motor Sport Ltd, which includes \$100,000,000 public liability cover. The Applicant also requires approval from the Department of Sport and Recreation.

The proposed off road circuit comprises the use of existing fire trails and open paddocks and is 10 km's in length ([Appendix A](#)).

Heads of Consideration

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act 1979 with the following matters to be of particular relevance to the proposal:

Department of Infrastructure Planning and Natural Resources (DIPNR) – Concurrence Report

Pursuant to Section 91 of the Environmental Planning and Assessment Act 1979 a development that is to be carried out within 40m of a natural water course or foreshore is "integrated development" as an approval from DIPNR under the Rivers and Foreshores Improvement Act 1948 is required.

DIPNR proposes to grant a Part 3A Permit subject to conditions, which Council must include in any consent.

Kempsey Local Environment Plan 1987 and North Coast Regional Environmental Plan 1988

The proposal is permissible with the consent of Council under the Kempsey Local Environment Plan 1987.

The objectives of the 1(A1) Rural Zone of the Kempsey Local Environment Plan are to:

- Predominantly provide for agricultural use
- Preserve the visual amenity of the land
- Provide for compatible tourist and industrial uses.

It is considered that an annual event, operating in accordance with appropriate conditions, over one weekend would not conflict with the objectives of the rural zone.

It is considered that the proposed development would not cause a loss of prime crop or pasture land and is therefore consistent with the North Coast Regional Environmental Plan 1988.

Access, Transport and Traffic

Access to the event will be via Dungay Creek Road. Dungay Creek Road from the end of bitumen surface at the intersection of Clarkes Road to the site is a gravel road at an average width of 5m. It is considered that contributions for the upgrading of Dungay Creek Road may be payable for the annual event, however having regard to a lack of certainty as to likely competitor and spectator numbers, it is difficult to determine an appropriate contributions. It is proposed to recommend approval for a single event, and determine the likely impact on roads before considering granting approval for a regular event. Road contributions are likely to be payable for the upgrading and maintenance of Dungay Creek Road should any future events be approved.

Several neighbouring residents to the subject property have an informal access agreement over the property. This access crosses the proposed track and as such would not be safe during the event. There is a second access that can be used by the residents. It is considered reasonable to require the Applicant to advise all adjoining property owners four (4) weeks in advance of the event occurring. In the event of any emergency, the event should be temporarily halted to assist emergency vehicles.

The narrow causeway crossing over Dungay Creek is subject to inundation and any flood event would result in inadequate access and postponement of the event. Should a storm and/or flash flooding occur during the event there is the possibility of isolation for a period of time.

The exact volume of traffic to and from the event is not known. However, the applicant has indicated that a total number of vehicles associated with the participants and crews would be approximately 100 and it is anticipated that 50 spectator vehicles would attend the event with the capacity to cater for 100 off road spectator parking spaces. The potential for an increase in traffic congestion over the weekend of the event does exist.

The applicant has stated that 'heavy vehicles are generally not used to transport competing vehicles and crews'.

To ensure safety and to maintain adequate access, it should be a condition of any Consent that no vehicles be parked on, or immediately adjacent to, Dungay Creek Road. The applicant intends to provide sufficient off road car parking and to separate event and spectator vehicles by temporary fencing. It is proposed that signage and 'roaming officials' be used in order to prevent parking on Dungay Creek Road which should be incorporated in any Consent.

Noise

The proposal has the potential to impact on a number of adjoining dwellings by reason of noise. Given EPA criteria which allow considerable noise to be generated by infrequent motor sports events, and the separation of the track to the nearest residence (approximately 275 metres), it is considered reasonable to require noise monitoring of the event to be undertaken. Monitoring is to be undertaken by an appropriately qualified person and a detailed noise impact assessment should be submitted to Council after the event. Whilst the applicant has stated that a condition of the Confederation of Australian Motor Sport (CAMS) permit is that all competing vehicles project a maximum noise output of 95 decibels (dB(A)) at a 30m distance, it is considered reasonable that noise emissions be consistent with EPA guidelines and the Protection of the Environment Operations (Noise Control) Regulation 2000 and that such guidelines and legislation be used when monitoring the event. No EPA approval is required.

In addition to such a condition, it is considered reasonable to restrict the use of the track to a single weekend nominated by the applicant. The track should not be used for practice prior to the nominated weekend and use of the track on event days should be restricted to 9am to 5pm Saturday and 8.30am to 5pm Sunday.

By only granting consent to a one-off event, the results of monitoring could then be used to determine any future applications.

Air and Microclimate

The proposal has the potential to result in dust pollution should weather conditions at the time of the event be dry. It is considered reasonable that the applicant provide a water cart or similar dust suppression mechanisms to prevent excessive dust from becoming airborne through vehicle use. Dust management should also be undertaken along the entire length of unsealed section of Dungay Creek Road from the intersection of Clarkes Road to the furthest vehicle access point to the site, from 7am of the Saturday to 7pm on the Sunday of the event. Dust should be suppressed in any location where any dwelling is within 400m of the racetrack should also weather conditions warrant it. The management of dust suppression will be in accordance with the Protection of the Environment Operations Act.

Cumulative Impact on Amenity

An accumulation of potential traffic congestion, noise and dust impacts may lead to some loss of amenity, 'peace and quiet' and be of inconvenience for some residents in the area. By only allowing racing and practice to occur on one weekend and during the specified time period, and by imposing conditions of consent specifically relating to noise and dust management, the enjoyment and lifestyle of surrounding residents should not be unreasonably detrimentally affected for any extended period of time. It should be a condition of Consent that adjoining

residents be informed in writing of the weekend the event is to take place at least four (4) weeks in advance.

Public Exhibition

Adjoining property owners were notified of the proposal in accordance with Council's Advertising Policy. Council received thirty one (31) objections [\(Appendix B\)](#) including seven (7) marked confidential to the proposal and also four (4) letters of support were received. A copy of each submission is attached [\(Appendix C\)](#) and can be summarised as follows:

Objection		Planning Comment	
1	Dungay Creek will be severely damaged and the water quality of Dungay Creek may be affected.	1	Compliance with the strict conditions of the Part 3A Permit to be issued by DIPNR relating to sediment control should result in no significant impact to Dungay Creek.
2	There will be significant erosion and degradation of the land.	2	Council should impose a condition of consent to have the land rehabilitated so that any disturbed surfaces (race track, car park and marshalling area etc.) will need to be seeded and stabilised after completion of the event. Refer to Planning Comment 1.
3	There is potential for noise pollution.	3	Refer to 'Noise' comments and conditions of Consent.
4	Loss of amenity and 'peace and quiet'.	4	Refer to 'Cumulative Impact on Amenity' comments. It is recommended that approval be for one event only. In the event unacceptable impacts result, and if any further events are applied for, Council could require additional mitigation measures be employed, or if such measures are impractical, approval for any additional events could be denied.
5	Flippant response to an Environmental Impact Study/Statement.	5	The applicant submitted a standard Statement of Environmental Effects. Under the Act the applicant is not

		required to produce an EIS for the event, however, environmental safeguards should be included in any conditions of Consent.
6	Atmospheric pollution from dust and fumes may result in increase in allergic reactions and asthma.	6 Refer to 'Air and Microclimate' comments. Fumes from vehicle use are expected. The closest residence to the racetrack is approximately 275 metres. Being a rural locality, it is expected that fumes will dissipate effectively.
7	Potential for competitors and visitors to leave rubbish behind in the area.	7 A condition of consent is to be imposed requiring the applicant to provide a waste management plan for rubbish/litter removal from the site.
8	Concerns of the safety of residents using Dungay Creek road.	8 Refer to 'Access, Transport and Traffic' comments.
9	Reduction in value of property.	9 Impact upon the value of surrounding properties is speculative.
10	Loss of privacy and visual amenity.	10 All participants and spectators are to be located on the subject property at the location of the racetrack. Competitors are proposed to be confined to the track and designated marshalling areas and spectators are to be confined to a dedicated viewing area. The spectator/marshalling areas are not visually obtrusive to any adjoining dwelling in any direction. However, distant views of the track and competing vehicles may be evident.
11	There is no preservation of flora and fauna.	11 As the proposed racetrack uses existing trails and open paddocks and no trees are to be felled, it is considered that obtainment of a Part 3A Permit

		and compliance with appropriate conditions of Consent would result in no significant impact to flora and fauna. There is no evidence to suggest that any long-term disturbance to any threatened fauna is likely.
12	Dungay Creek Road usage has not been considered and is not suitable for excess traffic.	12 Refer to 'Access Transport and Traffic' comments and conditions of consent.
13	Public liability if a spectator is injured on our property.	13 The event will be covered by a \$100,000,000 public liability insurance. However, it is considered reasonable to require the placement of suitable signage at appropriate locations to advise spectators of their obligations.
14	Loss of the areas character.	14 Refer to 'Kempsey Local Environmental Plan' and 'Cumulative Impact on Amenity' comments.
15	Increase in visitors may result in theft and loss of security.	15 Whilst crime prevention is a relevant Head of Consideration, there is no evidence to support the claims of possible increases in theft associated with the proposed event.
16	Unauthorised camping is a concern.	16 It is to be a condition of Consent that no overnight camping is permitted. The applicant has stated there will be no camping.
17	Tree removal and heavy vehicles constructing track is a concern.	17 There is to be no tree removal and the applicant has stated that 'farm tractors with slashers and blades' will be used for track preparation and maintenance.
18	Concerns over public and participant safety.	18 In addition to any Council approvals, an approval from the Confederation of Australian Motor Sport is also required which addresses matters related to public safety and liability insurance.

19 Concern over alcohol use, night-time entertainment and undesirable people and anti-social behaviour.	19 The consent does not permit any nighttime entertainment. Criminal and violent behaviour as a result of possible alcohol use at the proposed event is speculative and difficult to justify. Any criminal incidents are police matters. The possibility of 'undesirable' persons that may be drawn to the area is speculative.
20 Potential introduction and spread of weeds.	20 The potential for spread of weeds such as Giant Parramatta Grass does exist. The organisers would be required to minimise this by vehicles and people only accessing the designated track/areas and by managing the grass levels on the track/areas.
21 There is a lack of adequate fencing to contain livestock.	21 Livestock in the area may intrude on the event. Details of the stock containment area, including fencing should be required as a condition of consent.
22 Bushfire hazard from hot exhaust or brakes.	22 Most of the track is existing. Any grasses will be cut shorter than a cars exhaust. Organisers will have the Rural Fire Service at the event.
23 Potential for people to use the track post event for practice of and for recreational use.	23 No evidence to support this claim.
24 Inadequate sewerage conditions for the event.	24 Conditions of consent requires a minimum of 10 portable toilets with an off site disposal. A waste plan management is required by the applicant.
25 Why has Council accepted a Development Application for this event when it was	25 As Council is the consent authority, Council is obliged to accept the application.

	refused only 7 months ago.		
26	Restricted access to property owners during the event.	26	Refer to access transport and traffic comments and condition of consent.
Support		Planning Comment	
1	Express general support for the off road racing event at Wittittrin.	1	Noted.
2	The race will be well organised to provide a safe environment for spectators and road users on Dungay Creek Rd that will attract economic benefit to the area.	2	The event is likely to generate economic benefits to the Shire.
3	With no road closures we support the trialing of the event, which should bring economic benefit to the area. The event is a good opportunity to involve the public in driver education and to allow the public to be involved in motor sport, which will contribute to the local economy.	3	See above comment. The event will provide an interest to motoring enthusiasts.

Conclusion

As evidenced in the Heads of Consideration above, there are a number of issues and potential impacts associated with the proposed off-road racing event. It is recommended to only grant consent to a single one-off event. This will enable monitoring of impacts to determine the ability of the organisers to control potential impacts.

It is considered reasonable to require the applicant to furnish Council with a Plan of Management for the event three (3) months prior to the staging of the events. Such a plan is to outline how the applicant will implement each condition of Consent and outline contingencies in the event of any hazard, incident or emergency.

Upon obtainment of, and compliance with a Part 3(A) Permit under the Rivers and Foreshores Improvement Act 1948, a permit under the

Confederation of Australian Motor Sport Ltd, approval from the Department of Sport and Recreation and appropriate Conditions of Consent from Council, including a Plan of Management, it is considered that the proposed development could be held in a safe and sustainable manner with manageable impacts on surrounding residents.

Should an approval be granted, compliance with the relevant permits and conditions would be heavily weighted and carefully analysed when examining any future proposals of this nature.

REPORT IMPLICATIONS:

- ***Environmental***

The proposed location of the off road racing event has no significant fauna or flora impacts. There is the potential to have noise, dust and water pollution impacts on a number of adjoining properties and the Dungay Creek.

To prevent dust emitting from the access route the applicant is required to water Dungay Creek Road from Clarkes Road. Suitable means for control dust generated by racing within close proximity to adjoining dwellings should also be required.

Sediment and erosion control measures will be required to be installed prior to the commencement of the event. Furthermore, the application will be required rehabilitate any disturbed land as a result of the off road race event.

- ***Social***

The proposed off race event is considered to potential impact on the amenity of the locality. However, imposing strict development control conditions, specifically relating to dust and noise and anti-social behaviour will safeguard the sounding amenity of the area.

- ***Economic (Financial)***

The proposed off road race event is likely to positively impact upon local business providers during the weekend of the event.

- ***Policy or Statutory***

The application has been assessed under Section 79 (c) of the Environmental Planning and Assessment Act 1979. Pursuant to the Environmental Planning and Assessment Act the application was referred to DIPNR which assessed the application in accordance with the Rivers and Foreshores Improvement Act 1948.

Director Sustainable Development Services Recommendation:

- A That consent be granted subject to the following conditions:**
- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
 - 2 This consent is for the holding of a single event for 2005 with future annual events to be subject to separate application.**
 - 3 The applicant is to provide written advice to Council of the nominated date of the event not less than three (3) months prior to the nominated date.**
 - 4 A detailed Plan of Management (in a single document) is required to be provided to Council not less than 3 months prior to the nominated dates of the events incorporating the means of complying with all conditions of consent. The events shall not proceed unless Council has provided written confirmation that all conditions have been adequately addressed.**
 - 5 Monitoring of the event is to be carried out by a suitably qualified acoustic consultant at the closest affected adjoining residence in accordance with the Department of Environment and Conservation (Environment Protection Authority Guidelines) and relevant legislation.**
 - 6 A report is to be forwarded to Council indicating the results of the monitoring within twenty-eight (28) days after the staging of the event.**
 - 7 The applicant is to provide a minimum of ten (10) portable toilets onsite for the event. All effluent is required to be disposed off-site at an approved facility. The required Plan of Management should provide for the placement of toilets in all spectator and competitor locations.**
 - 8 Any premises or vehicle that is to be used for the transportation, preparation, storage and/or sale of food is to be designed, constructed and equipped in compliance with the Food Act 2003 and Council's Standards for Temporary Food Premises, complete details of which are to be submitted for approval prior to the event. The applicant is advised to confer with Council's Environmental Services Department concerning these requirements prior to the preparation of detailed plans.**

- 9** No overnight camping or night-time entertainment is permitted on the subject land.
- 10** The applicant is to make adequate provision for the collection and removal of waste rubbish/litter from the site. Details of the means for compliance are to be included in the required Plan of Management.
- 11** All disturbed soils are to be levelled and re-seeded immediately following the event and no trees are to be felled or loped. Details of the means for compliance are to be included in the required Plan of Management.
- 12** Sediment control devices are required to be installed on the access points to and from Dungay Creek Road. Details of the means for compliance are to be included in the required Plan of Management.
- 13** All spectator vehicles are to be confined to the parking spaces provided and no parking is permitted on, or immediately adjacent to Dungay Creek Road. Details of the means for compliance are to be included in the required Plan of Management.
- 14** The applicant is to consult with Councils Engineering Department three (3) months prior to staging of the event so as appropriate signage for Dungay Creek Road, spectator and car parking areas can be arranged.
- 15** The event race times are restricted to the hours of 9am to 5pm Saturday and 8.30am to 5pm Sunday of the nominated weekend.
- 16** No practice is to be carried out prior to/after the date of the designated event.
- 17** All residents immediately adjoining the subject land are to be given written notice of the nominated date of the approved event at least four (4) weeks prior to staging of the event.
- 18** The applicant is to give written notice to the Local Rural Fire Service of the location and date of the approved event at least four (4) weeks prior to the staging of the event.
- 19** The applicant is to provide a water cart or similar dust suppression mechanisms along the entire unsealed section of Dungay Creek Road to the furthest vehicle access point to the site and provide similar measures to all sections of the racetrack within 400 metres of

- dwellings. Details of the means for compliance are to be included in the required Plan of Management.
- 20 To prevent excessive weed dispersal competition vehicle use is to be restricted to the designated racetrack and 'pit area'. Where possible, weeds are to be managed in all trafficable areas by means of slashing, spraying and/or similar.
- 21 The applicant is to provide equipment and facilities suitable for the containment and clean up of any petroleum products that are spilt. Details of the means for compliance are to be included in the required Plan of Management.
- 22 All spectators are to be confined to the designated spectator area. Details of the means for compliance are to be included in the required Plan of Management.
- 23 In the event of any emergency requiring access through/on the subject land all racing is to cease until such access has been obtained. Details of the means for compliance are to be included in the required Plan of Management.

Conditions imposed by DIPNR

- 23 Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40 m from the top of the bank of the watercourse, without the prior issue of a Part 3A permit by Department Infrastructure Planning & Natural Resources.
- 24 The Part 3A permit will be issued upon application to the Department Infrastructure Planning & Natural Resources comprising:
- A copy of Council's development consent including all conditions of approval;
 - Plans and/or other documentation (3 copies) that satisfy the DIP & NR General Terms of Approval and recommendations, which are, included in Council's consent conditions.
- 25 Work is to be carried out in accordance with drawings and any management plans required by these conditions and approved by DIP & NR that will accompany the 3A permit.
- 26 Any Part 3A permit issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance provisions, have been

satisfactorily completed in accordance with the permit conditions. Any application for renewal will be lodged at least 1 month prior to the permit expiry date.

- 27 Work shall not cause damage to, or increase erosion of, the streambed or banks. The permit holder shall carry out any instructions given by DIP & NR with a view to preventing degradation of the streambed or banks.
- 28 Any vegetation or other material removed from the area of works shall be disposed of so that the material cannot be swept back into the stream during a flood.
- 29 All works proposed must be designed, constructed and operated so they do not cause erosion or sedimentation and to minimise adverse impacts on aquatic and riparian environments.
- 30 No plastic netting is to be used for any purpose, in the stream or within the riparian zone unless such netting is of a rapidly biodegradable variety.
- 31 Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the river system. These measures are to be in accordance with Council's requirements and follow best management practices.
- 32 The excavation of soil/spoil and its removal is the responsibility of the permit holder and the owner or occupier of the land.
- 33 The approval of NSW Fisheries is required for all proposed designs of in-stream works prior to the issue of the Part 3A permit.
- 34 These conditions are issued with the proviso that operations shall be carried-out on freehold land. Should operations be on Crown Land, these conditions are rendered null and void and the occupier of Crown Land should contact DIP & NR's Crown Lands section.
- 35 Work is to be carried out in accordance with any conditions imposed by other government agencies, provided such conditions do not conflict with these conditions or the conditions on the Part 3A permit.
- 36 The permit holder and the owner or occupier of the land are responsible for any works undertaken by any other person or company on this site.
- 37 The rehabilitation of the area in accordance with the Part 3A permit conditions is the responsibility of the permit holder and the owner or occupier of the land.

- 38 Any Part 3A permit granted is not transferable to any other person or company without the written approval of DIP & NR and does not authorise works at any other site.**
- 39 Any Part 3A permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site and/or the activities proposed.**
- 40 Work as executed survey plans of a professional standard shall be provided to DIP & NR upon request.**
- 41 If, in the opinion of a DIP & NR officer, any activity is being carried out in such a manner that it may degrade the riparian zone, stream, lake or foreshore environment, all work shall cease immediately upon oral or written direction of such an officer.**
- 42 If the permit conditions have been breached, the permit holder shall restore the site in accordance with the permit conditions and/or as directed by Department Infrastructure Planning & Natural Resources. If any breach of the permit conditions requires a special site inspection by Department Infrastructure Planning & Natural Resources, then the permit holder shall pay a fee prescribed by Department Infrastructure Planning & Natural Resources for this inspection and all subsequent breach inspections.**
- 43 If works are to cease prior to completion Department Infrastructure Planning & Natural Resources must to be notified in writing one month in advance of the cessation of the operation.**
- 44 All stream crossing designs must be sensitive to the ecological functions and geomorphic functions of the stream by providing adequate light levels, protection for aquatic fauna and minimising erosion. Road or track widths are to be as narrow as possible and bank full creek flows and floodplain flows are not to be inhibited in any way. Crossings should not cause scour or erosion to the streambed or banks in any storm events. A design is to be prepared for each crossing by suitably qualified persons, in consultation with, and with the approval of DIP & NR prior to the issue of the Part 3A Permit.**
- 45 Details of the means of controlling stock within the property, including stock numbers, watering, feeding and fencing are to be provided to Council within 3 months of the nominated dates of the events.**

- B** That the objectors be advised of Council's decision.
- C** That the applicant be advised that Councils favourable consideration of any additional future events will be contingent upon compliance with all conditions of consent and consideration of any complaints being received.

2005. 211 RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Walker*

- A** That consent be granted subject to the following conditions:
- 1** The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
 - 2** This consent is for the holding of a single event for 2005 with future annual events to be subject to separate application.
 - 3** The applicant is to provide written advice to Council of the nominated date of the event not less than three (3) months prior to the nominated date.
 - 4** A detailed Plan of Management (in a single document) is required to be provided to Council not less than 3 months prior to the nominated dates of the events incorporating the means of complying with all conditions of consent. The events shall not proceed unless Council has provided written confirmation that all conditions have been adequately addressed.
 - 5** Monitoring of the event is to be carried out by a suitably qualified acoustic consultant at the closest affected adjoining residence in accordance with the Department of Environment and Conservation (Environment Protection Authority Guidelines) and relevant legislation.
 - 6** A report is to be forwarded to Council indicating the results of the monitoring within twenty-eight (28) days after the staging of the event.
 - 7** The applicant is to provide a minimum of ten (10) portable toilets onsite for the event. All effluent is required to be disposed off-site at an approved facility. The required Plan of Management should provide for the placement of toilets in all spectator and competitor locations.

- 8 Any premises or vehicle that is to be used for the transportation, preparation, storage and/or sale of food is to be designed, constructed and equipped in compliance with the Food Act 2003 and Council's Standards for Temporary Food Premises, complete details of which are to be submitted for approval prior to the event. The applicant is advised to confer with Council's Environmental Services Department concerning these requirements prior to the preparation of detailed plans.**
- 9 No overnight camping or night time entertainment is permitted on the subject land.**
- 10 The applicant is to make adequate provision for the collection and removal of waste rubbish/litter from the site. Details of the means for compliance are to be included in the required Plan of Management.**
- 11 All disturbed soils are to be levelled and re-seeded immediately following the event and no trees are to be felled or loped. Details of the means for compliance are to be included in the required Plan of Management.**
- 12 Sediment control devices are required to be installed on the access points to and from Dungay Creek Road. Details of the means for compliance are to be included in the required Plan of Management.**
- 13 All spectator vehicles are to be confined to the parking spaces provided and no parking is permitted on, or immediately adjacent to Dungay Creek Road. Details of the means for compliance are to be included in the required Plan of Management.**
- 14 The applicant is to consult with Council's Engineering Department three (3) months prior to staging of the event so as appropriate signage for Dungay Creek Road, spectator and car parking areas can be arranged.**
- 15 The event race times are restricted to the hours of 9am to 5pm Saturday and 8.30am to 5pm Sunday of the nominated weekend.**
- 16 No practice is to be carried out prior to/after the date of the designated event.**
- 17 All residents immediately adjoining the subject land are to be given written notice of the nominated date of the approved event at least four (4) weeks prior to staging of the event.**

- 18 The applicant is to give written notice to the Local Rural Fire Service of the location and date of the approved event at least four (4) weeks prior to the staging of the event.
- 19 The applicant is to provide a water cart or similar dust suppression mechanisms along the entire unsealed section of Dungay Creek Road to the furthest vehicle access point to the site and provide similar measures to all sections of the racetrack within 400 metres of dwellings. Details of the means for compliance are to be included in the required Plan of Management.
- 20 To prevent excessive weed dispersal competition vehicle use is to be restricted to the designated racetrack and 'pit area'. Where possible, weeds are to be managed in all trafficable areas by means of slashing, spraying and/or similar.
- 21 The applicant is to provide equipment and facilities suitable for the containment and clean up of any petroleum products that are spilt. Details of the means for compliance are to be included in the required Plan of Management.
- 22 All spectators are to be confined to the designated spectator area. Details of the means for compliance are to be included in the required Plan of Management.
- 23 In the event of any emergency requiring access through/on the subject land all racing is to cease until such access has been obtained. Details of the means for compliance are to be included in the required Plan of Management.

Conditions imposed by DIPNR

- 23 Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40 m from the top of the bank of the watercourse, without the prior issue of a Part 3A permit by Department Infrastructure Planning & Natural Resources.
- 24 The Part 3A permit will be issued upon application to the Department Infrastructure Planning & Natural Resources comprising:
 - A copy of Council's development consent including all conditions of approval;

- **Plans and/or other documentation (3 copies) that satisfy the DIP & NR General Terms of Approval and recommendations, which are, included in Council's consent conditions.**
- 25 Work is to be carried out in accordance with drawings and any management plans required by these conditions and approved by DIP & NR that will accompany the 3A permit.**
 - 26 Any Part 3A permit issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance provisions, have been satisfactorily completed in accordance with the permit conditions. Any application for renewal will be lodged at least 1 month prior to the permit expiry date.**
 - 27 Work shall not cause damage to, or increase erosion of, the streambed or banks. The permit holder shall carry out any instructions given by DIP & NR with a view to preventing degradation of the streambed or banks.**
 - 28 Any vegetation or other material removed from the area of works shall be disposed of so that the material cannot be swept back into the stream during a flood.**
 - 29 All works proposed must be designed, constructed and operated so they do not cause erosion or sedimentation and to minimise adverse impacts on aquatic and riparian environments.**
 - 30 No plastic netting is to be used for any purpose, in the stream or within the riparian zone unless such netting is of a rapidly biodegradable variety.**
 - 31 Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the river system. These measures are to be in accordance with Council's requirements and follow best management practices.**
 - 32 The excavation of soil/spoil and its removal is the responsibility of the permit holder and the owner or occupier of the land.**
 - 33 The approval of NSW Fisheries is required for all proposed designs of in-stream works prior to the issue of the Part 3A permit.**
 - 34 These conditions are issued with the proviso that operations shall be carried-out on freehold land. Should operations be on Crown Land, these conditions are rendered null and void and the occupier of Crown Land should contact DIP & NR's Crown Lands section.**

- 35 Work is to be carried out in accordance with any conditions imposed by other government agencies, provided such conditions do not conflict with these conditions or the conditions on the Part 3A permit.**
- 36 The permit holder and the owner or occupier of the land are responsible for any works undertaken by any other person or company on this site.**
- 37 The rehabilitation of the area in accordance with the Part 3A permit conditions is the responsibility of the permit holder and the owner or occupier of the land.**
- 38 Any Part 3A permit granted is not transferable to any other person or company without the written approval of DIP & NR and does not authorise works at any other site.**
- 39 Any Part 3A permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site and/or the activities proposed.**
- 40 Work as executed survey plans of a professional standard shall be provided to DIP & NR upon request.**
- 41 If, in the opinion of a DIP & NR officer, any activity is being carried out in such a manner that it may degrade the riparian zone, stream, lake or foreshore environment, all work shall cease immediately upon oral or written direction of such an officer.**
- 42 If the permit conditions have been breached, the permit holder shall restore the site in accordance with the permit conditions and/or as directed by Department Infrastructure Planning & Natural Resources. If any breach of the permit conditions requires a special site inspection by Department Infrastructure Planning & Natural Resources, then the permit holder shall pay a fee prescribed by Department Infrastructure Planning & Natural Resources for this inspection and all subsequent breach inspections.**
- 43 If works are to cease prior to completion Department Infrastructure Planning & Natural Resources must be notified in writing one month in advance of the cessation of the operation.**
- 44 All stream crossing designs must be sensitive to the ecological functions and geomorphic functions of the stream by providing adequate light levels, protection for aquatic fauna and minimising erosion. Road or track widths are to be as narrow as possible and bank**

full creek flows and floodplain flows are not to be inhibited in any way. Crossings should not cause scour or erosion to the streambed or banks in any storm events. A design is to be prepared for each crossing by suitably qualified persons, in consultation with, and with the approval of DIP & NR prior to the issue of the Part 3A Permit.

45 Details of the means of controlling stock within the property, including stock numbers, watering, feeding and fencing are to be provided to Council within 3 months of the nominated dates of the events.

B That the objectors be advised of Council's decision.

C That the applicant be advised that Councils favourable consideration of any additional future events will be contingent upon compliance with all conditions of consent and consideration of any complaint being received.

46 The applicant shall pay a fee of \$500 to Council to allow the conditions of approval to be monitored by the Director or his nominee, prior to staging the event.

Councillor Hunt recorded his vote against the foregoing Resolution.

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CERTIFICATES OF APPRECIATION

At 10.25am the Mayor presented Certificates of Appreciation to representatives of Ngurrala Aboriginal Green Team and Thungutti Aboriginal Team, on behalf of the Mid North Coast Weeds Advisory Committee, for contribution to the Northern Vine Weeds Project.

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At this stage 10.32a.m the Meeting adjourned for Morning Tea and upon resumption at 11.05 a.m. all present at the adjournment were in attendance with the exception of Councillors Saul and Walker.

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DSDS2	PROPOSED ERECTION OF A FARM SHED AND STOCKYARD LOT372 DP1070288 NEVILLE MORTON DRIVE, DULCONGHI HEIGHTS
	FILE: T6-04-619 GGL {Folio No. 294028}

SUMMARY:

Reporting that Council has received an application to erect a farm shed and stockyards at Dulconghi Heights for which ten (10) objections have been received.



Applicant: Andrew Petterson
Subject Property: Lot 372 DP 1070288
Neville Morton Drive, Dulconghi Heights Crescent
Head
Zone: 1 (c) (Rural (Small Holdings "C" Zone))

Proposal:

An application has been received by Council to erect a Farm Shed and Stockyard. The applicant proposes to access the subject allotment from an easement off Neville Morton Drive.

Background

Development Consent S15-96-21 was granted in September 1996 to subdivide Lot 105 DP 884312 into 44 Lots known as Dulconghi Heights. Condition nine (9) of this Development Consent required that a restriction as to user is to be applied to the areas identified in the plan of application No. 1340/96 as "Drainage Reserve/Wildlife Corridors" which is Council stamped 26-4-1996. The terms of the restriction state that 'no building, dwelling or other structure shall be erected within the area designated as Area "A" on the plan of Subdivision'. ([Appendix D](#))

Applicants Description of Proposal

The applicant states that:

- The easement is an existing track, which is the proposed access route to the stockyards and farm shed.
- The natural ground is above the height of any water flows in a small gully.
- The access track has no adverse impacts on drainage, existing vegetation and is located away from the wetlands boundary and its use will not adversely affect the area as a habitat linkage.
- Cattle trucks will not access during wet weather and no drainage works are proposed.
- The shed is to be used for farm/tractor storage and domestic uses.
- The same access route is also to be used as a driveway to service a future proposed dwelling to be constructed adjacent to the farm shed on the Residue Land.

Matters for Consideration

The proposal has been examined having regard for the Matters for Consideration identified under Section 79C (1) of the Environmental Planning and Assessment Act with the following matters considered to be of particular relevance to the proposal.

Relevant Environmental Planning Policies

Kempsey Local Environmental Plan 1987 (KLEP 1987)

The land is Zoned 1(c) Rural (Small Holdings "C" Zone) under KLEP 1987 which allows agriculture without consent. Stockyards and agricultural buildings up to 150m² are Exempt Development within the adjoining 1(a1) Zone, but are not exempt within the 1(c) Zone, and are thus considered to be permissible with consent. Clause 9 provides that the proposed development is prohibited unless Council is satisfied that the proposal is consistent with the objectives of the Zone.

The objectives of the 1(c) zone are:

- a. To provide sufficient land to meet demand for hobby farms and rural residential development; and
- b. To permit uses which are compatible with more intensive rural development.

It is considered that the proposed farm shed may cause a conflict with the adjoining rural residential development.

The proposed access to the development is via an easement off Neville Morton Drive.

The proposed route is affected by Clause 51 of KLEP 1987, which relates specifically to development of land at Dulconghi Mountain. Clause 51(4) requires Council consent to cut down any tree. It is considered that construction of the access road would require removal of a number of melaleuca trees, however, this has not been identified in the application. Clause 51 (2 (a) & (b) requires Council to:

- ensure that provision has been made for the identification of watercourses as drainage reserves and for the protection of vegetation within those reserves.
- ensure that the abovementioned drainage reserves extend from the designated wetlands under State Environmental Planning Policy No. 14 – Coastal Wetlands to the land within Zone No. 7(d), wherever possible.

Whilst removal of trees can be considered by Council, given the available alternative which does not require tree removal, the proposal is considered to be contrary to Clause 51.

North Coast Regional Environmental Plan (NCREP)

Clause 15 of NCREP requires Council to consider the affect the development has on coastal wetlands. In particular the impact on the quality or quantity flows of water to the wetland or habitat.

The use of the easement as an access road may affect the function of the drainage reserves and corridors. The two drainage reserves intersect at the location of the proposed access road which would be subject to extremely wet surfaces, and may potentially affect the quality and quantity of water accessing the SEPP 14 Coastal Wet Lands.

Development Control Plan No. 21 Dulconghi Heights

Clause 5.7 states Council shall not consent to clearing for purposes other than the erection of a building unless the applicant is able to demonstrate that exceptional circumstances exist. Such circumstances shall not include the use of the land for agriculture.

Again, alternatives exist which would not require the removal of any trees.

The proposal is otherwise generally consistent with the Development Control Elements of DCP 21.

Flooding

The high flood level (HFL) for this locality is estimated at 3.75m AHD. The contour levels at the proposed locations of the shed and stockyards is 4.99m AHD and the 4.00m AHD.

Flora and Fauna

The assessment for the subdivision identified a number of species on the subject land for which an eight part test was conducted. This resulted in the easements being identified on the subdivision plan as Drainage Reserve/Wildlife Corridors and the general prohibition of further tree removal.

Planning Comment

The stockyard and the farm shed are permissible with consent, but may cause a conflict with the adjoining rural residential housing. The access road would require the removal of some trees, which the DCP prohibits. The access road may also conflict with the intended purpose of the easement as a drainage reserve and wildlife corridor.

A preferred location for the stockyards and farm shed was identified adjacent to Lot 19 [\(Appendix E\)](#), which is owned by the applicant. This site has better access and is considered to have less impact on neighbours. The applicant was invited to submit an amended application to move the proposal to the preferred location. The applicant has responded [\(Appendix F\)](#), and declined to amend the proposal. This submission claims the proposed site is an approved future house site,

however there is no approval for this and no detailed assessment for a dwelling has been made.

Public Exhibition

The proposal was advertised in accordance with Council's Policy with ten (10) objections [\(Appendix G\)](#) having been received, which may be summarised as follows:

Objection	Planning Comment
1 The proposal is contrary to Clause 51 of KLEP '87 and to DCP 21.	1 a) The location of the farm shed may conflict with the Zone objectives. The access road is considered to be contrary to Clause 51.2a of KLEP 87, if it requires the removal of any trees. b) The proposal is generally consistent with DCP 21 except if the access road requires the removal of any trees.
2 The stockyards will increase insects, odour and noise from cattle.	2 Noise and odour can be policed in accordance with the Protection of the Environment Operations Act.
3 Vehicle access to the proposal is not appropriate and will cause unnecessary noise from trucks in the area.	3 If the access road is able to be built without the need to remove trees or the need for drainage structures Council consent is not required. Use of the access road for trucks is likely to be infrequent.

A follow-up submission has been received, signed by eight (8) of those objectors [\(Appendix H\)](#). This submission claims the proposal is a rural industry and a cattle stockyards which are prohibited within the 1(c) Zone. However, the development would not fit the definitions of those uses, and are considered to be permissible with consent.

REPORT IMPLICATIONS:

- ***Environmental***

The proposed location of the farm shed and stockyards has no significant fauna or flora impact. However, the proposed access way is along a Drainage Reserve/Wildlife Corridor. Construction

of this access will necessitate the removal of a number of melaleuca trees.

- ***Social***

The proposed stockyard and farm shed is considered likely to have an impact on the amenity of the locality.

- ***Economic (Financial)***

The proposed stockyard and farm shed facilitate the continued general agricultural use of the land.

- ***Policy or Statutory***

The application has been assessed under Section 79 (c) of the Environmental Planning and Assessment Act 1979.

2005. 212 RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Howell*

- A. That the applicant be invited to submit amended plans providing for an alternative location for the farm shed and access road which would result in less potential impacts on adjoining residents.**
- B. That the applicant be advised that unless amended plans which address the access concerns are submitted or written advice provided as to be the intention to submit the requested plans within fourteen (14) days of notice being given, that consent be refused for the following reasons.**
 - 1. The location of the stockyard and farm shed is likely to create a conflict with the amenity of the rural residential locality.**
 - 2. The access is not in accordance with Kempsey Local Environmental Plan having regard to the likely impact on the vegetation within an identified Drainage Reserve.**
 - 3. There exists an alternative location on the land that would reduce amenity and environmental impacts.**
- C. That the objectors be advised of Councils decision.**

At this stage, 11.07am, Councillors Saul and Walker returned to the Chambers.

DSDS10	SOUTH WEST ROCKS OPEN SPACE STRATEGY – SALE OF LOCAL PARKS /
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RESERVES

FILE: T4-88A 527 PMK

{Folio No. 294041}

SUMMARY:

Reporting on the submissions from the public exhibition of the Draft South West Rocks Open Space Strategy.



BACKGROUND

Council at its meeting of 12th October 2004 considered an open space study prepared by consultants ERM for South West Rocks and resolved that the study be advertised for comment for a period of 30 days and, in accordance with Council's community consultation policy, that a public meeting be held.

The purpose of the study was:-

- To undertake an analysis of the availability and adequacy of local and district open space facilities, and
- To identify existing shortfalls and likely future requirements, and
- To make recommendations for the future management of the local and district open spaces.

The study was to look at District and Local Open Space but not Regional Open Space or sporting facilities. It was proposed that the resulting strategy will supersede Development Control Plan No 10, Provision of Open Space for South West Rocks. It should be noted that DCP 10 includes the provision of sporting facilities as well as Local and District Open Space. These will need to be considered separately.

Public Exhibition and Submissions

The Draft Strategy was put on exhibition from 26th October to 10th December 2004 and a public meeting was held in South West Rocks on the 25th November at 5pm.

Twenty (20) submissions have been received and these are summarised below. The issues raised below were included in more than one submission. Copies of the full submissions are attached. [\(Appendix D1\)](#)

Submission	Comment
1 Overall objection to the sale of the reserves All submissions object to the sale of the reserves	1 Noted – see report. Noted – see report.

- (3) Spencers Creek Road
- (6) Dennis Crescent
- (13) Kevin Hogan Place
- (15) Victor Perry Place

All submissions object to the investigation of the following reserves with the intention of possible sale or trade-off with adjoining developers:-

- (4) Trevor Judd Drive /Gregory Street
- (5) Belle O'Connor Street /Dennis Crescent
- (12) Currawong Crescent

The community made its objection to the liquidation of open space known in 2003 when the proposal was first put up. No mention was made of the review of DCP 10 at that stage.

The Local Government Act states that the Council does not have the authority to sell public lands.

2 **Requirement for overall planning for open space in the locality**

Different consultants give different opinions on open space. Parsons Brinkerhoff in 2003 stated the SWR needs more wildlife corridors and open space and now ERM states there is an excess. How is this to be reconciled.

Sale of the reserves seems to relate to Council's expectation that SWR will double in size by 2016. This must not happen and consultation is needed on

The sale of these reserves is not now proposed.

This process was commenced in 2003. The consultant's report and the review of DCP 10 are the outcome of that process.

Section 32 of the Local Government Act allows S94 land to be reclassified as operational land but money from sale of such land must be used as though it were part of the S94 funds associated with the original purpose of the land.

2

The Parsons and Brinkerhoff Report did not deal with the specific supply of local and district open space. It was a report that identified the overall studies that need to be undertaken for the area rather than one that dealt with specific issues.

Growth of the South West Rocks area will be in accordance with the master planning currently being undertaken and the Residential

the issue.

The assumption that the population is aging is flawed, A high school would change the demographics so that young people stay.

Population statistics are flawed as the infrastructure is not adequate to deal with the proposed expansion and so the area will not be developed unless serious environmental pollution results.

Council needs to take into account the influx of visitors, not only during the holiday season but also during winter months when a significant number of southerners visit us on a long term basis.

Consultants working in the area are not provided with information from other studies being done and so work in the dark

Wildlife corridors required under the North Coast REP have not been provided and the reserves recommended for sale or investigation should be set aside to meet this requirement. Such corridors should be incorporated into a new LEP for South West Rocks.

Council should demand larger parcels of land for wildlife corridors and recreational activities in the Walls and other subdivision.

Open space planning issues such as the proposed Boyter's

Land Release Strategy.

The Australian population is aging and areas such as South West Rocks have been aging faster than the average due to in-migration of older retirees and out-migration of young people. No firm proposal exists for a high school in South West Rocks.

This is a separate issue to the proposed rationalisation of local parks.

This is acknowledged and the area has a significant amount of regional open space that deals with visitor demands.

Studies are provided to consultants as soon as they are available.

Planning in new areas subject to master plans and rezoning will deal with fauna and flora requirements.

Lane sports fields and the potential for a high school for the area have been omitted.

Some parks have been omitted eg Buchanan Dr, Mattys Flat and New Entrance Road.

A comprehensive open space strategy should be prepared that includes sport, active and passive recreation use, the regional as well as local and district system and wildlife corridors.

3 **Community consultation is not adequate**

The local Aboriginal people from the Fig Tree Estate have not been consulted on the parks with significance for them.

It is not understood how the consultants gauged the public interest on this issue as they at no time investigated the public interest through community consultation of the village.

Consultation was too late and not comprehensive enough.

4 **Insufficient information**

There was insufficient and/or misleading information about the location of the parks and open spaces e.g. the reserve at the end of Kevin Hogan Place (13) is also accessed off New Entrance St and would have been more easily identified if it were given that address.

5 **Community expectations**

Blocks are purchased because they are adjacent to reserves. A resident has the right to believe that a reserve will

This report only deals with local and district open space, which is provided in accordance with the proportion of residential development in an area.

3

The parks proposed for sale have no significance for Aboriginal heritage issues and were dedicated in conjunction with Council approved subdivisions.

The public interest has been considered through the process from 2003 to the public exhibition of this document.

4

A map giving the exact location of each area considered was included in the report.

5

The Local Government Act allows Council to review the suitability of any reserve for retention or disposal.

remain a reserve.

6 Criteria for size and location of reserves

Universal standards from other communities are not necessarily suitable for ours.

If a piece of land is large enough to sustain residential development, it is large enough for open space.

Open space need not be embellished. Grass and trees are fine.

The community is willing to maintain these areas. Some areas are already maintained by the community.

Council should look at its Crime Prevention Policy in this regard.

7 Comments on specific reserves

The Reserve in Spencers Creek Rd (3) forms a buffer between the residential and industrial development and should be retained and extended as a legitimate wildlife corridor.

The Kevin Hogan Place reserve (13) is an established children's playground and the local residents will suffer if it is sold.

Sale of Victor Perry Place reserve (15) will mean the loss of playground and potential pedestrian cycleway link.

The investigation of the Trevor Judd and Gregory Street reserve (4) for sale should wait

6

These standards provide a baseline for the supply of local and district open space in communities all over Australia.

Provision of open space is a matter for appropriate policy of Council, to determine suitability of any land parcel.

Embellishment is dependent upon the type of recreational use of the land.

Council support community maintenance of public open space, where appropriate.

The Crime Prevention Policy promotes the community adoption of local parks to reduce vandalism.

7

This reserve was specifically put aside as a wildlife corridor and it is not recommended for sale.

Not recommended for sale as it contains services, including drainage.

Cycleway link may be retained. Playground to be located within reasonable proximity.

Not recommended for sale as it contains services.

until the completion of the case in the Land and Environment Court case.

The Trevor Judd / Gregory St reserve is also used as a utilities area with storm water, sewerage access and an electrical sub station so the land will be difficult to build on.

We were informed by Council that Trevor Judd was to be a cul de sac. It was then extended to become a through road. We bought the block because it was in a cul de sac and adjacent to a reserve and I am disappointed and angered by the decision to get rid of this reserve. I have always mowed it and picked up rubbish and my neighbours and I have started to plant native trees on the block to keep it tidy and presentable.

Dennis Crescent (6). The community in the Belle O'Connor area have no other recreation areas in walking distance and they look after the parks themselves. There are approximately 20 children in the development area.

The land west of Gordon Young Drive, almost $\frac{3}{4}$ of which is listed for short term residential development, should be set aside as it is the only belt of swampland left in the SWR region providing an environment suitable for the specialised fauna and flora of this region.

The proposed cycle/ pedestrian system to the east will provide useable open space for this area.

This will be considered in the context of the master plan currently being undertaken for the area.

Proposal

Following consideration of submissions, and review of the ERM Open Space Strategy ([Appendix E1](#)) it is considered that the following parks are suitable for sale:

- Dennis Crescent (6) - sell to adjoining owners, retain pedestrian link
- Albert Harrower Crescent (7) - sell and provide facilities on road reserve adjacent to golf course.
- Arthur Street (east) (8) - sell, retain road reserve
- Victor Perry Place (15) - sell, retain pedestrian link
- Raffertys Crescent (17) - sell proportion, retain bushfire protection zone

The proceeds from the sale of this land is to be used for ongoing implementation of the works identified in the Outdoor Recreation 2001 Section 94 Contribution Plan. The Contribution Plan provides a summary of works for South West Rocks. It is expected that the detail of these works will include the provision of the cycleway/walkway route currently being considered by Council. It is recommended that Council prepare a management plan for the provision of the cycleway/walkway, and play equipment facilities at appropriate locations along the route.

DCP 10- Provision of Open Space for South West Rocks and Immediate Districts is to be replaced by the locational criteria [\(Appendix F1\)](#) recommended by ERM. This will provide interim guidelines pending the outcome of the investigation of future urban release areas for South West Rocks. At that time, a more definitive approach to the provision of public open space will be brought forward.

Process

Council must reclassify the subject lands from community to operational land before disposal. Sections 27(2) and 32 of the Local Government Act 1993 allows Council to reclassify land by resolution if:-

- The land was dedicated to Council in accordance with a condition imposed under Section 94 of the Environmental Planning and Assessment Act.
- Council is satisfied the land is unsuitable for the provision of public open space because of one or more of the following:-
 - the size of the land
 - the shape of the land
 - the topography of the land
 - the location of the land
 - the difficulty of providing public access to the land.

Council must identify the grounds on which it is satisfied the land is unsuitable. Before making the resolution, Council must give public notice of the proposed resolution, of not less than twenty eight (28) days, during which submissions may be made to Council.

The net proceeds of sale must be directed to the Section 94 fund for the provision and augmentation of public open space in South West Rocks.

The repeal of DCP 10 requires the Council to give public notice of its intention not less than fourteen (14) days prior to giving public notice of its repeal.

REPORT IMPLICATIONS:

- **Environmental**

No significant environmental affect.

- **Social**

Provides for usable and manageable open space for South West Rocks residential areas for the future.

- **Economic (Financial)**

Limited funds may be made available for the sale of reserves to upgrade open space.

- **Policy or Statutory**

Section 32 of the Local Government Act requires Council to provide the following assessment of each parcel to be reclassified to operational:-

	Dedicated under Section 94	Reasonable land unsuitable
Dennis Crescent (6)	Yes	Size, shape and location
Albert Harrower (7)	Yes	Size and location
Arthur Street (east) (8)	Yes	Location
Victor Perry Place (15)	Yes	Size, shape and location
Raffertys Crescent (17)	Yes	Location

Director Sustainable Development Services Recommendation:

A. That Council give public notice of its intention to resolve to reclassify the following land:

Part Lot 122 DP1051855	Dennis Crescent
Lot 39 DP819591	Albert Harrower Crescent
Lot 81 DP805382	Arthur Street (East)
Part Lot 132 DP829565	Victor Perry Place
Part Lot 26 DP844106	Rafferty Crescent

B. That Council prepare a Plan of Management to provide a cycleway/walkway (with play equipment and facilities at appropriate locations) along the road reserve from the playing fields precinct to Spencerville.

- C. That Council give notice of its intention to repeal DCP 10 for the following reasons:-**
- a. DCP 10 has served its purpose for the development of South West Rocks; and**
 - b. more relevant locational criteria will be adopted as an interim measure pending more definitive requirements for open space provision that will come forward in the planning of the new release areas in South West Rocks.**
- D. That people who made a submission be thanked for their input.**

2005. 213 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Sowter*

- A. That Council give public notice of its intention to resolve to reclassify the following land:**
- | | |
|-------------------------------|---------------------------------|
| Part Lot 122 DP1051855 | Dennis Crescent |
| Lot 39 DP819591 | Albert Harrower Crescent |
| Lot 81 DP805382 | Arthur Street (East) |
| Part Lot 132 DP829565 | Victor Perry Place |
| Part Lot 26 DP844106 | Rafferty Crescent |
- B. That Council prepare a Plan of Management to provide a cycleway/walkway (with play equipment and facilities at appropriate locations) along the road reserve from the playing fields precinct to Spencerville.**
- C. That Council give notice of its intention to repeal DCP 10 for the following reasons:-**
- a. DCP 10 has served its purpose for the development of South West Rocks; and**
 - b. more relevant locational criteria will be adopted as an interim measure pending more definitive requirements for open space provision that will come forward in the planning of the new release areas in South West Rocks.**
- D. That the land in this report be the subject of a Works Inspection.**
- E. That people who made a submission be thanked for their input.**

DSS23	APPLICATION FOR PUBLIC GRID - DUNGAY CREEK ROAD
FILE: 27 APV	{Folio No. 294213}

SUMMARY:

Reporting on an application for permit to construct 3 cattle grids along Dungay Creek Road.



Applications to construct 3 public cattle grids along Dungay Creek Road have been received from Wittittrin Pastoral Company. The proposal has been advertised as required under the Roads Act. Several objections have been received relating to the proposal.

The Wittittrin Pastoral Company are the owners of the property fronting approximately a 5 kilometre length of Dungay Creek Road, for most of which the property is bisected by the road.

The Company currently has approval for 2 cattle grids, which have not been maintained and are no longer effective. The proposal is to renew and replace 2 of these grids and to erect a new 3rd grid. [Appendix M](#)

Five submissions were received regarding the proposal, four of which expressed some concerns and one submission supported the application. Copies of the submissions have been provided to Councillors. Several of the submissions included comments regarding the proposal to conduct an off-road racing event in the vicinity. Comments relating to the off-road racing event have not been considered in this report as they should be considered in conjunction with that particular development application.

The objections relate mainly to the concerns regarding safety caused by the construction of 3 narrow grids and the ongoing maintenance of those grids.

The current Council Policy is currently being reviewed and updated. The policy currently states that "the motor bypass grid shall provide and clear roadway width of 3.6m when erected on a minor road standard and 7.2 m when erected on a secondary or primary road." It is proposed that the new policy contain a clause to the effect that the width of any new grid be constructed, as a minimum, at the same width as the adjoining road. Council has expended considerable funds in recent years to widen and improve some of our rural roads, including Dungay Creek Road. The construction of grids at widths less than the widened formation would negate Council's efforts to provide a safer, wider road.

Under the Roads Regulation 2000, the holder of a permit must ensure that the road approaches to the gate are maintained in good condition. Wittittrin Pastoral Company has indicated that they are considering sealing the immediate approaches to the grids.

From a traffic safety perspective, ideally stock should be contained by fences within the property and not allowed to graze the road reserve. However, in this instance, given the traffic volumes, the existing permits for 2 grids and the extensive length of property bisected by the road reserve, it is recommended that the applications be approved.

The landholder will be required to provide evidence that Council is indemnified against public liability claims arising from the public grid. The landholder will be responsible for the ongoing maintenance of the grid and for the erection and maintenance of appropriate warning signage.

REPORT IMPLICATIONS

- ***Environmental Implications***

As per the report.

- ***Social Implications***

As per the report.

- ***Economic (Financial) Implications***

There are no financial implications as all costs will be borne by the applicant.

- ***Policy or Statutory Implications***

This proposal has been advertised as required by the Roads Act.

Council's policy is being renewed and the comments in this report reflect the proposed changes.

- ***Director's Review***

Council is asked to support the recommendation.

Director Shire Services Recommendation:

That a permit be granted to Wittitrin Pastoral Company to erect three public grids and associated gates across Dungay Creek Road and that the width of those grids be the same as the adjoining road.

MOVED:

***Moved: Cl. Hunt
Seconded: Cl. Green***

That the application be denied.

The MOTION was PUT to the Meeting and was LOST.

MOVED:

*Moved: Cl. Sowter
Seconded: Cl. Saul*

That a permit be granted to Wittitrin Pastoral Company to erect three public grids and associated gates across Dungay Creek Road and that the width of those grids to be in line with Council's present policy of 3.6m.

That the landholder be required to provide evidence that Council is indemnified against public liability claims arising from the public grid and be responsible for the ongoing maintenance of the grid and for the erection and maintenance of appropriate warning signage.

An Amendment was MOVED:

*Moved: Cl. Hunt
Seconded: Cl. Bowell*

That a permit be granted to Wittitrin Pastoral Company to erect three public grids and associated gates across Dungay Creek Road and that the width of those grids to be 7.2m.

That the landholder be required to provide evidence that Council is indemnified against public liability claims arising from the public grid and be responsible for the ongoing maintenance of the grid and for the erection and maintenance of appropriate warning signage.

The AMENDMENT was PUT to the Meeting and was LOST.

2005. 214 The MOTION was PUT to the MEETING and was CARRIED.

Councillors Green and Hunt recorded their votes against the foregoing Resolution.

DSS25	APPLICATION FOR PUBLIC GATE – UNNAMED ROAD OFF MARIA RIVER ROAD
FILE: 27	APV {Folio No. 294215}

SUMMARY:

Reporting on an application for a Public Gate across an un-named road off Maria River Road.



An application has been received by the owner of Lot 9 DP 264120 to erect a public gate across unnamed road immediately east of its intersection with Maria River Road. The un-named road is a Dedicated Public Road that is not maintained by Council and is approximately 8.7 kilometres along Maria River Road.

The proposal has been advertised in accordance with the Roads Act and 1 objection has been received to the proposal. A copy of the objection can be made available to Councillors.

Although the gate has been known to have been erected for over 40years, no records exist at Council of a permit having been issued and the gate is currently not listed on Council's Public Gate and Grid Register.

The proponent wishes to formalise the existing gate by way of a public gate permit, but is unwilling/unable to erect a grid. The owner of the adjoining property (Lot 18) has requested that Lot 9 be fenced to eliminate the need for a public gate. Alternatively, the owner of Lot 18 has requested that a public grid be constructed and has indicated his willingness to contribute towards its cost. Currently approximately 500m of Lot 9 fronting the unnamed road is unfenced.

The unnamed road provides access to 7 properties including 4 dwellings. Clause 2 of Council's existing policy M12:11 Public Gates / Public Grids (copy attached [\(Appendix O\)](#)) states that hinged gates without an associated grid may, with the consent of Council, be erected on a though road depending on the location of the road, traffic volume and type, property served and other circumstances.

Clause 3 of Council's existing policy states that 'should a objection or complaint be received concerning a hinged gate by a person using the road, the Council may require the hinged gate to be replaced within six (6) months of receipt of the complaint by a grid/gate combination depending on the location of the road, traffic volume and type, property served and other circumstances.'

Council's procedures for Application for Permission to erect a public gate and bypass states that 'Where applicable, the consent in writing of adjoining owners is to accompany the application'.

In considering the application, Council needs to take into account the fact that a gate has existed at this location for may years, albeit not approved, and that an objection has been received from the adjoining owner and user of the road.

It is recommended that Council require the hinged gate to be replaced within 12 months by a grid / gate combination. The width of the grid should match the adjoining road width ie 3.6m.

REPORT IMPLICATIONS:

▪ ***Environmental Implications***

There are no environmental implications.

▪ ***Social Implications***

As per the report.

- ***Economic (Financial) Implications***

There are no financial implications arising from the following recommendations, as any costs would be borne by the property owners.

- ***Policy or Statutory Implications***

Advertising has been undertaken required by the Roads Act.

- ***Director's Review***

Council is asked to support the recommendation.

Director Shire Services Recommendation:

- 1. That a permit be granted to owner of Lot9 DP264120 to erect a public grid and bypass gate at the start of the unnamed Public Road, 8.7 kilometres along Maria River Road.**
- 2. That the owner of Lot9 DP264120 replaces the existing gate within 12 months with a grid / gate combination.**

MOVED:

*Moved: Cl. Bowell
Seconded: Cl. Green*

- 1. That a permit be granted to owner of Lot9 DP264120 to erect a public grid 3.6m wide and bypass gate at the start of the unnamed Public Road, 8.7 kilometres along Maria River Road.**
- 2. That the owner of Lot9 DP264120 replaces the existing gate within 12 months with a grid / gate combination.**
- 3. That the landholder be required to provide evidence that Council is indemnified against public liability claims arising from the public grid and be responsible for the ongoing maintenance of the grid and for the erection and maintenance of appropriate warning signage.**

An Amendment was MOVED:

*Moved: Cl. Sowter
Seconded: Cl. Saul*

That the gate be left as is.

2005. 215

The AMENDMENT was PUT to the MEETING and was CARRIED became the MOTION and was CARRIED.



ADOPTION OF AGENDA ORDER OF BUSINESS

2005. 216

RESOLVED:

Moved: Cl. McWilliam

Seconded: Cl. Hunt

That the Agenda Order of Business be adopted.

MAYORAL SUPPLEMENTARY REPORT

MM1

CONDUCT OF ORDINARY MEETINGS

FILE: * JACH

{Folio No. *}

SUMMARY:

We can always improve the way in which we conduct the business of council and with this in mind, I intend to move the following motion.



Mayoral Recommendation:

That enquiries be made of a selection of other LGAs as to the way in which they conduct their Ordinary Council meetings with a view to streamlining the way Kempsey Shire Council conducts its meetings.

2005. 217

RESOLVED:

Moved: Cl. Hayes

Seconded: Cl. Bowell

That enquiries be made of a selection of other LGAs as to the way in which they conduct their Ordinary Council meetings with a view to streamlining the way Kempsey Shire Council conducts its meetings.

MM2

INVITATION FROM DUMARESQ COUNCIL

FILE: * JACH

{Folio No. *}

SUMMARY:

I am in receipt of a letter from Mr. Shane Burns, General Manager of Armidale Dumaresq Council ([Appendix A](#)) inviting councillors and senior staff to visit their LGA to gain a "greater understanding of the proposal and processes that will be followed in assessing the proposed site east of Armidale to establish a landfill".

This invitation comes as a result of the meeting with Cr Brian Chetwynd last week.

Mayoral Recommendation:

That a date be set to visit Armidale Dumaresq in relation to the proposed landfill site and that those wishing to attend indicate at this meeting.

.....
J A C Hayes
MAYOR

2005. 218 RESOLVED:

Moved: Cl. Hayes
Seconded: Cl. Powell

That the date be set at the Resource Sharing Meeting Friday 15th April 2005, for visit Armidale Dumaresq in relation to the proposed landfill site and that those wishing to attend indicate at this meeting.

NOTICE OF MOTION

NOM1

MENTAL HEALTH CARE
FILE: 419 ELJ

{Folio No. 294006}

I hereby intend to move the following Notice of Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday, 12th April 2005.

"That the North Coast Area Health Service be requested to provide details of presentations to Kempsey District Hospital;

- a. Either by way of the particularly Emergency Department or the Mental Health Wing and such persons were referred to Coffs Harbour or Manning Base Hospitals for "involuntary" mental health care.***
- b. Of inmates of the Mid North Coast Correctional Centre requiring treatment at Kempsey District Hospital in the particularly within the Emergency Department or High Dependency Unit.***

That item b. of this motion be referred to General Manager Bruce Mercer, Mid North Coast Correctional Centre."

NOTES

Councils Health Services committee has listed Mental Health as the most high priority.

The North Coast Area Health Service Draft Health Care Services Plan 2005-2008 includes

"Key Challenges

Mental Health Services

There is significant difficulty in accessing scheduled beds for involuntary patients.

The difficulty in accessing mental health services in a timely manner results in heightened risk for staff working in Emergency Departments."

The Recommendations within the Plan make no reference to the Mental Health situation at Kempsey District Hospital whilst Mental Health at Port Macquarie Base Hospital is recognized as requiring immediate attention

.....
COUNCILLOR J H BOWELL

2005. 219 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Hunt*

- 1. That the North Coast Area Health Service be requested to provide details of presentations to Kempsey District Hospital;**
 - a. Either by way of the particularly Emergency Department or the Mental Health Wing and such persons were referred to Coffs Harbour or Manning Base Hospitals for "involuntary" mental health care.**
 - b. Of inmates of the Mid North Coast Correctional Centre requiring treatment at Kempsey District Hospital in the particularly within the Emergency Department or High Dependency Unit.**

That item b. of this motion be referred to General Manager Bruce Mercer, Mid North Coast Correctional Centre.

- 2. That Mr Chris Crawford be invited to visit Kempsey to discuss these items.**

The Mayor noted that the foregoing resolution was passed unanimously.

NOM2	KEMPSEY DISTRICT SILVER BAND
FILE: * ELJ	{Folio No. 294007}

I hereby intend to move the following Notice of Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday, 12th April 2005.

"That Council investigate ways and means of assisting the Kempsey and District Silver Band to obtain permanent

accommodation for the rehearsal sessions and storage of equipment."

NOTES

The Band has been in existence for 119 years and provided entertainment for many residents and visitors. It also provides an opportunity for young people to become involved, not only in music but an organisation, providing benefit to the community.

The Band is currently accommodated temporarily in premises made available by Mr Eric Sussman. The Kempsey RSL Club, prior to the decision to refurbish the premises, had provided an area for the Band.

Kempsey and District Silver Band is indeed an Icon of the Macleay Valley and deserves recognition and support.

.....
COUNCILLOR J H BOWELL

2005. 220 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. McWilliam*

That Council investigate ways and means of assisting the Kempsey and District Silver Band to obtain permanent accommodation for the rehearsal sessions and storage of equipment.

NOM3	CARAVAN PARKS AND GOOLAWAH CAMPING GROUND
FILE: * GBS	{Folio No. 294008}

I hereby intend to move the following Notice of Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday, 12th April 2005.

"That Council invite expressions of interest for the operation and development of caravan parks at Grassy Head, Stuarts Point, Hat Head and Crescent Head, together with the primitive camping ground at Goolawah from 1 July 2006."

.....
COUNCILLOR J H BOWELL

2005. 221 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Sowter*

That Council invite expressions of interest for the operation and development of caravan parks at Grassy Head, Stuarts Point, Hat Head and Crescent Head, together with the primitive camping ground at Goolawah from 1 July 2006.

NOM4

KEMPSEY SALEYARDS

FILE: 486 GBS

{Folio No. 294009}

I hereby intend to move the following Notice of Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday, 12th April 2005.

"That Council invite expressions of interest for the operation and development of Council's Saleyards."

.....
COUNCILLOR J H BOWELL

2005. 222 RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

That Council invite expressions of interest for the operation and development of Council's Saleyards.

NOM5

COMMUNITY SERVICES DEPARTMENT

FILE: * KJF

{Folio No. 294010}

I hereby intend to move the following Notice of Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday, 12th April 2005.

"That the Director of Shire Services present a report on the partially funded positions and programs within the Community Services Department of Council, so Councillors are made aware of the full cost to the ratepayers, of such positions and programs."

.....
COUNCILLOR D F SAUL

MOVED:

*Moved: Cl. Saul
Seconded: Cl. Bowell*

That the Director of Shire Services present a report on the partially funded positions and programs within the Community Services Department of Council, so Councillors are made aware of the full cost to the ratepayers, of such positions and programs.

An Amendment was MOVED:

*Moved: Cl. Green
Seconded: Cl. Hunt*

That a report be prepared and submitted to Council, which includes;

- 1. A list of all grants across all departments of Council**
- 2. Extent of Council's required input**

3. The length of grants i.e. once only application or annual
4. The outcomes if the grant ceases

2005. 223

The AMENDMENT was PUT to the MEETING and was CARRIED became the MOTION and was CARRIED.

NOM6	DCP22 COMMITTEE	
	FILE: 145 AVB (NRN)	{Folio No. 294011}

I hereby intend to move the following Notice of Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday, 12th April 2005.

"That the DCP22 Committee for Crescent Head be revoted."

NOTE

Because the election of members was by secret ballot and does not comply with the Local Government (Meetings) Regulation 1999 Clause 24.

.....
COUNCILLOR J C GRIBBIN

MOVED:

*Moved: Cl. Gribbin
 Seconded: Cl. Walker*

That the DCP22 Committee for Crescent Head be revoted.

An Amendment was MOVED:

*Moved: Cl. Powell
 Seconded: Cl. Walker*

That Council await a response from Director General, Department of Local Government on the determination of the voting procedure.

2005. 224

The AMENDMENT was PUT to the MEETING and was CARRIED became the MOTION and was CARRIED.

Councillor Gribbin recorded his vote against the foregoing Resolution.

NOM7	PROPOSED CUSTOMER FIRST CENTRE	
	FILE: 398 AVB (NRN)	{Folio No. 294013}

I hereby intend to move the following Notice of Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday, 12th April 2005.

"That in conjunction with the Draft 2005 / 06 Budget, Council be provided with a total estimated cost of the proposed Customer First Centre including:-

- ***Office restructure – buildings, furniture and fittings***
- ***Staff training***
- ***Additional staff***
- ***Introduction of hotelier system, swipe card access, NEC phone system***
- ***Staff salaries, pay systems and uniforms"***

.....
COUNCILLOR J H BOWELL

2005. 225 RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Green*

That in conjunction with the Draft 2005 / 06 Budget, Council be provided with a total estimated cost of the proposed Customer First Centre including:-

- **Office restructure – buildings, furniture and fittings**
- **Staff training**
- **Additional staff**
- **Introduction of hotelier system, swipe card access, NEC phone system**
- **Staff salaries, pay systems and uniforms**
- **The cost of renovating of the current facility or layout to acceptable OH&S requirements**

.....
COUNCILLOR J H BOWELL

NOM8	TREE PRESERVATION ORDERS
FILE: 544 RBP (NRN)	{Folio No. 294014}

I hereby intend to move the following Notice of Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday, 12th April 2005.

"That Council's Tree Preservation Order be reviewed to take into consideration:

- 1. The provisions of the Bushfire Legislation and***
- 2. The situation relating to the trees on an allotment residential land, where the height of the tree is greater than the distance between the base of the tree and a dwelling."***

.....
COUNCILLOR J H BOWELL

2005. 226 **RESOLVED:**

*Moved: Cl. Howell
Seconded: Cl. Walker*

That Council's Tree Preservation Order be reviewed to take into consideration:

- 1. The provisions of the Bushfire Legislation and**
- 2. The situation relating to the trees on an allotment residential land, where the height of the tree is greater than the distance between the base of the tree and a dwelling.**

NOM9	STEPS AT THE SCHOOL OF ARTS BUILDING SOUTH WEST ROCKS FILE: LA5092 KJF (NRN)	{Folio No. 294016}
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I hereby intend to move the following Notice of Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday, 12th April 2005.

"That funds be made available prior to 30th June 2005 to replace the steps and handrails at the rear of the School of Arts building in South West Rocks and if funds are made available that works commence as a matter of urgency."

NOTE:

I am told that the cost would be between \$2,000 and \$2,500.

.....
COUNCILLOR R MC WILLIAM

2005. 227 **RESOLVED:**

*Moved: Cl. McWilliam
Seconded: Cl. Walker*

That funds be made available prior to 30th June 2005 to replace the steps and handrails at the rear of the School of Arts building in South West Rocks and if funds are made available that works commence as a matter of urgency.

RESCISSION MOTION

RM1	CRESCENT HEAD BOATRAMP FILE: 354 KJF (NRN)	{Folio No. 294025}
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Notice is hereby given that we intend to move the following Rescission Motion at Ordinary Meeting of Kempsey Shire Council on 12th April 2005.

That resolution number 2005.143 from the Ordinary Meeting held 8th March 2005, as printed below;

"That the WADAMP grant funding in the amount of \$11,000 be accepted for the refurbishment of the Crescent Head Boat Ramp and that \$10,000 be provided from Loan Funds for Council's contribution for the refurbishment of the Crescent Head Boat Ramp."

be rescinded.

.....
COUNCILLOR J H BOWELL

.....
COUNCILLOR E A GREEN

.....
COUNCILLOR T L HUNT

NOTE:

Even if the Boat Ramp is refurbished it will not make it useable due to the continual build up of sand.

If the Rescission Motion is successful we intend to move the following Motion:

- "1. That Crescent Head Boat Ramp be not refurbished.**
- 2. That the provision of a boat ramp at Crescent Head be discussed with the Management of Crescent Head Caravan Park and the Crescent Head Country Club.**
- 3. That the Director Shire Services investigate an alternative site for a boat ramp to service the Crescent Head area."**

2005. 228 RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Green*

That resolution number 2005.143 from the Ordinary Meeting held 8th March 2005, as printed below;

"That the WADAMP grant funding in the amount of \$11,000 be accepted for the refurbishment of the Crescent Head Boat Ramp and that \$10,000 be provided from Loan Funds for Council's contribution for the refurbishment of the Crescent Head Boat Ramp."

be rescinded.

2005. 229 RESOLVED:

Moved: Cl. Bowell

1. That Crescent Head Boat Ramp be not refurbished.
2. That the provision of a boat ramp at Crescent Head be discussed with the Management of Crescent Head Caravan Park and the Crescent Head Country Club.
3. That the Director Shire Services investigate an alternative site for a boat ramp to service the Crescent Head area.

RM2	YOUTH INFORMATION AND REFERRAL CENTRE
FILE: 451 KJF (NRN)	{Folio No. 294026}

This Report was dealt with immediately following Public Forum.

This matter was deemed by the Mayor to be a matter of great urgency and was dealt with at this point in the meeting.

RM3	TRADE WASTE COLLECTION SERVICES
FILE: * CLR BRS	{Folio No. *} }

Notice is hereby given that we intend to move the following Rescission Motion at Ordinary Meeting of Kempsey Shire Council on 12th April 2005.

That resolution number 2005.201 from the Extraordinary Meeting held 4th April 2005, as printed below;

- "1. That Council approve of the replacement of the current rear loading vehicles with a single front lift vehicle at an estimated cost of \$400,000 to be funded?
2. That the current Trade Waste bins be retrofitted with appropriate side channels at an estimated cost of \$25,000 to be funded from the Trade Waste Services budget.
3. That proposed Trade Waste Service charges for 2005 / 06 incorporate flexible arrangements, which are equitable to both the customer and Council.
4. That Council actively market the Trade Waste Service."

be rescinded.

.....
COUNCILLOR J A C HAYES

.....

COUNCILLOR E A GREEN

.....
COUNCILLOR B R SOWTER

If the Rescission Motion is successful we intend to move the following Motion;

"That the Director Corporate Services provide a fully itemised estimate of all costs of the following;

- 1. The replacement of the current rear loading vehicles with a single front lift vehicle.***
- 2. The current Trade Waste bins being retrofitted with appropriate side channels.***
- 3. The proposed Trade Waste Service charges for 2005 / 06 incorporate flexible arrangements, which are equitable to both the customer and Council.***
- 4. Council actively marketing the Trade Waste Service.***

2005. 230 RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Howell*

That resolution number 2005.201 from the Extraordinary Meeting held 4th April 2005, as printed below;

- "1. That Council approve of the replacement of the current rear loading vehicles with a single front lift vehicle at an estimated cost of \$400,000 to be funded?**
- 2. That the current Trade Waste bins be retrofitted with appropriate side channels at an estimated cost of \$25,000 to be funded from the Trade Waste Services budget.**
- 3. That proposed Trade Waste Service charges for 2005 / 06 incorporate flexible arrangements, which are equitable to both the customer and Council.**
- 4. That Council actively market the Trade Waste Service."**

be rescinded.

MOVED:

*Moved: Cl. Sowter
Seconded: Cl. Hunt*

That the Director Corporate Services provide a fully itemised estimate at the budget meeting of 26th April of all costs of the following;

1. The replacement of the current rear loading vehicles with a single front lift vehicle.
2. The current Trade Waste bins being retrofitted with appropriate side channels.
3. The proposed Trade Waste Service charges for 2005 / 06 incorporate flexible arrangements, which are equitable to both the customer and Council.
4. Council actively marketing the Trade Waste Service.

An Amendment was **MOVED**:

*Moved: Cl. Howell
Seconded: Cl. **

That the Director Corporate Services provide a fully itemised estimate at the budget meeting of 26th April of all costs relating to Waste Management.

2005. 231 RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Walker*

That this item be deferred until after lunch break for further discussion.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

DSDS1	KEMPSEY MACLEAY OFF ROAD CLUB INC. FILE: T6-05-12 GGL {Folio No. 294027}
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This Report was dealt with immediately following Public Forum.

DSDS2	PROPOSED ERECTION OF A FARM SHED AND STOCKYARD LOT372 DP1070288 NEVILLE MORTON DRIVE, DULCONGHI HEIGHTS FILE: T6-04-619 GGL {Folio No. 294028}
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This Report was dealt with immediately following Public Forum.

DSDS3	TWO LOT SUBDIVISION LOT814 DP853700 LEFT BANK ROAD, KINCHELA CREEK FILE: T6-05-78 AJC {Folio No. 294029}
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This item was withdrawn.

**DSDS4 THREE DWELLINGS AND STRATA
SUBDIVISION - LINKS VIEW CLOSE, SOUTH
WEST ROCKS
FILE: T6-04-445 TJN {Folio No. 294030}**

This item was withdrawn.

**DSDS5 THREE RESIDENTIAL UNITS LOT32
DP855717 No.16 PARAGON AVENUE,
SOUTH WEST ROCKS
FILE: T6-04-509 TJN {Folio No. 294031}**

SUMMARY:

Reporting that Council has received an application to erect three (3) attached residential units for which one (1) objection has been received and requires the support of a SEPP 1 objection.

◇◇◇◇◇

Applicant: Ian Bassett
Subject Property: Lot 32 DP 855717
16 Paragon Avenue, South West Rocks
Zone: 2(c) Residential "C" Zone

Description of Proposal

The proposal involves the erection of three (3) attached two storey units with sub surface car parking.

Heads of Consideration

The proposal has been assessed having regard for the Heads of Consideration as identified under Section 79C(1) of the Environmental Planning and Assessment Act 1979 with the following matters deemed to be of particular relevance:-

The proposal is not considered to be contrary to the North Coast Regional Environmental Plan 1988 (NCREP 1988) or any State Environmental Planning Policy (SEPP).

Kempsey Local Environmental Plan 1987 (KLEP 1987)

The subject lot is zoned 2(c) under the provisions of KLEP 1987. The objectives of this zone are:-

- a. To increase the quality of residential and holiday accommodation within the central area of South West Rocks; and

- b. To allow development which is visually compatible with the existing development.

The proposal is defined as a "residential flat building" and is permissible with Council consent. The building is located within a medium-high density area characterized by two and three storey unit style development. The building is consistent in terms of bulk and scale with a number of nearby developments, and, as such, meets the objectives of the zone.

Clause 24

Clause 24 of KLEP 1987 sets a height limit of 2 storeys for the zone. Pursuant to State Environmental Planning Policy 6 – Number of Storeys in a Building, the proposal has 3 storeys as it incorporates a below ground car park. As a result the application requires the support of a SEPP 1 objection which the applicant has submitted (see height).

Clause 39

The land is affected by a Foreshore Building Line as defined by KLEP 1987. Council may, by way of resolution, alter this line where the conditions make it expedient to do so.

Background

On February 26th 1990 Council resolved to approve a 36 unit development on the subject land and adjoining allotments up to three stories in height. The building line approved under the development application is deemed to be a "fore shore building line" under clause 39 of KLEP 1987.

The current proposal incorporates a 1.5m encroachment into this line.

Council has altered this same line in the past. At its meeting of November 28th 1995, Council resolved to allow a 1 metre encroachment by a similar unit style development.

The applicant has formally requested that Council allow an encroachment into the building line. This can be summarized as follows:-

"When the DA was approved for the current subdivision, a large parcel of private land was passed over to Council to establish the foreshore area for public use, and this reduced the available site area for future developments.

The development we propose has been designed and orientated to align with the existing development on the adjoining site to the west. The siting of this development will have no adverse impact either on public land or the adjoining property, and along with the remedial work and landscaping to the northern embankment, will enhance this strip of foreshore".

No objection is raised to the variation for the following reasons:-

- a. The encroachment is only 500mm and relates to an open deck. The original fore-shore building line referred to the wall of the original application. Any visual impacts will be minimal.
- b. Considerable land extending to Saltwater Creek has been dedicated to Council. The building is to be set back 3.5 metres from the boundary, and approximately 30 metres from the original boundary.

The fore-shore building line in this case is of a variable width [\(Appendix R\)](#), with there being a very minor encroachment into this line, less than 500mm.

The new FSBL is to align with the outer edge of the balcony as seen in [\(Appendix S\)](#).

State Environmental Planning Policy 71

The proposal falls within the coastal zone as defined within the SEPP. As such it is proposed to have regard for the "Matters for Consideration" as outlined in Clause 8.

- a. The proposal is deemed to comply with the broader aims of the policy.
- b. The proposal is retained entirely within the subject lot and is not considered to interfere with public access to the foreshore. The site is surrounded by an extensive public reserve providing public thoroughfare to Saltwater Creek and eventually the Horse Shoe Bay Recreation Area.
- c. There is ample public access around the site meaning there is no requirement to enhance public accessibility as part of the proposal.
- d. The proposal is of similar bulk and scale to surrounding development and is considered suitable site development.
- e. The site is not located on a coastal foreshore and as such is not expected to overshadow any foreshore area. Views from the adjacent public reserve will not be unduly impacted upon.
- f. The structure is considered consistent with existing surrounding development and will not detract from the scenic qualities of the area.
- g. There will be no impact upon any threatened species, with a minimal amount of introduced flora to be removed to accommodate an asset protection zone (See PFBFP 2001)
- h. There will be no impacts on marine ecosystems.
- i. The lot is already cleared meaning there will be no impacts on wildlife corridors.
- j. There are no perceived impacts upon coastal processes.
- k. The site has no foreshore frontage so conflict between land and water based activities will be negligible.
- l. The site contains no items of Aboriginal or European cultural significance.

- m. The applicant is required to treat stormwater on site to an acceptable level to minimize any impacts on coastal water bodies.
- n. See (l)
- o. Not applicable as there is no rezoning proposed.
- p. The proposal complies with Council's energy smart homes criteria and is not expected to contribute to any negative cumulative environmental concerns.

Clause 16 requires the treatment of stormwater before discharge. The proposal includes detention, and it is proposed to require suitable treatment device as a condition of consent.

It is considered that the proposal complies with all aspects of SEPP 71, rejection of the application of the proposal on any such grounds is unjustifiable.

Development Control Plan 22 – Local Housing Strategy

The proposal is located in a medium-high density area as identified by DCP 22 and it is required to comply with the requirements:-

STANDARD	REQUIRED	PROPOSED	COMPLIES Y/N
Density	495m ²	1148m ²	Yes
Setbacks - side - front - rear	3m 5m 5m	3m 5.035m 3.75m	Yes
Carparking - resident - visitor - AS2890.1	3 covered 1 AS 2890.1	6 car spaces in total	Yes
Private open space	4x4m ² 25m ² in total per unit	4x4m ² >25m ² in total per unit	Yes
Landscaping - area - plan	165m ² Section 4.5	503m ² See PFBFP	Yes
Height	6.2m 2 storeys	6.2m 3 storeys	No
Solar access - sunlight - energy smart	Section 4.7 3.5 star rating	No solar access issues 3.5 star rating	Yes
Privacy	Section 4.8	No privacy issues	Yes
Cut and fill	1.5m max cut or fill	2.2m max cut	No
Erosion/ sediment control	Section 4.10	To be conditioned	Yes
Infrastructure	Section 4.11	Section 94 contributions to be payable	Yes

Height

The proposal requires the support of a SEPP 1 objection concerning the number of storeys. Under the provisions of SEPP 6 the proposal is a three (3) storey development including a below ground carpark, where the maximum allowable in the zone is two (2). Council has consistently allowed the additional storey within the zone, provided the height complies with the 6.2m limit and the building presents itself as being only two storeys.

The applicant has amended previously submitted plans to show a maximum height of 6.2m to the top plate over the entire building. The third storey is the result of the basement car park, and it does not contribute to the bulk of the building, nor does it give the appearance of being three storeys. It is recommended that Council resolve to support the variation to the 2 storey limit on the grounds that it complies with the overall height limit and will have no adverse impact on the streetscape or any adjoining premises. [\(Appendix T\)](#)

Cut/Fill

To accommodate the basement car park, a maximum cut of 2.2m will be required. This exceeds the maximum of 1.5m allowable under DCP 22. The amount of cut allowed is a compromise to ensure that Council's height limit of 6.2m is met.

The site is flat and the cut will not result in any slope destabilization, which is the intent of the standard. Any cut will be contained by the building. Conditions should be imposed requiring details of means of protecting the adjoining properties during excavation.

Planning for Bush Fire Protection 2001

In order to fully comply with the provisions of Planning for Bush Fire Protection 2001 (PFBFP 2001), the proposal is required to have an asset protection zone of 20m. Only 3m of this required distance can be accommodated on site, with the additional 17m to be located on the adjacent Mitchell Street road reserve. Council has been approached by the applicant to consider clearing a portion of the vegetation on the reserve to accommodate the required asset protection zone.

The vegetation to be removed consists entirely of coral trees, with the large fig tree in this area to be retained. In addition to this it is required to stabilize and fence off an existing open storm water drain, as well as re-establish the garden on the western side of the reserve to a low maintenance, low fire hazard garden. A number of fire mitigation measures are also proposed to be incorporated in the construction of the dwelling.

Any works to be undertaken, are to be at full cost to the applicant.

Advertising

The application was advertised in accordance with Council's advertising policy with two objections being received:-

Objection	Planning Comment
1 Concerned about the impacts that the proposed subsurface car park will have in existing stormwater system.	1 The system is to be designed in accordance with the relevant Australians Standards. It is required that any development limit stormwater flows to pre-development levels. This minimizes any impacts during a rainfall event.
2 Vehicular access appears to be inadequate, with no provisions being made for boat or trailer parking.	2 The development complies with AS 2890.1. It is not reasonable to require the applicant to provide parking dimensions and facilities above those required by the standard.
3 Visitor parking is inadequate.	3 The applicant has provided an additional 2 car spaces than what is required by Councils Parking Policy.
4 Concerned over potential health risks regarding erosion/dust issues during construction	4 Conditions of consent require the submission of an erosion and sediment control plan prior to release of the construction certificate. It is also an offence under the Protection of Environment Operations Act to spread pollution onto adjoining properties.
5 Potential impacts to dwelling during construction.	5 Conditions are to be imposed requiring that construction is undertaken in a manner that ensures that there are no impacts on adjoining properties.

REPORT IMPLICATIONS

- **Economic**

The proposal will provide an economic benefit for the period of construction only. No adverse economic impacts are likely.

- **Environmental**

As part of the development it is proposed to remove coral trees on the adjoining road reserve. These trees are considered to have limited habitat value as they are an introduced species

▪ ***Social***

There are no foreseeable social impacts as a result of this proposal.

2005. 232 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. McWilliam*

- A. That in accordance with Clause 39(3) of Kempsey Local Environmental Plan 1987 Council alters the Foreshore Building Line applying to Lot 32 DP 857717 so that it applies as shown in the attached map. [\(Appendix R\)](#)**
- B. That development consent be granted subject to the following conditions:-**
- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
 - 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
 - 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.**
 - 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.**
 - 5 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.**
 - 6 The units are not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.**

An application for a certificate is enclosed. It is requested that it be completed and returned to

Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.

- 7 The building is not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.**
- 8 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-**
 - a Carrying out water supply work.**
 - b Carrying out sewerage work.**
 - C Carrying out stormwater work.**
- 9 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home Building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.**

Details are to be submitted to Council prior to work commencing.
- 10 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.**
- 11 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.**
- 12 If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the excavation shall:**
 - (a) preserve and protect such building from damage; and**

- (b) if necessary, underpin and support the building in an approved manner.

Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings. (Reference: Clause 34, Local Government (Approvals) Regulation 1993).

- 13 Hoarding/fence is to be provided to the site in accordance with the assessment provided to Council.
- 14 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.
- 15 Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.
- 16 A builder's toilet complying with Clause 133 of the Environmental Planning and Assessment Regulation is required on site throughout the entire building operation.

Note: Clause 133 requires that the toilet must be provided before any work is commenced.

- 17 Compliance with the Building Code of Australia.

All building work must be carried out in accordance with the requirements of the (BCA).

A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

- 18 A schedule of the fire safety measures which are to be installed in the building is to be submitted with the required Construction Certificate for approval together with the minimum Standard of Performance as identified in Clause 80B and C of the Environmental Planning Assessment Regulation 1994.

Detailed plans of each measure prepared by a suitably qualified person are to be submitted for approval with the required Construction Certificate.

- 19 A BCA Assessment Report of the proposed building prepared by an appropriately accredited certifier is to

be provided with the plans for the required Construction Certificate.

- 20 The proposed building has been assessed by Council under the provisions of the Building Code of Australia as a Class 2 & 7 building, having a rise of 2 storeys. The buildings are to be constructed in Type B fire resistance construction. It is the builder's responsibility to ensure that all building elements have the minimum fire resistance level specified in Specification C1.1, Table 4 of the Building Code of Australia.
- 21 Every part of the building shall be constructed in a proper and workmanlike manner to achieve the required level of performance using materials that are not faulty or unsuitable for the purpose for which they are used.
- 22 A "Smoke Hazard Management System" shall be designed and installed within the building in accordance with the relevant provisions of Section E2.2a of the Building Code of Australia.
- 23 Clothes drying facilities must comply with Part F, Clause F2.1 of the Building Code of Australia.
- 24 All materials used in the building shall comply with the provisions of Clause C1.10 of Building Code of Australia. A list of all the proposed construction and finishing materials detailing their early fire hazard properties (i.e. spread of flame and smoke development indexes) shall be compiled then submitted to Council for approval prior to their use in the Building.
- 25 Emergency lighting requirements must comply with Part E, Clause E4.2 of the Building Code of Australia.
- 26 Where protection is required, doorways, windows and other openings must be protected in accordance with Part C, Clause C3.4 of the Building Code of Australia.
- 27 Lintels must comply with Clause 2.3 of Specification C1.1 of the Building Code of Australia.
- 28 Brick cavities shall be cleaned in accordance with the requirements of AS3700 - Masonry in Buildings.
- 29 Full details of the means of damp-proofing all garages below or partly below ground level shall be submitted to Council with the Construction Certificate.

- 30 Provisions shall be made for the installation of telephone and television services by installation of conduits during construction for each sole-occupancy unit.**
- 31 No service installations shall be installed in exits or paths of travel leading to an exit except as conceded in D2.7 of the Building Code of Australia.**
- 32 Walls and floors separating sole-occupancy units and separating sole-occupancy units from a plan room, lift shaft, stairway, public corridor or the like must have Sound Transmission Class (STC) not less than 45.**
- 33 A wall separating a bathroom, laundry or kitchen in one sole-occupancy unit from a habitable room (other than a kitchen) in an adjoining unit must have a Sound Transmission Class (STC) not less than 50 and must comply with F5.5 of the Building Code of Australia. Details of the proposed method of complying with F5.5 must be submitted to Council for approval prior to the commencement of construction.**
- 34 Soil and waste pipes passing through more than one sole-occupancy unit must be separated from rooms in any sole-occupancy unit by construction complying with F5.6 of the Building Code of Australia.**
- 35 Upon completion and prior to occupation of the building, a certificate from a practising Structural Engineer shall be submitted to Council certifying that the building has been erected in accordance with the approved structural drawings and is structurally adequate for the loads imposed.**
- 36 Where structural reinforced concrete members are required to have a fire resistant rating, the practising Structural Engineer shall certify that the requirements of the relevant SAA Concrete Structures Code have been satisfied. This is to be submitted prior to occupation.**
- 37 A certificate shall be submitted by a practising Structural Engineer certifying that the building has been designed in compliance with the requirement as detailed in AS 1170.4 "SAA Earthquake Loads".**
- 38 Openings in floors, walls and shafts for services must comply with Section C, Clauses C3.12, C3.13 and C3.14 of the Building Code of Australia.**

- 39 The following information to be submitted with the Construction Certificate:-**
- a Two sets of specifications for the Class 2 & 7 building detailing the appropriate clauses of the BCA and Australian Standards for the work to be constructed.**
- 40 The applicant's consultants are to provide certified plans and specifications with the Construction Certificate for the works to be constructed.**
- a The installation of the hydrants complying with Clauses E1-3 of the BCA and AS2419.**
 - b The installation of portable fire extinguishers.**
 - c The installation of the smoke management system complying with NSW, Part E Tables E2.2. of the Building Code of Australia.**
 - d The installation of emergency lighting and exit signs complying with Part E4 and AS/NZS 2293 Part 1-1998.**
 - e The installation of plumbing and drainage complying with the requirements of the Local Government Act and Regulation, Australian Standard 3500 and New South Wales Code of Practice Standard 3500.**
- 41 The following survey certificates must be given to Council at the following stages:-**
- On completion of each floor slab framework before concrete is poured, detailing the:-**
 - a. location of the structure to the boundaries; and**
 - b. compliance with the floor height. Levels shall relate to the datum shown on the consent.**
 - At completion of the slab confirming that location is in accordance with the approval.**
- 42 If the soil conditions require it:-**
- a. retaining walls or other approved methods of preventing movement of the soil must be provided; and**
 - b. adequate provision must be made for drainage.**

- 43 Access to the site for deliveries is to be confined to between 7.00 am and 7.00 pm daily. In this regard, a sign clearly indicating same is to be displayed at the entry to the development. Details, including location of signage, are to be provided with the plans for the required Construction Certificate.
- 44 The hours of operation of construction activity are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- 45 Building materials are not to be stored within the road reserve or any other public place.
- 46 Excavated material from the site is not to be placed within the road reserve or any other public place.
- 47 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult Mr Tony Castle of Council's Environmental Services Department for requirements before commencing construction.
- 48 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
- 49 The plans prepared for the required Construction Certificate are to provide for a footpath across the full road frontage of the property strictly in accordance with Council's Engineering Guidelines for Subdivision and Development. All works are to be carried out strictly in accordance with the plan.
- 50 All internal parking areas, access ways, turning areas, driveways and ramps are to be constructed in accordance with Council's Parking Code and Engineering Guidelines for Subdivision and Development before occupation of the building or commencement of the proposed land use. All such areas to be concrete paved and/or bitumen sealed.
- 51 All internal access ways and parking spaces have been designed and constructed in accordance with Council's Engineering Guidelines for Subdivision and Development to at least concrete paved standard.
- 52 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to

work commencing on the site. The controls shall incorporate:-

- a diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.**
- b sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.**
- c maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.**

Protection of any kerb inlet pit located downstream of the site in accordance with Council's Engineering Guidelines for subdivision and development (drawing No SW20).

Note:

- i Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.**
- ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.**

53 Soil Erosion control measures are to be implemented on the site. The control measures shall be in accordance with Council's Guidelines - Preparing an Erosion and Sediment Control Plan. The Control Plan is to be submitted and approved prior to release of the required Construction Certificate.

54 The plans for the required Construction Certificate are to include calculations of the amount of cut.

If an excess of earth will result, details of the means of disposing of all material are to be provided. Depending on the amount of any excess, Council may require lodgement of a cash bond to cover the cost of any damage to Council's road system caused by haulage.

Submission of written advice with the plans for the required Construction Certificate indicating the means

proposed to dispose of any excess earth generated by construction of the development.

A Construction Certificate shall not be issued unless Council has given its written agreement that such means are satisfactory.

- 55 The applicant is to nominate the haulage route for disposal of overburden, including where it is proposed to place the material and submit details to Council prior to release of the Construction Certificate.**
- 56 Lodgement to Council of a cash bond to the value of \$10,000 as surety against any damage to the nominated haul route prior to release of the Construction Certificate.**
- 57 Details are to be submitted from a practising structural engineer on the measures, which are to be used to protect the adjoining properties, including Councils road reserve as a result of proposed excavations. Details are to include engineering designs and certificates to cover the work. The details are to be submitted for approval with the Construction Certificate.**
- 58 Drawings which demonstrate compliance with AS/NZ 2890.1:2004 must be prepared and certified for relevant car parking aspects of the development (including facilities, driveways, site access/egress, vehicle movement, structural profiles and clearances) must be submitted prior to the issue of the construction certificate.**
- 59 All roofwaters and stormwater runoff from all paved areas within the allotment boundaries are to be collected, treated, directed and conveyed off-site by means of an approved pipe system designed for a 1 in 10 year storm recurrence interval and connected via an industry recognized outlet arrangement to the existing public stormwater drainage receival and disposal system. A pit is to be provided adjacent to southern allotment boundary to provide separation between the private house drainage service drainage line and the downstream stormwater system to become under the jurisdiction of Council.**
- 60 Detailed construction drawings and specifications for the entire stormwater management system which demonstrates compliance with the latest versions of Australian Rainfall and Runoff, Stormwater Industry Associated Guidelines, proprietary product**

manufacturers specifications and relevant Australian Standards must be prepared for relevant aspects of the system (including materials, installation, bedding, backfilling, compaction and quality testing) prior to the issue of the construction certificate.

- 61 In relation to the management of seepage, leakage, drainage and any other waters entering the subterranean basement level of the development an industry recognised, detailed scheme of arrangement must be prepared, certified and submitted to Council for its approval prior to the issue of the Construction Certificate.
- 62 The plans for the required Construction Certificate are to include provision of a sump or other means suitable to prevent flooding in the event of water entering the basement in excess of 300mm in depth during a 1 in 10 year stormwater event in accordance with Australian Rainfall and Runoff without reliance on mechanical pumping. Such plans are to include the means of draining the basement following such an event.
- 63 The plans for the required Construction Certificate are to provide for planter boxes to be provided on all decks and balconies. Details of the plant species to be placed in the planter boxes to be included in the sites landscape plan prior to release of the Construction Certificate.
- 64 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of the Construction Certificate.

You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with:-

- a Payment of a contribution towards district water supply at the rate of \$1211 per equivalent tenement, i.e $\$1211 \times 3 \text{ E.T} = \3633.00 (Indexed 2004/2005)
- b Payment of a contribution towards the augmentation of sewerage headworks at the

rate of \$3031 per equivalent tenement, i.e
 $\$3031 \times 3 \text{ E.T} = \9093.00 (Indexed 2004/2005)

- c Provision of separate sewer junctions, with a maximum of two connections per junction to the existing sewer main.
 - d Details of separate water meter for watering service to be included prior to the release of the construction certificate.
- 65 The applicant is to pay a contribution towards the embellishment of open space and ancillary facilities for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$1,883 per additional dwelling unit, i.e. $\$1,883 \times 3 \text{ E.T} = \5649.00 (Indexed 2004/2005)

A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.

- 66 The recommendations made on page 12 of the Bushfire Hazard Assessment Prepared by "East Coast Fire Planning" are to be followed. These requirements are to be shown in the plans for the required construction certificate.
- 67 The applicant is to submit to Council, and have approved prior to issue of Construction Certificate, a plan of works for the Mitchell Street Road Reserve that provides the following:-
- a. Removal of non-native species to establish a 20m Asset Protection Zone measured from the 3m setback line of the proposed development;
 - b. Restoration, landscaping and making safe the area disturbed, to provide a low maintenance area to Councils satisfaction.
- 68 The applicant shall be responsible for the full cost of implementing the plan referred to in Condition 70 and which shall be completed prior to issue of an Occupation Certificate. In this regard, the applicant is to either meet Councils cost in undertaking the works or shall seek approval for private contract works to Councils satisfaction.

69 Submission of details of stormwater treatment devices to demonstrate storm water quality target will be achieved in accordance with EPA Guidelines.

B. That the objector be notified of the Council's decision.

Councillors Gribbin and Hunt recorded their votes against the foregoing Resolution.

DSDS6	ERECTION OF A RESIDENTIAL FLAT BUILDING CONTAINING 15 UNITS – CNR BAKER DRIVE AND KILLUKE CRESCENT, CRESCENT HEAD
	FILE: T6-04-75 GGL {Folio No. 294032}

SUMMARY:

Reporting that an application has been received for the erection of a residential flat building containing 15 units, for which objections have been received.



Applicant: Architects H & B Pty Ltd
Subject Property: Lot 5 DP 740088 Killuke Crescent, Crescent Head
Zone: 2(b2) (Residential "B2" Zone)

Background

At its meeting of 14 December 2004 Council resolved:-

"That the application be referred back to the applicant to allow full compliance with DCP 22 and Kempsey Local Environmental Plan 1987". [\(Appendix U\)](#)

At its meeting of 8 February 2005 Council resolved that the application be approved subject to conditions of development consent. [\(Appendix V\)](#) However this resolution was rescinded at Council's Extra-Ordinary meeting of 14 February 2005. Council then resolved:-

"That the application be referred back to the applicant to provide further justification in respect to proposed variations to Councils requirements in respect to height and cut and fill".

The applicant has provided a further submission on these issues which may be summarised as follows:- [\(Appendix W\)](#)

Kempsey Local Environmental Plan 1987

Height restriction in Zone Nos. 2(a), 2(b1), 2(b2), 2(c) and 2(v).

Clause 24 (3) requires that Council shall not consent to the erection of a building on land within Zone No. 2(b2), which contains more than 3 storeys.

The applicant argues that:-

1. There are similar height buildings in Killuke Crescent.
2. Number of storeys should only include storeys above ground level.
3. Council has previously supported State Environmental Planning Policy 1 objections with a 10.5 metre height limit.

It is considered that the applicants' submission justifies the proposed variation to the 3 storey height limit as the building only has 3 storeys above ground level as previously reported to Council.

Development Control Plan No. 22 – Local Housing Strategy (Urban Areas – 2003)

Cut and Fill

Clause 4.9.1(a) of DCP 22 requires the maximum height/depth of any cut or fill to be limited to 1.5 metres above or below the natural ground level where no slope destabilisation is likely to occur.

The applicant argues that:-

1. The land is flat and the excavation will not cause any destabilisation.
2. Setbacks and soil types will ensure no danger to adjoining properties.
3. The excavation and de-watering has met the requirements of Department Infrastructure Planning & Natural Resources.

It should be noted that Council has permitted additional cut in similar proposals so to reduce overall building height.

It is considered that the applicant has justified the proposed variation to the 1.5m cut limitation which is consistent with other variations recently approved by Council.

REPORT IMPLICATIONS:

- ***Environmental***

Subject to recommended conditions of development consent the proposal is unlikely to result in any unacceptable environmental

impacts as assessed previously in the report to Council of 14th December 2004.

- **Social**

Social impacts of the development are considered to be acceptable, as assessed previously.

- **Economic (Financial)**

No significant adverse impacts are likely, as assessed previously.

- **Policy or Statutory**

The application has been assessed under Section 79 (c) of the Environmental Planning and Assessment Act 1979.

- **Director's Review**

The applicants' submission adequately justifies the proposal not complying with Councils requirements in respect to height and cut and fill.

Council has consistently supported State Environmental Planning Policy 1 objections to the 3 storey height limit and approved variations to DCP 22 where the applicant has demonstrated that the variation has no adverse impact and that the proposal satisfies the performance objectives outlined in DCP 22.

2005. 234 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. McWilliam*

A. That consent be granted, subject to the following conditions:-

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 Before the commencement of site works, demolition or building, the following activities must be completed:**
 - a Installation of soil erosion and sedimentation control devices.**
 - b Installation of safety fencing/hoardings between the property and the street**
 - c Protection barriers for existing trees**
 - d Installation of builder's toilets**
 - e Installation of signage in prominent, visible position including -**

- **"Unauthorised site entry is prohibited"**
 - **Name and phone number of builder or other responsible person for contact outside working hours.**
- 3 The hours of construction are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.**
 - 4 The applicant is to nominate the haulage route for disposal of overburden, including where it is proposed to place the material, and submit details to Council prior to release of Construction Certificate.**
 - 5 Lodgement to Council of a cash bond to the value of \$10,000 as surety against any damage to the nominated haul route prior to release of the Construction Certificate.**
 - 6 Details are to be submitted from a practising structural engineer on the measures, which are to be used to protect the adjoining properties, including Council's road reserve as a result of proposed excavations. Details are to include engineering designs and certificates to cover the work. The details are to be submitted for approval with the Construction Certificate.**
 - 7 If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the shall:-**
 - a Preserve and protect such building from damage; and**
 - b If necessary, underpin and support the building in an approved manner.**

Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings.
 - 8 If the soil conditions require stabilisation:-**
 - a Retaining walls or other approved methods of preventing movement of the soil must be provided; and**
 - b Adequate provision must be made for drainage.**
 - 9 This consent has been issued on the basis that it is intended to appoint Council as the Principal Certifying**

Authority and Council has accepted the appointment and will be issuing the construction certificate.

- 10 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.**
- 11 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.**
- 12 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.**
- 13 The building is not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.**
- 14 A schedule of the fire safety measures which are to be installed in the building is to be submitted with the required Construction Certificate for approval together with the minimum Standard of Performance as identified in Clause 80B and C of the Environmental Planning Assessment Regulation 1994.**

Detailed plans of each measure prepared by a suitably qualified person are to be submitted for approval with the required Construction Certificate.

- 15 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-**
 - a Carrying out water supply work.**
 - b Carrying out sewerage work.**
 - c Carrying out stormwater drainage work.**
 - d installing a temporary structure on the land.**
- 16 Compliance with the Building Code of Australia.**

All building work must be carried out in accordance with the requirements of the (BCA).

A Construction Certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

- 17 The plans for the required Construction Certificate are to provide for a 5.5m width access way from the property boundary to the furthest most point of the basement car park driveway. Details are to be provided demonstrating that all parking areas comply with Australian Standard 2890.1-Off Street Car Parking.**
- 18 Submission a BCA Assessment Report for the proposed building by an appropriately accredited certifier with the Construction Certificate.**
- 19 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.**
- 20 Hoarding/fence is to be provided to the, details of which are to be included with the plans for the required Construction Certificate. The hoarding/fence is to be erected prior to commencing any other work onsite.**
- 21 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.**
- 22 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.**

Note: Clause 78 I requires that the toilet must be provided before any work is commenced.

- 23 All building work must be carried out in accordance with the provisions of the Building Code of Australia.**

Your attention is drawn to the following requirements of the Building Code of Australia.

- a Structural Engineer's Details for footings, reinforced concrete slab, structural steel work is to be submitted prior to any work commencing on the building.**

- b** Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.
- c** That the floor surface of the wet areas are properly graded and drained and the junctions of the floor with the walls are treated to prevent the penetration of moisture into the walls. An inspection of the treated area is to be arranged with Council or suitable certification is to be submitted prior to the issue of an occupation certificate.
- d** The windows and glass installations within the building shall comply with AS 1288, Part 3.6 BCA Housing Provisions and AS2047. The applicant shall furnish Council with a report from the supplier upon completion of the window and glass installation indicating compliance with the requirements of AS1288 and AS2047. The builder is to certify the windows have been installed in accordance with AS2048.
- e** Should the verandah, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the verandah, patio or landing and steps for safety and convenience. Such balustrade to conform with the requirements of

(1) D2.16

of the Building Code of Australia.

Note: Spacing of rails not to exceed 125mm.
- f** Riser and Going dimensions for stairs shall be in accordance with Clause D2.13 of the Building Code of Australia. In Class 1 and 10 buildings the following will apply:

Riser(R)		Going (G)		Quantity (2R + G)	
max	min	max	min	max	min
190	115	355	240	700	550

Note: Any openings between treads not to exceed 125mm.

- g Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site.**
 - h Details of wall bracing to be carried out in accordance with Australian Standard 1684-1999 are to be submitted to Council prior to commencement of work.**
 - i Kitchen exhaust fans are to be ducted externally of the building or a recirculating hood type be provided.**
 - j All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.**
 - k The walls immediately adjacent or behind a bath, basin, sink or trough, shall be finished to a height of not less than 300mm above the fixture or in the case of a shower, to a height of 1.8 metres above the floor with cement render ceramic tiles or other approved finish impervious to water.**
 - l The door to all fully enclosed sanitary compartments must open outwards, or slide, or be readily removable from the outside, in accordance with the requirements of the Building Code of Australia.**
- 24 The proposed building has been assessed by Council under the provisions of the Building Code of Australia as a Class 2 & 7 building, having a rise of 4 storeys. The buildings are to be constructed in Type B fire resistance construction. It is the builder's responsibility to ensure that all building elements have the minimum fire resistance level specified in Specification C1.1, Table 4 of the Building Code of Australia.**
- 25 Every part of the building shall be constructed in a proper and workmanlike manner to achieve the required level of performance using materials that are not faulty or unsuitable for the purpose for which they are used.**

- 26 A "Smoke Hazard Management System" shall be designed and installed within the building in accordance with the relevant provisions of Section E2.2a of the Building Code of Australia.**
- 27 A survey certificate prepared by a registered surveyor is to be submitted to Council to verify the siting of the building in relation to adjacent boundaries, and work is not to proceed beyond that stage until a written release has been given by Council. The survey is to be submitted at completion of floor slab formwork before concrete is poured. All levels are to be based on a fixed datum point in Australian Height Datum.**
- 28 A survey certificate prepared by a registered surveyor is to be submitted to Council to verify that the work is being constructed at the level shown on the building approval. The work is not to proceed beyond the designated stage until a written release has been given by Council. The survey is to be submitted when the formwork is completed for each of the floor slabs before concrete is poured. All levels are to be based on a fixed datum point in Australian Height Datum.**
- 29 Floors of balconies shall be graded and drained to a grated inlet connected to the stormwater drainage system.**
- 30 Clothes drying facilities must comply with Part F, Clause F2.1 of the Building Code of Australia.**
- 31 All materials used in the building shall comply with the provisions of Clause C1.10 of Building Code of Australia. A list of all the proposed construction and finishing materials detailing their early fire hazard properties (i.e. spread of flame and smoke development indexes) shall be compiled then submitted to Council for approval prior to their use in the Building.**
- 32 Emergency lighting requirements must comply with Part E, Clause E4.2 of the Building Code of Australia.**
- 33 Where protection is required, doorways, windows and other openings must be protected in accordance with Part C, Clause C3.4 of the Building Code of Australia.**
- 34 Lintels must comply with Clause 2.3 of Specification C1.1 of the Building Code of Australia.**

- 35** Brick cavities shall be cleaned in accordance with the requirements of AS3700 – Masonry in Buildings.
- 36** Full details of the means of damp-proofing all garages below or partly below ground level shall be submitted to Council with the Construction Certificate.
- 37** Provisions shall be made for the installation of telephone and television services by installation of conduits during construction for each sole-occupancy unit.
- 38** No service installations shall be installed in exits or paths of travel leading to an exit except as conceded in D2.7 of the Building Code of Australia.
- 39** Walls and floors separating sole-occupancy units and separating sole-occupancy units from a plan room, lift shaft, stairway, public corridor or the like must have Sound Transmission Class (STC) not less than 45.
- 40** A wall separating a bathroom, laundry or kitchen in one sole-occupancy unit from a habitable room (other than a kitchen) in an adjoining unit must have a Sound Transmission Class (STC) not less than 50 and must comply with F5.5 of the Building Code of Australia. Details of the proposed method of complying with F5.5 must be submitted to Council for approval prior to the commencement of construction.
- 41** Soil and waste pipes passing through more than one sole-occupancy unit must be separated from rooms in any sole-occupancy unit by construction complying with F5.6 of the Building Code of Australia.
- 42** Upon completion and prior to occupation of the building, certificate from a practising Structural Engineer shall be submitted to Council certifying that the building has been erected in accordance with the approved structural drawings and is structurally adequate for the loads imposed.
- 43** Where structural reinforced concrete members are required to have a fire resistant rating, the practising Structural Engineer shall certify that the requirements of the relevant SAA Concrete Structures Code have been satisfied. This is to be submitted prior to occupation.
- 44** A certificate shall be submitted by a practising Structural Engineer certifying that the building has

been designed in compliance with the requirement as detailed in AS 1170.4 "SAA Earthquake Loads".

- 45 Openings in floors, walls and shafts for services must comply with Section C, Clauses C3.12, C3.13 and C3.14 of the Building Code of Australia.
- 46 Building materials are not to be stored within the road reserve or any other public place.
- 47 The following information to be submitted with the Construction Certificate:-
 - a Two sets of specifications for the Class 2 & 7 building detailing the appropriate clauses of the BCA and Australian Standards for the work to be constructed.
- 48 The applicant's consultants are to provide certified plans and specifications with the Construction Certificate for the works to be constructed.
 - a The installation of the hydrants complying with Clauses E1-3 of the BCA and AS2419.
 - b The installation of portable fire extinguishers.
 - c The installation of the smoke management system complying with NSW, Part E Tables E2.2. of the Building Code of Australia.
 - d The installation of emergency lighting and exit signs complying with Part E4 and AS/NZS 2293 Part 1-1998.
 - e The installation of plumbing and drainage complying with the requirements of the Local Government Act and Regulation, Australian Standard 3500 and New South Wales Code of Practice Standard 3500.
- 49 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
 - a diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - b sediment control fences at the downslope perimeter of the cleared and/or disturbed area

to prevent unwanted sediment and other debris escaping from the land.

- c maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.**

50 Protection of any kerb inlet pit located downstream of the site in accordance with Council's Engineering Guidelines for subdivision and development (drawing No SW20).

Note:

- i Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage, to existing pipe storm system in McIntyre Street.**
- ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.**

51 Information to be submitted with the Construction Certificate:-

- a Provide two specifications for the Class 2 and 7a building detailing the appropriate clauses of the Building Code Of Australia and Australian Standards for the works to be constructed.**
- b Indicate location of the following Fire Safety Services in the Building.**
 - Fire hose reels**
 - Portable Fire Extinguishers**
 - Emergency Lighting**
 - Exit Signs**
- c Provide Mechanical Engineer's detail and certificate Certifying that the car parks permanent natural ventilation complies with Section F clause F4.11 of the BCA and AS 1668.2.**

52 The plans for the required Construction Certificate are to include provision of a sump or other means suitable to prevent flooding in the event of water entering the basement in excess of 300mm in depth during a 1 in 10 year stormwater in accordance with Australian rainfall and Runoff without reliance on mechanical pumping. Such plans are to include the means of draining the basement following such an event.

- 53 All stormwater drainage from the development site is to be piped and connected to Council's stormwater drainage system. Such plans are to include a suitable onsite detention system designed to ensure that discharge of stormwater during a 1 in 100 year storm event will not increase pre-development flow rates. A detailed plan is to be submitted for approval prior to Council issuing the Construction Certificate.**
- 54 All internal parking areas, access ways, turning areas, driveways and ramps are to be constructed in accordance with Council's Parking Code, Engineering Guidelines for Subdivision and Development and Australian Standard 2890.1 – Off Street Car Parking before occupation of the building or commencement of the proposed land use. All such areas to be concrete paved.**
- 55 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.**
- 56 The plans prepared for the required Construction Certificate are to provide for a concrete footpath across Baker Drive and Killuke Crescent frontage of the property strictly in accordance with Council's Engineering Guidelines for Subdivision and Development. All works are to be carried out strictly in accordance with the plan.**
- 57 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of Construction Certificate.**

You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with:-

- a Payment of a contribution towards District Water Supply at the rate of \$1,211 per equivalent tenement, i.e. \$1,211 x 9.58 E.T = \$11,601. (Indexed 2004/2005).**

- b Payment of a contribution towards the augmentation of sewerage headworks at the rate of \$2,028 per equivalent tenement, i.e. $\$2,028 \times 9.58 \text{ E.T} = \$19,428$. (Indexed 2004/2005)
 - c Payment of a contribution towards sewerage reticulation works at the rate of \$1,495 per equivalent tenement, i.e. $\$1,495 \times 9.58 \text{ E.T} = \$14,322$. (indexed 2004/2005)
 - d Provision of separate sewer junctions, with a maximum of two connections per junction to the existing sewer main.
 - e Details of separate water meter for watering service to be included prior to the release of the construction Certificate.
- 58 The applicant is to pay a contribution towards the outdoor recreation for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$395 per additional dwelling unit, i.e. $\$395 \times 9.58 \text{ E.T} = \$3,784$. (Indexed 2004/2005)

A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.

- 59 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult with Council's Sustainable Development Services Department for requirements before commencing construction.
- 60 Engineering details of all retaining walls to be submitted to Council prior to release of Construction Certificate.
- 61 Security lighting be provided in the carpark, between the units and in the internal void areas. Lighting is to be designed and directed to minimise impacting upon adjoining residences.
- 62 Construction should comply with AS3959 – 1999 level 1 'Construction of Buildings in bushfire prone areas'.

- 63** Where the rear of the proposed structure is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per AS2419. Locations of fire hydrants are to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.
- 64** Before commencing any works or using any existing works for the purpose of Temporary Dewatering for Construction Purposes, an approval under Part 5 of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
- 65** An approval will only be granted to be occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
- 66** When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or to let lapse.
- 67** All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
- 68** All works involving soil vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, water body, wetland or groundwater system.
- 69** The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
- 70** All vegetation clearing must be authorised under the Native Vegetation Conservation Act, 1997, if applicable.
- 71** The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.

- 72 A licence fee calculation in accordance with the Water Act 1912 must be paid before a licence can be granted.**
- 73 Any licence so issued, from the date of issue, will be subject to Annual Cost Recovery Water Management Charges as set by the Independent Pricing and Regulatory Tribunal.**
- 74 A transfer of an entitlement shall be subject to the provisions of the Water Act 1912 the regulations made there under and the transfer rules applying at the time of application as determined by the Department.**
- 75 The authorised annual entitlement will not exceed 5 mega litres.**
- 76 Extraction of water under the approval to be issued shall be subject to conditions with regard to availability of supply and such restrictions as are deemed necessary to the Department from time to time to ensure an adequate flow remains for other water users and the environment.**
- 77 If and when required by the Department, suitable devices must be installed to accurately measure the quantity of water extracted or diverted by the works.**
- 78 All water measuring equipment must be adequately maintained. It must be tested as and when required by the Department to ensure its accuracy.**
- 79 The use of water shall be conditional on no tail water drainage being discharged into or onto –**
any adjoining public or crown road
any crown land
any river, creek or watercourse
any groundwater aquifer
any area of native vegetation
any wetlands
- 80 Works for construction of bores must be completed within such period as specified by the Department.**
- 81 Within 2 months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are notified in the approval.**

- 82 Officers of the Department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.**
- 83 Water shall not be pumped from the works for any purpose other than dewatering for construction purposes.**
- 84 The work shall be managed in accordance with the constraints set out in the "Water Quality Management Plan - Revision 1" report produced by Douglas Partners dated October 2004, submitted as part of this development application.**
- 85 The volume of groundwater extracted as authorised must not exceed 5 mega litres.**
- 86 The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent adverse impacts on the aquifer.**
- 87 The licence shall lapse within six (6) months of the date of issue of the licence.**
- 88 Submission of an application for Subdivision Certificate pursuant to Section 4A of the Environmental Planning and Assessment Act 1979 which authorises the registration of the plan of subdivision.**
- 89 Applicant is to submit with the final plan of subdivision any instruments under Section 88B or E of the Conveyancing Act 1979 relevant to any restrictive covenants, easements or rights of way created by or affected by this subdivision. Kempsey Shire Council is to be listed as the sole party to modify or remove such instruments.**
- 90 The plans for the required Construction Certificate are to include the means of protecting the basement area from groundwater seepage.**
- 91 The plans for the required Construction Certificate are to include a Plan of Management prepared by a qualified engineer indicating the means of detaining and/or treating tail water during dewatering operations, suitable to ensure the water discharging from the site into Councils drainage system meets relevant DEC criteria.**

B. That the objectors be advised of Councils decision.

Councillors Green, Gribbin and Hunt recorded their votes against the foregoing Resolution.

DSDS7	REVIEW OF DCP30 – EXEMPT AND COMPLYING DEVELOPMENT
	FILE: T4-40 DRH (NRN) {Folio No. 294037}

SUMMARY:

Reporting that draft amendments to DCP30 – Exempt and Complying Development within Kempsey Shire are recommended for the purposes of public exhibition.

◆◆◆◆◆

Background

Council previously resolved to promote the use of Complying Development to utilise considerable efficiency gains to be achieved by increasing the amount of development determined as Complying Development and review the effectiveness of changes and report to Council within twelve (12) months.

To satisfy Councils resolution a Complying Development Officer was appointed to reduce the number of smaller developments that were clogging the development assessment system and promoting the use of Complying Development.

Complying Development

Complying Development is development which meets a set of pre determined development standards set down in DCP 30 –Exempt and Complying Development.

These pre-determined standards are set down to ensure that only development of minimal environmental impact, including impacts on neighbours, is dealt with by means of Complying Development applications. Under DCP 30, applications for Complying Development are not neighbour notified or advertised prior to approval.

The appointment of a Complying Development Officer and promotion of the process has resulted in the increased use of Complying Development. The number of applications processed as Complying Development has increased from 3% to nearly 30% of all applications received with 87% approved within seven (7) calendar days. There has been no report of Complying Development approvals resulting in loss of amenity or relating to lack of notification.

However, with the introduction of Complying Development there have been problems encountered which can be summarised as follows:-

1. The ability of the applicant to provide all the required information.
2. The need for the Complying Development Officer to be available to interview each applicant to check if all information has been provided and the application can be dealt with as Complying Development.
3. If an application is made as Complying Development and the application falls short in any predetermined development standard then the application must be re-submitted as Local Development.

Items 1 and 2 are being addressed within the Sustainable Development Services Department by increasing the available information and targeting project builders and home addition companies. Item number 3 can be addressed partly with a review of DCP 30.

Ongoing experience with the promotion of Complying Development and the use of DCP 30 has identified a number of areas where further improvement could be made to increase the efficiency of the Complying Development assessment process with a review of DCP 30.

The amendments, as detailed below, appear underlined in bold face in the text of the draft plan. [\(Appendix X\)](#)

General Provisions

There is no proposal to alter the existing general provisions so as to allow Complying Development to be carried out in any environmentally sensitive areas, including any critical habitat; wilderness areas; on land on which an item of environmental heritage is situated or within a conservation area; within any environmental protection zones identified under Kempsey Local Environment Plan 1987; on land effected by State Environmental planning Policy No 14 – Coastal Wetlands; on land effected by State Environmental Planning Policy No 26 – Littoral Rainforests; any Aboriginal Place; where any tree removal is required or on any contaminated land.

Table of proposed modifications to the DCP 30 Exempt and Complying Development

Proposed Change		Reason	
1	DELETE Schedule 4 Notification Policy from the list of schedules Page 3.	1	Exempt and Complying Development does not require notification prior to determination. Determination of applications for Complying Development Certificates is required to be given pursuant to Section 101

		of the Act and Clause 77B of the EPA Regulation 1994 Provisions of the notification policy do not apply to Exempt and Complying Development.
2	<p>INSERT</p> <p>Is on land classified as being within a floodway under Councils Flood Risk Management Policy (except in relation to zones 3(a) General Business, 3(c) Special Business and 4(a) General Industrial within the township of Kempsey.</p>	2 Specifies that Complying Development is prohibited in identified flood ways, except under the conditions stipulated.
3	<p>DELETE</p> <p>j is subject to flooding in a 1 in 100 flood event (except in relation to zones 3(a) General Business, 3(c) Special Business and 4(a) General Industrial within the township of Kempsey) and is classified as being within a Floodway under Council's Flood Risk Management Policy; or</p>	3 Removes the restriction prohibiting Complying Development on flood prone land and allows properly considered proposals to be approved on flood prone land under this standard in accordance with Councils Flood Risk Management Policy.
4	<p>DELETE</p> <p>k is located on land identified as being contaminated, containing potential acid sulphate soils or being subject to a high bushfire hazard; or</p>	4 Removes the restriction prohibiting Complying Development upon contaminated, bushfire prone land and land upon which acid sulphate soil is present, subject to compliance with all relevant standards.
5	<p>INSERT</p> <p>Is identified as being located in a Bushfire Prone Area and does not comply with the requirements of Planning for Bushfire Protection, Part 3.7.4 of the Building Code of Australia and AS 3959 or is situated upon land identified as being contaminated.</p>	5 Specifies that Complying Development is prohibited upon contaminated land and where a proposal upon bushfire prone land cannot comply with the requirements of the Building Code of Australia.

<p>6 INSERT Does not comply with the provisions of the Development Control Plan No 22 Local Housing Strategy in addition to the requirements of this plan.</p>	<p>6 Provides a requirement that Complying Development not exceed the constraints of the development standards of DCP 22 Local Housing Strategy in Urban Areas.</p>
<p>7 DELETE is identified on Council's Bushfire Prone Lands Map as bushfire prone.</p>	<p>7 Removes the restriction prohibiting Complying Development on bushfire prone land to allow properly considered proposals to be approved under the BCA.</p>
<p>8 INSERT or situated upon land classified as being a floodway under Councils Flood Risk Management Policy).</p>	<p>8 Prohibits the erection of fences on land identified as flood ways without prior development consent to eliminate the potential of diversion of water or damage arising from flood event.</p>
<p>9 INSERT is not an existing building relocated from other property.</p>	<p>9 Prohibits the relocation of existing dwellings onto land as Complying Development to allow proper prior consideration of the proposal.</p> <p>Predetermined standards cannot be formulated to capture the variables and potential off site (visual) impacts associated with relocated dwellings.</p>
<p>10, INSERT & 13.DELETE 11, Any new or existing <i>dwelling</i> 12 must have prior approval & granted for mains sewer 13 connection or an on site waste system under(s) 68 of the L.G Act 1993 prior to the issue of a Complying Development certificate.</p>	<p>10, Removes the restriction 11, prohibiting Complying 12 Development upon land which & is serviced by an approved on 13 site waste disposal system.</p>
<p>14 INSERT No outbuilding shall exceed 40 square metres in floor area</p>	<p>14 Restricts the maximum size of outbuildings within residential areas to minimise adverse impact of large structures upon adjoining land.</p>

<p>15 INSERT BUSHFIRE PROTECTION New dwellings and dwelling additions to be constructed within the area indicated as bushfire prone upon the Bushfire Risk Management Plan Map for the Kempsey Shire Local Government area shall have the category for bushfire attack for the site determined in accordance with Planning for Bushfire Protection "Site Assessment for Bushfire Attack" and a report submitted to Council. The report shall indicate the proposed level of construction required by AS 3959 and the Part 3.7.4 of the Building Code Of Australia.</p>	<p>15 Provides the minimum criteria that dwellings and dwelling additions must comply with to be considered as Complying Development upon land identified as bushfire prone.</p>
<p>16 INSERT Building has been assessed and complies with the requirements of BASIX Building Sustainability Index.</p>	<p>16 Provides for the application of the NSW sustainability standard for new dwellings and dwelling additions.</p>
<p>17 DELETE Building achieves at least a 3.5 star rating (SEDA Scoreboard or NATHERS report) in accordance with DCP 31 – Energy Smart Homes.</p>	<p>17 Provides for the application of the NSW sustainability standard for new dwellings and dwelling additions.</p>
<p>18 INSERT SITE ACCESS Works within the road reserve requiring consent under s 138 of the Roads Act shall be approved by Council prior to the issue of a Complying Development Certificate.</p>	<p>18 Ensures the proper consideration of works proposed within the road reserve prior to any approval being issued.</p>
<p>19 INSERT Is not an existing building relocated from other property.</p>	<p>19 Prohibits the relocation of existing dwellings onto land as Complying Development to allow proper prior</p>

		consideration of the proposal. Predetermined standards cannot be formulated to capture the variables and potential off site (visual) impacts associated with relocated dwellings.
20	DELETE The external wall of	20 Allows any part of a structure to be considered under the standard including open form buildings with no walls.
21	INSERT NOT BEING A SHED OR GARAGE OF LESS THAN 100 SQUARE METRES IN FLOOR AREA shall stand a minimum of.	21 Allows smaller structures with less potential impact to be erected closer than 20 metres to an adjoining property boundary.
22	INSERT Any structure being a shed or garage of less than 100 square metres in floor area shall stand a minimum distance of 10 metres from a side or rear boundary.	22 Allows smaller structures with less potential impact to be erected closer than 20 metres to an adjoining property boundary.
23	INSERT BUSHFIRE PROTECTION New dwellings and dwelling additions to be constructed within the area indicated as bushfire prone upon the Bushfire Risk Management Plan Map for the Kempsey Shire Local Government area shall have the category for bushfire attack for the site determined in accordance with Planning for Bushfire Protection, "Site Assessment for Bushfire Attack" and a report submitted to Council. The report shall indicate the proposed level of construction required by AS 3959 and the Part 3.7.4 of the Building	23 Provides the minimum criteria that dwellings and dwelling additions must comply with to be considered as Complying Development upon land identified as bushfire prone.

	Code Of Australia.	
24	<p>INSERT</p> <p>Building has been assessed and complies with the requirements of BASIX Building Sustainability Index.</p>	24 Provides for the application of the NSW sustainability standard for new dwellings and dwelling additions.
25	<p>DELETE</p> <p>Building achieves at least a 3.5 star rating (SEDA Scorecard or NATHERS report) in compliance with DCP 30 – Energy Smart Homes.</p>	25 Provides for the application of the NSW sustainability standard for new dwellings and dwelling additions.
26	<p>INSERT</p> <p>Any new or existing <i>dwelling</i> must have prior approval granted for mains sewer connection or an on site waste system under(s) 68 of the L.G Act 1993 prior to the issue of a Complying Development certificate.</p>	26 Removes the restriction prohibiting Complying Development upon land which is serviced by an approved on site waste disposal system.
27	<p>INSERT</p> <p>SITE ACCESS</p> <p>Works within the road reserve requiring consent under s 138 of the Roads Act shall be approved by council prior to the issue of a Complying Development certificate.</p>	27 Ensures the proper consideration of works proposed within the road reserve prior to any approval being issued.
28	<p>DELETE</p> <p>The external wall of any structure is at least 20 metres from a side or rear boundary.</p>	28 Allows smaller structures with less potential impact to be erected closer than 20 metres to an adjoining property boundary.
29	<p>INSERT</p> <p>Any structure NOT BEING A SHED OR GARAGE OF LESS THAN 100 SQUARE METRES IN FLOOR AREA shall stand a minimum of 20 metres from a side or rear boundary.</p>	29 Allows smaller structures with less potential impact to be erected closer than 20 metres to an adjoining property boundary.

<p>30 INSERT Any structure being a shed or garage of less than 100 square metres In floor area shall stand a minimum distance of 10 metres from a side or rear boundary.</p>	<p>30 Allows smaller structures with less potential impact to be erected closer than 20 metres to an adjoining property boundary.</p>
<p>31 INSERT BUSHFIRE PROTECTION Dwelling additions to be constructed within the area indicated as bushfire prone upon the Bushfire Risk Management Plan Map for the Kempsey Shire Local Government area shall have the category for bushfire attack for the site determined in accordance with Planning for Bushfire Protection, "Site Assessment for Bushfire Attack" and a report submitted to Council. The report shall indicate the proposed level of construction required by AS 3959 and the Part 3.7.4 of the Building Code Of Australia.</p>	<p>31 Provides the minimum criteria that dwellings and dwelling additions must comply with to be considered as Complying Development upon land identified as bushfire prone.</p>
<p>32 INSERT Building has been assessed and complies with the requirements of BASIX Building Sustainability Index.</p>	<p>32 Provides for the application of the NSW sustainability standard for new dwellings and dwelling additions.</p>
<p>33 DELETE Building achieves at least a 3.5 star rating (SEDA Scorecard or NATHERS report) in compliance with DCP 30 – Energy Smart Homes.</p>	<p>33 Provides for the application of the NSW sustainability standard for new dwellings and dwelling additions.</p>
<p>34 INSERT SITE ACCESS Works within the road reserve requiring consent under s 138 of the Roads Act shall be approved by council prior to</p>	<p>34 Ensures the proper consideration of works proposed within the road reserve prior to any approval being issued.</p>

the issue of a Complying Development certificate.

35 DELETE
Survey Certificate
The following survey certificates must be given to the principal certifying authority:

- (a) On completion of floor slab framework before concrete is poured, detailing the location of the structures to the boundaries.
- (b) On completion of the first course of brickwork/piers for a dwelling with bearers and joist detailing the location of the structure to the boundaries.
- (c) At completion of the lowest floor, confirming that levels are in accordance with the approval. Levels shall relate to the datum shown on the consent.

36 INSERT
Smoke alarms must be installed in Class 1a and 1b buildings in accordance with Part 3.7.2.2 3.7.2.3 and 3.7.2.4 of the Building Code of Australia Housing Provisions Part 2 and the Australian Standard 3786 OR

Detection systems are to be installed in accordance with the manufacturers specification recommendations and must be connected to consumer mains power where consumer mains power is supplied to buildings. The detector must be installed on or near the ceiling and

35 This requirement is not considered necessary. Applications requiring scrutiny in this regard should be considered under local development standards.

36 Application of this condition to all approvals ensures maintenance of the safety standard requiring the installation of smoke alarms to new and existing residential buildings.

located between each part of the dwelling containing bedrooms and the remainder of the dwelling and where bedrooms are serviced by a hallway, in that hallway, and in every other storey not containing bedrooms.

- | | | | |
|----|--|----|--|
| 37 | INSERT
Notice must be displayed in the immediate vicinity of the swimming pool in accordance with the requirement of swimming pool regulation. The notice must bear the words "Young children should be supervised when using the swimming pool " and include instructional details on resuscitation technique. | 37 | Application of this condition to all swimming pool approvals ensures enforcement of the safety standard requiring the installation of a resuscitation chart. |
| 38 | INSERT
The swimming pool pump equipment shall not create noise greater than 5dB(A) above the background noise level when measured at any point of the property boundary. | 38 | Application of this condition to all swimming pool approvals ensures enforcement of a minimum standard noise attenuation of pool pump equipment. |
| 39 | INSERT
Lighting to assist evacuation shall be installed in accordance with Part 3.7.2.5 of the Building Code Of Australia. | 39 | Application of this condition ensures compliance with the Building Code of Australia. |
| 40 | DELETE
PUBLIC NOTIFICATION
POLICY | 40 | Exempt and Complying Development does not require notification prior to determination. Determination of applications for Complying Development Certificates is required to be given pursuant to Section 101 of the Act and Clause 77B of the EPA Regulation 1994.

Provisions of the notification policy do not apply to Exempt and Complying Development. |

41 INSERT
PUBLIC NOTIFICATION
In accordance with Council's Public Notification Policy, Exempt and Complying Developments do not require notification to neighbours, however, notification of the determination of applications for Complying Development Certificates is required to be given pursuant to Section 101 of the Act and Clause 77B of the EPA Regulation 1994.

REPORT IMPLICATIONS:

- ***Environmental***

Complying and exempt development can not be carried out on environmental sensitive areas.

- ***Social***

Allow applications to be considered a Complying Development.

- ***Economic (Financial)***

The proposal to extend the use of Complying Development which will provide an economic benefit only for the period of construction.

- ***Policy or Statutory***

Environmental Planning and Assessment Act 1979 details the process to amend DCP's.

The Exempt and Complying DCP is given effect through Clause 57 of Kempsey Local Environmental Plan 1987. It is necessary to amend the LEP to refer to the date of adoption of the amendments to the DCP.

- ***Director's Comment***

As part of a reorganisation of the Building Section within Councils Sustainable Development Services Department, Council undertook a review of DCP 30 and appointed a designated Complying Development Officer to achieve up to 30% of applications being approved as Complying Development.

As Complying Development places the onus on applicants to provide greater detail and only relates to more straight forward

proposals, considerable efficiencies have been achieved by freeing up resources previously dedicated to assessing proposals as Local Development.

In adopting the current plan, Council sought to ensure that fears expressed by some submissions relating to a perceived lack of control over development would not be realised.

Since adopting the plan in June 2004 there have been no complaints concerning developments approved as Complying Development, either relating to impacts of buildings or to non-notification.

The original plan approved in 1999 was quite conservative due to the ability for Complying Development Certificates to be issued by private certifiers and the potential loss of control by Council.

Experience has shown that the private sector does not wish to provide this service in Kempsey Shire with no Complying Development Certificates having been issued by private certifiers since 1999.

Experience has also identified a number of predetermined standards that could be relaxed to facilitate an increase in Complying Development to up to 50% of applications received without any loss of amenity to existing residents.

The draft plan is recommended to Council for endorsement for public exhibition purposes and would not become effective until Council has considered any submissions received.

2005. 235 RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

- 1. That the draft DCP 30 – Exempt and Complying Development referred to in this report be placed on public exhibition for a period of at least twenty eight (28) days.**
- 2. That pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, Council prepare and exhibit a draft LEP to amend Clause 57 of Kempsey LEP 1987, to give effect to the proposed amendments to the Exempt and Complying DCP.**



At this stage 1.00 p.m. the Meeting adjourned for Luncheon and upon resumption at 2.05 p.m. all present at the adjournment were in attendance.



Notice is hereby given that we intend to move the following Rescission Motion at Ordinary Meeting of Kempsey Shire Council on 12th April 2005.

"That resolution number 2005.201 from the Extraordinary Meeting held 4th April 2005, as printed below;

- "1. That Council approve of the replacement of the current rear loading vehicles with a single front lift vehicle at an estimated cost of \$400,000 to be funded?"***
- 2. That the current Trade Waste bins be retrofitted with appropriate side channels at an estimated cost of \$25,000 to be funded from the Trade Waste Services budget.***
- 3. That proposed Trade Waste Service charges for 2005 / 06 incorporate flexible arrangements, which are equitable to both the customer and Council.***
- 4. That Council actively market the Trade Waste Service."***

be rescinded.

.....
COUNCILLOR J A C HAYES

.....
COUNCILLOR E A GREEN

.....
COUNCILLOR B R SOWTER

If the Rescission Motion is successful we intend to move the following Motion;

"That the Director Corporate Services provide a fully itemised estimate of all costs of the following;

- 1. The replacement of the current rear loading vehicles with a single front lift vehicle.**
- 2. The current Trade Waste bins being retrofitted with appropriate side channels.**
- 3. The proposed Trade Waste Service charges for 2005 / 06 incorporate flexible arrangements, which are equitable to both the customer and Council.**

4. Council actively marketing the Trade Waste Service."

2005. 236 RESOLVED:

Moved: Cl. Sowter
Seconded: Cl. Hunt

That the Director Corporate Services provide a fully itemised estimate at the budget meeting of 26th April of all costs of the following;

1. The replacement of the current rear loading vehicles with a single front lift vehicle.
2. The current Trade Waste bins being retrofitted with appropriate side channels.
3. The proposed Trade Waste Service charges for 2005 / 06 incorporate flexible arrangements, which are equitable to both the customer and Council.
4. Council actively marketing the Trade Waste Service.

DSDS8	REVIEW OF "PUBLIC NOTIFICATION POLICY"
FILE: 126 KJW (NRN)	{Folio No. 294038}

SUMMARY:

Reporting that draft amendments to Public Notification Policy are recommended for the purposes of public exhibition.

◆◆◆◆◆

Background

Following amendments to DCP 30 "Exempt and Complying Development" in May 2004, Council requested a "review of the effectiveness of the changes" and report to Council within twelve (12) months.

Part of Sustainable Development Services Outputs for 2004/05 is to review DCP 30 to ensure that the opportunities to utilise Complying Development are maximised without resulting in unacceptable loss of amenity, **including Councils Public Notification Policy.**

Whilst there have been very few complaints relating to the adequacy of Council Public Notification Policy, from complaints received it is apparent that clarification of the role of notification in the development assessment process is required.

The amendments appear underlined and in bold face in the text of the Draft Policy. ([Appendix Y](#))

The changes made to the Policy are intended to clarify the Policy for the public and staff.

Summary of the changes are:-

- **Section 1. Preamble.**

Include a preamble to clarify where and the purpose of the Policy.

- **Section 2. Objectives.**

Extend the objectives of the Policy to include the importance of community consultation and participation in the development assessment process.

- **Section 3. Public Notification/Advertising.**

Additional clauses have been inserted to clarify who receives notices. Tenants on adjoining land will not be advised as Council does not record the particulars of occupants however any person may make submission. If the adjoining land is Strata Title then the corporate body will receive the notice and not the individual owners.

Where adjoining land is owned by more than one owner, a notice to one owner will satisfy the Policy. If the proposal is likely to attract significant public interest then neighbouring land owners will be notified. If the development is on the boundary of the Shire then adjoining owners in the adjoining Council will be notified.

- **Section 4. Method for determining applications.**

Method for determining applications has included a new section on the importance to consider submissions and balancing it with Councils statutory obligations. Submissions form part of the assessment process and provide the public with the opportunity to assist Council ensure that all relevant matters are taken into consideration.

- **Section 5. Acknowledgement of submissions.**

Included in this section is clarification that where it is a petition, Council will only advise the main proponent.

- **Section 6. Period of notification/advertising.**

Survey of other major coastal Council on length of exhibition is fourteen (14) days.

Councils present ten (10) day period is considered to be adequate but if Council is of a mind to provide a greater length than a period of fourteen calendar days would be in line with other councils.

- **Section 7. Development Proposals not requiring notification/advertising.**

It is noted that dwellings relocated from another property have been of concern in recent times and should require notification/advertising.

Other types of development that have been included in the exemption list are demolition of buildings, except any item of environmental heritage or within any conservation area, commercial and industrial development, except where the site borders residential land.

- **Section 8. Inclusion of modified applications.**

Amended application is where an applicant applies to alter an application prior to a consent being issued. Modified application is after a consent has been issued.

Clarification as to when notification will occur has been included.

- **Section 9. Review of determination.**

This is a new section to deal with a review of determination where Council will advise all original submission writers that their submissions will be considered with the review, and Council will advise them of their decision.

- **Section 10. Fees and Charges.**

Inclusion of a section to identify fees and charges for notification/advertising in accordance with Councils Fees and Charges Schedule.

- **Interpretation.**

A new Section has been included to define terms used in the Policy.

It is also proposed to introduce a "Information Notification Process" leaflet to be sent with notification letters to advise owners of the process.

[\(Appendix Z\)](#)

As Council will be looking at reviewing of DCP 30 which will need to be placed on public exhibition for a period of at least twenty-eight (28) days it is considered reasonable to allow public comment on "Public Notification Policy" concurrently with DCP 30 and the required draft LEP amendment.

REPORT IMPLICATIONS:

- **Environmental**

Provide a Policy for the notification of applications which Council can then assess in accordance with Environmental Planning and Assessment Act.

- **Social**

Provide an opportunity for the public to participate in the development assessment.

- **Economic (Financial)**

Policy will include a Section "Fees and Charges" which will identify the fees applicable for full cost recovery of the service.

- **Policy or Statutory**

To provide a Policy and to set out Council's requirements for the notification and advertising of development applications.

2005. 237 **RESOLVED:**

*Moved: Cl. Bowell
Seconded: Cl. Walker*

That the draft "Public Notification Policy" referred to in this report be placed on public exhibition for a period of at least twenty eight (28) days.

DSDS9	KEMPSEY MASTERPLAN IMPLEMENTATION COMMITTEE
	FILE: 369 PMK
	{Folio No. 294039}

SUMMARY:

Reporting on the outcomes of the recent meetings held on 10th March 2005 of the Kempsey MasterPlan Implementation Committee meeting. [\(Appendix A1\)](#)

A number of items were considered at the meeting that require Council's consideration.



Rejuvenation of the Kempsey Town Centre

At its meeting of 14th December 2004, the Council considered a report giving the status of the work being undertaken on the planning of the

upgrades for the Pacific Highway through the Shire. At that meeting the Council resolved:

"That Council review the Kempsey Town Centre Masterplan and commence a Town Centre rejuvenation program with the business community, which includes the town approaches."

At its meeting of 10th March 2005, the Kempsey MasterPlan Implementation Committee received an amended programme for the proposal to review the MasterPlan and associated rejuvenation works. [\(Appendix B1\)](#) The Committee resolved to:-

"Endorse the programme and refer it to Council for information."

Draft Interim Policy for the Management of Development in the Town Centre

A draft outlining the principles for management of development in the town centre while the programme was being put into place was tabled at the meeting for discussion. [\(Appendix C1\)](#)

The Committee resolved that the matter be referred to Council to endorse the recommendation:-

"That a Draft Development Control Plan be prepared to manage development in the MasterPlan area in accordance with the existing MasterPlan provisions and as reviewed under the proposed rejuvenation programme."

"That the principles outlined in the guidelines presented to the Committee be used to develop interim guidelines to manage development in the area until the Development Control Plan is put into effect."

Development Applications

The Committee also resolved that:-

"Development applications that impact significantly on the streetscape in the MasterPlan area are to be referred to the Committee for comment prior to determination."

The objectives of the Committee as adopted at its meeting of 28th July 2004 are:-

To coordinate the implementation of the recommendations of the Kempsey MasterPlan and advise the Council on the requirements and outcome.

The main thrust of this Committee in the past has been to make recommendations on the expenditure of funds for Council works in the area. It is only recently that the Committee has become involved in a process to review the policies that manage development in the town. It is not normal for Committees of this nature to deal with specific Development Applications prior to their determination by either the delegate or Council. There are statutory timelines that need to be adhered to in the DA process and Committees that meet at irregular intervals can put unrealistic times onto the assessment time for a proposal.

However, it is not unreasonable that the Committee is advised of applications of this nature for information particularly where proposals are contrary to the intent of the MasterPlan.

It is recommended that the Committee be advised that:-

Development applications that impact significantly on the streetscape in the MasterPlan area are to be referred to the Committee for information, and

That the Committee review its objectives in light of the new policy development role that it is taking on.

REPORT IMPLICATIONS:

• ***Social***

Rejuvenation of the Town Centre.

• ***Policy or Statutory***

Will result in a DCP for Managing development in the town centre.

• ***Director's Review***

As per report.

Director Sustainable Development Services Recommendation:

That Council:-

- 1. Endorse the amended programme for the review of the Kempsey MasterPlan and rejuvenation of the town centre, and**
- 2. Endorse the preparation of a Draft Development Control Plan to manage development in the MasterPlan area in accordance with the existing MasterPlan provisions and as reviewed under the proposed rejuvenation programme, and**

3. **Endorse the preparation of interim guidelines to manage development in the area until the Development Control Plan is put into effect based on the principles outlined in the guidelines presented to the Committee, and**
4. **Advise the Committee that Development applications that impact significantly on the streetscape in the MasterPlan area can be referred to the Committee for information rather than for comment prior to determination, and**
5. **Advise the Committee that a review of its objectives may be in order in light of the new policy development role that it has adopted in addition to its existing role of coordinating the funds to implement the current MasterPlan.**

MOVED:

*Moved: Cl. Howell
Seconded: Cl. Walker*

That Council:-

1. **Endorse the amended programme for the review of the Kempsey MasterPlan and rejuvenation of the town centre, adopting plan A**
2. **Endorse the preparation of a Draft Development Control Plan to manage development in the MasterPlan area in accordance with the existing MasterPlan provisions and as reviewed under the proposed rejuvenation programme, and**
3. **Endorse the preparation of interim guidelines to manage development in the area until the Development Control Plan is put into effect based on the principles outlined in the guidelines presented to the Committee, and**
4. **Advise the Committee that Development applications that impact significantly on the streetscape in the MasterPlan area can be referred to the Committee for information rather than for comment prior to determination, and**
5. **Advise the Committee that a review of its objectives may be in order in light of the new policy development role that it has adopted in addition to its existing role of coordinating the funds to implement the current MasterPlan.**

An Amendment was MOVED:

*Moved: Cl. Hayes
Seconded: Cl. Hunt*

That Council:-

1. **Endorse the amended programme for the review of the Kempsey MasterPlan and rejuvenation of the town centre, and**

2. **Endorse the preparation of a Draft Development Control Plan to manage development in the MasterPlan area in accordance with the existing MasterPlan provisions and as reviewed under the proposed rejuvenation programme, and**
3. **Endorse the preparation of interim guidelines to manage development in the area until the Development Control Plan is put into effect based on the principles outlined in the guidelines presented to the Committee, and**
4. **Advise the Committee that Development applications that impact significantly on the streetscape in the MasterPlan area must be referred to the Committee for information rather than for comment prior to determination, and**
5. **Advise the Committee that a review of its objectives may be in order in light of the new policy development role that it has adopted in addition to its existing role of coordinating the funds to implement the current MasterPlan.**

The AMENDMENT was PUT to the Meeting and was LOST.

2005. 238 The MOTION was PUT to the MEETING and was CARRIED.

DSDS10	SOUTH WEST ROCKS OPEN SPACE STRATEGY – SALE OF LOCAL PARKS / RESERVES	FILE: 527 PMK	{Folio No. 294041}
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This Report was dealt with immediately following Public Forum.

DSDS11	MODIFICATION TO EXISTING DRAINAGE EASEMENT - KEMP STREET CHILD CARE CENTRE	FILE: T6-04-427 AJC	{Folio No. 294042}
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SUMMARY:

Reporting on proposal to extinguish an existing easement to drain water 3 wide created in DP26388 and form another easement to drain water in its place over the new relocated pipeline within the subject property.



Applicant: Child Care Systems Australia
Subject Property: 12 Kemp Street, West Kempsey

Proposal

The proposal is to extinguish the existing easement to drain water 3 wide (which is currently vested in Council) and create a new easement to drain water 3 metre wide over the length of the new pipe line located within the subject lots in favour of council.

This stormwater drainage system currently services Edinburgh Lane and Council Carparking area and is to remain under Council control.

The location of the old existing and proposed relocated Council stormwater mains are as shown in the plan attached to this report ([Appendix G1](#)). A Draft copy of the proposed 88B Instrument extinguishing the old easement and creating the new one is also appended to this report as ([Appendix H1](#)).

Discussion

The existing pipeline and easement was provided by the Council to allow draining of Edinburgh Lane and associated Carparking area.

Provided that the applicants are prepared to undertake the required process, meet all associated costs and obtain the agreement from all the affected property owners then this proposal is considered appropriate in the circumstances.

If Council agrees to support this proposal, then Council's seal will need to be affixed to the appropriate documentation associated with this proposal.

REPORT IMPLICATIONS:

- ***Environmental***

From information supplied to council it is not anticipated that there will be any adverse environmental impacts from the proposed change in restriction as to user.

- ***Social***

The proposed Child Care Centre being erected is considered to be of social benefit for the period of construction.

- ***Economic (Financial)***

There are no financial implications arising from this report.

- ***Policy or Statutory***

The withdrawal of the restriction is to comply with Development Consent Condition 33 for a new Child Care Centre which was

assessed under Section 79(C) of the Environmental Protection and Authority Act 1979.

Director Sustainable Services Department Recommendation:

- 1. That upon the owner (Childcare Systems Australia) endorsing the Section 88B Instrument, Council endorse the instrument under seal.**
- 2. That the applicant be advised accordingly.**

2005. 239 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Sowter*

- 1. That upon the owner (Childcare Systems Australia) endorsing the Section 88B Instrument, Council endorse the instrument under seal.**
- 2. That the applicant be advised accordingly.**

DSDS12	REMOVAL OF 88B INSTRUMENT LOT18 DP1062980 No.14 CECIL BALDWIN DRIVE, WEST KEMPSEY FILE: T6-04-640 JGR	{Folio No. 294043}
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SUMMARY:

Reporting on a proposal to extinguish an 88B Instrument created in DP 1062980 which forms a 12m wide APZ Asset Protection Zone for Bushfire Management. The Caveat precluded construction within this zone.



Applicant: McCarthy Legal
Subject Property: Lot 18 DP1062980 No 14 Cecil Baldwin Close,
West Kempsey

Proposal

The proposal is to extinguish the existing Bushfire (APZ) easement which was created by the Bush Fire Safety Authority on the 24th September 2003 for subdivision file T6-02-497 after consultation with the Bushfire Risk Assessment Report prepared by Consultants North Coast Forestry and Ecology Services.

The resultant 88B Instrument has Council as the beneficiary and as such it's removal may only be done by the execution of Council under seal.

Discussion

The 88B Bushfire APZ was provided as a buffer to adjoining agricultural land.

The owner of the land requested a review of the easement, details were forwarded to head office of the Rural Fire Services for review.

The Rural Fire Services provided a letter dated the 10th February 2005 advising that they raise no objection to the extinguishment of the 88B Instrument. [\(Appendix I1\)](#)

REPORT IMPLICATIONS:

- ***Environmental***

From information supplied to council it is not anticipated that there will be any adverse environmental impacts from the proposed change in restriction as to user.

- ***Social***

The proposed dwelling being erected is considered to be of social benefit for the period of construction.

- ***Economic (Financial)***

There are no financial implications arising from this report.

- ***Policy or Statutory***

The withdrawal of the restriction is to comply with Development Consent Condition 3 for a new dwelling which was assessed under Section 79(C) of the Environmental Protection and Authority Act 1979 and DCP 22 Local Housing Strategy.

Director Sustainable Services Department Recommendation:

That Council advise the applications as follows:

1. **That Councils seal be affixed to the withdrawal application associated with the 88B Instrument for Restriction No 9 in copy folio identifier 18/1062980.**

2005. 240 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Sowter*

That Council advise the applications as follows:

1. **That Councils seal be affixed to the withdrawal application associated with the 88B Instrument for Restriction No 9 in copy folio identifier 18/1062980.**

Councillor Sowter declared an interest in the following item for the reason that he is a party to item, 2005/LD-00041 1137 Pacific Highway Bellimbopinni, in the report and retired from the Chamber.

DSDS13	BUILDING AND DEVELOPMENT	{Folio No. *}
FILE: *	RBP	

SUMMARY:

Reporting that the following applications have been approved:



Council Report on Local Development Application

Reporting that the following applications have been approved:-

2001/LD-00066 REV01Lot 2 DPDP572396 CARDWELL STREET
ARAKOON

REFER T4-97-139 TOURIST DEV STAGE 1
Owner: HOCKINGS G W
Builder: 0

2003/LD-00278 REV011 ERIC FITTLER PLACE SOUTH WEST ROCKS
DUAL OCCUPANCY AND SUBDIVISION

Owner: WHEELER G
Builder: 1

2003/LD-00851 REV019 DILBERANG CLOSE SOUTH WEST ROCKS
DWELLING AND ATTACHED GARAGE

Owner: SWAN M & L
Builder: 0

2004/LD-00060 REV01137 APPLE TREE DRIVE KUNDABUNG
DWELLING, STORAGE SHED & WATER TANKS

Owner: MYLONAS C & BA
Builder: 0

2004/LD-00180 REV014 SEAVIEW STREET SOUTH WEST ROCKS
TWO STOREY DWELLING

Owner: OSBORNE C
Builder: 0

2004/LD-00250 REV01594 AUSTRAL EDEN OUTER ROAD AUSTRAL
EDEN

DWELLING ADDITIONS
Owner: ONEIL G & N
Builder: 0

2004/LD-00278 REV01Lot 3 DPDP623073 SALEYARDS ROAD WEST

KEMPSEY

TRUCKWASH BAY ON NEW ROADWORK
Owner: KEMPSEY SHIRE COUNCIL
Builder: 0

2004/LD-00281 18 TAYLORS ROAD KUNDABUNG
3 LOT SUBDIVISION
Owner: OLEARY I & M
Builder: 3

2004/LD-00351 POINT PLOMER ROAD CRESCENT HEAD
REALIGNMENT OF POINT PLOMER ROAD ADJACENT TO
SEPP 26, LITTORAL RAIN FOREST
Owner: FINNIE K - ON BEHALF OF KEMPSEY SHIRE
COUNCIL
Builder: 0

2004/LD-00443 REV015 GREENWAY CLOSE SOUTH WEST ROCKS
DWELLING & SWIMMING POOL
Owner: POPPLE J & A
Builder: 0

2004/LD-00523 REV0124 LINKSVIEW CLOSE - SOUTH WEST ROCKS
DWELLING
Owner: WINSOME PROPERTIES P/L
Builder: 0

2004/LD-00563 27 SHERWOOD ROAD YARRAVEL
2 LOT SUBDIVISION
Owner: KRILIC D & RM, C/- MARK ROGERS &
ASSOCIATES
Builder: 2

2004/LD-00666 57 SUTHERLANDS LANE BELLIMBOPINNI
SITE FILLING, STOCKYARDS AND SHED
Owner: TEBRAN P/L
Builder: 0

2004/LD-00702 85 LEITH STREET WEST KEMPSEY
DWELLING RELOCATION
Owner: EDWARDS R & KERR E
Builder: 0

2004/LD-00717 132 MARYS BAY ROAD EUROKA
DWELLING AND FARM SHED
Owner: McNAMARA P & S
Builder: 0

2005/LD-00003 12 TREVOR JUDD AVENUE SOUTH WEST ROCKS
TWO STOREY DWELLING
Owner: FORLAN CONSTRUCTIONS P/L
Builder: 0

- 2005/LD-00005 19 THIRD LANE KEMPSEY
REPLACE EXISTING DWELLING
Owner: STUBBS S & K
Builder: 0
- 2005/LD-00016 95 ARAKOOON ROAD SOUTH WEST ROCKS
DETACHED SHED
Owner: DRANE P
Builder: 0
- 2005/LD-00018 873 MARIA RIVER ROAD CRESCENT HEAD
RELOCATABLE HOME
Owner: FORINTON J & S
Builder: 0
- 2005/LD-00022 Lot 8 PT DPDP752422 HOUSE NO 25 BELLBROOK
DEMOLITION OF DETACHED DWELLING
Owner: THUNGUTTI LOCAL ABORIGINAL LAND
COUNCIL
- 2005/LD-00034 586 OLD COAST ROAD KUNDABUNG
DWELLING
Owner: MENA V
Builder: 0
- 2005/LD-00036 22 HILLVIEW DRIVE YARRAVEL
DWELLING RELOCATION
Owner: LIDDLE K & S
Builder: 0
- 2005/LD-00041 1137 PACIFIC HIGHWAY BELLIMBOPINNI
BOUNDARY ADJUSTMENT
Owner: MCWHIRTER D
- 2005/LD-00044 110 JOHN LANE ROAD YARRAVEL
DWELLING ADDITIONS
Owner: ABORIGINAL HOUSING OFFICE
Builder: 0
- 2005/LD-00046 28 OCEAN STREET SOUTH WEST ROCKS
DWELLING & POOL
Owner: ALDRED D & J
Builder: 0
- 2005/LD-00053 40 DENNIS CRESCENT SOUTH WEST ROCKS
DWELLING AND ATTACHED GARAGE
Owner: JACLESTA PTY LTD
- 2005/LD-00054 4 ROBINSON PLACE SOUTH WEST ROCKS
DWELLING AND ATTACHED GARAGE
Owner: JACLESTA P/L

- 2005/LD-00055 35 DENNIS CRESCENT SOUTH WEST ROCKS
DWELLING AND ATTACHED GARAGE
Owner: JACLESTA P/L
- 2005/LD-00056 42 DENNIS CRESCENT SOUTH WEST ROCKS
DWELLING
Owner: JACLESTA PTY LTD
- 2005/LD-00063 11 FAIRWAY PLACE SOUTH WEST ROCKS
DWELLING ADDITIONS
Owner: PEARMAN C/ HADLOW
- 2005/LD-00065 2 CHIFLEY PLACE SOUTH KEMPSEY
DETACHED GARAGE AND BOUNDARY FENCE
Owner: WATSON P
- 2005/LD-00067 14 ANGUS MCNEIL CRESCENT SOUTH KEMPSEY
DEMOLISH DWELLING & CONSTRUCT NEW DWELLING
Owner: KEMPSEY LOCAL ABORIGINAL LAND COUNCIL
Builder: 0
- 2005/LD-00070 16 BAY STREET HAT HEAD
SWIMMING POOL
Owner: CAMPLING P & MORTON S
Builder: 0
- 2005/LD-00072 121 KEMP STREET WEST KEMPSEY
RESIDENTIAL SUBDIVISION
Owner: PRIOR D, R, W, A, A & MAINEY J
Builder: 2
- 2005/LD-00073 15 OLD GREENHILLS FERRY ROAD GREENHILLS
DECK ROOF AND PERGOLA
Owner: KESBY L & K
- 2005/LD-00074 61 BROUGHTON STREET WEST KEMPSEY
DWELLING ADDITIONS
Owner: CRILLEY JP & MJ
- 2005/LD-00075 10 PALM COURT SOUTH WEST ROCKS
SWIMMING POOL
Owner: GREEN A & J
- 2005/LD-00076 349 GREGORY STREET SOUTH WEST ROCKS
DWELLING ADDITIONS - AWNING AND DECK
Owner: HANNAH C
- 2005/LD-00077 46 DENNIS CRESCENT SOUTH WEST ROCKS
DWELLING ADDITIONS - PATIO COVER
Owner: GORNALL I & BOWER P

2005/LD-00081 Lot 181 DPDP752417 GOWINGS HILL ROAD SOUTH
KEMPSEY

DEMOLITION OF EXISTING BUILDINGS & ERECTION OF
NEW DWELLING

Owner: KEMPSEY LOCAL ABORIGINAL LAND COUNCIL

2005/LD-00082 246 CRESCENT HEAD ROAD SOUTH KEMPSEY
GARAGE

Owner: COOK J & DELFORCE M

Builder: 0

2005/LD-00083 27 HILLVIEW DRIVE YARRAVEL
GARAGE

Owner: SECOMB A J

2005/LD-00084 12 CYRUS SAUL CIRCUIT FREDERICKTON
GARAGE

Owner: DELAFORCE G A

2005/LD-00086 5-7 AKUBRA PLACE SOUTH KEMPSEY
ADDITIONS OF UNISEX DISABLED FACILITIES &
INTERNAL ALTERATIONS

Owner: KSC

2005/LD-00087 46 CYRUS SAUL CIRCUIT FREDERICKTON
SWIMMING POOL

Owner: WALSH E & J

Builder: 0

2005/LD-00088 Lot LI 331914 NEW ENTRANCE ROAD SOUTH
WEST ROCKS

PONTOON AND WALKWAY

Owner: DEPT OF LANDS

Builder: 0

2005/LD-00089 60 MITCHELL STREET SOUTH WEST ROCKS
GARAGE EXTENSION & DECK

Owner: SOLOMON D & J

Builder: 0

2005/LD-00090 78 BELMORE STREET SMITHTOWN
PATIO AWNING

Owner: JOHNSTON M & L

Builder: 0

2005/LD-00092 11 BERT DYSON PLACE WEST KEMPSEY
DWELLING

Owner: ARAKOOK HOMES P/L & GOWINGS
KEMPSEY P/L

Builder: 0

2005/LD-00097 124 BROUGHTON STREET WEST KEMPSEY

GARAGE
Owner: GANDER P/L
Builder: 0

2005/LD-00098 26 CAMERON STREET WEST KEMPSEY
GARAGE
Owner: BATTLE B
Builder: 0

2005/LD-00099 17 CYRUS SAUL CIRCUIT FREDERICKTON
INGROUND POOL
Owner: GARRETT C & T
Builder: 0

2005/LD-00101 24 STEWART PLACE EUROKA
DWELLING ADDITIONS & GARAGE
Owner: BUTTERFIELD T & MILES K
Builder: 0

2005/LD-00103 4 PETER MARK CIRCUIT SOUTH WEST ROCKS
DWELLING ADDITIONS - PATIO AWNING
Owner: BARTLETT P & P
Builder: 0

2005/LD-00105 33 NORTH STREET WEST KEMPSEY
DOUBLE GARAGE
Owner: HOBSON J & J

2005/LD-00110 56 SEA STREET WEST KEMPSEY
SHED
Owner: BARBOUR M & N

2005/LD-00111 38 HUTCHESON STREET HAT HEAD
CARPORT
Owner: THOMAS T
Builder: 0

2005/LD-00119 8 HENNESSY STREET STUARTS POINT
SWIMMING POOL
Owner: BROOKS W J

2005/LD-00128 8 JACK BOND CRESCENT WEST KEMPSEY
GARAGE
Owner: GILLIES B & G

2005/LD-00131 7 GLADSTONE STREET KEMPSEY
ENCLOSE EXISTING VERANDAH
Owner: LLEWELLYN D & GRADOLF T

Summary	No	Value
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Type

No

Value

Local Development Application 60 5,151,944

There were 60 development applications approved with a value of \$5,151,944 with 63% approved within 30 days.

For the financial year to date there has been 460 applications together with 50 modifications approved, with 70% approved within 30 days. The 460 applications include 629 sub-applications with a value of \$41,949,699.

As at 4 Apr 2005, 222 applications are in the office awaiting a determination.

The number of applications in excess of 40 days is 112 and the range of days is 41 to 1915.

The reasons for the matters outstanding are:-

FD	Further Details Req	64
IA	Incomplete Application	17
OA	Other Agencies	11
RC	Refer Council	2
XX	No Reason Given	18

Council Report on Construction Certificate Building

Reporting that the following applications have been approved:-

2004/CB-00053 137 APPLE TREE DRIVE KUNDABUNG
DWELLING, STORAGE SHED & WATER TANKS
Owner: MYLONAS C & BA

2004/CB-00437 BELMORE STREET - CRESCENT HEAD
COLLUMBARIUM WALL
Owner: KEMPSEY SHIRE COUNCIL

2004/CB-00606 85 LEITH STREET WEST KEMPSEY
DWELLING RELOCATION
Owner: EDWARDS R & KERR E

2004/CB-00617 132 MARYS BAY ROAD EUROKA
DWELLING AND FARM SHED
Owner: McNAMARA P & S

2005/CB-00005 12 TREVOR JUDD AVENUE SOUTH WEST ROCKS
TWO STOREY DWELLING
Owner: FORLAN CONSTRUCTIONS P/L

2005/CB-00012 873 MARIA RIVER ROAD CRESCENT HEAD
RELOCATABLE HOME
Owner: FORINTON J & S

2005/CB-00013 95 ARAKOOON ROAD SOUTH WEST ROCKS

DETACHED SHED
Owner: DRANE P

2005/CB-00030 586 OLD COAST ROAD KUNDABUNG
DWELLING
Owner: V MENA

2005/CB-00031 22 HILLVIEW DRIVE YARRAVEL
DWELLING RELOCATION
Owner: LIDDLE K & S

2005/CB-00037 28 OCEAN STREET SOUTH WEST ROCKS
DWELLING & POOL
Owner:

2005/CB-00044 Lot 76 DPDP1071483 BUNYA PINE COURT WEST
KEMPSEY
DWELLING, INGROUND POOL AND SHED
Owner: CLARKE RA & RP

2005/CB-00049 2 CHIFLEY PLACE SOUTH KEMPSEY
DETACHED GARAGE AND BOUNDARY FENCE
Owner: WATSON P

2005/CB-00050 11 FAIRWAY PLACE SOUTH WEST ROCKS
DWELLING ADDITIONS
Owner: PEARMAN C/ HADLOW

2005/CB-00053 40 DENNIS CRESCENT SOUTH WEST ROCKS
DWELLING AND ATTACHED GARAGE
Owner: JACLESTA PTY LTD

2005/CB-00054 4 ROBINSON PLACE SOUTH WEST ROCKS
DWELLING AND ATTACHED GARAGE
Owner: JACLESTA P/L

2005/CB-00055 35 DENNIS CRESCENT SOUTH WEST ROCKS
DWELLING AND ATTACHED GARAGE
Owner: JACLESTA P/L

2005/CB-00057 42 DENNIS CRESCENT SOUTH WEST ROCKS
DWELLING
Owner: JACLESTA PTY LTD

2005/CB-00060 10 PALM COURT SOUTH WEST ROCKS
SWIMMING POOL
Owner: GREEN A & J

2005/CB-00061 349 GREGORY STREET SOUTH WEST ROCKS
DWELLING ADDITIONS - AWNING AND DECK
Owner: HANNAH C

- 2005/CB-00062 16 BAY STREET HAT HEAD
SWIMMING POOL
Owner: CAMPLING P & MORTON S
- 2005/CB-00063 46 DENNIS CRESCENT SOUTH WEST ROCKS
DWELLING ADDITIONS - PATIO COVER
Owner: GORNALL I & BOWER P
- 2005/CB-00064 15 OLD GREENHILLS FERRY ROAD GREENHILLS
DECK ROOF AND PERGOLA
Owner: KESBY L & K
- 2005/CB-00065 99-101 BROUGHTON STREET WEST KEMPSEY
REMOVE EXISTING DWELLING & CONSTRUCT TWO
STOREY DWELLING, 4 UNITS & GARAGES
Owner: CLARKE G P
- 2005/CB-00066 61 BROUGHTON STREET WEST KEMPSEY
DWELLING ADDITIONS
Owner: CRILLEY JP & MJ
- 2005/CB-00067 246 CRESCENT HEAD ROAD SOUTH KEMPSEY
GARAGE
Owner: COOK J & DELFORCE M
- 2005/CB-00068 27 HILLVIEW DRIVE YARRAVEL
GARAGE
Owner: HUDSON C N & J M
- 2005/CB-00069 12 CYRUS SAUL CIRCUIT FREDERICKTON
GARAGE
Owner: DELAFORCE G A
- 2005/CB-00070 46 CYRUS SAUL CIRCUIT FREDERICKTON
SWIMMING POOL
Owner: WALSH E & J
- 2005/CB-00072 60 MITCHELL STREET SOUTH WEST ROCKS
GARAGE EXTENSION & DECK
Owner: SOLOMON D & J
- 2005/CB-00073 78 BELMORE STREET SMITHTOWN
PATIO AWNING
Owner: JOHNSTON M & L
- 2005/CB-00075 11 BERT DYSON PLACE WEST KEMPSEY
DWELLING
Owner: ARAKON HOMES P/L & GOWINGS
KEMPSEY P/L
- 2005/CB-00076 5-7 AKUBRA PLACE SOUTH KEMPSEY

ADDITIONS OF UNISEX DISABLED FACILITIES &
INTERNAL ALTERATIONS
Owner: KSC

2005/CB-00079 1 ERIC FITTLER PLACE SOUTH WEST ROCKS
DUAL OCCUPANCY AND SUBDIVISION
Owner: WHEELER G

2005/CB-00080 124 BROUGHTON STREET WEST KEMPSEY
GARAGE
Owner: GANDER PTY LTD

2005/CB-00081 26 CAMERON STREET WEST KEMPSEY
GARAGE
Owner: BATTLE B

2005/CB-00082 17 CYRUS SAUL CIRCUIT FREDERICKTON
INGROUND POOL
Owner: GARRETT C & T

2005/CB-00083 24 STEWART PLACE EUROKA
DWELLING ADDITIONS & GARAGE
Owner: BUTTERFIELD T & MILES K

2005/CB-00085 4 PETER MARK CIRCUIT SOUTH WEST ROCKS
DWELLING ADDITIONS - PATIO AWNING
Owner: BARTLETT P & P

2005/CB-00090 33 NORTH STREET WEST KEMPSEY
DOUBLE GARAGE
Owner: HOBSON J & J

2005/CB-00091 38 HUTCHESON STREET HAT HEAD
CARPORT
Owner: THOMAS T

2005/CB-00097 8 HENNESSY STREET STUARTS POINT
SWIMMING POOL
Owner: BROOKS W J

2005/CB-00104 8 JACK BOND CRESCENT WEST KEMPSEY
GARAGE
Owner: GILLIES B & G

2005/CB-00108 7 GLADSTONE STREET KEMPSEY
ENCLOSE EXISTING VERANDAH
Owner: LLEWELLYN D & GRADOLF T

Summary

Type	No	Value
Construction Certificate Building	43	0

There were 43 Construction Certificate applications approved with 62% approved within 30 days.

As at 4 Apr 2005, 195 applications are in the office awaiting a determination.

For the financial year to date there has been 389 applications with 73% approved within 30 days.

The number of applications in excess of 40 days is 50 and the range of days is 41 to 2307.

The reasons for the matters outstanding are:-

BL	Builders Licence Requirements	1
DA	DA Approval Required	2
DR	DA Requirements	5
FD	Further Details Req	34
IA	Incomplete Application	3
OA	Other Agencies	1
RC	Refer Council	1
XX	No Reason Given	3

REPORT IMPLICATIONS

- **Environmental**

Nil

- **Social**

Nil

- **Economic**

Nil

- **Policy or Statutory**

Nil

- **Director's Comment**

Nil

Director Sustainable Services Department Recommendation:

That the information be noted.

.....

R B Pitt

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES

2005. 241 **RESOLVED:**

*Moved: Cl. Howell
Seconded: Cl. Green*

That the information be noted.

At this stage Councillor Sowter returned to the Chamber.

DIRECTOR SHIRE SERVICES REPORT

DSS1	COUNTRY PASSENGER TRANSPORT INFRASTRUCTURE GRANTS SCHEME
FILE:472	NJT
	{Folio No. 294063}

SUMMARY:

Reporting on a grant received from the NSW Ministry of Transport.



Council has been advised that it's application for \$72,000 (including GST) to construct nine bus shelters in the township of Kempsey, under the 2004/05 Country Passenger Transport Infrastructure Grants Scheme, has been successful.

The locations of the bus shelters will be finalised in conjunction with the Town Bus Service provider.

REPORT IMPLICATIONS

▪ *Environmental Implications*

There are no environmental implications from the following recommendation.

▪ *Social Implications*

There are positive social implications from this report as the provision of bus shelters in the township of Kempsey will provide shelter from the elements for people accessing the Kempsey Town Bus Service. It is envisaged that appropriate bus routes and timetable schedules will be displayed within the structures.

▪ *Economic (Financial) Implications*

There are no economic implications from the following recommendation as the project is 100% funded by the NSW Ministry of Transport.

▪ *Policy or Statutory Implications*

There are no policy or statutory implications from the following recommendation.

▪ ***Director's Review***

By accepting this grant funding Council can provide facilities of benefit to the community at large.

Director Shire Services Recommendation:

That a grant of \$72,000 from the NSW Ministry of Transport for the installation of bus shelters in the township of Kempsey, under the 2004/05 Country Passenger Transport Infrastructure Grants Scheme, be accepted.

2005. 242 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Walker*

That a grant of \$72,000 from the NSW Ministry of Transport for the installation of bus shelters in the township of Kempsey, under the 2004/05 Country Passenger Transport Infrastructure Grants Scheme, be accepted.

DSS2	ROADS TO RECOVERY	
FILE: 197	NJT (NRN)	{Folio No. 294064}

SUMMARY:

Reporting on the 2001-2005 Federal Government Roads to Recovery Program.



Council received a total grant of \$2,880,313 under the 2001-2005 Federal Government Roads to Recovery Program (R2R). The total funding has been received by Council. The majority of projects have been completed and the remaining projects are currently underway or about to commence. The program will be finalised by the 30th June 2005.

Council has received considerable benefit from this funding, as can be seen from the details of the projects listed below.

	Location	Work	Estimated Cost
Bellbrook Town Improvement	Toose Rd, Main St to bridge, Bellbrook	Surface unsealed - reconstruction and seal	30,000
Crescent Head Town Improvement	Korogora Street, Crescent Head	Construct kerb and gutter and drainage.	40,000

Frederickton Town Improvement	Great North Rd, Frederickton	Construct kerb and gutter and drainage adjacent to Frederickton Public School	40,000
Gladstone Town Improvement	Barnard St, Gladstone	Construct longitudinal drainage.	40,000
Hat Head Town Improvement	Straight Street, Hat Head	Construct Cycleway / Footpath	30,000
Hat Head Town Improvement	Straight Street, Hat Head	Road drainage construction	10,000
Kundabung Town Improvement	River Road, Kundabung Rd to Community Hall, Kundabung	Reconstruction and seal	30,000
Smithtown Town Improvement	Belmore St, Smithtown	Construct kerb and gutter and drainage.	40,000
South West Rocks Town Improvement	Gregory St, McIntyre St to Paragon Ave, South West Rocks	Kerb and gutter and drainage and shoulder widening.	40,000
Willawarrin Town Improvement	Armidale Rd, low level access road, Willawarrin.	Construct and seal low level access road, and widen shoulders on southern side	30,000
Stuarts Point Town Improvement	Ocean Ave, Banksia St to Second Ave, Stuarts Point	Construct kerb and gutter and widen shoulders.	40,000
Feasibility Study	Roadlink between South West Rocks and Stuarts Point,	Preliminary assessment of construction of a road link over Clybucca Creek	35,000
Gravel Resheeting	Point Plomer Road, Crescent Head	Gravel resheeting and some widening	60,000
Gravel Resheeting	Mighells Rd, between Stuarts Point Rd and Shire boundary,	Gravel resheeting and some widening.	50,000
Gravel Resheeting	Yessabah Rd, Sherwood Rd to end	Gravel resheeting and some widening	30,000
Gravel Resheeting	Maria River Road, Crescent Head	Gravel resheeting and some widening	60,000
Pavement Rehabilitation	Sea St, Leith St to Elrington Ave, West Kempsey	Pavement strengthening and rehabilitation	65,000
Pavement Rehabilitation	Sea St, Broughton St to Polwood St, West Kempsey	Pavement strengthening and rehabilitation	110,000
Pavement Rehabilitation	Second Lane, Kempsey	Pavement strengthening and rehabilitation	40,000
Pavement Rehabilitation	North St, Kempsey	Pavement strengthening and rehabilitation	125,000
Pavement Rehabilitation	Middleton St, South Kempsey	Pavement strengthening and rehabilitation	105,078

Pavement Rehabilitation	York Lane, Kempsey	Pavement strengthening and rehabilitation	70,000
Pavement Rehabilitation	York Lane, Kempsey	Construct drainage in conjunction with road rehabilitation works	40,000
Pavement Rehabilitation	Kemp St, Cochrane St to Broughton St, West Kempsey	Pavement strengthening and rehabilitation	60,000
Pavement Rehabilitation	Bloomfield St, Queen St to Macquarie St, South Kempsey	Pavement strengthening and rehabilitation	150,000
Pavement Rehabilitation	Mitchell St, Pacific St to McIntyre St, South West Rocks	Pavement strengthening and rehabilitation and kerb and gutter replacement	55,078
Pavement Rehabilitation	Gladstone St, Railway Underpass, Kempsey	Pavement strengthening and rehabilitation	45,078
Pavement Rehabilitation	Tozer Street, Dangar St to Carrington St, Kempsey	Pavement strengthening and rehabilitation	80,079
Pavement Rehabilitation	Gladstone St, Belgrave St to Forth St, Kempsey	Pavement strengthening and rehabilitation and kerb and gutter replacement.	75,000
Pavement Rehabilitation	Gordon Young Drive, South West Rocks	Pavement strengthening and rehabilitation.	100,000
Pavement Rehabilitation	Queen Street, South Kempsey	Pavement strengthening and rehabilitation, and kerb and gutter replacement	150,000
Road Construction	John Lane Road, Armidale Rd to Andala Rd	Reconstruction and seal	120,000
Road Construction	Old Station Rd, between Inches Rd and Verges Creek Rd, Kempsey,	Reconstruction and seal	120,000
Road Construction	Suez Rd, between Plummers Lane and Rainbow Reach Rd	Reconstruction and seal	120,000
Road Construction	Austral Eden Link Rd, between Austral Eden Outer Rd and Austral Eden Inner Rd	Reconstruction and seal	60,000
Road Construction	Inches Rd, Kempsey	Reconstruct and seal	30,000
Road Construction	Inches Rd, 0.5km to 1.00km, Kempsey	Gravel resheeting and some widening	40,000
Bridge Construction	Toorooka Bridge, Toorooka Rd	Construction of new bridge.	100,000

Road Construction	Toorooka Rd	Construction of approaches for new bridge.	100,000
Road Reconstruction	Intersection of Gowings Hill Rd and Marys Bay Rd, Euroka	Reconstruct and realign intersection	120,000
Road Reconstruction	Hat Head Road, Kinchela	Road realignment adjacent to Kinchela School	80,000
Road Reconstruction	Sherwood Road, west of Link Rd	Road realignment	115,000

Council was able to carry out additional road infrastructure projects, often in conjunction with other programs, in the town and village areas as listed above.

Significant urban road rehabilitation works were carried out, that are not funded within Council's existing budget. These works included Sea Street, North Street, Middleton Street, York Lane, Kemp Street, Bloomfield Street, Gladstone Street, Tozer Street, and Queen Street, Kempsey; and Mitchell Street, and Gordon Young Drive, South West Rocks.

Rural road rehabilitation was carried out on Second Lane.

Funds were provided to contribute to the cost for the construction of the Peter Mainey Bridge, a new concrete bridge at a higher level over the Macleay River at Toorooka.

Road construction, including bitumen sealing, was carried out on John Lane Road, Old Station Road, Suez Road, and Austral Eden Link Road.

Rural Road reconstruction works were carried out on Hat Head Road, Sherwood Road, and the intersection of Gowings Hill Road and Marys Bay Road.

Gravel resheeting works were carried out on Point Plomer Road, Mighells Road, Yessabah Road, and Maria River Road.

With the additional funding provided under the Roads to Recovery program, Council was able to undertake a range of projects that otherwise would not have been financially possible. An amount of \$1.57M (55%) was provided for projects (urban rehabilitation, gravel resheeting and bridge replacement) that addressed the replacement/renewal of existing road infrastructure.

As reported to the Roads Workshop in February, additional funding for infrastructure replacement will need to be allocated from the extended Roads to Recovery funding. The Federal Government has advised that the Roads to Recovery Program (R2R2) will be extended for a further 4 years from 2005/2006 to 2008/2009. Funding for Kempsey Council under this program will be the same as for the original program, ie \$2.88M. Council has still not received the guidelines of the funding for the

projects of strategic regional importance. A proposed program of projects to be funded under the R2R2 program will be presented to Council in conjunction with the Transportation Infrastructure Strategic Plan.

REPORT IMPLICATIONS

- ***Environmental Implications***

Positive environment benefits were derived from sealing John Lane Road, Old Station Road, Suez Road, Austral Eden Link Road and the approaches to Toorooka Bridge.

- ***Social Implications***

Significant social benefits were derived from the rehabilitation of roads, the construction of Peter Mainey bridge, the realignment of the Gowings Hill Road, Marys Bay Road intersection and the reconstruction works on Hat Head Road and Sherwood Road.

- ***Economic (Financial) Implications***

The economic implications of the R2R program were the injection of \$2,880,313 into roadworks that were not funded by Council.

- ***Policy or Statutory Implications***

There are no policy or statutory implications.

- ***Director's Review***

Council should be well pleased with the extensive program of works undertaken by this program, by Council's day labour staff.

Director Shire Services Recommendation:

That the information be noted.

2005. 243 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Walker*

That the information be noted and that Councillors be invited to make a contribution to the planning of the program of works funded under the 2005 / 06 to 2008 / 09 Roads to Recovery program.

DSS3	TOWN IMPROVEMENT FUND
FILE: 153	NJT (NRN) {Folio No. 294065}

SUMMARY:

Reporting on funding options for the Town Improvement Fund.



Council considered a report on the 2004/2009 Transportation Infrastructure Strategic Plan at its meeting on the 15th July 2004 and resolved:

"That the 2004/2009 Transportation Infrastructure Strategic Plan be adopted, and, that the funding for the three down river villages, Willawarrin and Bellbrook be reviewed."

Council considered a further report on the Town Improvement Fund at its meeting on the 8th March 2005 and resolved:

1. *"That this matter be deferred for one month and referred to the three (3) community groups at Frederickton, Hat Head and Stuarts Point for consultation over part 1 of the Director's Recommendation.*
2. *That the communities of Willawarrin and Bellbrook be consulted about the Town Improvement Program and their perceived needs.*
3. *That consideration be given in the 2005/2006 budget to increasing the funding to \$400,000 for the Town Improvement Programs over the whole Shire."*

Attached is a copy of the report to Council at its meeting on the 8th March 2005 [Appendix A](#)

Representatives of the community groups at Frederickton, Hat Head and Stuarts Point have been contacted regarding the pooling of funds for the smaller villages of Frederickton, Gladstone, Smithtown, Stuarts Point and Hat Head in order to provide a capital project on a five-year rotational basis.

There appears to be no adverse reaction to the proposal. Comments received from the representatives indicated that their main concern was the need to increase the overall funding for the Town Improvement program and for the funding to be restored to the original rate of 8.1% of the Total Rate Revenue.

Total funding proposed in the 2004/2005 Draft Budget for the Town Improvement program is \$404,000. As previously reported, this amount is grossly inadequate to undertake the necessary improvement projects for kerb and gutter, stormwater drainage and footpath construction identified in each of the towns and villages throughout the shire. Council's existing list of projects for each of the villages will be forwarded to these community groups for feedback prior to finalising the 2005-2010 Transportation Infrastructure Strategic Plan.

Unless funding is significantly increased there appears to be only two solutions to the existing situation:

1. Revote funds annually for individual villages until sufficient funds are available to carry out projects listed.
2. Pool funds for the smaller villages of Frederickton, Gladstone, Smithtown, Stuarts Point and Hat Head to provide a capital project on a five-year rotational basis.

As resolved, contact has also been made with representatives of the villages of Bellbrook and Willawarrin. The projects that these communities deem as important are detailed below:

Bellbrook

The community has two main areas of concern that they feel Council should address.

1. Improvements to the Bellbrook CWA Park - Toilets, covered BBQ area, covered picnic tables, and electricity outlets. The park is frequently utilised by the entire community.
2. Creation of a camping area near the Bellbrook War Memorial Park and Tennis Courts – tourists regularly enquire about the availability of camping facilities in Bellbrook. They consider that this could be achieved if a shower was added to the existing toilet block and a small area of land was levelled off.

These projects are beyond the scope of transportation infrastructure town improvement works.

Willawarrin

The community requested the construction of a footpath linking the school with the shops and sporting fields. Otherwise the community was generally satisfied except for some other general issues, such as speeding through the village and landscaping works. These issues will be addressed separately.

Due to the limited resources available in the Town Improvement Fund, it is recommended that if Town Improvement type works needs to be undertaken in these villages, the work would need to be funded from other sources, such as the Roads to Recovery Program.

Other proposals, such as the upgrading of recreation facilities, would need to be considered and funded from within the appropriate budget for that activity.

REPORT IMPLICATIONS

- ***Environmental Implications***

The environmental implications from the following recommendation would be completing town improvement works.

▪ ***Social Implications***

The social implications are increasing requests for improvement works.

▪ ***Economic (Financial) Implications***

Economic implications are increasing requests for funding for both town improvement works and recreational enhancement projects.

As previously noted, the overall levels of funding have reduced and the number of facilities provided under this program have increased.

A substantial increase in funding for this program, in the order of \$250 000 is the only way to address the requested projects.

▪ ***Policy or Statutory Implications***

There are no policy or statutory implications.

▪ ***Director's Review***

Council needs to provide firm direction on funding allocation to allow completion of the Transportation Infrastructure Strategic Plan.

Director Shire Services Recommendation:

- 1. That the funding allocated for the Town Improvement Program be distributed as a proportion of net rate income for each town/village but that the funding for the smaller villages of Frederickton, Gladstone, Smithtown, Stuarts Point and Hat Head be pooled to provide funding for a capital project on a five year rotational basis.**
- 2. That consideration be given in the 2005/2006 budget to increasing the funding for the Town Improvement Program.**

2005. 244 RESOLVED:

***Moved: Cl. Hunt
Seconded: Cl. Walker***

That this matter be deferred until after the budget workshops.

SUMMARY:

Reporting on proposals for road names.



A request was received to investigate the naming of a several roads in South Kempsey. Council requested the Macleay River Historical Society investigate suitable possibilities for the unnamed roads (map attached at [Appendix B](#)). The Society has responded to Council's request recommending the following as suitable options:

1. Lane from Nicholson Street through to Bloomfield Street – Lewthwaite Lane
2. Lane from Lachlan Street through to unformed section of East Street – Warhurst Lane
3. Lane from Queen Street through to Railway Street – Graham Lane
4. Lane from Macquarie Street through to Prince Street – Jones Lane
5. Lane from Macquarie Street through to Prince Street – Coleman Lane

A copy of the response from the Historical Society is attached at [Appendix C](#). Subject to Council's concurrence; approval to name the roads will be sought from the Geographical Names Board. Advertising will be carried out in line with the requirements of the Board. Council will provide and install appropriate signage.

REPORT IMPLICATIONS**▪ Environmental Implications**

Nil

▪ Social Implications

Naming of roads is required to assist residents in locating properties and addresses.

▪ Economic (Financial) Implications

It is considered there will be small financial impacts with advertising and signage costs, all of which will come from current maintenance votes.

▪ Policy or Statutory Implications

All lanes have been named in accord with Council's Policy C22:6 and, subject to Council's decision, then be referred to the

Geographical Names Board as required by the Geographical Names Act 1966.

▪ ***Director's Review***

Council is urged to support the recommendation.

Director Shire Services Recommendation:

- 1. That Lewthwaite Lane be accepted as the name for the lane from Nicholson Street through to Bloomfield Street.**
- 2. That Warhurst Lane be accepted as the name for the lane from Lachlan Street through to unformed section of East Street.**
- 3. That Graham Lane be accepted as the name for the lane from Queen Street through to Railway Street.**
- 4. That Jones Lane be accepted as the name for the lane from Macquarie Street through to Prince Street.**
- 5. That Coleman Lane be accepted as the name for the lane from Macquarie Street through to Prince Street.**
- 6. That approval be sought from the Geographical Names Board.**

2005. 245 RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Green*

- 1. That Lewthwaite Lane be accepted as the name for the lane from Nicholson Street through to Bloomfield Street.**
- 2. That Warhurst Lane be accepted as the name for the lane from Lachlan Street through to unformed section of East Street.**
- 3. That Jones Lane be accepted as the name for the lane from Queen Street through to Railway Street.**
- 4. That Graham Lane be accepted as the name for the lane from Macquarie Street through to Prince Street.**
- 5. That Coleman Lane be accepted as the name for the lane from Macquarie Street through to Prince Street.**
- 6. That approval be sought from the Geographical Names Board.**

SUMMARY:

Reporting on the Proposed Sewerage Pricing.



On November 9 2004 (DBE3) Council resolved to '*publicly exhibit the proposed sewerage and liquid trade waste pricing*'. Public consultation on the proposed sewerage pricing was conducted concurrently with the exhibition of the draft Liquid Trade Waste Policy through January to February 11.

The media formats used during the consultation are listed below. The Macleay Water website provided more specific information (discharge factors and proposed phase-in of new pricing) and contacts details. The website base information was also available in hardcopy pamphlet form.

- Argus advertisements
- media release (picked up by radio and newspaper)
- the Mayor's column
- Happings monthly page – Water Happings

Macleay Water did not hold group industry meetings to explain the sewerage pricing, like those held when considering the move to user-pays water pricing. Trial calculations found that there was such a variation not only from industry to industry but also from business to business within an industry that group meetings were not appropriate. Pricing information sought by customers when the Liquid Trade Waste Officer visited has been provided. Macleay Water has since the consultation period, written to all non-residential sewerage customers (approximately 600) to provide information about their particular circumstances.

There was considerable disappointment from non-residential customers when news of increased costs was passed on but the proposed phase-in has addressed the majority of these concerns. Whilst this initial pricing information was not well received, news of the proposed 3-year phase-in was well received. The proposed phase-in of charges and opportunity to budget for additional costs (treatment process upgrades and sewerage/liquid trade waste charges) has been crucial during the public consultation. A substantive negative feedback was not received during the consultation due to the balancing positive of the phase-in period.

One written response was tended to the consultation and approximately 25 phone calls. Issues raised in the submission, during phone calls or by Macleay Water staff (implementation practicality) are listed in [Appendix D](#).

DEUS (Department of Energy Utilities and Sustainability) issued revisions to their Liquid Trade Waste Management Guidelines. These revisions altered many of the Discharger Categories for the Macleay Water's Liquid Trade Waste customers. Effectively this meant a change to which business types were liable for Liquid Trade Waste Usage Charges. Many customers now fall into a lesser Category or are now deemed not to be a Liquid Trade Waste customer and hence only liable for Sewerage Charges (Access & Usage Charges). For example, caravan parks are no longer deemed to be Liquid Trade Waste customers and are liable only for Sewerage Access and Usage Charges. Also, minimal impact businesses such as school canteens, daycare centres (not providing hot food), hairdressers, B&Bs and jewellery shops are now Category 1 Liquid Trade Waste customers. Category 1 Liquid Trade Waste customers are liable for an Annual Liquid Trade Waste Fee (covers cost of annual inspection) but not liable for Liquid Trade Waste Usage Charges.

There have been some changes to discharge factors, mainly due to DEUS' revisions. The final version of the Discharge Factors list is in [Appendix E](#). It is proposed that Macleay Water develop a policy for assessing discharge factors, particularly where a customer wishes to challenge Macleay Water's assessment of the customer's discharge factor.

It is proposed to phase-in the new Sewerage Pricing over a 3-year period as seen in [Appendix F](#). Accounts for Sewerage Access Charges, Sewerage Usage Charges and Liquid Trade Waste Annual Fees will arrive in the 2006 financial year. The phasing in has carefully calculated that the sewerage fund remain revenue neutral over all years of the phase-in, yet incorporates both rates reductions (residential sewerage rates) and the introduction of Liquid Trade Waste Charges. An unbalanced change to this phase-in will negatively impact upon the income of the sewerage fund budgets.

It is proposed that the first accounts under the new Sewerage Pricing will arrive in August 2005. The first Sewerage Usage Accounts will be issued with monthly Water Usage Accounts in early August. The Sewerage Access Charges and Liquid Trade Waste Annual Fees will be issued in August with the general rates account. This will mean a small sector of the customers receiving the Sewerage Usage Accounts in July and an opportunity to streamline the process and address any 'hiccups' with Council's IT section. The first issue of the majority of Sewerage Usage Accounts (approximately 320) will be with the 6-monthly water Usage Accounts in January.

REPORT IMPLICATIONS

- ***Environmental Implications***

Appropriate user-pays pricing enables a non-residential customer to make a rational decision on what volume of wastewater they discharge to the sewerage system. The resulting environmental benefits include

- 1. Lower discharges to sewerage systems and hence lower effluent volumes from the sewage treatment works**
- 2. Improved sewage treatment works performance through better management of the liquid trade wastes**
- 3. Implementation of the new sewer pricing would achieve this result.**

- **Social Implications**

A key aspect of user-pays sewer pricing is the removal of significant cross-subsidies. There is a significant cross-subsidy of the non-residential customers by the residential customers in the present Kempsey Shire Council sewer pricing.

There is also a significant lack in the customer's knowledge of what sewerage services cost. This was particularly seen during the user-pays water-pricing introduction and a similar result is expected during the change in sewerage pricing. Awareness of cost and the impact of user-pays pricing gives the customer a reason to care and is the precursor to changing attitudes.

- **Economic (Financial) Implications**

The present WC-based sewer pricing regularly receives complaints regarding its relevance. The proposed sewer pricing offers a relevant pricing regime that is specific to each business.

The proposed sewerage pricing also offers the potential for a reduction in chemical costs, in terms of sewage treatment, should the expected environmental benefits occur.

- **Policy or Statutory Implications**

User-pays sewerage pricing is part of Best-Practice Management of a water utility. It is part of the NSW Government's requirements to demonstrate compliance with the National Competition Policy. User-pays sewer pricing is also one of six mandatory criteria for future financial assistance under the Country Towns Water Supply and Sewerage Programme and to pay a dividend from the Sewerage fund to the General Fund.

- **Director's Review**

As per the report.

Director Shire Services Recommendation:

- 1. That the user-pays sewerage pricing (includes liquid trade waste) and phase-in period as shown in [Appendix F](#) be adopted and incorporated in the 2005/6 Management Plan.**

2. That the discharge factors for the user-pays sewerage pricing be as detailed in [Appendix E](#).
3. That a report be brought to the May Council meeting detailing a Policy / Procedure for assessing customers Discharge Factors for Sewerage and Liquid Trade Waste.

MOVED:

*Moved: Cl. Howell
Seconded: Cl. McWilliam*

1. That the user-pays sewerage pricing (includes liquid trade waste) and phase-in period as shown in [Appendix F](#) be adopted and incorporated in the 2005/6 Management Plan.
2. That the discharge factors for the user-pays sewerage pricing be as detailed in [Appendix E](#).
3. That a report be brought to the May Council meeting detailing a Policy / Procedure for assessing customers Discharge Factors for Sewerage and Liquid Trade Waste.

2005. 246 RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Howell*

That discussion on this matter be deferred and a report be prepared for the budget workshop.

DSS6	HOUSE AT STEUART MCINTYRE DAM
FILE: LA19630 SLM (NRN)	{Folio No. 294087}

SUMMARY:

Reporting on the house adjacent to Steuart McIntyre Dam.



A house and land at 375 Armidale Road was purchased as part of the construction of Steuart McIntyre Dam. Since the completion of the Dam, the house has been rented, but is now vacant.

An audit on the property was undertaken to see if the house is suitable for re-rental and/or sale. This audit identified a number of issues relating to the safety and usability of the house such as electrical wiring/installation, structural cracks, roof leaks, hot water system replacement and various visual items.

The designated land use for this property is currently Community land and needs to be reclassified to Operational land. The timeframe for reclassification is several months.

There are 4 options available.

- Option 1 – Do nothing to the property now. There is a liability and security issue for Council due to the possibility of squatters and vandalism in the interim period.
- Option 2 – Renovate the house to a suitable standard for rental and, and rent. The approximate cost to renovate is \$28,500.
- Option 3 – Do nothing to the house, and rent it as is. This option could be a liability issue for Council due to safety issues found during the audit.
- Option 4 – Demolish the house and include the land in the designated land for the Steuart McIntyre Dam. The budget quote to demolish is \$28,600.

REPORT IMPLICATIONS

- ***Environmental Implications***

There are no environmental implications.

- ***Social Implications***

Option 2 provides a housing opportunity.

- ***Economic (Financial) Implications***

Funds for this work could be reallocated from other areas of the Water budget and will be recouped over time.

- ***Policy or Statutory Implications***

Reclassification of the land from Community to Operational has statutory requirements for public consultation.

- ***Director's Review***

Council is asked to support the recommendation.

Director Shire Services Recommendation:

- 1. That the entire dam property be reclassified as Operational Land.**
- 2. That the house at 375 Armidale Road be renovated, at an approximate cost of \$28,500, with funds reallocated from the Water budget.**
- 3. That the future uses of the land be further investigated with a view to disposal of any surplus assets.**

2005. 247 RESOLVED:

Moved: Cl. Walker

1. That the process of reclassification of the entire dam property as Operational Land be undertaken.
2. That the house at 375 Armidale Road be renovated, at an approximate cost of \$28,500, with funds reallocated from the Water budget.
3. That the future uses of the land be further investigated with a view to disposal of any surplus assets.

DSS7

BOUNDARY ADJUSTMENT

FILE: LA7993 APV

{Folio No. 294088}

SUMMARY:

Reporting on the advertising for assistance with a boundary adjustment.



Council at its meetings 18 January 2005 resolved:

"That Council advertise that it intends to provide an interest free loan to Mrs Cannon to allow the costs of the development application and legal work to be undertaken and that 50% of the loan be repaid on the future sale of the property."

A copy of Council's resolution is attached [Appendix G](#). In line with this resolution an advertisement appeared in the Macleay Argus on 22 February 2005 [Appendix H](#).

No objections have been received.

REPORT IMPLICATIONS

▪ ***Environmental Implications***

There are no environmental implications.

▪ ***Social Implications***

The outcome of this report will address a series of events that occurred in the late 70's and resulted in a property in sue not being able to be sold. The proposed boundary adjustment consolidates a lot with a separable portion of another lot.

▪ ***Economic (Financial) Implications***

The financial implications of this report would be the cost of a loan of approximate \$5 000 for the period taken to legally consolidate the lots and then sell the property and land.

▪ ***Policy or Statutory Implications***

There are no policy or statutory implications.

▪ ***Director's Review***

Council indicated their intentions in this matter and no objections were received following advertising. Council is urged to adopt the recommendations.

Director Shire Services Recommendation:

- 1. That Mrs Cannon be offered an interest free loan for the purposes of a development application and legal work in relation to the boundary adjustment.**
- 2. That repayment terms be negotiated with Mrs. Cannon to repay 50% of the loan up front.**
- 3. That 50% of the loan be repaid on the future sale of the property.**

2005. 248 RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Green*

- 1. That Mrs Cannon be offered an interest free loan for the purposes of a development application and legal work in relation to the boundary adjustment.**
- 2. That repayment terms be negotiated with Mrs. Cannon to repay 50% of the loan up front.**
- 3. That 50% of the loan be repaid on the future sale of the property.**
- 4. That a Deed of Agreement between Council and Mrs Cannon to meet the above be entered into to be registered as a Caveat on the title of the land prior to the payment of any money to Mrs Cannon. Such Agreement shall be in a form that binds successive owners to pay the loan and which would be removed under discharge of the debt and associated costs be added to the amount of the loan.**

DSS8

HAT HEAD SEWERAGE

FILE: 217 DWH (NRN)

{Folio No. 294089}

SUMMARY:

Reporting on the operating and maintenance of the Hat Head sewerage system.



This report is provided following the resolution from the March Council meeting and updates the previous report regarding operation and maintenance of the Hat Head Sewerage Scheme.

Sewerage Treatment Plant

On the 21st of March 2005 United Kilpatrick Green arrived at the Hat Head Sewerage Treatment Plant to operate the Plant and continue plant operation changes and repairs over the Easter period to the 30th of March.

Outstanding STP problems to be repaired or replaced:

- Sludge storage tank Floats still inverted.

Sewerage Pumping Station

Outstanding problems to be repaired or equipment replaced in the Reticulation system and SPS:

- Airvac advised new Transfer Pumps and motors to be installed late April.

Dune Disposal

No current problems with effluent disposal over the Easter break.

EPA Licence compliance

The following provides a summary of the fortnightly compliance sampling results since the 11th of January 2005.

Results have been assessed to the 100th percentile of the EPA operating criteria. Table 1 below shows the results.

Table 1.

	O&G	Ph	TN	TP	F Coli	N H4-N	TSS	BOD
11/01/2005	0.50	7.46	8.99	0.47	1.00	3.00	10.00	1.00
27/02/2005	0.50	6.64	13.84	0.31	1.00	3.44	10.50	3.90
8/02/2005	0.50	6.80	4.40	0.31	1.00	2.39	5.00	2.80
22/02/2005	0.50	7.25	3.09	0.36	1.00	0.04	6.00	2.70
8/03/2005	0.50	6.30	5.74	0.31	1.00	0.67	8.50	1.00
100%ILE	6.00	6.5 – 8.5	20.00	1.00	600.00	5.00	30.00	20.00

As the results indicate, all analytes comply with the 100th percentile, however results for sampling undertaken on the 8th of March indicate an exceedance in the specified pH range of 6.5 – 8.5. As this is a marginal exceedance of 0.2 it is debatable whether it would be considered a breach of the licensing criteria.

Below is a summary of initiatives demonstrated by UKG since the start of this year.

- Onsite / offsite operational support from their process engineer;
- Operator training;
- Installation of modem, computer, and lightning protection;
- Re-establishing plant dial up;
- Removal and replacement of diffusers and wedges;
- Blower servicing;
- Repair of Grit System and storage tank / digester piping;
- Cleaning of Chlorine Contact Tank, screens, drainage sumps and effluent discharge ponds;
- Replacement of relay and hose on Rotork valve;
- Plant maintenance check; and
- Rectification of SCADA issues

Furthermore, no incidents of non-compliance were reported to have occurred during the peak loading period of the Easter break. It should be noted that the tourist/holiday population influx over Easter was minimal.

REPORT IMPLICATIONS

▪ ***Environmental Implications***

When completed and running efficiently the sewerage system will improve the environment of Hat Head.

▪ ***Social Implications***

There are no social implications

▪ ***Economic (Financial) Implications***

There are no economic implications as all costs are borne by the contractors

▪ ***Policy or Statutory Implications***

There are no policy or statutory implications from the following recommendations

▪ ***Director's Review***

Improvements to the system have occurred and will continue to improve the sewerage system to a satisfactory level

Director Shire Services Recommendation:

That the information be noted.

2005. 249 RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Sowter*

That the information be noted.

DSS9	MEDIAN STRIPS
	FILE: R BELGRAVE ST COPY: R SMITH ST ELJ
	(NRN) {Folio No. 294090}

SUMMARY:

Reporting on the median strip maintenance and improvement program.



In response to a question without notice at the Council meeting held on 8 March 2005 in regards to whether there is a program for improvement to the median Strips in Belgrave and Smith Streets, the Director Shire Services indicated that a report would be prepared.

The question asked was if there is a program for improvement to median strips in Belgrave Street and Smith Street.

Council's Open Space & Recreation's CBD team maintains and makes improvements on these median strips.

The program for this is as follows:

- The median strips have general weeding, rubbish pick up and watering carried out daily;
- Improvements - 4 hours every two weeks – mulching, replanting, hedging, and replacement of wood chips as required;
- Median strips are fertilised every six months;
- Replanting as required and during scheduled improvements and replacement;
- Spot spraying of weeds carried out as required.

The following are some of the barriers to optimum growth in these medium strips:

- Improvements can only be carried out as scheduled and requires work site set ups and traffic control with one week's notice for RTA approval. This is particularly costly for the section between Forth Street and the Bridge as Traffic Control contractors are required for this section. The cost for this is \$47.00 per hour per person with a minimum of four hours and with 2 workers.

- Work cannot be carried out in Smith Street over the 7-8 weeks during the Christmas period due to heavy traffic. Similarly for other holiday periods.
- The plant beds are only 200-300 mm deep and, depending on the plant, this limited soil depth can restrict the growth of the plant or quickly dry out the roots during periods of dry weather.
- The plants may also be stunted or have difficulty in growing due to the constant pollution from passing vehicles and extreme temperatures due the tar surface surrounding the garden beds; temperatures as high as 50 degrees celcius have been recorded
- Wind tunnels in both streets.
- Pedestrian traffic compressing the soil and damaging the plants.

REPORT IMPLICATIONS

- ***Environmental Implications***

Environmental factors such as heat, wind and lack of rain can impact on the success of the maintenance and improvement of the medium strips in question. However, by having a scheduled maintenance and improvement program, as outlined in this report, these factors are taken into account when replacing plants, fertilizing, spraying and choosing the types of plants suitable for these conditions.

- ***Social Implications***

The Open Space and Recreation team recognises the social benefit of providing garden beds and plants to keep the CBD attractive to both residents and visitors.

- ***Economic (Financial) Implications***

Due to the heavy traffic in Smith Street, there is an added cost to the programs carried out on the medium strips in this street.

- ***Policy or Statutory Implications***

There are no policy or statutory implications.

- ***Director's Review***

As per the report.

Director Shire Services Recommendation:

That the information be noted.

2005. 250 RESOLVED:

***Moved: Cl. Howell
Seconded: Cl. Walker***

That the information be noted and the previous report on paving median strips be resubmitted to Council.

DSS10	HOMES FOR THE AGE	JMC (NRN)
FILE: LA1800	COPY: LA3435	{Folio No. 294091}

SUMMARY:

Reporting on proposals to increase the rent payable at the Homes for the Aged.



At present Council charges the following rents for units at Council's Homes for the Aged.

Leith Street single units	\$134 per fortnight
Leith Street single unit – 2 occupants	\$146 per fortnight
Leith Street double units	\$164 per fortnight
Tozer Street	\$122 per fortnight

It is proposed that the rent payable for the units be increased per fortnight to the following amounts:-

Leith Street single units	\$138 per fortnight
Leith Street single unit – 2 occupants	\$150 per fortnight
Leith Street double units	\$168 per fortnight
Tozer Street	\$126 per fortnight

It is suggested to increase the rentals by \$4 per fortnight to ensure current level of maintenance continues. Many of the tenants are eligible to apply for Centrelink Rental Assistance that significantly reduces the fortnightly rate.

Sixty (60) days written notice is required to be given to any tenants if the rent is to be increased. This notification will result in the new rental rate starting to be collected after the 1st July 2005.

The 14 Boronia Gardens Aged Units at South West Rocks and the 8 units at 9 Jack Williams Crescent, West Kempsey are jointly owned by Council and Office of Community Housing, where the rent is 25% of the tenant's assessable income. These rents are reviewed in May and November of each year.

REPORT IMPLICATIONS:

- ***Environmental Implications***

There are no environmental implications.

- **Social Implications**

This is seen as a minor impact on the tenants.

- **Economic (Financial) Implications**

The financial implication of the following recommendation would be increased rental income for aged units.

- **Policy or Statutory Implications**

There are no Policy or Statutory Implications arising from this Report.

- **Director's Review**

Council is urged to support the Recommendation.

Director Shire Services Recommendation:

That the rental payable be increased as follows:

Leith Street single units	\$138 per fortnight
Leith Street single unit – 2 occupants	\$150 per fortnight
Leith Street double units	\$168 per fortnight
Tozer Street	\$126 per fortnight

2005. 251 RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Sowter*

That the rental payable be increased as follows:

Leith Street single units	\$138 per fortnight
Leith Street single unit – 2 occupants	\$150 per fortnight
Leith Street double units	\$168 per fortnight
Tozer Street	\$126 per fortnight

DSS11 NORTHERN VINE WEEDS PROJECT

FILE: 64 GWE (NRN)

{Folio No. 294092}

SUMMARY:

Reporting on the Northern Vine Weeds Project.



The Riparian Vine Weed Project is a Catchment Blueprint initiative that aims to control Cats Claw Creeper and Madeira Vine on the mid north coast of NSW. Kempsey Shire Council, as a member of the Mid North

Coast Advisory Committee, has partaken in this project. Council's Weeds Officer has already been presented with a Certificate of Appreciation for Council's involvement.

The control program for Cats Claw Creeper and Madeira Vine started at Lower Creek in the upper Macleay with intensive eradication on these weeds in the Riparian Zone. Control works were also carried out on the Aboriginal land near Lower Creek.

These weeds are recognised as a threatening process - and a control program has been conducted over 12 months. Unlike any other program before, this project funds actions "on the ground" and is working with the community to achieve desired outcomes.

The use of Aboriginal teams was a requirement of the Riparian Vine Weed Project which was originally funded by the Department of Infrastructure Planning and Natural Resources. The setting up of these teams was in consultation with elders of the community and the Land Council. The teams received various type of training including Chem-cert, bush regeneration and transport and other work related issues were organised for the commencement of the works on this important project.

The Aboriginal involvement had a good impact within the Aboriginal community and the perception of landowners was positive for continual works in areas that were being taken over by Riparian weeds.

The project has had excellent success rates to date and a further \$100,000 funding has been secured from the National Heritage Trust for the mid-north coast region for more work to be carried out which will include more ground works under supervision.

REPORT IMPLICATIONS

- ***Environmental Implications***

Weed eradication and management are fundamental steps in the process of ensuring that pastures and the natural environment is protected and enhanced into the future.

- ***Social Implications***

Projects such as this enhances and builds on social capital where local community members work together on projects in the area where they live.

- ***Economic (Financial) Implications***

There are no financial implications as Council's only commitment was "in kind" participation by Council's Weeds Officer.

- ***Policy or Statutory Implications***

Council has an obligation to participate in weed control.

▪ **Director's Review**

Council's involvement in this project has provided a number of benefits to the community.

Director Shire Services Recommendation:

That the information be noted.

2005. 252 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Sowter*

That the information be noted.

<p>DSS12 KEMPSEY SHIRE COMMUNITY SAFETY AND CRIME PREVENTION PLAN FILE: 69 CJL (NRN) {Folio No. 294123}</p>

SUMMARY:

Reporting on proposed changes to the Kempsey Shire Community Safety and Crime Prevention Plan.



The Kempsey Shire Community Safety and Crime Prevention Plan was adopted by Council in December 2004.

Since this time the Community Safety Council has been considering the implementation of strategies. During this process it has been identified that one strategy of the Plan is a duplication of other strategies and does not fit within the overall scope of the Plan.

It is suggested that Strategy 2E be removed from the Plan as the concepts of the strategy are encompassed by Strategy 2D. Both Strategies are included below.

Priority Problem: 2 - Property Crime

Strategy 2D: CPTED and Crime Prevention techniques to be included in assessment of Development Applications as per Section 79C of the Environment and Planning Act

Rationale: Maintenance and design of public, private, commercial and industrial space has been identified as a causal situational factor of crime and CPTED is recognised as a method that assists in this area.

Action	Outcomes	Responsibility	Performance	
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			Indicators	
2D.1 Develop and implement Development Control Plan regarding Crime Prevention and CPTED	Development Control Plan for Crime Prevention developed and implemented	Kempsey Shire Council	DCP developed within timescale	DCP developed and implemented within 6 months
2D.2 Develop and adopt Council Policy regarding Crime Prevention and Development Applications	Council policy developed and adopted	Kempsey Shire Council	Policy developed and adopted within timescale	Policy developed within 6 months
2D.3 Develop Memorandum of Understanding/ Partnership with police regarding CPTED evaluation of Development Applications	MOU developed and accepted	Kempsey Shire Council Police	MOU/Partnership developed and adopted within timescale	MOU developed and adopted within 6 months
2D.4 CPTED training for all Council Development Controllers and Town Planners	All development controllers and town planners adequately trained to assess development applications in regard to CPTED and crime prevention techniques	Kempsey Shire Council	No of relevant staff trained within timescale	All relevant staff trained within six months Periodical training for new staff
2D.5 Develop or source and distribute information kit/booklet for prospective developers. Develop and implement Training/information sessions for prospective developers/architects/engineers Publicise changes	Information available about DA requirements related to Crime Prevention	Kempsey Shire Council	Kit/booklet developed or sourced within timescale. No of kits/booklets distributed.	Kit/booklet developed/sourced within 6 months Distribution immediate upon commencement of DCP and ongoing
2D.6 Evaluate program	Program evaluated	Kempsey Shire Council	Program evaluated within timescale	2 months from distribution and implementation. Annual review and report

Priority Problem: 2- Property Crime

Strategy2E: To reduce malicious damage, such as throwing rocks at vehicles, by limiting access to instruments that could contribute to the commission of such incidents.

Rationale: Community consultation highlighted that there is a high level of frustration in the community about malicious damage including throwing rocks at vehicles. These incidents often pose serious safety issues, result in costly repairs and contribute to fear. Limiting access to the instruments used in the commission of such incidents will reduce the number of incidences and is a recognised Crime Prevention Through Environmental Design technique.

Action	Outcomes	Responsibilities	Performance Indicators	Timescale
2E.1 Develop policies and procedures to assist assessment of risk when doing maintenance of roads, road reserves and other public areas	Reduced gravel, stones etc left on the roadside and other accessible areas that can be used in the commission of malicious damage	Kempsey Shire Council RTA	Reduced incidences of malicious damage especially throwing rocks at vehicles	Policy and procedures sourced / developed within six months of commencement of program
2E. 2 Relevant CPTED training to be provided to maintenance workers to assist in assessment of risk posed by bi products of maintenance (eg gravel left on side of road)	Reduced gravel, stones etc left on the roadside and other accessible areas that can be used in the commission of malicious damage. Staff able to identify risks related to maintenance	Kempsey Shire Council	Number of staff with relevant training within timescale	Staff trained within six months of program commencement
2E.3 Evaluate strategy actions	Programs evaluated	Kempsey Shire Council RTA	Program evaluated within timescale	18 months from distribution and implementation date Annual review and report

REPORT IMPLICATIONS

- ***Environmental Implications***

There are no environmental implications.

- ***Social Implications***

There are no social implications.

- ***Economic (Financial) Implications***

There are no financial implications.

- ***Policy or Statutory Implications***

There are no policy implications.

- ***Director's Review***

Council is urged to adopt the recommendation.

Director Shire Services Recommendation:

That Strategy 2E of the Kempsey Shire Community Safety and Crime Prevention Plan be removed.

2005. 253 RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Hunt*

That Strategy 2C of the Kempsey Shire Community Safety and Crime Prevention Plan be removed.

**DSS13 SENIORS WEEK LUNCHEON
FILE: 467 JLM (NRN)**

{Folio No. 294093}

SUMMARY:

Reporting on the Kempsey Shire Council Seniors Week Luncheon.



To coincide with Seniors Week 2005 celebrations, the Annual Kempsey Shire Council Seniors Week Luncheon was held on Wednesday 9th March.

Three hundred (300) free tickets were made available to any senior living in the Shire. All 300 tickets were collected within 3 days after they became available. Residents from Amity Nursing Home, Booroongen Djugen Nursing Home, Vincent Court and Cedar Place also attended the function.

Mayor Councillor Janet Hayes opened proceedings with Councillor Betty Green hosting the event. Entertainment for day was arranged and paid for by the Kempsey Macleay RSL Club. A cabaret style show titled 'A Toast to the Tenors' was the entertainment for the day and their songs of yester year were thoroughly enjoyed by all.

Volunteer students from St Paul's and Melville High Schools were recognised for their assistance on the day with the serving and clearing away of the meals.

REPORT IMPLICATIONS

- ***Environmental Implications***

There are no environmental implications.

- ***Social Implications***

This event is a significant addition to the Seniors Week Calendar each year as it acknowledges the vast contribution that seniors make to our Shire.

- ***Economic (Financial) Implications***

The event was conducted within the budget allocation.

- ***Policy or Statutory Implications***

There are no policy implications.

- ***Director's Review***

This function is well received by those who attend and Council staff involved warrant congratulations on a job well done.

Director Shire Services Recommendation:

That the information be noted.

2005. 254 RESOLVED:

***Moved: Cl. Hunt
Seconded: Cl. Sowter***

That the information be noted and that letters of thanks be sent to the two schools and Marian Rudkin.

DSS14	AFFIXING COUNCIL SEAL TO DOCUMENTS FILE:389 CC:S10-13 PJH (NRN) {Folio No. 294094}
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SUMMARY:

Reporting the need for Council to authorise the affixing of the Council seal to a document.



The Local Government (Meetings) Regulation requires Council to authorise the affixing of the Council seal to any document. The resolution of Council must specifically refer to the document.

The following matter requires Council's authorisation to affix the Council seal.

NSW Department of Community Services

The NSW Department of Community Services has requested that the Endorsed Certificate Re: Liability of Principal Contractor for Remuneration Payable to Employees of Subcontractor pursuant to the Service Agreement (Clause 5.9) under the Community Services Grant Project of Council's Aboriginal Community Liaison Officer be signed and for Council's seal to be affixed.

REPORT IMPLICATIONS

- ***Environmental Implications***

There are no environmental implications.

- ***Social Implications***

There are no social implications.

- ***Economic (Financial) Implications***

This document forms part of the Service Agreement between the NSW Department of Community Services and Kempsey Shire Council in regards to funding of the position of Aboriginal Liaison Officer.

- ***Policy or Statutory Implications***

There are no policy or statutory implications.

Director's Review

Council is asked to support the recommendation.

Director Shire Services Recommendation:

That Council's seal be affixed to the NSW Department of Community Services Endorsed Certificate Re Liability of Principal Contractor in regard to the Aboriginal Community Liaison Officer's position.

2005. 255 **RESOLVED:**

*Moved: Cl. Howell
Seconded: Cl. Sowter*

That Council's seal be affixed to the NSW Department of Community Services Endorsed Certificate Re Liability of Principal Contractor in regard to the Aboriginal Community Liaison Officer's position.

DSS15	CEMETERY MAINTENANCE	
	FILE: 447 CJL (NRN)	{Folio No. 294095}

SUMMARY:

Reporting on Cemetery Maintenance.



Following concerns raised by Council in February regarding the maintenance of the cemeteries, in particular the mowing, a range of options were considered to improve maintenance of Council's cemeteries.

It should be noted that a number of compliments were received, prior to Christmas, on the condition of both West Kempsey and East Kempsey cemeteries. However, weather conditions in January resulted in inordinate grass growth straining the existing maintenance regime.

Expenditure, to date, on cemetery maintenance is:

	BUDGET	EXPENDITURE	%
East Kempsey	36,950.00	32,721.35	89
West Kempsey	23,900.00	11,328.85	47
Frederickton	18,300.00	20,521.40	112
Arakoon	17,800.00	7,914.87	44
Bellbrook	1,970.00	1,812.80	92
Euroka	1,837.00	449.78	24
Kinki	6,250.00	1,839.00	29
Toms Gully	1,970.00	144.00	7

With the inclusion of Open Space & Recreation in the Community Services & Lifestyle Section during the recent Council restructure, partnerships between Cemeteries and Open Space & Recreation were investigated. Given that Open Space & Recreation manage the maintenance of Council's parks and open spaces, it was decided to transfer the control of the maintenance of Council's cemeteries to Open Space & Recreation. This was done to provide better service delivery and to maximise the utilisation of available staff and plant.

This new arrangement has only been in place for one month and the impact, if any, of the changes to Cemetery maintenance cannot yet be gauged. The situation is being monitored and it is hoped that the imminent appointment of the new Open Space & Recreation Coordinator will assist to make the new arrangement a success.

Other cemetery services including burials, reservations, and erection of plaques and headstones have remained the responsibility of Community Services. A number of compliments have been received with respect to Council's staff in this area.

Council at its meeting 8 March 2005 resolved:

That if in conjunction with the consideration of the 2005/06 Draft Budget, Council invite expressions of interest for all grass cutting activities associated with cemeteries which are the responsibility of Council.

An Expression of Interest is currently being drafted to allow advertising.

It is acknowledged that there is a need for an improved level of maintenance of Council's cemeteries and with careful allocation of existing resources it is anticipated that improvements can be made.

REPORT IMPLICATIONS

- ***Environmental Implications***

There are no environmental implications.

- ***Social Implications***

There is a perception within the community that current cemetery maintenance practices are not adequate. It is anticipated that the new arrangements will result in improvements.

- ***Economic (Financial) Implications***

The new arrangement for cemetery maintenance uses existing staff and resources in an efficient manner, within the existing cemetery budget. The outcomes from advertising for Expressions of Interest will be referred to Council as soon as possible.

- ***Policy or Statutory Implications***

There are no policy implications.

- ***Director's Review***

A number of factors are involved in cemetery maintenance, principally staff resources and weather conditions. New

arrangements should see an improvement to the maintenance regime.

Director Shire Services Recommendation:

That the information be noted.

2005. 256 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Hunt*

That the information be noted.

DSS16	NORTH COAST AREA HEALTH SERVICES DRAFT HEALTH CARE SERVICES PLAN	{FOLIO NO. 294096}
	FILE: 46 ELJ (NRN)	

SUMMARY:

Reporting on the Draft Health Care Services Plan.



The North Coast Area Health Service has released the Draft Health Care Services Plan 2005-2008 and Council has received a copy with an invitation to make comments.

Whilst the Health Care Services Plan is the Primary Strategic Document for the delivery of clinical services, and Kempsey District Hospital is a focal point for the treatment of patients, it is essential that our community has access to appropriately affordable services through primary care to ensure early detection and prevention. In other words, the range of services provided by the G.Ps, community health, allied health professionals, and ambulance service within our area.

Accordingly, it is of outmost importance that the community has an opportunity to provide comments on this draft Plan. In order to assist the community with accessing the document, a copy of the Plan has been made available within Council's Libraries at Kempsey, Stuarts Point, South West Rocks and Hat Head and also at the Post Office at Crescent Head.

Council has asked for comments from the community by 8 April, as the closing date is the 15 April, for the comments to be forwarded to the North Coast Area Health Service.

All members of the Health Services Committee have been informed and participated in discussions around the Plan.

For a constructive and coordinated approach to commenting on this document, it is suggested that Council agrees on the following

recommendations being Council's submission on the plan, subject to amendments in line with comments from key stakeholders and community members.

REPORT IMPLICATIONS

- ***Environmental Implications***

There are no environmental implications.

- ***Social***

The coordinated approach to this submission will provide a greater chance of comments being considered.

- ***Economic (Financial)***

There are no financial implications.

- ***Policy or Statutory***

There are no policy implications.

Director's Review

Council is asked to support the recommendation.

Director Shire Services Recommendation:

That the following comments be included in the submission on the draft Health Care Services Plan subject to amendments in line with comments from key stakeholders and community members:

Section 1

- 1 That funding be provided by the Department of Health for the development of a Master Plan at Kempsey District Hospital during the 2005/06 financial year.**
- 2 That provision be made for a minimum of five (5) involuntary mental health beds at Kempsey District Hospital (The Health Care Services Plan includes a recommendation – explore options for an involuntary Mental Health unit at Port Base).**
- 3 That the Clinical Service Network levels at Kempsey District Hospital be maintained, and enhanced where required, in accordance with those proposed within the MNCAHS Area Asset Strategic Plan 2003.**
- 4 That Primary and Extended Care, and Medical and Surgical Services be provided as proposed within the MNCAHS Asset Strategic Plan 2003.**

- 5 That Kempsey District Hospital be ensured of equitable distribution of resources to provide Clinical streams.**
- 6 That Specialist GP's and Career Medical Officers be attracted to, and retained at, Kempsey District Hospital.**
- 7 That provision be made for appointment of Senior Surgical Registrar and Orthopaedic Registrar to Hastings / Macleay Network.**
- 8 That networking of Specialist GP's, Anaesthetists and Surgeons be provided within Hastings / Macleay Hospitals.**
- 9 That provision be made for up-skilling of Macleay GP's and Nurses at Port Macquarie Base Hospital.**
- 10 That Health outcomes for Aboriginal people within the Macleay be provided for at Kempsey District Hospital – particularly in the areas of renal, cardiac, respiratory, maternal and child health as well as drug and alcohol services.**
- 11 That an adequate number of paediatric overnight beds be provided at Kempsey District Hospital.**
- 12 That resources be made available to ensure maximum benefit from 6 renal chairs at Kempsey District Hospital.**
- 13 That maximum benefit for the community is provided within an enhanced I.C.U. at Kempsey District Hospital.**
- 14 That Emergency Department services are enhanced.**
- 15 That maximum use is made of the operating theatres at Kempsey District Hospital.**
- 16 That an appropriate all weather cover be provided outside the entry to the Emergency Department for the benefit of patients transported by Ambulance.**

Section 2

That the proposal to review Primary and Community Health resources with a view to ensuring adequate resources are available to deliver the acute and primary care demands of the service, particularly within the Macleay Valley be referred to the Hastings / Macleay Division of G.P.'s for comment. (Focus on prevention and early intervention with accessible and affordable services).

Section 3

That the NCAHS be requested to provide for Health Education within the School Education System to address matters such as:

- **The abuse of smoking, drugs and alcohol**
- **Mental health – early intervention**
- **Early pregnancy**
- **Dental health**

Section 4

That resources be made available to support:-

- a. The population approach to the delivery of care, public health, health promotion and prevention in the clinical setting.**
- b. The element of health development in enabling people to increase control over, and to improve, their health**
- c. The appointment and retention of Allied Health Specialists within the Macleay particularly in the areas of Drug and Alcohol, Occupational Therapy, Speech Therapy, Podiatry and Psychology.**

The Recommendations 192-239 Population Health Services, 240-246 Mental Health Services and 247 – 249 Continuing Care Services be supported.

Section 5

Aged Care

That the North Coast Area Health Service be advised that in view of proposal for a new aged care facility in Kempsey no comment necessary.

Section 6

Funding

That the North Coast Area Health Service be advised that Council has made representations in an attempt to have the State Government implement the recommendations of the Independent Pricing and Regulatory Tribunal (IPART).

Section 7

That the North Coast Area Health be requested to recognise the ongoing input by Kempsey Shire Council acting on behalf of the community of the Shire under community participation.

2005. 257 **RESOLVED:**

*Moved: Cl. Howell
Seconded: Cl. Green*

That the Director's recommendation be adopted with the addition of;

- i that Mr Chris Crawford be invited to meet with Council to discuss Council's submission in respect to the North Coast Area Health Service's clinical services plan 2005 / 2008**
- ii that a meeting with Mark Vaile be arranged to discuss the concept of a national health authority**

**DSS17 HAT HEAD LIBRARY
FILE: * GB (NRN)**

{Folio No. 294097}

SUMMARY:

Reporting on the completion of the Hat Head branch library.



Originally the Hat Head service was housed in the foyer of the Anglican Church in Hat Head. Thanks to a huge effort by volunteers, it is now located in a pleasant little house which acts as a library and community centre on the church grounds.

The service is being run by volunteers, with weekly runs by library staff to deliver resources and assist with any training needs. This weekly run by staff is to become a fortnightly run in the near future.

REPORT IMPLICATIONS

▪ ***Environmental Implications***

No environmental impact, as the house was moved to an area of lawn behind the Anglican Church.

▪ ***Social Implications***

The social implications are that Hat Head village now has a small but fully functioning library service, as well as a community centre where other activities can and do take place regularly.

▪ ***Economic (Financial) Implications***

There is a public access internet computer available. The service is free for members of the community and there is a small charge to visitors. Visitors to the village staying in the caravan park or

camping area find this is the only place where they can access the internet often for work related matters as well as general e-mail. For many members of the village community it is also the only place where they can access the Internet.

- ***Policy or Statutory Implications***

There are no policy implications.

- ***Director's Review***

Council may consider on its next Work Inspection, to visit the Hat Head library. Perhaps a barbeque lunch for Councillors and as many volunteers as possible as a measure of thanks and recognition could be held.

Director Shire Services Recommendation:

That the information be noted.

2005. 258 RESOLVED:

***Moved: Cl. Hunt
Seconded: Cl. Green***

That the information be noted and that a letter of congratulations be sent to the Hat Head Community Group on their efforts to establish the Hat Head library service.

2005. 259 RESOLVED:

***Moved: Cl. Green
Seconded: Cl. Hunt***

That the Hat Head Library be listed for a works inspection.

DSS18 NAMING A ROAD

FILE: 147 CC: PIPERS CK DJM (NRN)

{Folio No. 294098}

SUMMARY:

Reporting on proposals for naming a road.



The Kempsey Local Aboriginal Lands Council would like to request the support and renaming of Pipers Creek road to Ritchie Brothers Road. The renaming of a section of Pipers Creek Road was brought to the attention of the Kempsey Local Aboriginal Lands Council back in 2003, by the family of the Ritchie Brothers (The Famous Sands Brothers).

It was also noted that a new road was to be developed at this time due to the new subdivision developed there.

A plan of the proposal is attached at [Appendix I](#).

The Aboriginal community would consider that this would be a show of respect for the Brothers, who put Burnt Bridge and Kempsey on the map during their reign as champions in the sport of boxing.

The Kempsey Local Aboriginal Lands Council is supporting the request lodged by the family to name the section of Pipers Creek Road to Ritchie Brothers Road.

REPORT IMPLICATIONS

- ***Environmental Implications***

There are no environmental impacts as the road is already developed and being used.

- ***Social Implications***

The Kempsey Local Aboriginal Lands Council and the Aboriginal community would see this as a reconciliation gesture and Kempsey Shire Council's commitment to furthering the reconciliation process.

It is proposed that if Council approves the renaming process for the section of Pipers Creek Road, it would be officially opened during Naidoc Week (July 2005).

- ***Economic (Financial) Implications***

There is a cost involved for developing and installing a new sign, which will be covered by the vote, provided for road sign maintenance.

- ***Policy or Statutory Implications***

Road names require the concurrence of the Geographical Names Board.

- ***Director's Review***

Council is urged to support the recommendation.

Director Shire Services Recommendation:

That the section of Pipers Creek road be renamed to Ritchie Brothers Road.

2005. 260 **RESOLVED:**

*Moved: Cl. Hunt
Seconded: Cl. Green*

That the section of Pipers Creek road be renamed to Ritchie Brothers Road.

The following matter was deferred until later in the meeting pending receipt of information from the Department of Lands.

DSS19 LAND PURCHASE
FILE: LA12592 Copy: R Phillip Dr. KJF CC: APC
(NRN) {Folio No. 294102}

SUMMARY:

Reporting on enquiries regarding proposals to purchase land at South West Rocks.



Council considered a report at its December meeting regarding proposals to purchase land from Lot 504, DP 774359 on Phillip Drive to allow for the continuation of the cycleway.

Council Resolved:

“ That this matter be deferred until a commitment from Telstra is received as to their contribution to the cost”

A copy of the report is attached at [Appendix J](#).

Telstra has been pursued with regard t a contribution and verbal advice received that they are prepared to contribute \$10,000 to the purchase.

The owner of the land, Mr Chris Beck, is very anxious to conclude the purchase settlement promptly. Correspondence from Mr Beck on 18th February 2005 is attached at [Appendix K](#) for Council’s information.

Finalisation is recommended as a matter of urgency as any further delays may incur greater costs.

REPORT IMPLICATIONS

- ***Environmental Implications***

There are no environmental implications.

- ***Social***

It is essential that the cycleway be continuous along Phillip Drive and that the service conducts are on public land managed by Council.

- ***Economic (Financial)***

There is no vote provided for the purchase of this portion of land. It is proposed to draw funds from the Outdoor Recreation and Open Space Section 94 contributions for South West Rocks.

- ***Policy or Statutory***

There are no policy implications.

- ***Director's Review***

Council is encouraged to support the Recommendation.

Director Shire Services Recommendation:

That 542 m² be purchased from Lot 504 DP 774359, for \$151,500, with funding drawn from Section 94 Outdoor Recreation and Open Space contributions.

DSS20 FORMER WHARF SITE, FREDERICKTON
FILE: LA22690 KJF (NRN) {Folio No. 294124}

SUMMARY:

Reporting on the opportunity to acquire the former Wharf Site at East Frederickton.



The Department of Commerce has sought Council's interest in compulsorily acquiring the former Wharf Site at East Frederickton. The land is adjacent to the road reserve of Frederickton Ferry Road. A copy of the plan is attached at [Appendix L](#).

The site is quite small, is flood prone and subject to high flood velocity. Some heritage value would attach to the site and, on first contact from the Department, an interest was indicated dependant on costs. A valuation was sought from the Department to allow Council to review the situation. It was thought that perhaps a Service Club or Historical Group could assume care and control of the area if kept in public hands. The area may also be utilized for turning and parking should the ferry approach be developed for increased utilisation as a boat ramp.

REPORT IMPLICATIONS

- ***Environmental Implications***

There are no environmental implications.

▪ ***Social Implications***

Although only a small area of land, there is historical value in the parcel as it was one of the Wharf Sites on the Macleay River when the river was the main transport corridor for the valley.

▪ ***Economic (Financial) Implications***

There is no vote for the purchase of this parcel and any costs to acquire would need to be made available by Council.

▪ ***Policy or Statutory Implications***

There are no policy implications.

▪ ***Director's Review***

As per the report.

Director Shire Services Recommendation:

For Council determination.

2005. 261 RESOLVED:

***Moved: Cl. Howell
Seconded: Cl. Walker***

That this matter be listed for a works inspection.

DSS21 STATE EMERGENCY SERVICE OF NSW
FILE: 79 KJF (NRN) {Folio No. 294211}

SUMMARY:

Reporting on the Annual Report of the Sate Emergency Service of NSW.



The Annual Report for the State Emergency Service of NSW for the financial year 2003-2004 has been forwarded to Council an the Director General, Brigadier Philip McNamara CSC has asked that the report be brought to attention of Council. A copy of the report will be tabled at the Council Meeting.

The S.E.S. operators under the Sate Emergency Service Act 1989 which formalises the following roles of the S.E.S.:

- To act as the combat agency for dealing with floods (including the establishment of flood warning systems) and to coordinate the evacuation and welfare of affected communities;

- To act as the combat agency for damage control for storms and tempests and to coordinate the evacuation and welfare of affected communities;
- As directed by the State Emergency Operations Controller, to act as the primary agency for civil defence planning and as an agency for the conduct of civil defence operations;
- As directed by the State Emergency Operations Controller, to deal with an emergency where no other agency has lawful authority to assume command of the emergency operation;
- To carry out, by accredited S.E.S. rescue Units, rescue operations allocated by the State Rescue Board;
- To assist the State Emergency Operations Controller to carry out emergency management functions relating to the prevention of, preparation for, response to and recovery from emergencies in accordance with the State Emergency and Rescue management Act 1989;
- To assist, at their request, members of the Police Service, Fire Brigades, Rural Fire Service or Ambulance Service in dealing with any incident or emergency;
- To maintain effective liaison with all emergency service organisations; and
- To carry out such other functions as may be assigned to it by or under this or any other Act, or by the State Emergency Operations Controller or the Minister.

The 2003-04 year was the S.E.S's second busiest, in terms of operational activity, in the last decade. Although the level of flood-response activity was relatively low due to the continuing drought, there were some particularly severe thunderstorms and other severe weather events that caused serious damage to residential property and community infrastructure in rural areas, town and many Sydney suburbs.

The year was the fifth busiest in the last decade for bush fire support activities. S.E.S volunteers were in action with a particular focus in September and January as bush fires in many parts of the state saw the S.E.S make a significant contribution to concerted, multi -agency responses.

The number of search and rescue tasks and the volunteer-hours dedicated to this activity were the sixth highest recorded in the last 10 years. Rescuing people involved in road crashes placed a high demand for the professional services of the S.E.S in this area, with this year being the fifth highest in the last 10 years.

The S.E.S volunteer commitment to non0operational community service and other incidents has remained relatively constant over the past few years.

Priorities for the next 3 years continue to be:

- To work with Councils to improve the awareness of the community about how to protect themselves and their property from the effects of floods and storms.
- Further upgrade our flood intelligence so that we may provide timely and accurate information to communities threatened by floods.
- Continue to improve the response capabilities of all S.E.S units by providing:
 1. *Competency based training to nationally endorsed standards for all major skills;*
 2. *Enhance communications and call-out systems; and*
 3. *Increased general support to S.E.S units*
- *To further improve the S.E.S capability in Information Management to ensure we use modern technology to better exchange information within the Service and to provide a speedier response to the community.*
- *Continue to improve the public profile of the S.E.S by working closely with local media, councils and communities, and utilising our network of S.E.S trained community liaison officers.*

Local Unit Controller, May Gill, and husband Greg Gill, are listed with those who were awarded the National Medal for the long-term commitment to the Service.

REPORT IMPLICATIONS

▪ Environmental Implications

There are no environmental implications.

▪ Social Implications

The S.E.S provides a reliable service and is greatly respected by the community in general.

▪ Economic (Financial) Implications

Council are required to support the S.E.S by provision of facilities and to make annual provisions in its budget.

▪ Policy or Statutory Implications

Council is required under the State Emergency Service Act 1989 to provide support to the S.E.S by provision of facilities and clerical support in times of emergencies.

▪ Director's Review

Council is asked to review the Annual Report.

Director Shire Services Recommendation:

That the information be noted.

2005. 262 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Green*

That the information be noted.

**DSS22 WATER QUALITY MONITORING
FILE: 448 APV (NRN)**

{Folio No. *}

SUMMARY:

Reporting on the Water Quality Monitoring Program of the Lower Macleay River Floodplain.



Council at it's meeting on 8th March 2005 resolved:

"That a report on the servicing of water telemetry devices be presented to the April meeting of Council. Such report to advise on the frequency of such servicing and the method now that a staff instrument technician appears to no longer provide this service."

Background

The key objective of the water quality-monitoring project is to improve the understanding of the floodplain aquatic ecosystem and how water quality responds to certain climatic events (i.e. floods, droughts and modifications to infrastructure). Based on long-term water quality measurements and the interpretation of those observed trends, management options are being developed and refined to improve the general water quality within and exiting the floodplain. Council's water quality monitoring program is an attempt to identify changes in water quality parameters within major water bodies of the Lower Macleay River Floodplain.

Following a minor flood event in February 1997, temporary "sonde" data loggers were positioned at Union and Scott's Drain Floodgates, Belmore River to allow a check on the recovery of the river above and below the headworks. The first permanent installation (equipment was imported from USA) was at the Belmore River entrance. Since that time a further 8 permanent stations and two mobile trailers have been positioned at strategic locations within the floodplain.

Data-loggers have been installed to continuously record basic water quality parameters at selected sites. The probes are maintained at a nominal 450 mm below the water surface by a floatation device. Parameters measured are water surface level, temperature, salinity, acidity and dissolved oxygen. Pre-existing conditions have (and are

being) measured at a number of sites over several seasons. This allows the impact of changes in those conditions to be subsequently assessed.

Monitoring Outcomes

The intended outcomes of the project are:

- Improvement of the water quality in the drains and river systems
- Enhancement of the fish habitat within the river and natural drainage systems
- Sustainable agriculture productivity
- Increased biodiversity within the wetlands
- Reduction in fish kills
- Improved aesthetics and recreation value of the waterways
- Improved data base management, interpretation and reporting

Equipment description

Water quality data is transmitted every 15 minutes via telemetry to a central computer. The Seale Rd monitor also transmits rainfall data. The units are powered by SLA batteries (some are connected to mains power) charged by solar panels through regulators.

Using an identical system to Council's Flood Alert system, the data is received and archived and can be converted into graphical and useable data via the Enviromon program developed by the Bureau of Meteorology.

To supplement the water quality monitoring program, Council provides all water quality information recorded via the telemetry stations on Council's Water Quality Web Page which is linked to Council's homepage. The easy to use web page/site has the capacity to provide instant information on water quality to fishermen, farmers, educational institutions and the broader community.

Council's Floodplain Project Officer is currently preparing an annual report summarizing the observations and maintenance program and any other anomalies that may have arisen. The report includes a summary of the outcomes/observations for that period, Budget information, and water quality data interpretation with all other relevant information. A report will be provided to Council's Floodplain Management Committee summarising the observations of the preceding period, a list of alternative actions for the forthcoming period and recommendations.

MAINTENANCE OF EQUIPMENT

Equipment Sensitivity

The water quality monitoring equipment is very sensitive, especially those parts that are submerged constantly in what are usually very harsh (acidic and saline) conditions. As a result, the water quality monitors,

unlike the flood alert monitors, require a high level of field cleaning and maintenance and the equipment requires regular replacement.

Some problems encountered to-date include:

- a) Saltwater intrusion into the submerged probes causing varying degrees of corrosion within the probes
- b) Acid corrosion caused by the very acidic waters within the floodplain
- c) Aquatic and terrestrial weed management
- d) Iron deposits on probes resulting in gauge fouling
- e) Bacteria growth on probes

Maintenance Program

Initially following installation, Greenspan Technologies maintained and serviced the water quality monitors. The first year of maintenance (March 1997 to February 1998) was included in the supplier's original quotation for installation. During the second year of operation (March 98 to February 99) the supplier again carried out the maintenance at a cost of \$16,300.

Following a large increase in the costs required by Greenspan Technology to service the monitors, maintenance of the monitors was undertaken in-house on a reactive basis between 1999 and 2001.

In January 2002 Council developed and implemented a regular maintenance program for the water quality monitors. Selected Council staff received training in the maintenance and calibration of the monitors. Council's maintenance program for the water quality monitors is based on a fortnightly cycle of inspections. All maintenance work on the water quality monitors is recorded on a central database.

Problems encountered

However, a number of problems have arisen since Council commenced the maintenance regime in-house.

Firstly, it has become evident that despite the training provided it would appear that the complexity of the equipment requires maintenance, servicing and calibration by specialized personnel. Council does not have any trained and/or certified Instrument Technicians on staff and, therefore, Council's electricians were trained and utilised.

Further, due to health constraints, Council's trained electrician is unable to continue servicing the monitors and has been transferred to another section within Council.

In addition, funding for this project under the State Government Floodplain Program was reduced in 2004-2005 from \$45,000.00 to \$15,000.00.

The age of the water quality monitors equipment is also now becoming an issue. The equipment is now over 7 years old and whilst it was state

of the art at the time, newer technology, including the ability for the sensors not to be continually immersed, is now available, requiring less maintenance.

Addressing the problem.

Council has been sought quotations from Greenspan Technologies and Manly Hydraulic Laboratories and has made contact with other local instrument technicians to undertake servicing of the monitors. However, the quotes received from Greenspan and MHL greatly exceed Council's available funding for the project.

Further inquiries including arrangements with Hastings Council are currently being undertaken by Council Officers to attempt to address the servicing/maintenance problems currently being experienced. The number of water quality sensor sites is being reviewed with a view to reduce the number of long-term sites. Arrangements have been made with Hastings Council to shortly undertake maintenance of the equipment in the short-term. Council has had discussions with the equipment suppliers to provide quotes to progressively upgrade the equipment when funding is restored.

REPORT IMPLICATIONS

▪ *Environmental Implications*

The information provided by these monitors allows Council and the public to better understand processes within the floodplain.

▪ *Social Implications*

There are no social implications.

▪ *Economic (Financial) Implications*

There are no financial implications from this report. Funding for the Water Quality project is provided for under the Floodplain Management Program. Council's budget for 2005/2006 assumes that funding by the State Government will be restored.

▪ *Policy or Statutory Implications*

There are no policy implications.

▪ *Director's Review*

As per the report.

Director Shire Services Recommendation:

That the information be noted.

2005. 263 **RESOLVED:**

*Moved: Cl. Hunt
Seconded: Cl. Howell*

That the information be noted.

DSS23	APPLICATION FOR PUBLIC GRID - DUNGAY CREEK ROAD
FILE: 27 APV	{Folio No. 294213}

This Report was dealt with immediately following Public Forum.

DSS24	POLICY REVIEW
FILE: 126 EU (NRN)	{Folio No. 294214}

SUMMARY:

Reporting on proposed adjustments to Council policies.



A review of the relevant Policies applicable to Macleay Water was undertaken and proposed amendments made. Amended Policies as well as the original policies are attached at [Appendix N](#).

Please note that Policy C21: 21 Water Charges Non-Rateable Land has been deleted due to its non-relevance in the light of the new User Pays water pricing structure. Policy C21: 21 is attached with original policies.

REPORT IMPLICATIONS

- ***Environmental Implications***

All Policies were reviewed under the principles of Ecological Sustainable Development (ESD).

- ***Social Implications***

There are no social implications.

- ***Economic (Financial) Implications***

There are no financial implications.

- ***Policy or Statutory Implications***

There are no policy implications.

▪ **Director's Review**

The policies have been amended to suit Council's new structure and updated in line with best practice. Council is asked to support the recommendations.

Director Shire Services Recommendation:

- 1. That Policy C21:21 be deleted.**
- 2. That Policies C20:1, C20:5 and C20:6 be amended as shown.**

2005. 264 RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. McWilliam*

- 1. That Policy C21:21 be deleted.**
- 2. That Policies C20.1, C20.5 AND C20.6 be amended as shown.**

DSS25	APPLICATION FOR PUBLIC GATE – UNNAMED ROAD OFF MARIA RIVER ROAD
FILE: 27	APV {Folio No. 294215}

This Report was dealt with immediately following Public Forum.

DSS26	STREET LIGHTING SOUTH KEMPSEY INDUSTRIAL AREA
FILE: 186	APV (NRN) {Folio No. 294216}

SUMMARY:

Reporting on the options to improve the street lighting within the South Kempsey Industrial Area.



Council at its meeting on the 8th February 2005 resolved

That Country Energy be requested to provide a quote to improve the street lighting within the Kempsey Shire Industrial areas.

Following requests by Council in 2004, an additional four street lights were installed in Frederick Kelly Streets and Lindsay Noonan Drive in the South West Rocks Industrial area. The street lighting in this area is now considered to be adequate and appropriate.

Country Energy have provided Council with a quote to upgrade the lighting in the South Kempsey Industrial Area in the area surrounded by

Queen Street, Nance Road and South Street including Woolford Crescent. The quotes for two options have been provided as follows:

OPTION A

1. Erect new streetlight in Queen Street on an existing pole approximately 60m north of South Street.
2. Erect new street light on new pole in Nance Road opposite boundary of 29 and 31 Nance Road
3. Upgrade existing Fluorescent light with new high-pressure sodium light on existing column opposite boundary of 6 and 8 Nance Road.
4. Upgrade existing streetlight with new high pressure sodium light in Queen Street south of Nance Road.

The estimated capital cost to undertake the above work is \$2577.39. In addition the upgrading as proposed will result in additional annual charges of in the amounts of \$404.85 and \$46.40 for network charges and energy charges respectively.

The proposal would eliminate some existing deficiencies and ensure that the lighting scheme complies with category P4 as set out in the Australian Standard 1158.3.1.

OPTION B

1. Upgrade lighting as outlined in proposal (A).
2. Erect new street lighting on existing pole in Queen Street at intersection of Nance Road.
3. Erect new streetlight on new pole in Nance Road at intersection with Woolford Crescent.
4. Upgrade 7 existing mercury vapour streetlights with high-pressure sodium streetlights.

The estimated capital cost of the above work is \$7149. In addition, the upgrading would result in additional annual charges of \$802.62 and \$78.00 for network charges and energy charges respectively.

This option would result in the lighting scheme complying with category P5 as set out in AS 1158.3.1.

In view of the large difference in capital and ongoing costs, it is recommended that Option A be accepted. This option will provide adequate lighting in the road reserve to meet category P4 standard. If additional lighting is required on individual properties for security purposes, the individual property owner should make arrangements directly with CountryEnergy for NightWatch security lighting.

The lighting in other areas of the South Kempsey Industrial area has been inspected. Lighting is generally adequate. There is no lighting currently in Sandstock Road and CountryEnergy have been requested to provide a quote to install lighting in this street. The spacing of the

current lighting in Harry Boyes Avenue is adequate, however the luminaries are superseded and CountryEnergy have been requested to replace them as part of their normal luminaries replacement program.

The construction of a roadway and associated parking is being undertaken in Reginald Ward Street, South Kempsey, as part of the development associated with the construction of the new Macleay Vocational College.

The College has requested that Council provide necessary street lighting in Reginald Ward Street. Although provided as part of the college development, Reginald Ward Street, the associated parking areas and footpath will be part of the public road system and will provide access to Robert Eggins Street and for any future development on the property west of the College.

Council has received a quote from CountryEnergy for the installation of lighting in Reginald Ward Street. The estimated capital costs of the work is \$2976.28. The ongoing annual network charges and energy charges will be \$306.50 and \$48.00 respectively.

REPORT IMPLICATIONS

- ***Environmental Implications***

There are no environmental implications.

- ***Social Implications***

There are no social implications.

- ***Economic (Financial) Implications***

The capital expenditure of \$5553.67 and additional annual charges of \$805.75 are costs that can be funded from the existing budget for street lighting.

- ***Policy or Statutory Implications***

There are no policy implications.

- ***Director's Review***

As per the report.

Director Shire Services Recommendation:

- 1. That street lighting in Nance Road and Queen Street South Kempsey be upgraded as outlined in option A at a capital cost of \$2577.39.**

2. That street lighting be provided in Reginald Ward Street South Kempsey at a capital cost of \$2976.28.

2005. 265 **RESOLVED:**

*Moved: Cl. Howell
Seconded: Cl. Walker*

1. That Council write to the business owners in Nance Road and Woolford Crescent advising of differences in costs of options A and B and seeking an indication as to whether they would be prepared to contribute 50% of the difference of costs if Option B is chosen.
2. That street lighting be provided in Reginald Ward Street South Kempsey at a capital cost of \$2976.28.

At this stage, 4.13pm, Councillor Hunt retired from the Chamber.

DSS27	QUESTIONS WITHOUT NOTICE	
	FILE: 149 KMT (NRN)	{Folio No. 294217}

SUMMARY:

Reporting on Questions Without Notice from the Council meetings of 1 September 2004, 14 September 2004, 12 October 2004, 9 November 2004, 14 December 2004, 18 January 2005, 8 February 2005 and 8 March 2005 and 23 March 2005.



Responses to Councillors Questions Without Notice are listed for information.

Extraordinary Meeting 1st September 2004

Councillor T L Hunt

File: R Smith St

(Folio No. **281440**)

That the Director Engineering would raise with the RTA the left turn exit at the traffic lights exiting Woolworths in Smith Street and the need for this to also allow traffic to proceed across to Stuart Street.

The RTA advised that they have adjusted phasing to allow better access and are reviewing the intersection layout with a view to widening the exit to allow three lanes.

Ordinary Meeting 14 September 2004

Councillor R H McWilliam

File: R Maria River

(Folio No. **282578**)

That the Director Engineering would write to Hastings Council to see if they would be willing to join Kempsey Shire Council in applying for R2R funding to seal Maria River Road and a bridge to Port Macquarie.

Awaiting announcement of guidelines for Roads to Recovery Program.

Ordinary Meeting 12th October 2004

Councillor B R Sowter

File: P1-7

(Folio No. **284157**)

That the Director Engineering would investigate the establishment of a better caravan parking area for Kempsey in the Forth Street area and arrange suitable signposting and advertising.

Plans prepared for four options and preliminary estimates being considered.

Ordinary Meeting 9th November 2004

Councillor J H Bowell

File: D5-2

(Folio No. **285724**)

2. Can the Director Engineering investigate the disposal of stormwater in Hopetoun Street, Kempsey.

Situation being investigated.

Councillor B R Sowter

File: H2-17A

(Folio No. **285754**)

3. What is the situation with the storage of vehicles under the bridge at Smithtown?

The matter is being investigated.

Ordinary Meeting 14 December 2004

Councillor E R Walker

File: B6-5

(Folio No. **285754**)

1. Could the Director Shire Services investigate the possibility of putting a handrail on the topside of Sherwood Bridge – the

foundation under the water line is deteriorating and has become dangerous especially when children are swimming in the area?

This bridge is now a Council responsibility. Whilst the foundations of the old bridge is present, the situation is not dissimilar to other bridges across the Macleay River. Removal of the old foundations would be very expensive and well beyond Council's budget.

Ordinary Meeting 18 January 2005

Councillor B Sowter

File: 59

(Folio No. **289762**)

6. Are restricted speed signs going to be erected in Crottys Lane and is the public gate going to be removed.

Directions to restriction have been received at Council from RTA. Signs to be erected.

Public gate removed but property fencing needs moving to boundary alignment.

Ordinary Meeting 8 February 2005

Councillor R H McWilliam

File: 60

(Folio No. **290771**)

- 1 Could the Director Shires Services investigate the clogging of the stormwater drain on the corner of Wilson and Gladstone Streets, Arakoon?

Response: The Director Shire Services will investigate.

Councillor R H McWilliam

File: 149

(Folio No. **290774**)

- 3 Is there anyway that Council could find a vacant building to house a boating project for TRAC. Jan Eason, Principal, has three (3) weeks to find premises or lose the project due to PCYC pulling out of the deal?

Negotiations in hand to utilise an area in the KAP Headquarters at 46 Tozer Street.

Councillor B R Sowter

File: 55

(Folio No. **290783**)

- 3 Would the Director Shire Services investigate a stump not removed from the footpath at 12 Cameron Street, West Kempsey which has been there since late last year?
-

Stump removed 7 February 2005.

Councillor B R Sowter

File: 60

(Folio No. **290784**)

4 Would the Director Shire Services advise on a blocked culvert at Dowlings Fall Road that was reported last November and nothing has been done?

The Director Shire Services advised this has been investigated and the culvert fills up with rocks during heavy rain. The Director has been discussing with DIPNR how to restore the culvert.

Councillor E R Walker

File: 109

(Folio No. **290786**)

2 Can a check be made of the footpath in Wide Street near Tozer Street which is breaking up?

Inspected 7 March 2005 and placed on the footpath list as an M3 rating. The footpath is not of high priority and no funding is available.

Councillor E A Green

File: 192

(Folio No. **290792**)

2 Would it be possible to have a restricted parking sign in front of 14 Broughton Street where Community Transport pick up a disabled person and are required to double park creating traffic problems?

Response: The Director Shire Services advised that this matter is on the agenda for the Access Committee meeting to be held this week.

Councillor E A Green

File: 361

(Folio No. **290794**)

4 Is Council aware of the crack in the base of the Frederickton War Memorial?

The Frederickton War Memorial is the responsibility of the RSL. The Sub Branch has been contacted and is currently investigating grant-funding options for repairs.

Councillor J H Bowell
File: R Point Plome

(Folio No. **290796**)

1 When is the road condition warning sign at the beginning of Point Plomer Road to be replaced?

Inspected 1 March 2005. Sign is missing and is not a standard sign. Wording on sign "This road generally unsuitable for speeds in excess of 60kph". Sign will take up to 4 weeks to be made.

Councillor J A C Hayes
File: 60

(Folio No. **290854**)

4. Can action be taken to stop the gravel being washed across Sherwood road near Ronella Drive?

Inspected 24 February 2005. Gravel has been removed by the backhoe and is coming from private properties. Problem has been referred to Sustainable Development Services.

Councillor J A C Hayes
File: R Wide St

(Folio No. **290855**)

5 Can installation of bollards in Wide Street be considered to prevent vehicles from driving across the median in a dangerous manner?

Rocks or boulders will be installed as soon as possible.

Ordinary Meeting 8 March 2005

Councillor J H Bowell
File: 148

(Folio No. **292557**)

3 What has been the community reaction to proposals for the Jerseyville Sewerage Scheme? Did Council receive a letter similar to the one published in the Macleay Argus on this issue?

Copy of letter that appeared in the Macleay Argus addressed to Andrew Stoner MP was received at Council 14 March 2005, for information, from Terence J Dunkley. A second letter addressed to Council was received 11 March 2005 from Mr & Mrs Kemp.

Councillor T Hunt
File: 220

(Folio No. **292572**)

1 What actions have been taken to amend the signs at the McElhone Memorial Swimming Pool Complex?

Request placed for intermediary signs with new signs being developed.

Councillor R McWilliam

File: 34

(Folio No. **292573**)

- 1** Can the speed limit on Gordon Young Drive be reviewed by the Traffic Committee with the view to increasing the speed limit by at least 10km per hour from 50 kph to at least 60kph or possibly 70kph?

Response: The Director Shire Services will raise at the Traffic Committee.

Councillor J H Bowell

File:

(Folio No **292555.**)

- 2** What is the present position with the Plan of Management concept for Mattys Flat?

Consultants Patterson Britton & Partners engaged and preliminary investigations commenced. Community Workshop proposed at the South West Rocks Surf Club on 28 April 2005.

Councillor R McWilliam

File: 60

(Folio No. **292722**)

- 5** Could the Director Shire Services look at cleaning out the stormwater drain under the bridge in Arthur Street, South West Rocks.

Inspected 7 March 2005. Work order has been issued to clean out drain when it is dry as unable to clean in present wet condition.

Councillor R McWilliam

File: 109

(Folio No. **292723**)

- 6** Could the Director Shire Services look at the bushes overgrowing the pathway on Gordon Young Drive and also at the corner of Elizabeth and Gregory Streets, South West Rocks?

Inspected 17 March 2005. The pathway is clear of overgrown bushes but will be cut back as part of maintenance program. Referred to Open Space & Recreation for action.

Councillor R McWilliam

File: 55

(Folio No. **292726**)

- 7** Can the Director Shire Services advise if it is possible to have the growth of bushes overhanging Quarry Street either cut back or get the Bush Fire Service to do a burn back as this is crown land?

Removed 31 March 2005 – one resident upset by pruning.

Councillor R McWilliam

File: LA5524

(Folio No. **292727**)

- 8** Mr. Dix of 19 Cook Drive, SWR has contacted Council regarding the trees overhanging his property. Can the Director Shire Services advise of what the outcome was?

Council has no written or verbal records of any contact made by Mr Dix in relation to his property at 19 Cook Drive. Property has been inspected by Open Space & Recreation and the trees are not located on Council reserve but on the property located next door. Owner has advised that initial contact was made with Sustainable Development Services.

Councillor B Sowter

File: LA8199

(Folio No. **292735**)

- 2** What is the situation regarding the kitchen not being finished at the Gladstone Hall?

Original specification called for re-use of old kitchen if possible. The old kitchen was unable to be removed successfully and consequently a new kitchen ordered. Installation is programmed to occur within the next 4 weeks. Delay has been caused mainly by off site manufacture of the new kitchen. Anticipated completion date for kitchen is 8 April 2005. Anticipated completion date for all work is 30 May 2005.

Councillor D Saul

File: 119

(Folio No. **292737**)

- 1** Would the Director Shire Services investigate the noxious weed infestation on Council controlled public reserve at the end of Sid Sutherland Lane at Seven Oaks?

Response: The Director Shire Services will investigate.

Councillor D Saul

File: 109

(Folio No. **292739**)

- 2 Would the Director Shire Services investigate the long grass affecting motorists visibility on the corner of Cannane and Belmore Streets, Smithtown?

Inspected 17 March 2005. Arrangements have been made for work to be completed week ending 25 March 2005.

Councillor D Saul

File: 109

(Folio No. **292740**)

- 3 Can the Director Shire Services investigate the protruding shrubs onto the roadway affecting motorists visibility at the corner of Morton and Jeffery Streets, Smithtown?

Inspected 18 March 2005. Work order issued to complete when resources become available.

Extraordinary Meeting 23 March 2005

Councillor J Bowell

File: R Queen St

(Folio No. **293510**)

- 2 Could the Director Shire Services investigate the causeway in Queen Street South Kempsey - breaking up?

Response: The Director Shire Services advised that Council is aware of the problem and it is being monitored.

Councillor J Bowell

File: R Pacific Hwy

(Folio No. **293512**)

- 4 Will Council be represented at the meeting to discuss heavy vehicle on the Pacific Highway.

Response: The Director Shire Services advised that the matter would be investigated and would report back.

Councillor D Saul

File: 109

(Folio No. **293514**)

- 1 Could Council investigate the damaged footpath between the butcher shop and the general store at Frederickton?

Response: The Director Shire Services advised that he would investigate and report back, but at this stage considered the footpath not dangerous.

REPORT IMPLICATIONS

- ***Environmental Implications***

There are no environmental implications

- ***Social Implications***

There are no social implications

- ***Economic (Financial) Implications***

There are no financial implications

- ***Policy or Statutory Implications***

There are no policy implications

- ***Director's Review***

As per the report.

Director Shire Services Recommendation:

That the information be noted.

2005. 266 RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Howell*

That the information be noted.

At this stage, 4.15pm, Councillor McWilliam retired from the Chamber.

At this stage, 4.16pm, Councillor Hunt returned to the Chamber.

DSS28	WORKS IN PROGRESS	
FILE: 337	KJF (NRN)	{Folio No. 294218}

SUMMARY:

Reporting on Works in Progress.



ROADS

REGIONAL ROADS

Sealed

Patching and general maintenance is continuing on all the Regional Roads.

Rehabilitation of MR198 (South West Rocks Road) at Benelong Haven has been completed. The work involved some earthworks, drainage and pavement construction as well as the realignment of a corner.

MR75 Armidale Rd is to undergo realignment at Turners Flat. The work involves earthworks, drainage and pavement rehabilitation of the section immediately west of the Turners Flat Rd intersection. This major upgrade is to commence mid April, and is funded from the Black Spot Program.

Regional Road reseals have been completed and line-marking of the reseals has also been completed.

LOCAL ROADS

Sealed Rural/Local

Pavement maintenance work on the sealed road network is continuing.

Sea Street, Dangar to Short, rehabilitation works has been completed. The work involved the rehabilitation of the pavement.

Sherwood Rd realignment and rehabilitation works have commenced as part of the Roads to Recovery program. The works, west of the Link Rd intersection, involve flattening of batters, smoothing of a curve and general rehabilitation of the road. These works are due to be completed mid April.

UNSEALED RURAL

Gravel Resheeting

Resheeting of Dungay Creek Road was completed early March 2005.

Resheeting / Maintenance of Mungay Creek Road has commenced and is due for completion early April.

Resheeting / Maintenance of Toms Gully Road has commenced and is due for completion Mid April.

Willi Willi Road (1.2klms from Tait's Bridge) is due to be resheeted during June 2005.

Warbro Brook Road is due to be resheeted during May/June 2005.

Toorumbie Creek Road is due to be resheeted during June 2005.

Mines Road is currently being resheeted and is due for completion early April 2005.

Maintenance Grading

The "Shire East" roads maintenance crew is currently in the Stuarts Point Area (Area E3). The crew will move to the Frederickton/Collombatti Area (Area E4) upon completion of area E3.

Roads graded during the past month;

Pola Creek	Felton Lane
Frogmore Lane	Back Creek Rd
Back Creek Branch Rd	Spencers Ck Rd
Belle O'Connor St	Gap Beach Rd
Boyers Lane	Rainbow Reach Rd
Suez Rd	Croads Lane
Mennarcobrinni Rd	Fishermans Reach Rd
Pavans Access	Barbers Lane
Rogers Lane	

Point Plommer Rd was also maintenance graded, by Contractor.

The "Shire West" roads maintenance crew is currently in the Millbank Area (Area West 7). The crew will move to the Nulla Nulla Area (Area W8) upon completion of area W7.

Roads graded during the past month;

Mines Road	Willawarrin Reservoir Rd
Secombes Lane	Kesbys Rd
Lawrences Rd	

A number of private works were also undertaken.

TOWN AND VILLAGE STREETS

Kempsey Town Improvement

No further TI work is scheduled for 2005.

Crescent Head Town Improvement

Drainage work, kerb and gutter and road works have been completed for Korogora Street, East Street to Scott Street.

South West Rocks Town Improvement

The Memorial Avenue area is currently undergoing improvement works under the RTA 40km/h High Pedestrian Usage Program. This work will involve the installation of blisters, median islands and footpaving to accommodate a more pedestrian friendly environment.

In Gregory Street the retaining wall has been completed, drainage and kerb and gutter work is complete, fencing has been erected, foot paving is complete and the roadwork is complete except for the shoulder sealing which will be completed as part of the 40kph works.

Hat Head Town Improvement

The footpath/cycleway has been completed to the limit of available funds. Drainage works are due to commence in the Fern/Straight Street Area.

Pedestrian Access Mobilisation Plan (PAMP)

PAMP work is scheduled in North Street in May 2005.
PAMP work is scheduled in Sea/Marsh Street in May 2005.

FLOOD MITIGATION

General maintenance and repair of the floodgates on Kinchela Creek and Belmore River flood structures is continuing.

The Christmas Creek Flood Structure is scheduled for concrete maintenance works in April/May 2005. This work involves the dewatering of the site; the grit blasting of the concrete structure; replacement of steel where needed; and the repairing of concrete surfaces. The floodgates will be renovated at the same time.

BRIDGES / STRUCTURES

Specific Maintenance

McIntyres Bridge on Nulla Nulla Rd is to undergo specific maintenance and the bridge will be closed to all traffic during these works. The works have been programmed to coincide with the school holiday period to minimise impact on travel arrangements and will be commencing on Monday 11th April 2005.

WASTE SERVICES

Works Completed during last 4 weeks

1. Normal Operation and Maintenance.
2. March MidWaste Meeting at Hastings Council.
3. Clean Up Australia Day (March 6).
4. Easter Additional schedules.
5. Negotiation of new Waste Agreements.

Works proposed for next 4 weeks

1. Normal Operation and Maintenance.
2. Continued negotiation of new Waste Agreements
3. Development of new service routes and extension to 5 day servicing
4. Delivery of new waste vehicles.

BATHS

Works completed during last 4 weeks

1. Normal operation and maintenance
2. Completed EPA Backwash Works at Gladstone.
3. Season closure 28th March. Some extensions based on weather permitting.

Work proposed for next 4 weeks

1. Post season maintenance and closure works
2. Continued EPA Backwash Works at SWR and Crescent Head
3. Advertisement of South West Rocks and Gladstone Pool Leases

WATER SUPPLY

Normal operation and maintenance of Water Supply Pumping Stations and Treatment Plants continues.

Works completed last 4 weeks

1. Tozer Street water main – stage 1 complete.

Works Proposed for next 4 weeks

1. Install meters on all bore pumps - continuing.
2. Monitoring and testing of dam - continuing. Dam off line due to algal bloom.
3. Sherwood Production Meter replacement - continuing.
4. Stuarts Point Sludge Trial / Removal - continuing.
5. Meter Replacement Program - continuing.

- Hat Head Road Main Realignment in conjunction with roadworks.

MONTHLY WATER CONSUMPTION

	March 2004 Kilolitres
Kempsey Dam	0
Belgrave Falls	0
Bellbrook	952
Crescent Head	20 723
Hat Head	608
Sherwood - Lime Plant	251 472
South West Rocks	46 888
Stuarts Point	12 296
Willawarrin	699
Total Consumption	333 638

Kilolitres to Financial Year to Date: 2 886 804 kl

Applications for connection in March - 9

SEWERAGE

Normal operation and maintenance of sewage treatment plants and pumping stations continues.

Works Completed last 4 weeks

- Repairs to sewer defects Bissett Street, East Kempsey – complete.

Works Proposed for next 4 weeks

- Sewerage Pump Stations Fall Prevention Systems - manufacture and install - continuing.
- South West Rocks sewer rehabilitation - continuing.
- Fence repairs, sewer installations and pump stations - continuing.
- Infiltration repairs East and South Kempsey 90% Complete.
- Manhole Repair / Renewal Program SWR R1 and R2 catchment - continuing. SWR R3 catchment to commence.
- West Kempsey Sewerage Treatment Works - Sludge Trial - continuing.
- Defect notices to property owners, Catchment K6, West Kempsey - continuing.
- De-sludge lagoon, South West Rocks – continuing.

9. Continuing sewer rehab K6 catchment.

COMMUNITY SERVICES AND LIFESTYLE

ABORIGINAL LIAISON

This month we have strengthened our networking and linkage with the Kempsey Local Aboriginal Lands Council. This was done through:

- Council providing opportunities for 20 Aboriginal Men and Women in the Occupational Health and Safety General Induction for Construction Work in NSW, and
- Kempsey Local Aboriginal Lands Council providing Cultural Awareness Training for 15 Kempsey Shire Council Workers.

Other activities

Kempsey Shire Council, Kempsey Local Aboriginal Lands Council and the Crescent Head community developed, consulted and implemented a restoration and preservation of Aboriginal Artefacts project and addressed the severe erosion problem of the Crescent Head foreshore.

Six (6) Community Consultation meetings for Education, Health, Housing and Culture and Heritage matters.

Invitations to the launch of the Green Corp at Riverside Park, and the Elders Fashion Parade hosted by Booroongen Djugen Aboriginal Corporation for Senior Citizens Week.

AGED CARE SERVICES

Boronia Gardens Day Centre Hunter Valley Trip.

This was the first three day trip planned for the clients of the Day Centre. Four clients and two staff members (Co-ordinator Glenda Hipwell and Field Worker Natalie Smee) were involved in the Hunter Valley Trip. All arrangements went smoothly and by all reports (staff and clients) the trip was a fantastic success.

Relevant Service Statistics

Community Options Program - 30 clients

Community Aged Care Packages - 35 clients

Neighbour Aid - 45 clients

Veterans Home Care - 160 clients

Boronia Gardens Day Centre - 4 days of in centre activities, day trips to Laurieton, the Seniors Luncheon, Nambucca and Macksville.

Progress of Projects

Work is progressing on the submission to the Department of Ageing Disability and Home Care (DADHC) for Twilight Tours for Kempsey Shire

Council. These tours are dementia specific, aimed at servicing the needs of the client and their carers early in the evenings. Partnerships for this project have been established with the local Meals on Wheels organisation and Jane Ree from the Alzheimer's Association. A meeting is scheduled for the 5th April with DADHC representatives to submit the proposal.

COMMUNITY SERVICES & LIFESTYLE - GENERAL

Relevant Service Statistics

Cemeteries

Number of funerals – 9

Number of plaques erected - 13

Number of customer requests for mowing - 6

Aged Units

Occupancy – 100%

Waiting list – 12 for Kempsey units, 13 for SWR

New tenants – 3 (previous tenants moved to nursing homes)

Refurbishments – 2 kitchens, curtains at Tozer St and Leith St, 2 new floor coverings at Tozer St

Street Stalls

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COMMUNITY SOLUTIONS

Of the original 12 projects there are 5 projects completed. All projects are due to be completed by June 2005. The following lists the progress of the remaining projects.

- Improve lighting, landscaping and pavements in Kempsey CBD.
 - 66% complete
 - the remaining funds will be used towards improvements in Belgrave Street and repair of the Savages Lane murals for exhibition.
- Relocation of the Kempsey Assistance Patrol to appropriate premises.
 - 75% complete
 - the building works have been completed and remaining funds will be used to purchase training equipment, office equipment and furniture
- Improve facilities at Wigay Aboriginal Cultural Education Park.
 - 99% complete
 - all building works are completed and the consultant has begun the Business Plan. All extra funding for the Business Plan has been confirmed and completion of the Plan is the only outstanding item for this project
- Develop a Community Recreation and Cultural facilities map and plan.
 - 30% complete

- Develop a targeted apprenticeship scheme

- 95% complete
- this project is being delivered in partnership with the Djigay Centre at TAFE
- Establish a Youth Referral Centre and a Plan
 - this project has suffered a setback.
- Establish a Community Committee to investigate conducting a 'Croc' Eisteddfod or similar youth festival
 - 70% complete

WEST KEMPSEY COMMUNITY HOUSE

Three on Three Basketball

On Saturday the 12th and Sunday the 13th March 2005, the West Kempsey Community Renewal Project along with other partners such as Durri Aboriginal Medical Service, Melville High School, Kempsey Basketball Association, Department of Sport and Recreation, Vibes Magazine, Kempsey Shire Council, Department of Community Service (DOCS) and Djigay Student Association participated in the *Three on Three Basketball* event.

The event was to provide an opportunity for a health activity program to be run from Kempsey for young Indigenous and Non Indigenous participants. Eighty Five (85) teams played a continuous competition of basketball, with teams coming from as far away as Mirriwinni and Taree. The number of teams participating was up on last year, when 50 teams participated.

The competition was successful and was enhanced by Beat Box and Wrap Dance with young people enjoying a demonstration of this type of activity, with participants earning points to their team for their involvement in this activity.

Aboriginal Elder Richard Pacey performed the Welcome to Country, while Mayor Janet Hayes attended the event and from all reports had a great time. A West Kempsey Cultural Dance Group performed for the opening of the event.

Kempsey Shire Council contributed to the event with the provision of Kempsey Assistance Patrol buses to collect passengers from Greenhill, South and West Kempsey and a further bus was supplied by the West Kempsey Community House to pick up participants from South West Rocks and Crescent Head. This service contributed to the success of the day, as many participants from outlying villages would not otherwise have been able to compete in the event.

Kempsey Shire Council workers Vincent Cook, Greg Hehir and Mavis Symonds also worked with community volunteers and workers to provide a barbeque lunch and drinks. The barbeque was available from 11am until 3pm on both days. Kempsey Shire Council library worker Ruth Waite contributed to the event as one of the official organisers. Many community workers both Indigenous and Non Indigenous worked as

court supervisors and contributed by working in other capacities including administration, food and drink preparation and First Aid.

OUTCOMES: Workers and participants have concluded that this event is one of the most successful events for youth participants and onlookers, while the event is noted for its successful integration of Indigenous and Non Indigenous workers both paid and voluntary. It has also been noted that many more Non Indigenous participants came along to the event this year than in previous years. This event can be seen as a means of "breaking down" barriers between the different cultures and ethnic persuasions that make up Kempsey and is a means of encouraging "bridge building" between youth and elders within the community so that relationships are strengthened and positive mentoring occurs.

Suicide Prevention Project

The West Kempsey Community House's Reducing the Risk of Suicide and Depression Program for Young Men Aged 25-44 Years is a partnership between Department of Health and Ageing, Kempsey Shire Council and Department of Housing. The project is aimed at the West Kempsey and broader community of the Macleay Valley. Although the target group have been identified as men in the above age group, the ripple effect of depression and suicide on partners, children, employers and the community in general is very real and has serious impacts on communities both individually and as a whole. Therefore, our program is inclusive of men, women and children and embraces all age groups.

This program has allowed workshops to be developed and activities developed for individuals, families and community members. The program has been closely monitored by the Department of Health and Ageing with the West Kempsey Project reporting six monthly to the Department. The rejuvenation of Steele Park has been one of the programs under the Suicide and Depression Program. This has seen many partnerships developed and the engagement of the community in all aspects of program development. Some of the more prominent partnerships are with organisations such as Wesley Uniting Employment and Training, where participants of the Work for the Dole program were instrumental in the redevelopment of Steele Park.

Recently the Co-ordinator of the Suicide and Depression Program and the West Kempsey Community Renewal Project Co-ordinator attended a workshop at the Department of Health and Ageing in Sydney. It was at this workshop that both the Co-ordinators presented the program to evaluators from the Department of Health and Ageing and other funding recipients, and members of staff from the Department. The presentation was well received, and on return home the project manager for the department informed us that our program had been chosen at a national level to receive a further \$59,000 to continue the program for another year. This extra funding will allow us to keep the Co-ordinator of the Suicide and Depression Program employed for another twelve months and will also play a great role in covering the cost of programs and workshops in relation to the target group.

OPEN SPACE & RECREATION

Northern vine riparian weeds project

A further \$100,000 funding has been secured from national heritage trust for this very important project - to continue with the eradication of re-growth of the problem riparian weeds that have so much impact on these important areas. The main weeds being targeted are Madeira vine and cats claw creeper.

Sporting Facilities

Meetings are being arranged with the Macleay Valley Cricket Association, Rangers Soccer Club and the Kempsey Junior Rugby League to complete the review of 355 committees.

Bookings have been taken for the winter season and the change over from summer to winter sports is currently being undertaken.

Alterations to field arrangements and sizes are being planned in consultation with Open Space and Recreation and user groups.

Crescent Head Foreshore

Landscaping to the Crescent Head beachfront is well underway with the initial area of concern being restored, further turfing to be carried out in April to improve areas of high usage in front of the carpark along the foreshore area. A landscape design is being drawn up for this project.

Riverside Park

Sail quotes have been received from two organisations for the erection of Sails over the playground at Riverside Park.

TOURISM

Macleay Valley Coast Strategic Plan officially launched. John O'Neil, Executive Director Tourism NSW complimented Kempsey on the plan.

Relevant Service Statistics

Visitors to VIC	Inquires Phone/Email
February 2004 4196	February 2004 1025
February 2005 4662	February 2005 1802
Accommodation Bookings	Souvenir Sales
February 2004 947	February 2004 1284.85
February 2005 778	February 2005 1898.15

Meetings

- Crocfest - continue to support event
- Riverside Tastes and Sounds on the Macleay-assisting with event, financial and promotional support. Organising Civic Maintenance
- Mid North Coast Regional Development Network Meeting -attended meeting for networking purposes
- Countrylink-to develop backpacker opportunities

Progress of Specific Projects

- Billboards-designing board for Hat Head and Crescent Head;
- Investment Packages for Tourism Operators are being produced by VIC;
- Macleay Valley Coast Tourism is in charge of the judging process for the *Greater Port Macquarie and Macleay Valley Coast 2005* North Coast Regional Tourism Awards-ongoing.

YOUTH DEVELOPMENT

Council's Youth Development Officer has had the chance to liaise with some 40 odd services during the Crocfest consultations. These meetings have led to many services within the community forging partnerships that would not have been possible otherwise. On the whole we are seeing the community working together for a common cause.

Crocfest will be held in Kempsey 13th, 14th and 15th September this year 2005.

Youth Week

Youth week is well under way with the 24th April being the high light event. On this day at Kempsey Skate Park we will see the Totally Wickid Tour arriving with Nationally renowned Skaters, BMX riders and inline bladders to put an extreme show on for the young people of Kempsey. Also on the day will be a Battle of the Bands, Car show, stalls, PCYC trucks, circus acts. During the Youth Week period we will see movie nights, sports days, pool activities and craft.

After meetings with Greencorp (a youth employment and environment strategy) a Youth Week project has been formed where the group will be engaged to rehabilitate an area in Chappell Park that is currently overgrown and unsightly.

WEEDS

The \$10,000 that was provided this financial year for Giant Parrmatta Grass control in urban areas is now expended. Every street in the following areas were treated with the chemical registered for that use, being Taskforce (fluproponate): Kempsey, Crescent Head, Gladstone, Hat Head, Smithtown, Frederickton, South West Rocks, Stuarts Point, Willawarren, Bellbrook. Further funding would assist in the follow up control for areas that would not have been visible at the time of this program.

Council's Weeds Officer received a Certificate of Appreciation from Mid North Coast Weeds Advisory Committee for contribution to the Northern Vine Weeds Project 2004/2005

Noxious Weed Roadside and private property inspections are currently being undertaken mainly targeting Giant Parramatta Grass and Groundsel Bush. Letters have been sent out to landowners for new infestations of Giant Parramatta Grass and Groundsel Bush identified on their property.

Giant Parramatta Grass control with Taskforce on roadsides and reserves is now completed for Taskforce control, a few areas being treated with Roundup to complete the control program.

Groundsel Bush treatment control program is now underway. Infestations are being treated on roadside and reserves. Control is also being carried out on crown lands in the vicinity of Stuarts Point. Further infestations will be treated in the South West Rocks area, parts of the Pacific Highway and other areas of infestation

Council's Weeds Officer gave a PowerPoint presentation to Kempsey & District Ratepayers and Residents Association about weeds and weed control programs for Kempsey Shire Council. The presentation included responsibilities of council and landowners highlighting weeds that are present in the shire.

Planning for identification and control programs for Environmental Weeds, including Camphor Laurel, Large and Small Leaf Privet, Ochna, Cats Claw Creeper, Madeira Vine, Mother of Millions and Khaki Weed is underway.

Inspections being carried out for Salvinia, Giant Parramatta Grass, Groundsel Bush, Water Hyacinth, Red Lantana, Blackberry, Riparian Vine Weeds and Mother Of Millions as well as other Noxious Weeds.

Weed Calendars have been an excellent tool to promote weeds awareness and have been in great demand by customers.

REPORT IMPLICATIONS

- ***Environmental Implications***

As per the report.

- ***Social Implications***

There are no social implications

- ***Economic (Financial) Implications***

There are no financial implications

- ***Policy or Statutory Implications***

There are no policy implications

- ***Director's Review***

As per the report.

Director Shire Services Recommendation:

That the information be noted.

.....
K J Finnie
DIRECTOR SHIRE SERVICES

2005. 267 RESOLVED:

Moved: Cl. Bowell
Seconded: Cl. Sowter

That the information be noted.

DIRECTOR SHIRE SERVICES SUPPLEMENTARY REPORT

DSS29	INTEGRATED	WATER	CYCLE	MANAGEMENT
(SUPP.)	STRATEGY			
	FILE: W1-29		AMB	

SUMMARY:

Reporting on proposals to hold a closed Councillors Workshop for the Integrated Water Cycle Management Strategy.



Macleay Water would like to hold a workshop with Councillors to discuss the five scenarios for the Integrated Water Cycle Management Strategy (IWCMS). This workshop would provide an opportunity to discuss the more technical aspects and financial implications of the scenarios prior to consideration at the May Council meeting.

It is suggested that the most suitable time would be the week before the Council meeting (first week in May) and the suggested date is the morning of Wednesday May 4. Approximately 4 hours would be required for this workshop

REPORT IMPLICATIONS:

- **Environmental**

Nil

- **Social**

Nil

- **Economic (Financial)**

Nil

- **Policy or Statutory**

Nil

- **Director's Review**

A workshop is seen as the most appropriate forum by which to discuss all the technical and financial issues on this strategy.

Director Shire Services Recommendation:

That the IWCMS workshop be held on Wednesday 4th May 2005.

2005. 268 RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Green*

That the IWCMS workshop be held on Wednesday 4th May 2005.

At this stage, 4.18pm, Councillor McWilliam returned to the Chamber.

DIRECTOR CORPORATE SERVICES REPORT

DCS1	STATEMENT OF BANK BALANCES AS AT 31st MARCH 2005 FILE: * APC
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SUMMARY:

Reporting on the Statement of Bank Balances as at 31st March 2005.



A statement of balances is shown at [\(Appendix A\)](#).

REPORT IMPLICATIONS:

- **Environmental**

Nil.

- **Social**

Nil.

- **Economic (Financial)**

Nil.

- **Policy or Statutory**

Nil.

- **Director's Review**

Information noted as per report.

Director Corporate Services Recommendation:

That the information be noted.

2005. 269 RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Howell*

That the information be noted.

DCS2	STATEMENT OF INVESTMENTS AS AT 31ST MARCH 2005 FILE: * APC
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SUMMARY:

Reporting on the Statement of Investments as at 31st March 2005.



The Local Government Act 1993 requires that Council be notified at each Ordinary Meeting of details of all money invested by Council.

Attached at [\(Appendix B\)](#) is the Statement of Investments.

REPORT IMPLICATIONS:

- **Environmental**

Nil.

- *Social*

Nil.

- *Economic (Financial)*

Nil.

- *Policy or Statutory*

Nil.

- *Director's Review*

Information noted.

Director Corporate Services Recommendation:

That the information be noted.

2005. 270 RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Green*

That the information be noted.

DCS3	AFFIXING COUNCIL SEAL TO DOCUMENTS
FILE: 389 CC: S10-13 PJH	{Folio No. 294219}

This item was withdrawn - see DSS14.

DCS4	AFFIXING COUNCIL SEAL TO DOCUMENTS - LOANS
FILE: L6-387, L6-386, L6-764, L6-766, L6-749, L6-1031 APC (NRN)	{Folio No. 294220}

SUMMARY:

Reporting the need for Council to authorise the affixing of the Council seal to documents.



The Local Government (Meetings) Regulation requires Council to authorise the affixing of the Council seal to any document. The resolution of Council must specifically refer to the document.

The following loan renewals have been negotiated with the National Australia Bank and requires Council's authorisation to affix the Council seal.

- (a) Loan Mortgage Documents, General Fund Loan for \$275,200 (renewal of loan 387)
- (b) Loan Mortgage Documents, General Fund Loan for \$1,005,700 (renewal of loan 386)
- (c) Loan Mortgage Documents, Water Fund Loan for \$268,000 (renewal of loan 765)
- (d) Loan Mortgage Documents, Water Fund Loan for \$815,000 (renewal of loan 766)
- (e) Loan Mortgage Documents, Water Fund Loan for \$1,249,000 (renewal of loan 749)
- (f) Loan Mortgage Documents, Sewer Fund Loan for \$1,800,000 (renewal of loan 1031)

REPORT IMPLICATIONS:

▪ ***Environmental***

Nil.

▪ ***Social***

Nil.

▪ ***Economic (Financial)***

The financial implications of the following recommendation would be a saving of \$115,778 in loan interest over the remaining terms of the loans.

▪ ***Policy or Statutory***

There are no policy or statutory implications arising from this report.

▪ ***Director's Review***

The Director Shire Services concurs with the recommendation.

Director Corporate Services Recommendation:

That Council's seal be affixed to:

- (a) Loan Mortgage Documents, General Fund Loan for \$275,200**
- (b) Loan Mortgage Documents, General Fund Loan for \$1,005,700**
- (c) Loan Mortgage Documents, Water Fund Loan for \$268,000**

- (d) Loan Mortgage Documents, Water Fund Loan for \$815,000
- (e) Loan Mortgage Documents, Water Fund Loan for \$1,249,000
- (f) Loan Mortgage Documents, Sewer Fund Loan for \$1,800,000.

2005. 271 RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. McWilliam*

That Council's seal be affixed to:

- a) Loan Mortgage Documents, General Fund Loan for \$275,200
- b) Loan Mortgage Documents, General Fund Loan for \$1,005,700
- c) Loan Mortgage Documents, Water Fund Loan for \$268,000
- d) Loan Mortgage Documents, Water Fund Loan for \$815,000
- e) Loan Mortgage Documents, Water Fund Loan for \$1,249,000
- f) Loan Mortgage Documents, Sewer Fund Loan for \$1,800,000.

DCS5	COMPARISON	OF	RATES	AND	CHARGES
	COLLECTIONS				
	FILE: *	WMS			{Folio No. *}

SUMMARY:

Reporting on comparison of rates and charges collections.



A comparison of rates and charges collections for the years 2001 / 2002 to 28 February 2005 is set out in the attached schedule at [\(Appendix C\)](#). 2004 / 2005 rates and charges collection schedule has been expanded to include dollar and percentage amounts outstanding.

2004 / 2005 collections are comparable to last year. Debt recovery processes are ongoing.

REPORT IMPLICATIONS

- **Environmental**

Nil.

- **Social**

Nil.

- **Economic**

Nil.

- **Policy or Statutory**

Nil.

- **Director's Comment**

Nil.

Director Corporate Services Recommendation:

That the information be noted.

2005. 272 RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Walker*

That the information be noted.

DSC6	FLEET BUSINESS PLAN	{Folio No. 294222}
	FILE: 468 MPM (NRN)	

SUMMARY:

Reporting on the revision of the Fleet Business Plan, 2005/06 proposed internal fleet hire rates and 2005/06 general fleet replacement program.



Fleet Business Plan

Council at its meeting 15th July 2004 adopted the fleet/plant business plan. This plan was written to embrace Council's values of trust, cooperation, service, innovation and pride and also to assist in the improvement of the small business service standard.

As Council has now finalised the restructure in the fleet, workshop and depot, the fleet business plan requires updating to provide a general overview of:

- Embracement of Council's values
- Corporate Services direction for fleet
- The commitment that is provided to fleet customers
- Fleet customer responsibilities
- Fleet replacement strategies
- Fleet performance and efficiencies

The revised Fleet Business Plan is attached at [\(Appendix D\)](#).

1 Fleet Hire Rates

Council at its meeting dated 12th February 2004 implemented increased hire rates for the remainder of 2003/04 financial year with the plant hire rates to be reviewed in late 2004 in readiness for implementation as from 1st July 2005.

As per the resolution the plant hire rates have been revised for the 2005/2006 financial year. To develop a more accurate fleet/plant hire rate, various costs associated with fleet groups have been taken into account:

- Maintenance costs
- Replacement costs
- Operating costs

Fleet historical data has shown low utilisation to be a major concern for Council. This low utilisation has a negative effect on plant income and leads in some cases, shortfalls for replacement and general maintenance. Accordingly, these costs in some fleet items have increased due to the excessive age, ongoing wear and tear of the fleet item.

As the fleet is aging there is greater emphasis for increased maintenance and probability for major failure, which in turn increases fleet downtime. This downtime is a major factor in every decision when establishing long term fleet replacement programs and optimum changeover timeframes.

Downtime costs not only comprise the cost of the machine, but also include the cost of idle skilled labour, inconvenience costs, and idle capital investment. For example if a grader has a downtime period for 5 days due to mechanical failure, the cost associated to councils works program would be around \$14,855.00 not including the repair costs of the grader.

To achieve these optimum changeover timeframes and to achieve undisrupted works programs, the correct hire rates need to be set to ensure the appropriate capital funds are available for fleet replacement and maintenance.

The proposed hire rates have taken the above into account, with the introduction of a minimum hire period of 38 hours per week (1672 hrs/44weeks), with income reviewed quarterly and short falls charged to the appropriate department.

The proposed hire rates are attached at [\(Appendix E\)](#).

Replacement Program

The 2005/06 general fleet replacement program, as set out in the Business Plan, has been proposed at a changeover value of \$2,906,700.

The general fleet replacement program is attached at [\(Appendix F\)](#).

However the allocation for fleet replacement as set out in the 2005 / 06 Draft Budget is only \$1,016,253.

This replacement budget has a \$1,890,447 short fall, to replace the proposed 2005 / 06 replacement program. Accordingly, a replacement program for 2005/06 that meets the draft replacement budget has been developed which is attached at [\(Appendix G\)](#).

As fleet items are passed over for replacement at the optimum changeover timeframe there is the unknown risk of an increase in maintenance and breakdown costs, which in turn contributes to decreased income, reduced capital funding and increased works program costs.

REPORT IMPLICATIONS:

▪ **Environmental**

Refer to Business Plan.

▪ **Social**

Refer to Business Plan.

▪ **Economic (Financial)**

As per body of Report.

▪ **Policy or Statutory**

There are no policy or statutory implications arising from this report.

▪ **Director's Review**

Concur with Report.

Director Corporate Services Recommendation:

- 1. That the Fleet Business Plan be adopted.**
- 2. That the proposed hire rates be adopted and implemented from 1st July 2005**
- 3. That the 2005/2006 fleet replacement program, as shown at [\(Appendix G\)](#), be adopted.**

2005. 273 RESOLVED:

**Moved: Cl. Sowter
Seconded: Cl. McWilliam**

- 1. That the Fleet Business Plan be adopted.**

2. That the proposed hire rates to be implemented from 1st July 2005 be deferred until the budget workshop.
3. That the 2005/2006 fleet replacement program, as shown at [\(Appendix G\)](#), be deferred for consideration with the budget workshop.

DCS7	FLEET MANAGEMENT	FILE: 151	MPM (NRN)	{Folio No. 294223}
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SUMMARY:

The Fleet Management Business Plan adopted by Council requires that Council be advised of Plant purchases each month.



The following items of plant have been purchased for the month of March 2005.

Plant No.	Description	Amount (GST excl)
V2271	Ford Territory	\$33,984
V2266	Caterpillar Backhoe	\$152,879
Total		\$186,863

The following items of plant have been auctioned / traded for the month of March 2005.

Plant No.	Description	Amount (GST excl)
VC1044	Ford Trader	\$3,372
V1120	Caterpillar Backhoe	\$28,000
V1794	Mitsubishi Canter	\$9,931
VW1844	Toyota Hilux Table Top	\$8,354
V1980	Commodore	\$12,036
VW1952	Toyota Hilux Dual cab 4x4	\$18,809
VW1036	Toyota Dyna	\$2,445
VW1032	Mitsubishi Triton Utility	\$4,990
VW1451	Mitsubishi Triton Utility	\$5,854
VW1034	Mitsubishi Triton Utility	\$5,627
Total		\$99,418

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- **Economic (Financial)**

Nil

- **Policy or Statutory**

Nil.

- **Director's Review**

Nil.

Director Corporate Services Recommendation:

That the information be noted.

2005. 274 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Green*

That the information be noted.

<p>DCS8 POLICY REVIEW – PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS FILE: 276 PJH (NRN) {Folio No. 294224}</p>

SUMMARY:

To present Council's amended policy for adoption following public exhibition.



Council at its meeting of 8th February 2005 resolved to advertise its proposed amended policy on the Payment of Expenses to the Mayor and Councillors.

The amendments were made to the Policy following advice from the Department of Local Government that expense allowances that are not re-imburement of funds expended, are not appropriate nor do they comply with the Act.

Council also resolved at the February meeting to write to the State Government regarding its interpretation of the Act in regard to allowances paid to Councillors for telephone, travel and accommodation expenses.

Response from Department of Local Government

The Department of Local Government responded to Council's resolution on 18th March 2005 with the following reply:-

"I note that council has recently reviewed its policy on the payment of expenses and provision of facilities to the mayor and councillors and has resolved to make changes in certain areas in response to the recent DLG Circular dealing with this issue. I also note that council has specific concerns in regard to the interpretation of section 252, as contained in the DLG circular, relating to telephone costs and accommodation and living expenses and need for some flexibility in making provision for these matters. It is important to note that the DLG circular reflects current Government policy in this area.

I can advise however, that the DLG is examining possible legislative changes that would see the referral of expenses (mayor and councillor expenses and facilities) to the Local Government Remuneration Tribunal for assessment against a set of guidelines that are currently being developed by the department. The issues raised in your letter will be considered in the context of the drafting of these guidelines.

Thank you for drawing council's concerns to my attention and I trust this information is of assistance.

Yours sincerely

*Garry Payne
Director General"*

Advice on this issue has also been received from the Local Government and Shires Association stating that they will be working with the Department in preparation of the guidelines mentioned in the above correspondence.

Public Exhibition of Amended Draft Policy

A copy of the advertised amended draft policy is attached at [\(Appendix H\)](#).

Only one (1) submission was received in response to Council's advertising the policy for 28 days and a copy of this submission is attached at [\(Appendix I\)](#). This submission thanks Council for its open policy on these matters and seeks additional information under Freedom of Information on the expenses incurred by Councillors over the last year.

With the adoption of the amended policy the following changes will apply:-

- Payment of the current \$70.00 per month telephone allowance will cease.

- Councillors will be reimbursed up to \$200.00 per month for costs of Council business calls from home and mobile telephones and lines rentals based on actual amounts incurred and identified from accounts. The cost of calls made from Council provided fax/phones (charged to Council) will be included in the \$200.00 limit. Where Council business call costs exceed \$200.00 per month the amount over \$200.00 will be payable by the Councillor.
- There will be no provision for the payment of a daily allowance for sustenance and accommodation expenses. All such costs will be by re-imburement based on receipts provided.
- The re-imburement for spouse conference expenses cannot be paid under this policy as the policy relates to re-imburement to Councillors only. The clause has been removed.

Addition to Draft Policy to cover where legal assistance is provided to Councillors

On 9th March 2005 Council received advice from the Department of Local Government on circumstances where a council may indemnify or reimburse the reasonable legal expenses of a councillor. A statement along these lines should therefore be included in the Policy.

The circumstances where such reimbursement would be lawful under the Local Government Act are:-

- (a) a councillor defending an action arising from the performance in good faith of a function under the Local Government Act (section 731);or
- (b) a councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act; or
- (c) a councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the councillor.

The advice also stated that a council may not meet the costs of an action in defamation taken by a councillor as plaintiff in any circumstances and may not meet the costs of a councillor seeking legal advice in respect of possible defamation.

As this information was not received in time to be included in the advertised policy Council can include a clause providing for this and adopt the policy without going back out on exhibition if it considers the amendment to the advertised draft is not substantial. It is felt that this would apply with this clause as such indemnity for Councillors has been

provided for a number of years through Council's Councillors and Officers Liability insurance policy. The statement in the policy will just confirm that the indemnity may be made by Council depending on the circumstances.

It is recommended that the following clause be included in the policy as clause 8:-

Legal Assistance for Councillors

Council may indemnify or reimburse the reasonable legal expenses of councillors in the following circumstances:-

- (a) a councillor defending an action arising from the performance in good faith of a function under the Local Government Act (section 731); or
- (b) a councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act; or
- (c) a councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the councillor.

REPORT IMPLICATIONS:

- ***Environmental***

There are no environmental implications from this report.

- ***Social***

The public exhibition of this policy provides the openness to the community in dealing with issues such as the expenses incurred by Councillors in their duties as a Councillor. This transparency is particularly important where payments to Councillors is involved.

- ***Economic (Financial)***

Council's budget allows for the payment of \$70.00 per month for Councillors telephone expenses and this should be adequate to cover the expenses incurred even though a limit of \$200.00 per month will apply from adoption of this policy. Costs will be monitored and the budget reviewed if necessary.

- ***Policy or Statutory***

Council has advertised the amended policy in accordance requirements of the Local Government Act.

▪ **Director's Review**

Concur with report.

Director Corporate Services Recommendation:

That the amended draft policy C24:4 Payment of Expenses and Provision of Facilities to the Mayor and Councillors be adopted with the inclusion of new clause 8 relating to Legal Assistance for Councillors as detailed in the report.

2005. 275 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Walker*

- 1. That Council defer the adoption of the amended draft policy C24:4 Payment of Expenses until after advice is received from the LGSA.**
- 2. That Council acknowledge receipt of the letter from Director General, Department of Local Government, dated 18th March 2005.**

DCS9

GOOLAWAH RESERVE

FILE: 142 SJR (NRN)

{Folio No. 294225}

SUMMARY:

Replying to Notices of Motion NOM 4 and NOM 7 from the January 2005 meeting of council.



Two resolutions were passed at the January 2005 meeting of Council.

2005.21 "That following submission of a detailed report on the Goolawah Reserve addressing the safety and well being of people visiting the area and protection of the fragile environment, that Council investigate future options for the Goolawah reserve with a view to reviewing and updating the Plan of Management and it be listed for discussions with the Minister."

2005.22 "That the Director Corporate Services provide a report on activity in the Council controlled camping areas along the Point Plomer Road during the Christmas and New Year holiday period. Also confirm what steps Council needs to take to ensure the safety and well being of people visiting the area and protection of the fragile environment."

REPORT IMPLICATIONS:

▪ ***Environmental***

Council has had complaints regarding overcrowding on the Goolawah Reserves during peak times. Much of these complaints come from nearby private accommodation providers who protest that they are required to abide by 'the rules', whereas Council does not.

The Goolawah Reserve has a history of use as a camping area since the cessation of sand mining in the nineteen seventies. A Management Plan was developed to guide the usage of the reserve with four main guidelines. These guidelines being:

- ***To provide land for the enjoyment of the public, and access to the beaches and other environmental features. This is not only for the present generation but also for those who come after us.***
- ***To help protect the coastal foreshore and associated land systems.***
- ***To conserve native flora and fauna and their habitats.***
- ***To maintain the visual integrity and beauty of the coastline.***

The Goolawah Reserve features two Primitive Camping areas at Racecourse Headland and Delicate Nobby. Both of these camping reserves offer minimal facilities and provide a beachside holiday or day visitor experience with minimal impact on the environment.

Composting toilets are provided at both camping areas and the Delicate Nobby camping ground offers cold showers for campers. There is no evidence of either of these facilities failing over the peak period and also no evidence of environmental degradation from their usage.

To ensure the safety and well being of people visiting the area as well as protecting the fragile environment Council has a contract manager, Mr Steve Cameron, residing onsite throughout the peak periods. Mr Cameron services the amenities at both camping areas several times per day and removes rubbish and waste products daily. He maintains a very good rapport with users of the reserve and works closely with Council rangers to ensure the safety and welfare of his guests.

Historically the Goolawah Reserve has no forward booking facilities and as such designated campsites cannot be allotted to campers and it is very difficult to limit the number of users of the reserve. Due to the fact that there is no forward booking capability, campers who arrive after the maximum number has been reached pitch their tents in areas not designated for camping. The Caretaker experiences difficulty in moving campers

on and would require increased support from Council rangers to enforce the occupancy limits in peak times. Damage to the environment does occur from the overflow of campers to areas not designated for camping at peak times. Measures to overcome this need to be implemented.

Given the long history of limited enforcement of occupancy and the policy of not taking forward bookings it would take considerable time for the reserve users to realise and accept any changes.

Consideration should be given, as part of the process of updating the Plan of Management, to providing a forward booking service through Councils Contract Managers for 4 Shore Holiday Parks.

- **Social**

The Goolawah Reserve is a unique facility on the Mid North Coast of NSW and it is this uniqueness that attracts numerous day users and visitors to the area to the benefit of the local tourism industry and economy as a whole.

The Goolawah Reserve is a point of difference for our tourism industry and gives us a unique selling point for visitor attraction. At peak times of the year, Council operated caravan parks and privately operated beachside caravan parks generally adhere to a minimum booking period of seven nights, being Saturday to Saturday. This makes it extremely difficult for campers wishing to stay for shorter periods in the Macleay Valley Coast. Many of the campers at Goolawah Reserve stay for periods ranging from one to five nights and appreciate the fact that there is a beachside campground that will accept shorter term stays in this busy period.

It is an ideal place to camp, enjoy a natural setting in a friendly, family environment. The primitive camping ground can accommodate large groups and unlike camping grounds in National Parks, dogs are permitted in Goolawah Reserve, providing an option for those with dogs to take the 'whole' family! This is appreciated by many campers in a region where many of the natural areas are designated National Park where domestic animals are prohibited. There are families that have camped at Goolawah for generations. Many of the users of the reserve are Shire residents. It is a place held dearly, respected and appreciated by many.

- **Economic (Financial)**

Income to the Goolawah reserve for the month of January over the past three years is as follows:

January 2003	10,581.83
January 2004	11,526.37
January 2005	11,149.11

These figures show that visitor numbers to Goolawah Reserve are fairly static for the busiest month of the year. An off peak increase from \$14 to \$15 per two persons and a peak season increase from \$16 to \$23 per two persons has been implemented from April 2005. Peak seasons are designated as Easter, October and Christmas holiday periods.

Annual income for the Goolawah Reserve over the past three years is as follows:

Annual income 2002/03	58,772.79
Annual income 2003/04	58,092.79
Year to date 2004/05	51,986.42

▪ ***Policy or Statutory***

The Goolawah reserve is licensed for 75 campsites. Racecourse Headland camping area is licensed for 35 sites and Delicate Nobby is licensed for 40 sites.

The peak seasons of Easter and the Christmas/New Year week and the first week of January often see this figure exceeded.

Campers in the Reserve have not complained of overcrowding and there is no evidence of negative impacts on the environment or amenity provided to reserve users.

▪ ***Director's Review***

As per report.

Director Corporate Services Recommendation:

- 1. That the Caretaker and council rangers enforce the limitation of campsites to the level stipulated in the licence.**
- 2. That forward bookings be commenced and that a formalised occupancy register be maintained for the reserve.**
- 3. That consideration be given to the inclusion of \$15,000 in the 2005/06 draft Budget for the review of the Plan of Management for Goolawah Reserve.**

2005. 276 RESOLVED:

***Moved: Cl. Howell
Seconded: Cl. Sowter***

That this matter be deferred pending the calling for expressions of interest for the development and management of Goolawah Reserve.

At this stage, 4.30pm, Councillor Walker retired from the Chamber.

DCS10	FUTURE MANAGEMENT OF AIRPORT LANDS
FILE: 415	SJR (NRN) {Folio No. 294226}

SUMMARY:

Reporting on future management options for lands surrounding the Kempsey Aerodrome.



Council formed an Airport Advisory Committee in August 2004 to provide advice to Council on the preferred options for the future management of airport assets and infrastructure.

The committee decided to call for Expressions of Interest for future uses of lands within the Airport site. Nine (9) Expressions of Interest were received, including outright purchase of the site, development of a Residential Airpark, youth driver education events, motor sport based events and also the undertaking of day to day maintenance of the site.

An adjoining parcel of land, which was identified as suitable for sale, has not been progressed at this time as:

- i) it could provide further options expressed within the E.O.I. process, and
- ii) the Director Shire Services has indicated some re-alignment of the roadway should be undertaken.

The Airport Advisory Committee, at its final meeting of 10th March 2005 resolved to:

"Suggest Kempsey Shire Council retain the airport as an operational aerodrome and that the Economic Development manager follow up on Expressions of Interest, that relate to development on the site, to further determine that they are prepared to advance on their proposals."

It was also resolved that:

"Submissions relating to periodic usage of the airstrip for special events be referred to the Director Shire Services for assessment under the Council's Events Policy."

Expressions of Interest relating to the development of a Residential Airpark were viewed as most worthy of further investigation.

REPORT IMPLICATIONS:

▪ ***Environmental***

The Kempsey aerodrome has been in operation for many years and this usage is seen as the best utilisation for the site. Permanent usage of the site for motor sport related activities was viewed as inappropriate for the site given the associated noise impacts and the interference with essential services including the air ambulance and other airstrip users.

Development of a Residential Airpark was seen as a positive in terms of its harmonious use of the site and the positive economic impacts for the Shire. The area of the aerodrome most suited to a Residential Airpark is the area to the east of the runway near old Aerodrome Road.

▪ ***Social***

Shire residents and business people hold hope that in the future there will be sufficient demand for the return of a Regular Passenger transport operator to return to the airport and as such the retention of the airstrip and associated infrastructure is deemed important.

▪ ***Economic (Financial)***

The 2005/06 Draft Budget shows the net cost of the Aerodrome as approximately \$110,000pa.

There is an opportunity for the aerodrome to become classified as an 'Aircraft Landing Area' rather than a 'Registered Airport' as is currently the case. This reclassification would still enable us to welcome a Regular Passenger Transport service in the future but would alleviate the need for an Annual Safety Inspection and NDB Safety Inspection. The cost saving from the negation of these Inspections would be approximately \$6,000 per annum. This option could be further investigated for the 2006/07 financial year once investigations of the Residential Airpark have progressed.

Two enquiries have been made for leasing of hangars within the airport site and these will be progressed immediately.

It is envisaged that the development of a Residential Airpark will attract new upper income residents to the Shire. Whilst these residents will add to our rate base, purchase our water and waste removal services, they may also invest in the further development of the Shire.

- **Policy or Statutory**

There are no policy or statutory implications from the following recommendation.

- **Directors Review**

Council must ensure that the Airport is maintained in a safe operating condition for all users and the general public, irrespective of whether the Airport is "Registered" or not. To economise by terminating the services of a Consultant for external safety inspections will place this onus upon Council staff. This, I believe, to be an unfair impost.

There does not appear to be any further opportunity to reduce expenditure on the Airport without taking the very significant steps of decommissioning night lighting and navigational aid facilities. Council has previously indicated that it does not wish to go down this path.

Director Corporate Services Recommendation:

1. That negotiations continue with persons seeking to develop a Residential Airpark within the aerodrome site.
2. That the parcel of surplus Aerodrome land on the eastern side of Old Aerodrome Road (currently subject to grazing lease to 31st December 2005) be considered for sale when all Residential Airpark negotiations have been completed.

2005. 277 RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

1. That negotiations continue with persons seeking to develop a Residential Airpark within the aerodrome site.
2. That the parcel of surplus Aerodrome land on the eastern side of Old Aerodrome Road (currently subject to grazing lease to 31st December 2005) be considered for sale when all Residential Airpark negotiations have been completed.

DCS11 QUESTIONS WITHOUT NOTICE

FILE: 195 GBS (NRN)

{Folio No. 294227}

SUMMARY:

Reporting on the questions without notice from Council's Ordinary meeting of 8th March 2005 for the Director Corporate Services.



Councillor E Walker

1 Would the Director Corporate Services advise on the costing of Council's Trade Waste services for the bulk collection and tendering process when compared to Boscar and J R Richards?

Director Corporate Services Reply:

As reported to the recent Budget Review Workshop, Council's Trade Waste Charges are below that of J R Richards and Boscar's pricing structure does not allow a ready comparison. A comparison of Council v J R Richards' charges shows:-

J R Richards			
Bin Size	Rental/Wk	Collection	Total
1.5m ³	5.39	28.33	\$33.72
3.0m ³	6.82	54.45	\$61.27

Kempsey Shire Council			
Bin Size	Rental/Wk	Collection	Total
1.5m ³	7.50	18.20	\$25.70
3.0m ³	8.75	30.00	\$38.75

Following Council's recent decision to purchase a new single front lift vehicle and "actively market the Trade Waste Service" an in depth review of pricing policy will be undertaken in readiness for the 2005/06 year.

REPORT IMPLICATIONS:

- **Environmental**

Nil.

- **Social**

Nil.

- **Economic (Financial)**

Nil.

- **Policy or Statutory**

Nil.

- **Director's Review**

As per report.

Director Corporate Services Recommendation:

That the information be noted.

2005. 278 RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Gribbin*

That the information be noted.

At this stage, 4.32pm, Councillor Walker returned to the Chamber.

DIRECTOR CORPORATE SERVICES SUPPLEMENTARY REPORT

DCS12

ABANDONED RATES

FILE: *

WMS

{Folio No. *}

SUMMARY:

Reporting that Council's approval is sought to write off and abandon 1998/99 rates and associated charges postponed under Section 585 of the Local Government Act, 1993.



Section 585 enables a ratepayer to apply for a postponement of part of rates on land which is used only as the site of a house or rural land but, because of its zoning or permitted use, is valued for rating purposes in a way that reflects its permitted use rather than its actual use. Section 595 states that the postponed component of the rate, together with the resulting interest charge, must be written off by the Council if five (5) years has elapsed.

As the subject rates and charges have been postponed for five (5) years, they are now due to be written off and abandoned in compliance with Section 595.

Approval is sought to write off the rates and charges as shown.

Assessment #	Address	General	Interest	
1278-5555555-7	35 Lachlan Street Kempsey	110.88	48.87	159.75
1309-5555555-0	42 Lachlan Street Kempsey	123.20	54.29	177.49
1314-5555555-0	36 Lachlan Street Kempsey	61.60	27.14	88.74
1315-5555555-7	34 Lachlan Street Kempsey	86.24	38.00	124.24
1316-5555555-5	32 Lachlan Street Kempsey	55.44	24.43	79.87
2326-5555555-3	121 Smith Street Kempsey	554.40	244.32	798.72

3086-25555555-5	Belle O'Connor Street SWR	1960.13	863.79	2823.92
3786-55555555-7	27 Livingstone Street SWR	277.20	122.15	399.35
3787-55555555-5	29 Livingstone Street SWR	277.20	122.15	399.35
3854-55555555-3	14 Memorial Avenue SWR	252.56	111.30	363.86
3874-55555555-1	7 Memorial Avenue SWR	234.08	103.16	337.24
7445-55555555-6	Kemps Access Collombatti	59.04	26.01	85.05
Total		4051.97	1785.61	5837.58

REPORT IMPLICATIONS:

- **Environmental**

Nil

- **Social**

Nil

- **Economic (Financial)**

A reduction of \$5,837.58 in rates and charges arrears.

- **Policy or Statutory**

Statutory requirement: Section 595, Local Government Act 1993.

- **Director's Review**

As per Report.

Director Corporate Services Recommendation:

That the 1998/99 postponed rates and charges totalling \$5,837.58 be written off and abandoned under Section 595 of the Local Government Act, 1993.

.....
G B Snape
DIRECTOR CORPORATE SERVICES

2005. 279 RESOLVED:

Moved: Cl. Bowell
Seconded: Cl. Green

That the 1998/99 postponed rates and charges totalling \$5,837.58 be written off and abandoned under Section 595 of the Local Government Act, 1993.

GENERAL MANAGER'S REPORT

GM1 OUTSTANDING REPORTS / RESOLUTIONS

SUMMARY:

Council's report on outstanding reports and resolutions.



Following is listed each Director's outstanding reports and resolutions up to and including 23rd March 2005 Extraordinary meeting of Council.

OUTSTANDING REPORTS / RESOLUTIONS**Director Sustainable Development Services**

14.12.04 DSDS6	Sutherland - 35 McIntyre St - residential flat building - 7 units - DCP22 modifications - application approved subject to conditions.	Awaiting SEPP65 certification.
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Director Shire Services

12.10.2004 DCCS7	Crown land assessment - advice received from Dept Lands - advise Dept Lands Council review matter Feb 05 - ask to commit in writing offer to contribute funding - Advise Minister.	Progressing.
9.12.2003 DE1	That the Director Engineering report on the possibility of Council running a trial of computerised floodgates.	Details being pursued.
22.6.2004 DE1	Horseshoe Bay Reserve Plan of Management - referred to workshop - adopt amended draft plan excluding those relating to future of caravan park - future C/P be subject to further negotiation with Dept. Lands	Negotiations with Dept. of Lands continuing. Draft Landscaping plan being prepared to be released for public comment.
8.6.2004 NOM	Stuarts Point sewerage scheme - request Dept. Energy Utilities & Sustainability support Council progressing.	Process to identify preferred options in underway. Ranking report shows low priority for funding and DEUS being pursued. Community consultations to take place March 2005.
9.11.2004 DBE3	Sewer pricing 04/05 - pricing regime be put on public exhibition - proceed with consultation & education with customers. Report back to Council.	Liquid trade waste policy adopted by Council meeting 14.12.04. Advertising of proposed pricing regime to commence

		late January.
DBE3 SUPP	Kempsey Pool Infrastructure - Longer term planning investigates developing new aquatic facilities including heated 25 metre pool.	Planning to be done as time permits.
14.12.04 DSS3	Street lighting improvements & charges - Mid North Coast Group of Councils consider form street lighting technical committee	Letter to be sent prior to next quarterly meeting.
18.1.05 NOM2	Street cleaning gutters - comparative costs re: street cleaning compared with damage roads from overspill also environmental damage waterways - report for consideration in conjunction 05/06 draft budget be prepared.	Details being compiled.
8.3.05 NOM2	Councillor Bowell – Invite expressions interest grass cutting activities cemeteries conjunction 2005/6 Draft Budget.	Expressions of Interest being drafted.
8.3.05 DSS6	Youth Information and referral service – centre and bunker activity space Chappell Park Youth Precinct – DSS find more appropriate location.	Recission Notice Advised.
8.3.05 DSS8	Second Bridge Crossing K – Approach Minister Roads ensure prompt commencement bypass – second bridge project deferred – pursue RTA replacement footway/cycleway adjacent to railway bridge.	Submission being prepared for Minister. Letter to Regional Manager being drafted.

Director Corporate Services

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General Manager

13.4.04 GM5	Road closures - interpretation of maintained road - text Dept. Lands interpretation of a constructed road by submitting application - challenge interpretation that requires proceeds of sale to be paid to Dept. Lands - advise LGSA, Country Mayors & Mid	Held meeting with LGSA. They are investigating options to be adopted on a statewide basis.
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REPORT IMPLICATIONS:

- **Environmental**

Nil

- ***Social***

Nil

- ***Economic (Financial)***

Nil

- ***Policy or Statutory***

Nil

- ***General Manager's Review***

Nil

2005. 280 RESOLVED:

***Moved: Cl. Howell
Seconded: Cl. Green***

That the information be noted.

**GM2 CODE OF CONDUCT
FILE: 367 AVB (NRN)**

{Folio No. 294229}

SUMMARY:

To report on the process for reporting breaches of the Code of Conduct.



An article appeared in the press written by a Councillor that was critical of and threatening to staff. A number of complaints were received from staff regarding the article.

I, in the company of the Mayor, investigated the complaints and interviewed the Councillor concerned. The Councillor was not aware that the comments could be in breach of the Code of Conduct nor was it the Councillors intention to breach the Code.

Under the Code of Conduct, Policy C24.8 the General Manager will report the matter to the Conduct Committee where appropriate. I did not consider it appropriate in this case.

The Code of Conduct is made up of a number of policies one of which is Policy C24.10 Reporting Breaches of the Code of Conduct [Appendix A](#). This was a Policy under the former Code of Conduct. I believe this Policy has been superceded by Clause 22 of Policy C24.8 [Appendix B](#) and should be deleted.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

Nil

- ***Policy or Statutory***

Nil

- ***General Manager's Review***

Nil

General Manager's Recommendation:

1. That the report be noted.
2. That Policy C24.10 Reporting Breaches of the Code of Conduct be deleted from the Code of Conduct.

2005. 281 RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. McWilliam*

3. That the report be noted.
4. That Policy C24.10 Reporting Breaches of the Code of Conduct be deleted from the Code of Conduct.

GM3	QUESTIONS WITHOUT NOTICE	
FILE: 98	AVB (NRN)	{Folio No. 294230}

SUMMARY:

To develop a procedure for the asking of Questions Without Notice.



Council at its meeting held on the 8 March resolved,

"That the General Manager reports on the effectiveness of recording Questions Without Notice verbatim in the minutes".

Councillors ask questions at the end of each Council meeting and these questions and where applicable the staff answers are recorded in the minutes.

There are times when the content of the questions is inadvertently framed in such a manner as to give the impression that Council is doing a work or act in a dangerous or illegal manner. This could lead to legal or insurance consequences at a later time.

In order to ensure that questions are worded properly and without changing the intent of the question it is suggested that questions be submitted to the Manager Administration prior to lunch on the day of the Council meeting. Any suggestions as to change of wording can then be made prior to the question being asked. This would also allow the minute taker to record the questions in the minutes prior to them being asked and then be able to display them on the screen.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

Nil

- ***Policy or Statutory***

Nil

- ***General Manager's Review***

Nil

General Manager's Recommendation:

That Questions Without Notice for each Council meeting be delivered to the Manager Administration prior to the Council meeting lunch adjournment.

MOVED:

***Moved: Cl. Sowter
Seconded: Cl. Gribbin***

That the information be noted and Council stay with the status quo.

An Amendment was MOVED:

Moved: Cl. Powell

That the General Manager's recommendation be adopted.

The AMENDMENT was PUT to the Meeting and was LOST.

2005. 282 The MOTION was PUT to the MEETING and was CARRIED.

GM4

COMMUNITY SURVEY 2005

FILE: 359 MAM

{Folio No. 294231}

SUMMARY:

Reporting that a Community Survey was undertaken in February and early March, 2005 and a summary of the results is contained within this report.



The 2005 Community Survey was conducted by Micromex Marketing Services using a structured questionnaire and administered on a computer aided telephone system. The survey was conducted during the period 14th February to 1st March 2005 from 5.00pm to 8:30pm on Monday to Thursday in the Kempsey Shire Local Government Area. The sample consisted of a total of 300 residents. The selection of respondents was by means of a computer based random selection process. Individuals in the household, 16 years or older, were selected using the 'last birthday' selection procedure. On completion of the survey, additional interviews were conducted where certain sections were underrepresented. A quota sampling procedure was used to eliminate the need for heavily weighting the survey.

The compliance rate achieved was 58%, which represents a good cross section of the community and provides a sound basis for gauging community opinion. A sample size of 300 residents provides a maximum sampling error of plus or minus 5.8% at 95% confidence. Interviewing was conducted in accordance with IQCA (Interviewer Quality Control Australia) Standards and the Market Research Society Code of Professional Conduct. Participants were pre-qualified as having lived in the Kempsey Shire for a minimum of six months. Where applicable, the issues in each question were systematically rearranged for each respondent.

The major results will be advertised in the Macleay Valley Happynings and a media release will be prepared informing residents of the major findings. A copy of the full survey report will be available at the Civic Centre and Councils Libraries and can be downloaded from the website.

The complete survey results are comprehensive and are part of a 70+ page report. This report involves an executive summary, a full explanation of each of the findings, the methodology, a compilation of

comments and a copy of the survey questions [Appendix C](#). For the purposes of this report, a brief synopsis of results, taken from the Executive Summary, has been provided below.

Benefit to Kempsey Shire from the development of the local economy

89% of respondents stated that the development of the local economy was beneficial to Kempsey Shire. Of the respondents who stated that development of the local economy was beneficial

21% suggested this was because development 'creates more employment',

12% because 'new industries and businesses are improving the Shire' and

11% because it brings 'more money into Kempsey'.

Nature of development improving the quality of life

83% of respondents stated that the nature of development was improving the quality of life within the Shire. When asked how the quality of life was improving, the main responses concentrated on the creation of further employment and the improvement and introduction of new amenities/facilities and services.

Support for Kempsey Shire growth trends

50% of respondents were fully supportive and 43% partially supportive of the growth trends that are occurring in the Shire. 6% of respondents were not supportive at all.

What Council should be doing to ensure the Shire grows in a positive way

When asked what Council should do to ensure the Shire grows in a positive way, the most common responses were:

Attract more industry and business 18%

Improved maintenance of current infrastructure 13%

Be open minded and listen to the people - community consultation 13%

Avoid over-development / ensure quality development 10%

Steps that can be taken to encourage young people to stay within the Shire

When asked what steps can be taken to encourage young people to stay within the Shire the most common responses were:

Attract more industry and business/employment 86%

Improve/create services, facilities, activities 23%

Better education/training 9%

Belief that the town of Kempsey is welcoming and a good place to visit

In this prompted question, 75% of respondents stated that the town of Kempsey was welcoming and a good place to visit. In analysing the responses as to why they believed this, it was apparent that for many respondents, there was no differentiation between the town of Kempsey and the Shire of Kempsey. Of the respondents who stated that the town of Kempsey was welcoming and a good place to visit,

50% of respondents stated that it was due to 'friendly people/ place'
33% stated that it was due to the 'beautiful area/ beaches/ countryside'.
25% of respondents stated that the town of Kempsey was not welcoming
and a good place to visit
28% of these respondents stating that this was due to 'crime'.

Suggestions to make the town of Kempsey a safer and more relaxed place

When asked what suggestions respondents had to make the town of Kempsey a safer and more relaxed place, 67% of responses related to more/better policing and reducing crime.

Shopping in Kempsey

In this prompted question, 77% of respondents stated that Kempsey was a good place to shop. When asked why, the main reasons centred on the variety, presence of big retailers and having everything they needed. When analysed by age, the responses to this question differed significantly.

55 years or older 84% agreed

35-54 years 74% agreed

16-34 years 58% agreed

It is important to note that 42% of respondents in the 16 - 34 years demographic stated that the town of Kempsey was not a good place to shop. When asked why, a lack of variety was the reason given by 81% of respondents.

Ideas for improving Kempsey's retail area

When asked what ideas respondents had for improving Kempsey's retail area, the most common responses were:

Beautify and clean up the area 16%

More competition/variety 13%

Need bigger retailers 8%

Better parking 8%

Fewer empty shops 7%

Importance of specific road safety issues

In this prompted question, respondents were asked to rate the importance of 9 specific road safety issues. Rating was on a scale of 1 to 5, with 5 being very important and 1 being not at all important. Mean rating results were as follows:

Drug driving 4.8

School road safety 4.8

Drink driving 4.8

Young driver behaviour 4.7

Use of seatbelts/occupant restraints 4.7

Speeding 4.6

Bicycle safety 4.6

Driver fatigue 4.6

Pedestrian safety 4.5

The results indicate that, overall, all road safety issues specified were rated by respondents as 'very important'.

Beauty and lifestyle within Kempsey Shire

In this prompted question, respondents were asked to rate the importance of, and how highly residents valued the 'beauty of Kempsey Shire' and the 'lifestyle within Kempsey Shire'. The results indicate that whilst respondents considered beauty and lifestyle within Kempsey Shire very important, they believed that insufficient value was placed on this. This was reflected in a gap of 0.7 within the mean ratings (Importance 4.5, Value 3.8).

Importance of specific environmental projects that could be funded by an environmental levy

In this prompted question, respondents were asked to rate the importance of 7 specific environmental projects that could be funded by an environmental levy. Rating was on a scale of 1 to 5 with 5 being very important and 1 being not at all important. Mean rating results were as follows:

Water quality monitoring programs 4.7

Flood mitigation 4.5

Riverbank stabilisation and stream bank erosion 4.5

Environmental sustainability programs 4.4

Stormwater quality improvements 4.4

Acid sulphate soil remediation 4.2

Wetland restoration 4.2

Overall, all environmental projects were rated in the range 'important' to 'very important' with water quality monitoring programs rated by respondents to be of the highest importance.

Other environmental projects Council should consider

In this unprompted question, respondents were asked to specify other environmental projects Council should consider for funding with the environmental levy. 30% of respondents stated that there were other environmental projects they would like Council to consider for future funding. When asked to specify what projects, the most common responses were:-

environmental protection and beautification

recycling service

control of weeds and

river maintenance

Awareness of Council's dependence on income for the level of service that Council can provide

In this prompted question, 85% of respondents stated that they were aware that the level of service Council could provide depended on the amount of income that Council obtained.

Of the respondents who were aware of Council's reliance on income, 23% had suggestions on how Council could increase this level of income. The most common responses were:

Reduce costs/improve efficiency/utilise funds better 43% (8% of total sample)

Increase rates/levies 17% (3% of total sample)

Council services that could be reduced to save money

In this unprompted question, respondents were asked what Council services they believed could be reduced to save money. Whilst 53% of respondents were unable to answer, 114 responses were given with 'administration', 'reduce Council staff' and 'parks and gardens' the most predominant.

Satisfaction with Council's overall performance

In this prompted question, respondents were asked to rate their satisfaction with Council's overall performance with regard to 7 specific services/facilities. Rating was on a scale of 1 to 5 with 5 being very satisfied and 1 being not at all satisfied.

Mean rating results were as follows:

Sewerage supply 4.1

Garbage services 4.1

Sporting facilities 4.1

Parks and gardens 4.0

Water supply 3.9

Community facilities 3.7

Roads 3.1

Overall, respondents rated their level of satisfaction with all Council services/facilities as 'satisfied' with the exception of roads where there was a significant level of dissatisfaction and the overall rating was 'neutral'.

Satisfaction with Council's objective of supporting cultural events and activities

55% of respondents stated that they were 'satisfied' and 9% that they were 'very satisfied' that Council was achieving their objective of supporting cultural events and activities within the community that fostered strong community relationships.

6% of respondents stated that they were 'dissatisfied'

2% were 'very dissatisfied'.

Possible use of a multipurpose indoor sports stadium if it were to be constructed

In this prompted question, respondents were asked if they, or members of their family, would utilise a multipurpose indoor sports stadium were it to be constructed.

37% of respondents stated that they 'would'

23% that they 'might' use the new stadium

40% stated that they 'would not'.

Preparedness to financially support the cost of the building through an increase in rates

13% of respondents stated that they 'would' and 35% that they 'might' be prepared to support the cost of the building through an increase in rates.

52% stated that they 'would not' support it.

Of the respondents who stated that they or members of their family would utilise the multipurpose indoor sports stadium 21% stated that they 'would' and 41% that they 'might' be prepared to financially support the cost of building the structure.

Awareness of Council's consultation methods

In this prompted question, respondents were asked to indicate whether they were aware of 8 specific methods Council utilises to consult with the community. The percentage of respondents who were aware was:

Public meetings 77%

The Mayoral Column 76%

Weekly advertisements 66%

Media releases 62%

Six community newsletters each year 61%

Council's website 39%

On line polls 16%

Satisfaction with the way Council consults with the community

61% of respondents were 'satisfied'

4% were 'very satisfied'

19% were neither satisfied or dissatisfied

12% of respondents were 'dissatisfied' and

4% were 'very dissatisfied'.

How Council can improve their methods of consulting

In this unprompted question, respondents were asked how they believed Council could improve their methods of consulting with the community.

160 responses were given with the majority relating to

Council communicating more with residents. Very few specific methods of consulting with the community were suggested with the exception of 'Council meetings to be more accessible' and 'conduct more polls/research'.

Preferred method of contacting or conducting a transaction with Council

In this prompted question respondents were asked their preferred method of contacting or conducting a transaction with Council. Responses were as follows:

In person 58%

Phone 31%

Mail 7%

Website 5%

Face to face contact with Council staff

51% of respondents stated that they had face to face contact with Council staff over the last year. Of the respondents who had face to face contact:

53% described staff as courteous

44% described staff as helpful

32% described staff as professional

8% described staff as neither good nor bad

4% described staff as unsatisfactory
1% described staff as uninterested
N.B. Some respondents gave more than one answer

Suitability of Council's office hours

92% of respondents stated that Council's normal office hours were suitable for their needs. Of the 8% of respondents who stated that the hours were not suitable, the majority suggested that the office should be open on Saturday mornings or till 5pm weekdays.

Contact with Council staff by telephone

42% of respondents stated that they had telephone contact with Council staff over the last year.

Of the respondents who had telephone contact:

51% described staff as helpful
48% described staff as courteous
30% described staff as professional
7% described staff as neither good nor bad
3% described staff as unsatisfactory
3% described staff as uninterested

N.B. Some respondents gave more than one answer

Suitability of Council's switchboard hours

95% of respondents stated that Council's normal switchboard hours were suitable for their needs.

Usage of Council's after hours 1300-phone number

7% (21) of respondents stated that they had needed to use Council's after hours 1300 phone number. Of these respondents, 67% (14) found the number satisfactory and 33% (7) did not.

Contact with Council staff by writing

12% of respondents stated that they had written contact with Council staff over the last year. Of the respondents who had written contact:

9% were 'very satisfied' with the way the contact was handled

51% were 'satisfied'

9% were neither satisfied or dissatisfied

20% were 'dissatisfied'

11% were 'very dissatisfied'

Ownership or access to a computer/the Internet

52% of respondents stated that they had ownership of, or regular access to a computer. In 83% of cases, the computer was connected to the Internet. This represents 43% of the total

sample. Of the respondents who owned or had regular access to a computer connected to the Internet, 72% stated that they would like access to broadband services. This represents 31% of the total sample.

Council's website

Of the respondents who owned or had regular access to a computer connected to the Internet, 42% stated that they had accessed Council's website. This represents 18% of the total sample. When analysing access

to Council's website by age we find that respondents aged 16-34 years are almost 50% more likely to have accessed Council's website than those respondents in the older age demographics. This is despite these respondents all having regular access to the Internet. 93% of respondents who had accessed Council's website found that it provided useful information.

Where most of the information on Council's activities is found

In this prompted question, respondents were asked where they found most of their information on Council's activities.

Council's weekly advertisements (Argus and Happynings) 86%

Mayoral Column 29%

Council's website 29%

Council's newsletters 17%

Council's program on Tank FM 9%

In the press, radio and television 5%

REPORT IMPLICATIONS:

Environmental

Nil

Social

Nil

Economic (Financial)

Nil

Policy or Statutory

Nil

General Manager's Review

As per report.

General Manager's Recommendation:

- 1. That the information provided by the public in response to the Community Survey be considered when planning for the future.**
- 2. That the community be informed through advertisement and Council's website of the findings of the survey.**
- 3. That programs and initiatives undertaken by Council as a result of the survey findings are shared with the community**

through the media, Council's website and / or community newsletters.

2005. 283 **RESOLVED:**

*Moved: Cl. Powell
Seconded: Cl. Gribbin*

1. That the information provided by the public in response to the Community Survey be considered when planning for the future.
2. That the community be informed through advertisement and Council's website of the findings of the survey.
3. That programs and initiatives undertaken by Council as a result of the survey findings are shared with the community through the media, Council's website and / or community newsletters.
4. That the General Manager refer to Manex the survey results concerning public contact with Council staff by face-to-face, phone or in writing.

GM5

**WORKS PROGRAM
FILE: 153 AVB (NRN)**

{Folio No. 294232}

SUMMARY:

To outline progress of the capital works program for the 2004 / 05 year.



DESCRIPTION:

Attached [\(Appendix D\)](#) is a status report on the major works to be undertaken during the year. Council should take the opportunity to reallocate funds if jobs are unable to be started or completed during 2004 / 05. If jobs are to be deferred that involve loan funds, Council's borrowing program can be adjusted resulting in savings in principal and interest payments.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

Better utilisation of funds will be obtained by allocating resources to only those works that can be completed in the budgeted timeframe.

- ***Policy or Statutory***

Nil

- ***General Manager's Review***

Nil

General Manager's Recommendation:

That the information be noted.

2005. 284 RESOLVED:

***Moved: Cl. Howell
Seconded: Cl. McWilliam***

That the information be noted.

GM6

RESOURCE SHARING

FILE: 264 COPY: 131 AVB (NRN)

{Folio No. 294233}

SUMMARY:

To provide an update on the Resource Sharing initiatives being undertaken by MIDGOC Councils.



Following the presentation by Councillor Brian Chetwynd, Mayor of Armidale Dumaresq, Council has identified the need to provide funds for any resource sharing efforts and has agreed to provide \$100,000 in the 2005/06 draft Budget.

The Mid North Coast Group of Councils engaged a consultant, Gainger Management Services, to identify areas where Councils were already involved in resource sharing and to then identify areas that would provide benefits if they were resource shared. This was reported to Council in August 2004 and the recommendation regarding the establishment and future operation were considered by Council in October 2004.

The member Councils resolved to proceed with the following focus areas as priorities for resource sharing namely:-

- Information Technology and Geographic Information Systems

- Town Planning Services
- Human Resources/Training/Safety
- Infrastructure Works/Plant

Gainger Management Services were further engaged to facilitate strategic performance planning workshops with staff from each of the Councils relative to each of the designated focus service areas.

These planning workshops developed actions and performance objectives for each of the focus areas viz:-

INFORMATION TECHNOLOGY

Actions

- Establish an Information Technology/GIS Network
- Collaborate on the development of common IT codes and policies
- Conduct an audit of IT systems operating at each of the MNCG Councils
- Investigate the opportunities for shared communications eg. Internet connections
- Investigate collaborative website and e-commerce development
- Investigate options for the expansion of the MNC Community Mapping Group to include non-member MNCG Councils

TOWN PLANNING

Actions

- Establish a Town Planning network
- Conduct an audit of member Council's Town Planning information data
- Enhance regional co-operation in catchment management issues
- Investigate the opportunities and benefits of establishing staff exchange programs
- Consider potential reciprocal arrangements between MNCG Councils in facilitating mutually beneficial town planning related outcomes
- Collaborate in responding to and implementing state government proposals for the introduction of two tiers of development approvals
- Introduce a performance benchmarking system involving all MNCG Councils

HUMAN RESOURCES/TRAINING/SAFETY

Actions

- Establish a Human Resources network
- Collaborate in addressing common recruitment/staff retention issues eg. Share specialist personnel
- Establish a common salary system
- Establish a Human Resources performance benchmarking regime
- Conduct a stock take of MNCG Councils Human Resources systems and resources
- Establish a MNCG OH&S network with support from STATECOVER (To include workers compensation issues)
- Prepare co-ordinated staff training and development plans

- Develop a strategy for the delivery of shared training outcomes
- Jointly develop and co-ordinate the evaluation of training to ascertain value and effectiveness
- Collectively pursue government funding opportunities for training and development programs

INFRASTRUCTURE WORKS/PLANT

Actions

- Establish a regional works network
- Collaborate and co-ordinate road works planning, budgeting and scheduling including:-
 - Joint works teams/reciprocal arrangements
 - Shared arterial roads
 - Shared quarries and depots
- Review Regional AUSPEC Standards including:-
 - Roads maintenance standards
 - Risk assessments as a basis of departure from standards
- Establish a document register eg. For tender documents, OH&S Systems/Policies
- Collaborate in providing timber bridges design, construction, procurement, and staff skills/resources
- Examine opportunities for joint tendering in areas such as plant hire, road sealing, supply contracts etc.
- Examine opportunities for the joint development of an asset management system using common performance reporting benchmarks
- Evaluate options for the shared use of roads/infrastructure design services
- Conduct an audit of MNCG Councils to facilitate the development of a data bank of plant management information and an evaluation of plant performance.

A copy of the report from Gainger Management Services was distributed to Councillors. As reported to Council on the 14 December the above actions and associated performance objectives were adopted by MIDGOC at their 19 November meeting.

Since that time each of the networks have been established and have met on a number of occasions. It was recognised by the General Managers that the networks needed to be driven by management and General Managers have been assigned to each of the networks to keep things moving and progressing. I reported to the March meeting of Council on the current situation regarding the resource sharing project and attached a copy of the report considered by MIDGOC on the 23 February. As a consequence interviews for the employment of a facilitator were undertaken by myself and the Hastings General Manager and an appointment made.

At the 8 March 2005 meeting of Council, Councillor McWilliam asked:-

- ❖ *Council the General Manager report to Council on what sort of savings if any are we achieving from resource sharing?*
- ❖ *Can the General Manager give an indication as to what the natural attrition rate of staff would be per annum if we decide to go down the path of resource sharing?*

As can be seen, the networks have been established but have only been meeting since November. Each network has undertaken its audit and the Major benefit so far is that each Council is communicating with each other.

The Human Resources network has been addressed by the Hunter Training Group, part of Hunter Regional Council. The Hunter Training Group will be conducting training sessions in Port Macquarie and this Council has taken the step of outsourcing its entire training program to the Hunter Group. Arrangements are also being made with Nambucca Shire Council to undertake our Job Evaluation Administration. This will allow us to reduce our Human Resources staff by one from September 2005 resulting in savings of \$56,000.

The Planning network is to apply for joint funding under Plan First to engage a staff member to develop regional planning options. The network will then be in a position to develop proposals for regional planning and apply for further funding under Plan First.

It is hoped that the employment of the facilitator will co-ordinate the current efforts and develop a reporting mechanism back to the General managers. The Resource Sharing project needs to have substantial financial commitment from each of the participating Councils together with a strong commitment from all participants otherwise it is going to fail.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

The development of networks has opened up the lines of communication between Councils.

- ***Economic (Financial)***

Resource sharing should either result in financial savings or increased service provision.

- ***Policy or Statutory***

Nil

- **General Manager's Review**

Nil

General Manager's Recommendation:

That the information be noted.

.....

**A V Burgess
GENERAL MANAGER**

2005. 285 RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. McWilliam*

That the information be noted.

ABORIGINAL LIAISON COMMITTEE

FILE: 540 DJM (NRN)

{Folio No. 294234}

REPORT OF THE ABORIGINAL LIAISON COMMITTEE HELD ON WEDNESDAY 23rd FEBRUARY 2005 COMMENCING AT 10:00 AM IN THE COUNCIL'S COMMITTEE ROOM, CIVIC CENTRE, WEST KEMPSEY.

PRESENT

Councillor Betty Green, Councillor Jim Gribben,
Lotta Jackson – KSC Community Services and Lifestyle Manager,
Gerald Hoskins - Area Equity Manager, Mid North Coast Area Health
Tracey Edwards – Coordinator Kempsey Local Aboriginal Lands Council
Chairperson,
Harold Smith (Uncle Blue) Chairperson- Kempsey Local Aboriginal Lands
Council,
Mark Werner - New Career for Aboriginal People Officer, Booroongen
Djugen Aboriginal Corporation,
Robert Mumbler - KSC Green Hills Community Centre Coordinator
Caroline Bradshaw - Chairperson, Kempsey Aboriginal Education
Consulative Group,
Betty Cohen - Community Member Bellbrook,
Drew Roberts - General Manager, Macleay Aboriginal Housing
Association,
Beverly Roberts - Domestic Violence Caseworker, Many Rivers Violence
Prevention Unit
Diana Davis - Sexual Assault Worker, Many Rivers Violence Prevention
Unit,
Gary Morris - Chief Executive Officer, Booroongen Djugen Aboriginal
Corporation Indigenous Worker,

Lillian Greenup - Indigenous Worker, Regional Extended Families Service,
Mark Thompson - KSC Road Safety Officer, and
Debra J Morris - KSC Aboriginal Liaison Officer.

OBJECTIVES

To advise Council on matters concerning the Aboriginal community
To develop and implement a Cultural Protocol
To develop and implement The Statement of Commitment to the Aboriginal community made by Council May 26th 1999.
Effective communication and information flow to develop strategies by which Council can meet the community's expressed needs.
To advise Council on an Aboriginal Employment Strategy.
To advise Council on issues relating to Aboriginal Culture and Heritage and to encourage the preservation and restoration of local Aboriginal Culture.
To increase awareness and respect for Aboriginal culture by other members of the Kempsey Community.

WELCOME - Councillor Betty Green

APOLOGIES

Ren Perkins - Manager Djigay Centre Kempsey Campus of Tafe
Narelle Cochrane - Senior Aboriginal Worker, Mid North Coast Area Health
Father Bernie - Aboriginal Catholic Ministry
Gerald Bradshaw - Aboriginal Sports Development Officer
Chris Latta - Department Sports and Recreation Co-Covenor
Robbie Silva - Kempsey Macleay Womens Reconciliation Group
Fred Kelly - Djigay Students Association Manager, TAFE
Andrea Douglas - Community Member,
Madeline Donovan - Coordinator Goorie Galbans Aboriginal Corporation.

RECOMMENDATION
Seconded: G Hoskins

Moved: M Davis

That the Apologies be accepted.

PREVIOUS MINUTES - 17th November 2004

The minutes of the Aboriginal Liaison Committee of 17.11.04 was adopted by Council at a meeting of 14/12/04

RECOMMENDATION
Seconded: Clr B Green

Moved: Clr J Gribbin

That the information be noted.

4 BUSINESS ARISING FROM THE PREVIOUS MINUTES

4.1 Guest Speakers Department of Health re: Secondary Supply of Alcohol/ " Supply Means Supply"- Anthony Smith and Steve Ella

No further meetings were held and the only feedback able to be retrieved was the Aboriginal Community Liaison Officers from the Police Station rang requesting Anthony Smith and Steve Ella's contact numbers.

RECOMMENDATION
Seconded: G Hoskins

Moved: L Greenup

That the ALO contact Anthony Smith and Steve Ella for an update of the project.

4.2 Aboriginal Liaison Committee Membership- Youth representatives

RECOMMENDATION
Seconded: R Mumbler

Moved: M Davis

ALO to arrange and advertise for written expressions from the Aboriginal community for Aboriginal Youth representation onto the committee.

4.3 Wutuma Aboriginal Keeping Place

RECOMMENDATION
Seconded: G Hoskins

Moved: D Roberts

That a letter be written to Fred Kelly requesting an update of the Wutuma project.

4.4 Greenhill's Community Centre

The Coordinator has been appointed and the successful applicant was Bob Mumbler.

Bob then proceeded to give an overview of his roles and responsibilities.

RECOMMENDATION

Moved: D Morris
Seconded: G Hoskins

That the information be noted

4.5 Kempsey MasterPlan Implementation Committee

RECOMMENDATION
Seconded: B Roberts

Moved: M Werner

That Drew Roberts be the Aboriginal representative onto this Committee.

4.6 Geographical Names Board

Still collating information from the Kempsey Local Aboriginal Lands Council and the Dunghutti Elders Council.

4.7 NSW Local Government Aboriginal Network

Still progressing.

4.8 Community Safety Committee Matters- Kempsey Assistance Patrol

No updated given at this meeting.

4.9 Draft Cultural Protocol

RECOMMENDATION
Seconded: G Hoskins

Moved: G Morris

That a small task force be formed to develop the draft cultural plan including the ALO and one (1) representative from each of the following:-
Kempsey Local Aboriginal Lands Council
Booroongen Djugen Elders
Community
Dunghutti Elders Council.

5 STATEMENT OF COMMITMENT STRATEGIC PLAN MATTERS

5.1 Next Meeting will be the 28th February 2005 in the Council's Committee Room commencing at 3pm.

6 ABORIGINAL COMMUNITY MATTERS

Gerald Hoskins

Kempsey Assistance Patrol- still would appreciate having the opportunity to address the committee regarding community issues with regard to the service delivery.

Aboriginal Employment Strategy- still no contact from the Human Resources manager to meet with him and Council still does not have a Aboriginal Employment Strategy in document form.

Manager Response: These will be progressed.

Cemetery issue- shared resources with the Funeral Directors
What was Council's involvement in the assistance with the family of the young girl who drowned at the Kempsey pool?

Councilor Betty Green informed members that:

The pool supervisors along with the family and Council organized a Memorial Tribute for the young girl at the Kempsey Pool on the Wednesday evening.

Approval for the request for the Aboriginal flag to fly at Half Mast on the funeral day was approved and actioned.

Caroline Bradshaw

Some form of structural support from the Council for the Bellbrook Aboriginal community similar to a community centre.

Clr Betty Green explained that there were things happening at Bellbrook which included trying to establish a Community Centre for the Bellbrook area

7 COUNCIL MATTERS

7.1 Council's Evaluation Report on Committees –

RECOMMENDATION
Seconded: T Edwards

Moved: H Smith

That the information be noted..

7.2 Committee Standing Orders [Appendix A](#)

RECOMMENDATION
Seconded: T Edwards

Moved: Clr Green

That the Aboriginal Liaison Committee Standing Orders be accepted with the amendments.

8 CORRESPONDENCE IN

8.1 Regional Aboriginal Land Council Support [Appendix B](#)

RECOMMENDATION
Seconded: L Greenup

Moved: D Roberts

That Council consider writing a letter of support.

Support Local Aboriginal Communities in Government Service Planning.
[Appendix C](#)

RECOMMENDATION
Seconded: G Hoskins

Moved: M Davis

That Council consider writing a letter of support.

Families First 2005 meeting dates

RECOMMENDATION
Seconded: D Davis

Moved: G Hoskins

That the information be noted.

National Native Title Tribunal

RECOMMENDATION
Seconded: L Greenup

Moved: G Morris

That the information be noted.

8.5 ESD – Agenda 21 Team Aboriginal representation

RECOMMENDATION
Seconded: G Hoskins

Moved: M Davis

That Gerald Hoskins be the nominated Aboriginal representative on this Committee.

Department of Aboriginal Affairs- Community Working Party

RECOMMENDATION
Seconded: G Morris

Moved: G Hoskins

That the information be noted.

9 GENERAL BUSINESS

10 EVALUATION OF THE MEETING

There was a quorum to commence the meeting and meeting was conducted in a professional manner and it was felt that issues and concerns to the Aboriginal community could be addressed.

Meetings going back to monthly will be more informative and able to plan all the monthly meetings in advance.

Two and Half hours for the meetings is reasonable and more achievable and takes into consideration members who have to be at other scheduled meetings, forums with their various fields of work.

11 NEXT MEETING

The next meeting of the Aboriginal Liaison Committee is scheduled for the 30th March 2005 commencing at 10am in the Council's Committee Room.

2005. 286

RESOLVED:

Moved: Cl. Sowter
Seconded: Cl. Walker

That the minutes of the Aboriginal Liaison Committee meeting held Wednesday 23rd February 2005 be adopted.



ABORIGINAL LIAISON COMMITTEE

FILE: 540 DJM (NRN)

{Folio No. 294235}

REPORT OF THE ABORIGINAL LIAISON COMMITTEE HELD ON WEDNESDAY 30TH MARCH 2005 COMMENCING AT 10:00 AM HELD IN THE COUNCIL'S COMMITTEE ROOM, CIVIC CENTRE, WEST KEMPSEY.

PRESENT

Councillor Betty Green and Councillor Jim Gribbin,
Lotta Jackson – KSC Community Services and Lifestyle Manager
Gerald Hoskins - Area Equity Manager, Mid North Coast Area Health
Tracey Edwards – Co-ordinator Kempsey Local Aboriginal Lands Council
Harold Smith (Uncle Blue) - Chairperson- Kempsey Local Aboriginal Lands Council
Robert Mumbler - KSC Green Hills Community Centre Coordinator
Madeline Donovan - Coordinator Goorie Galbans Aboriginal Corporation
Drew Roberts - General Manager, Macleay Aboriginal Housing Association
Beverly Roberts - Domestic Violence Caseworker, Many Rivers Violence Prevention Unit
Brian Bradshaw - Durri Aboriginal Medical Centre
Ursula Donohue – Community Program Officer; Dept of Community Services
Bronwyn Leon - Aboriginal Child, Youth & Family Strategy Project Officer; Dept of Community Services
Vincent Cook - West Kempsey Community Renewal Project Worker
Debra J Morris - KSC Aboriginal Liaison Officer.

OBJECTIVES

To advise Council on matters concerning the Aboriginal community
To develop and implement a Cultural Protocol
To develop and implement The Statement of Commitment to the Aboriginal community made by Council May 26th 1999.
Effective communication and information flow to develop strategies by which Council can meet the community's expressed needs.
To advise Council on an Aboriginal Employment Strategy.
To advise Council on issues relating to Aboriginal Culture and Heritage and to encourage the preservation and restoration of local Aboriginal Culture.
To increase awareness and respect for Aboriginal culture by other members of the Kempsey Community.

WELCOME – Councillor Betty Green

APOLOGIES

Keith Finnie - Director Shire Services
Dave Toby- Coordinator; Thunghutti Local Aboriginal Lands Council

Ren Perkins - Manager Djigay Centre Kempsey Campus of TAFE
Narelle Cochrane - Senior Aboriginal Worker, Mid North Coast Area Health
Father Bernie - Aboriginal Catholic Ministry
Gerald Bradshaw - Aboriginal Sports Development Officer Department Sports and Recreation
Chris Latta - Kempsey Macleay Womens Reconciliation Group Co-Covenor
Robbie Silva - Refs/Jpet Indigenous Worker
Fred Kelly - Djigay Students Association Manager, TAFE
Andrea Douglas - Community Member
Caroline Bradshaw - Chairperson, Kempsey Aboriginal Education Consultative Group
Diana Davis - Sexual Assault Worker, Many Rivers Violence Prevention Unit
Gary Morris - Chief Executive Officer, Booroongen Djugen Aboriginal Corporation
Mark Werner - New Career for Aboriginal People Officer, Booroongen Djugen Aboriginal Corporation
Lillian Greenup - Indigenous Worker, Regional Extended Families Service
Victor Darcy - Aboriginal Client Support Officer; Kempsey Local Court

RECOMMENDATION: *Moved: D Roberts*
Seconded: T Edwards

That the Apologies be accepted.

PREVIOUS MINUTES

The ALC report of the 23rd February will be submitted to the Council meeting of the 12th April 2005.

RECOMMENDATION: *Moved: T Edwards*
Seconded: D Roberts

That the Previous minutes of the 23rd February 2004 be accepted.

4 BUSINESS ARISING FROM THE PREVIOUS MINUTES

4.1 Greenhill's Community Centre- progressing well.

4.2 Kempsey MasterPlan Implementation Committee

Drew gave an update and has spoken with Prue Keen and documentation requested about the aims and objectives have been supplied.

Drew will have more feedback at the next meeting.

4.3 Geographical Names Board

Still collating information from the Kempsey Local Aboriginal Lands Council and the Dunghutti Elders Council.

4.4 Naidoc Planning Committee Meeting:

The next meeting will be the 28th April 2005 at the Council's Committee Room commencing at 10am.

RECOMMENDATION:
Seconded: D Roberts

Moved: T Edwards

That the information from Business Arising be noted.

5 STATEMENT OF COMMITMENT STRATEGIC PLAN MATTERS

The report of the 28th February 2005 will be presented at the next meeting.

The Statement of Commitment Action Plan will be the Primary Action Plan.

6 ABORIGINAL COMMUNITY MATTERS

Gerald Hoskins Mid North Coast Area Health

Kempsey Assistance Patrol - still would appreciate having the opportunity to address the committee regarding community issues with regard to the service delivery.

Concerns were again raised of service delivery management issues such as:

Alcohol been actually sighted where Alcohol was being taken on and off the bus runs.

Start and finish times.

Drop off areas.

Unfair and no equity re: usage of the buses.

What was Council's involvement in the assistance with the family of the young girl who drowned at the Kempsey pool?

A Memo from the Director Shire Services to the Mayor, Councillors , GM & Directors was shown to the ALC members.

Caroline Bradshaw- Aboriginal Education Consultative Group

Some form of structural support from the Council for the Bellbrook Aboriginal community similar to a community centre is sought.

Councillor Betty Green is continuing investigations.

Tracey Edwards- Kempsey Local Aboriginal Lands Council

Council's Culture and Heritage Sub Committee

Is there any need for this sub-committee to be in place?

A discussion and debate took place and it was felt historical, relations between Kempsey Shire Council and Kempsey Local Aboriginal Lands Council were at times strained due to issues such as DA's, BA's and Culture and Heritage Matters and no strategy to address these issues were ever put into place.

Although there is now a concerted effort for a working partnership between the two Councils it is felt that that the Culture and Heritage Sub Committee be retained for the interim until the suggested strategies are implemented.

Comment: Drew Roberts

Again this is highlighted in the Department of Aboriginal Affairs "TWO WAYS PARTNERSHIP" signed off by the Ministers.

RECOMMENDATION:

Moved: D Roberts

Seconded: T Edwards

That the Culture and Heritage Sub Committee be retained until a Service Delivery Agreement or Memorandum of Understanding is developed, agreed and signed in accordance with the relevant Legislation and the Kempsey Local Aboriginal Lands Council has their structure in place.

Crescent Head Headlands

Verbal Compliment received from the Laurie Clay - Vice Chairperson of the Crescent Head Country Club;

The recent works undertaken by Council and the Lands Council for the protection, restoration and preservation of Aboriginal artefacts and the erosion problem and the working together of both Council's is good to see.

Kempsey Local Aboriginal Lands Council

This meeting was held 29th March 2005 to adopt and endorse the budget. This budget included the position of a junior worker within the Kempsey Local Aboriginal Lands Council.
Fire Trail - GreenHills Reserve- Council owned and needs attention.

Manager's Response: Will follow up.

Vincent Cook- West Kempsey Community Renewal Project

Advocating for the Dunghutti Broncos Junior Rugby League.

The above group have written a letter to the Kempsey Dragons Junior Rugby League requesting use of their canteen on alternate weekends.

They were recently informed that this was not possible.

Vincent explained that this was exactly the same issue last year except it was with the Seniors.

Manager's Response: This may be a user group and ownership issue and will be followed up.

Drew Roberts-Macleay Aboriginal Housing Association.

Three (3) positions have become available and these are
1 Office Manager and 2 Junior Property Managers.

Is in the process of drawing up Service Level agreements with Dept of Housing and Community Tenancy for one standardised Housing list for the Macleay.

Information Sessions are being held with the Aboriginal community re the roles and responsibilities of the Macleay Aboriginal Housing Association and their core business.

Bronwyn Leon- Department of Community Services

Aboriginal Child, Youth and Family Strategy Community Working Party.

This is in the process of being formulated and the ALC is invited to nominate a representative from the committee.

The first meeting will be held on Tuesday, 12th April 2005 commencing at 9:00 AM at Durri Medical Centre in York Lane.

Ursula Donohue- Department of Community Services

School Holiday Program has been organised and there is also recurrent funding.

Aboriginal Service Providers concerned at the lack of protocol shown towards the Aboriginal community when organisations such as the Neighbourhood Centre submit for Aboriginal projects.

Discussion and debate then took place and it was felt that the Kempsey Local Aboriginal Lands Council, The Elders Council, Aboriginal Liaison Committee and the Kempsey Goorie Interagency Group should have been consulted, and endorsement received from the Aboriginal Community, when applying for funds on the Koorie Community's behalf.

That this issue also be addressed at the next Kempsey Goorie Interagency Group meeting and a draft Cultural Protocol be developed as soon as possible.

Indigenous Awareness Training – State Government

There is concerns of this training being delivered in Kempsey due to the fact that there appears to be no respect for the Local Aboriginal community been demonstrated and once again, Cultural protocols are again not being adhered.

The person who is delivering the Training is from Queensland.

This matter be deferred to the Kempsey Goorie Interagency Group's next meeting.

Brian Bradshaw- Durri Aboriginal Medical Centre

The Durri Medical Centre would like to take the opportunity to thank a Non Aboriginal person who assisted a Mental Health client of theirs – Reconciliation in Practise.

Durri now has a Female Alcohol and Drug Worker. This position is filled by Dawn Evans.

7 COUNCIL MATTERS

Strategies from Crime Prevention Plan for consideration of the Aboriginal Liaison Committee.

RECOMMENDATION:
Seconded: T Edwards

Moved: H Smith

That the inter office memo be distributed to the ALC members for their comments and advice; then to be forwarded to Debra Morris before the 3rd May 2005.

8 CORRESPONDENCE IN

8.1 Introduction Letter- Durri Medical Centre.

Local Government Weekly - Dual Naming of features of Sydney Harbour

Resitech- Notice of next Working Party Meeting.

Evaluation Report- "Talkin Up – Movin On" Wollongong October 2003.

Invitation- Trial Bay Gaol, Share your vision.

RECOMMENDATION:
Seconded: D Morris

Moved: G Hoskins

That the correspondence be tabled and accepted.

9 GENERAL BUSINESS

Many Rivers Legal Service Position

Discussion and debate took place re the appointment of Richard Pacey to work at the Mid North Coast Correctional Centre.

The members felt quite strongly that the Many Rivers Legal Service Aboriginal Field Worker position be retained.

RECOMMENDATION: *Moved: T Edwards*
Seconded: D Roberts

That a letter be written to Dhurawah Aboriginal Corporation, Ms Julie Perkins and the Principal Solicitor voicing community concerns and seeking the retention of this very important position.

10 EVALUATION OF THE MEETING

There was a quorum to commence the meeting and meeting was conducted in a professional manner.

It was felt that the issues and concerns being raised by the Aboriginal members is not being heard and actioned. It was explained that with the current restructure and the new Manager coming on board their concerns and issues are being heard and being addressed by the Manager and the ALO.

Meeting was informative and positive.

Meeting was positive with some outcomes being achieved such as;

Stronger partnership between the Kempsey Shire Council and the Kempsey Local Aboriginal Lands Council.

The successful completion of the Occupational and Health and Safety General Induction for Construction Training with 20 Aboriginal Men and Women being issued with their "Green Cards".

The attendance and participation of 15 Kempsey Shire Council workers in the Cultural Awareness Training.

11 NEXT MEETING

The next meeting of the Aboriginal Liaison Committee is scheduled for the 25th May 2005 commencing at 10:00am in the Council's Committee Room.

2005. 287 RESOLVED:

Moved: Cl. Sowter
Seconded: Cl. Walker

That the minutes of the Aboriginal Liaison Committee meeting held Wednesday 30th March 2005 be adopted.

AIRPORT ADVISORY COMMITTEE

FILE: 531 SJR (NRN)

{Folio No. 294236}

REPORT OF THE MEETING OF THE AIRPORT ADVISORY COMMITTEE HELD IN THE CIVIC CENTRE, ELBOW STREET, WEST KEMPSEY, ON THURSDAY, 10th MARCH 2005, COMMENCING AT 5.00 PM.

1. OPENING

The meeting was declared open at 5.00pm.

2. ATTENDANCE

Councillor John Bowell, Councillor Bob McWilliam, Thomas Dick, Mervyn Elbourn, Darren Gibson, Neville Gibson, David Fry, Barrie Bishton, Russell Bowen and Steve Read.

3. APOLOGIES

RESOLVED

***Moved: Councillor Bob McWilliam
Seconded: David Fry***

That the apologies submitted by the Mayor Janet Hayes and Sue Gorman be accepted.

4. PREVIOUS MINUTES

RESOLVED

***Moved: Councillor Bob McWilliam
Seconded: Tom Dick***

That the Minutes of the meeting of 8th December 2004 be accepted as a true and accurate record of proceedings.

5. BUSINESS ARISING

It was discussed that many of the items discussed at prior meetings were 'held over' until the close of Expressions of Interest on 28th February 2005 to enable adequate consideration of the submissions received. Grazing leases had only been renewed for a twelve month period as recommended by the committee.

6. EXPRESSIONS OF INTEREST

Nine (9) Expressions of Interest were received, including outright purchase of the site, development of a Residential Airpark, Youth Driver Education events, Motorsport based events and undertaking day to day maintenance of the site.

RESOLVED

***Moved: Russell Bowen
Seconded: Councillor Bob McWilliam***

That the Committee suggest Kempsey Shire Council retain the airport as an operational aerodrome and that the Economic Development Manager follow up on Expressions of Interest, that relate to development on the site, to further determine that they are prepared to advance on their proposals.

RESOLVED

*Moved: Barrie Bishton
Seconded: David Fry*

That applicants for the construction of hangars be invited to formalise their request.

RESOLVED

*Moved: Councillor Bob McWilliam
Seconded: Merv Elbourn*

That submissions relating to periodic usage of the airstrip for special events be referred to the Director Shire Services for assessment under the Council's Events Policy.

7. GENERAL BUSINESS

7.1 Airport Advisory Committee

The Chairperson advised that the objective of the Committee was to provide advice to Council on the preferred options for the future management of airport assets and infrastructure. This objective had now been achieved and as such the Committee would disband. The Chairperson thanked Committee members for the contribution of their time and knowledge toward the project.

RESOLVED

*Moved: Russell Bowen
Seconded: Councillor Bob McWilliam*

That a letter of thanks be forwarded to committee representatives.

7.2 Maintenance

A large hole in the grassed area to the south west of the taxiway, which had been filled in December, requires further attention.

8. CLOSURE

The final meeting of the Airport Advisory committee closed at 6:20pm.

2005. 288 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. McWilliam*

That the minutes of the Airport Advisory Committee meeting held Thursday 10th March 2005 be adopted.

LOCAL TRAFFIC COMMITTEE

MINUTES OF THE MEETING OF THE LOCAL TRAFFIC COMMITTEE HELD ON WEDNESDAY, 2 MARCH 2005, IN THE ELBOW STREET MEETING ROOM COMMENCING AT 9:00 AM.

PRESENT:

Mayor Councillor Janet Hayes, Sergeant Paul Dilley - **Kempsey Police**, Graham Carthew - **Roads & Traffic Authority**, Rod Dale - **Andrew Stoner's Representative**, Keith Finnie, Neil Thomson and Mark Thompson.

AGENDA

1. APOLOGIES

2. PREVIOUS MINUTES

2.1 The minutes of the meeting of 20 October 2004 were referred to Council's meeting of 9 November 2004 and adopted.

RECOMMENDATION

That the information be noted.

3. BUSINESS ARISING

3.1 Southside Cellars Development, Lachlan Street, South Kempsey

RECOMMENDATION

That the adjusted design be supported in principal, with preference for service vehicle access off Nicholson Street and exiting onto the Highway through Tighes Lane.

3.2 Phasing of Traffic Lights at Smith Street & Stuart Street and Smith Street & Belgrave Street, Kempsey Ref: R Smith (281462 281440 286047)

RECOMMENDATION

That the information be noted.

3.3 Smith Street & Belgrave Street, Kempsey Ref: T7 (282859 285647) (64)

RECOMMENDATION

That the information be noted.

4. GENERAL BUSINESS

- 4.1 Crescent Head Road, South Kempsey
Ref: T7 (285727)**

RECOMMENDATION

That a separate left and right turn lane be provided with the addition of left and right turn arrow pavement markings.

- 4.2 Stop sign Cochrane Street, West Kempsey
Ref: R8-20**

RECOMMENDATION

That the existing "Give Way" sign in Cochrane Street at the intersection with Kemp Street, West Kempsey, be replaced with a "Stop" sign.

- 4.3 Give Way Sign – Yates Place & Lawrence Crescent,
West Kempsey
Ref: R8-20**

RECOMMENDATION

That "Give Way" signs be placed in Yates Place and Lawrence Crescent at the intersection of Kemp Street, West Kempsey

- 4.4 40kph School Speed Zone in Baker Drive,
Crescent Head
Ref: R8-29 (287823 288461)**

RECOMMENDATION

That the introduction of a 40kph School Speed Zone in Baker Drive, Crescent Head be endorsed.

- 4.5 Kinchela Primary School Bus Zone signage
Ref:**

RECOMMENDATION

That the introduction of a timed school bus zone adjacent to Kinchela Public School be endorsed.

- 4.6 ANZAC Day March Gladstone*
Ref: 24 (289878)**

RECOMMENDATION

That approval be granted to the Lower Macleay RSL Sub Branch to conduct an ANZAC Day Street March in Gladstone, subject to satisfactory

completion and submission of Council's Event Management documentation.

4.7 Macleay River Marathon 2005*
Ref: 56 (289488)

RECOMMENDATION

That approval be granted to the Trial Bay Triathlon Inc to conduct the Macleay River Marathon, subject to satisfactory completion and submission of Council's Event Management documentation.

4.8 Parking for Heavy Vehicles
Ref:

RECOMMENDATION

That the issue of trailers, caravans and long vehicles parking in urban areas be further reviewed, with a view to improving pedestrian and road safety.

4.9 Disabled Parking – 14 Broughton Street
Ref:

RECOMMENDATION

That no action be taken.

4.10 B Double Route – Stuarts Point*
Ref: R8-32 (285827)

RECOMMENDATION

That approval be granted to gazette Stuarts Point Road, Ocean Street, Marine Parade, Fishermans Reach Road and Serrata Lane from 9am to 3pm excluding school holidays from September to December for B-Double use.

4.11 B-Double Route – Frederickton*
Ref: R8-32 (285827)

RECOMMENDATION

1. That approval be granted to gazette Collombatti Road, from Great North Road to the Pacific Highway, for B-Double use.
2. That B-Double gazettal on Great North Road be revoked.

4.12 70kph on North Street, West Kempsey
Ref: 34 (290789)

RECOMMENDATION

That Council recommend to the RTA a reduction in speed from 70kph to 60kph in the following streets:

1. North Street, from River Street to just east of Griffins Lane;
2. Kemp Street, from North Street to just north of Thompson Street;
3. Griffins Lane; and
4. Saleyards Road, from North Street to just north of Third Lane Railway Bridge.

4.13 Intersection of Short Street and Phillip Drive, South West Rocks

Ref:

RECOMMENDATION

That priority be given to Short Street at the intersection of Phillip Drive, South West Rocks, and a "Give Way" sign be erected in Phillip Drive to reinforce the change.

4.14 School Bus Zone – Bellbrook Primary School

Ref:

RECOMMENDATION

That a time school bus zone be placed in Main Street adjacent to Bellbrook Primary School.

4.15 Speed Zone MR198 South West Rocks Road

Ref:

RECOMMENDATION

1. That Council recommend to the RTA that the 80kph speed zone be extended 450m westerly to the western side of Austral Eden Inner Road.
2. That centre line marking be to Australian Standards.

5. OTHER BUSINESS

5.1 Mordue

RECOMMENDATION

That the information be noted.

5.2 Broughton Street, Kempsey

RECOMMENDATION

That the existing 'No Parking' zone in the central island in Broughton Street, between Sea Street and Tozer Street, be replaced with a 'No Stopping' zone.

6. NEXT MEETING

The next meeting of the Local Traffic Committee is to be held 18 May 2005.

****Items referred to Council's Ordinary Meeting 8 March 2005 as a matter of urgency and adopted.***

MOVED:

*Moved: Cl. Hunt
Seconded: Cl. Howell*

That the minutes of the Local Traffic Committee meeting held Wednesday 2nd March 2005 be adopted.

An Amendment was MOVED:

*Moved: Cl. Hayes
Seconded: Cl. Sowter*

That the minutes of the Local Traffic Committee meeting held Wednesday 2nd March 2005 be adopted with the exclusion of item 4.12 and this item be referred back to the Committee.

2005. 289

The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

The following item was deferred from earlier in the Meeting.

DSS19 LAND PURCHASE FILE: LA12592 Copy: R Phillip Dr. KJF
--

SUMMARY:

Reporting on enquiries regarding proposals to purchase land at South West Rocks.



Council considered a report at its December meeting regarding proposals to purchase land from Lot 504, DP 774359 on Phillip Drive to allow for the continuation of the cycleway.

Council Resolved:

" That this matter be deferred until a commitment from Telstra is received as to their contribution to the cost"

A copy of the report is attached at [Appendix J](#).

Telstra has been pursued with regard to a contribution and verbal advice received that they are prepared to contribute \$10,000 to the purchase.

The owner of the land, Mr Chris Beck, is very anxious to conclude the purchase settlement promptly. Correspondence from Mr Beck on 18th February 2005 is attached at [Appendix K](#) for Council's information.

Finalisation is recommended as a matter of urgency as any further delays may incur greater costs.

REPORT IMPLICATIONS

- ***Environmental Implications***

There are no environmental implications.

- ***Social***

It is essential that the cycleway be continuous along Phillip Drive and that the service conducts are on public land managed by Council.

- ***Economic (Financial)***

There is no vote provided for the purchase of this portion of land. It is proposed to draw funds from the Outdoor Recreation and Open Space Section 94 contributions for South West Rocks.

- ***Policy or Statutory***

There are no policy implications.

- ***Director's Review***

Council is encouraged to support the Recommendation.

Director Shire Services Recommendation:

That 542 m² be purchased from Lot 504 DP 774359, for \$151,500, with funding drawn from Section 94 Outdoor Recreation and Open Space contributions.

2005. 290 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Hunt*

That this matter be deferred until 26th April.



QUESTIONS WITHOUT NOTICE

Councillor E R Walker

- 1** The DCP22 Committee was advised of a court case regarding holiday rentals being deemed as commercial development.

Response: The Director Sustainable Development Services will follow up

- 2** How much does it cost Council for the collection of recyclables from the bubbles in Belgrave Street carpark?

Response: The Director Shire Services advised that it costs Council approximately \$80,000 per year for contractors' management of recycling stations shire-wide and that the bins are serviced on a regular basis.

- 3** Could the Director Shire Services guarantee that 100% of recycled material is going to be recycled and that no amount will be going to landfill?

Response: The Mayor advised this matter would be listed for Works Inspection.

Councillor B R Sowter

- 1** Has there been any response from the Health Department regarding fluoride and cost for infrastructure?

Response: The Mayor advised that no response had been received to date.

- 2** Is Council going to do some work on Old Aerodrome Road?

Response: The Director Shire Services advised that work has been done on this road and it was no worse than other road in the shire. There is no funding to do more than the listed roadworks.

Councillor D Saul

- 1** When would the playground equipment be installed at Kundabung?

Response: The Director Shire Services advised that it would be after July 1st as there are no funds in the current budget.

Councillor R McWilliam

- 1** Can Council investigate the excessive runoff from stormwater in Cardwell Street Arakoon in front of number 65?

Response: The Director Shire Services will investigate.

- 2 Could the Director Shire Services give consideration to grading Point Plomer Road after peak holiday times instead of before holidays?

Response: The Director Shire Services will review the practice and respond.

- 3 Could Council investigate the large hole in grassed area outside the Heritage Restaurant in Livingston Street South West Rocks?

Response: The Director Shire Services will investigate.

- 4 Could Council in conjunction with Country Energy look at street lighting, or lack of, in residential streets in South West Rocks?

Response: The Director Shire Services will investigate.

Councillor T L Hunt

- 1 What are the procedures for processing petitions received by Council?

Response: The General Manager advised that the department concerned usually provides a report to Council as they generally relate to applications.

- 2 What was the result of the petition forwarded by the Point Plomer Road users?

Response: The Mayor responded to Mr Dockrill.

- 3 Can the significant tree growth under the Bellbrook Bridge be cleared prior to September 2005?

Response: The Director Shire Services advised the matter would be investigated and that DIPNR and Fisheries would need to be consulted.

Councillor J Gribbin

- 1 **To the Mayor** - Did you make a statement to Councillors that I was physically restrained and forcibly removed from private land at 19 Seaview Street, South West Rocks?

Response: No

- 2 **To the General Manager** - Did you make a statement to Councillors that I was physically restrained and forcibly removed from private land at 19 Seaview Street, South West Rocks?

Response: No

- 3** I requested from the Sustainable Development Services Department on Wednesday 6th April a copy of the Preliminary Draft Management Plan for Saltwater Creek and Lagoon Estuary by WBM Oceanics Australia and was told there were not available to me. Why?

Response: The Director Sustainable Development Services advised that the report was in draft form and required vetting prior to submission to the Coastal and Estuary Committee after which time a copy could be made available.

- 4** Who authorized the clearing, poisoning and spreading of wood chips on the steep embankment leading to the reserve that borders Back Creek. How does Council envisage controlling runoff of stormwater and destabilization of the embankment if all undergrowth is removed?

Response: The Director Shire Services advised that Green Corp is the group responsible and that undergrowth, lantana and tobacco bush were being cleared and that it would eventually be planted out when funding permitted.

Councillor E A Green

- 1** What is the stage of the State Government Review of Section 94 Contributions?

Response: The Director Sustainable Development Services advised that he would investigate.

- 2** What is happening in relation to the completion of the roadworks in Macleay Street Frederickton, between Christmas and William Streets?

Response: The Director Shire Services advised the delay was not due to Macleay Water but the RTA and that this work is almost complete.

- 3** Could the Director Shire Services investigate the lighting at the intersection of Pacific Highway and the new entrance to Collombatti Road - appears to be set too far back on both roads. The actual intersection is very dark?

Response: The Director Shire Services advised he would investigate.

- 4** Would the Traffic Committee look into the layout of the slip lanes for traffic at the intersection of Pacific Highway and Collombatti Road, particularly for traffic turning into Collombatti Road as the slip lanes are acute and short, especially for b-double traffic?

Response: The Director Shire Services advised these matters have been the subject of discussions with the RTA and they are happy with the design of the intersection.

- 5 Would the Director Shire Services examine the need for a bus shelter outside Frederickton Public School as there is no shelter at present?

Response: The Director Shire Services would investigate the matter and advised no funding was currently available and that the school had previously been approached regarding shared funding for this project.

- 6 Can the drain near 78 Great North Road which is eroding and getting deeper be added to our works program?

Response: The Director Shire Services will investigate.

- 7 What is Council doing about the two parts of an old (derelict) house which has been sitting at the southern entrance to Kempsey since before Christmas?

Response: The Director Sustainable Development Services advised that this land was subject to a development consent and that he would investigate.

- 8 Council has received a letter from Hat Head community group requesting a public meeting to discuss the final Hat Head caravan park plan. Do we propose to have this meeting?

Response: The Director Corporate Services advised that the community group would be informed about the adoption of the Plan of Management for Hat Head Caravan Park.

- 9 Are we going to put in a submission to the Commonwealth Inquiry into Indigenous Employment?

Response: The Director Shire Services advised the guidelines for this matter had been reviewed and were unsure if there was funding available.

Councillor J H Bowell

- 1 Would the Director Shire Services contact the RTA regarding the condition of the Pacific Highway approaches to the Maria River Bridge and the removal of trees covering the signs for the caravan parks coming into Kempsey?

Response: The Director Shire Services advised that the RTA would be approached to address these problems.

- 2 Could a progress report of Council's Plan of Management (Manex proposal for payment of performance achievements) be supplied?

Response: The General Manager advised he would provide a copy of the KPI graphs which went to the last Manex meeting.

- 3 Will a submission be made to the 'Inquiry into Infrastructure Provision in Coastal Areas' bearing in mind Council's proposal in respect to Ecologically Sustainable Development?

Response: The Mayor advised a submission would be made.

Councillor J A C Hayes

- 1 Could the recycling bins be placed outside the Stuarts Point transfer station?

Response: The Director Shire Services would investigate.

- 2 Can the hole outside the house in Tozer Street (4 houses down from the Masonic Lodge) as a result of tree removal be filled temporarily until the water and sewerage work is completed?

Response: The Director Shire Services would investigate.



MOTION FOR COMMITTEE

2005. 291

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Saul*

That Council form itself into the Committee of the Whole, 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.



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES CONFIDENTIAL REPORT

DSDS1 CONF.	TWO LOT SUBDIVISION LOT814 DP853700 LEFT BANK ROAD, KINCHELA CREEK FILE: T6-05-78 AJC	{Folio No. 294237}
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This item was withdrawn.

.....
R B Pitt

GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	LEGAL MATTERS	{Folio No. 294238}
	FILE: 155 AVB (NRN)	

SUMMARY:

Reporting on the current position regarding legal matters.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

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 grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).



.....
A V Burgess
GENERAL MANAGER

2005. 292 RECOMMENDED:

Moved: Cl. Bowell
Seconded: Cl. Green

That the information be noted.

REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE

Upon resumption of Open Council, the following Report of the Committee of the Whole was submitted by the General Manager.



ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2005. 293 RESOLVED:

Moved: Cl. Saul
Seconded: Cl. Green

That the foregoing recommendations of the Committee of the Whole, as reported by the General Manager, be adopted.



2005. 294 RESOLVED:

Moved: Cl. Bowell
Seconded: Cl. Green

That the date for the next works inspection be set at the budget workshop on April 26th.



CONCLUSION:

There being no further business, the Meeting terminated at 5.52 p.m.

