



## MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 14th June 2005 commencing at 9.08am.

### **PRESENT:**

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

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



### **APOLOGY:**

2005. 376

### **RESOLVED:**

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

**That the apology submitted by Councillor Walker for non-attendance at the meeting is accepted and leave of absence granted.**



### **CONSIDERATION OF CONFIDENTIAL REPORTS**

2005. 377

### **RESOLVED:**

*Moved: Cl. Green  
Seconded: Cl. Saul*

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



## **MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 10TH MAY 2005**

2005. 378

### **RESOLVED:**

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

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*THIS IS PAGE 1 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE  
KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.*

.....  
*MAYOR*

**That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 10th May 2005, be adopted.**



## **PUBLIC FORUM**

- 1 - Mr Philip Hindley addressed Council speaking in favour of NOM3 (page D2)
- 2 - Mrs Pat Wheeldon addressed Council speaking in favour of NOM5 (page D3)
- 3 - Mr Neville Shields addressed Council speaking against DSDS2 (page G2)
- 4 - Mr James Taylor addressed Council speaking in favour of DSDS2 (page G2)
- 5 - Mr Nigel Swift and Mr Ross Nicastrri addressed Council speaking in favour of DSDS3 (G10)
- 6 - Mr David Parkinson and Mr Tony Clark from North Coast Academy of Sport thanked Council for their continued support of the Academy.



## **CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports NOM3, NOM5, DSDS2 and DSDS3**

2005. 379

**RESOLVED:**

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

**That the reports dealt with in Public Forum be brought forward and dealt with immediately and that the report of the Conduct Committee be dealt with in conjunction with NOM5.**

**NOM3**

**RURAL COUNSELLING SERVICE**

**FILE: 153 JCC**

**{Folio No. 297690}**

I hereby intend to move the following Motion at the Ordinary Meeting of Kempsey Shire Council held Tuesday 14th June 2005 (this notice of motion was previously submitted to the ordinary meeting of 10<sup>th</sup> May 2005).

*"That Kempsey Shire Council make a donation of \$3000.00 to the Mid North Coast Rural Financial Counselling Service in the 2005 / 2006 budget."*

.....  
COUNCILLOR D R SAUL

NOTES:

The Mid North Coast Rural Financial Counselling Service has provided assistance to Primary Producers in the Mid North Coast since 1994 and over that time has assisted more than 655 different Primary Producers, of these 164 or 25% of all clients are in the Kempsey Shire area.

The Mid North Coast Rural Financial Counselling Service must find 25% of its budget from the community through fundraising and donations. The service provides farmers and small business, assistance in applying for grants, payments, interest subsidies, low interest loans, bringing much needed relief to farming families and assisting local economy.

Both Coffs Harbour and Nambucca Councils have assisted with financial assistance over many years.

Nambucca Council has contributed an amount of \$3,800.00. Kempsey Shire Council has not offered any assistance at all to date.

**MOVED:**

*Moved: Cl. Saul  
Seconded: Cl. Gribbin*

**That Kempsey Shire Council consider making a donation of \$3000.00 to the Mid North Coast Rural Financial Counselling Service in the 2005 / 2006 budget.**

**An Amendment was MOVED:**

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

**That this matter be deferred until the information on donations received is supplied by the counselling service.**

2005. 380

**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.**

**NOM5**

**VOTING FOR COUNCIL COMMITTEES**

**FILE: 395 AVB (NRN) {Folio No. 297692}**

I hereby intend to move the following Notice of Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday, 14th June 2005.

*"That all Council Committees will be elected by open voting ie. a show of hands and shown in the minutes of the meeting who each*

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*THIS IS PAGE 3 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.*

.....  
MAYOR

*Councillor voted for. This allows greater accountability of Councillors to the community."*

**NOTE**

As recommended by Garry Payne, Director General on 23rd March 2005, by mail

His reference file 05/0451

His reference I.D A7922

Copies of this letter are available to any Councillor who requires one.

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**COUNCILLOR J C GRIBBIN**

**MOVED:**

*Moved: Cl. Gribbin*

*Seconded: Cl. \**

**That all Council Committees will be elected by open voting ie. a show of hands and shown in the minutes of the meeting who each Councillor voted for. This allows greater accountability of Councillors to the community.**

**This item was withdrawn at the request of the mover.**

**REPORT OF CONDUCT COMMITTEE**

**FILE: 564 MAYOR**

**{Folio No. 297687}**

**2005. 380A**

**RESOLVED:**

*Moved: Cl. Hayes*

*Seconded: Cl. Bowell*

- 1. That this matter be discussed in open council as requested by the General Manager.**
- 2. That there be no finding of misconduct against the General Manager.**
- 3. That, subject to statutory requirements, voting procedures in future follow the suggestions in the DG's correspondence dated 9<sup>th</sup> May 2005.**

**2005. 381**

**RESOLVED:**

*Moved: Cl. Bowell*

*Seconded: Cl. Gribbin*

**That Council Code of Meeting Practice be amended so as to provide for election of committees of Council with details of each Councillors vote to be recorded in the minutes of Council.**

**SUMMARY:**

Reporting that Council has received a development application to establish a Rally Car Driver Training Facility to be held seven (7) days a week, for which eleven (11) objections have been received.

◆◆◆◆◆

**Applicant:** Hopkins Consultants  
**Owner:** Ian & Margaret O'Leary  
**Subject** Lot 1 DP 1017148, 31 O'Learys Road,  
**Property:** Kundabung [\(Appendix B\)](#)  
**Zone:** 1(A1) Rural A1 Zone

**Background:**

Council previously approved development application T4-95-42 on Lot 1 DP 628804 in April 1995 to establish a Motor Cycle Track to hold six (6) moto cross events per calendar year and other off road activities such as horse riding and mountain bike riding.

Development Consent T6-04-281 was granted in May 2004 to subdivide the land into three (3) lots, which has not yet been acted upon.

In this current proposal the applicant has indicated that the Rally Car Driver Training Facility will use the same track layout as the previously approved moto cross track T4-95-42. The proposed driver training facility will operate between the hours of 10.00am and 5.00pm seven (7) days a week annually. The facility will employ two (2) staff and its envisaged that a maximum number of ten (10) people will visit the site daily.

**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.

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

The proposed Rally Car Driver Training Facility may be defined as a "recreational area" under Kempsey Local Environmental Plan. It is considered that the proposal operating in accordance with

development controls, would not conflict with the objectives of the rural zone and is permissible with consent.

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

### **Department of Environment and Conservation (DEC)**

Whilst the development application is not identified under the Environmental Planning and Assessment Act as integrated development, the Department of Environment and Conservation was given notice as a neighbour of the proposal. The DEC's submission states that site and surrounds are in the DEC Key Habitats and Corridors Study as being high conservation. As no clearing is proposed as part of this application, it is considered that there will be no significant effects. See "Flora and Fauna" [\(Appendix C\)](#)

### **Forests NSW**

Forest NSW objects to the proposal by reason that the proposal is a commercial venture that appears to rely on State Forest access roads and that the proposed facility may attract irresponsible use of rally cars on State forest. The access route for the proposed driver training facility is via Old Coast Road, which is a Council road and maintained by Council. Access from Old Coast Road to the location of the proposed development is via an access handle contained within the lot and privately owned. There is no evidence to support the statement that irresponsible driving of rally cars on State Forest road will occur as a result of the proposal. [\(Appendix D\)](#)

### **Access, Transport and Traffic**

The proposed access to the site is gained from Old Coast Road via an unformed access handle that will be required to be constructed to trafficable standard as a condition of consent.

Old Coast Road is accessed from either the Pacific Highway or Smiths Creek Road. It is considered that access for this proposal will primarily be gained from the intersection of Pacific Highway and Old Coast Road. The entire length of Old Coast Road is gravel and it is considered that road contributions for Old Coast Road are payable given the likely number of vehicle movements to and from the site.

The applicant has indicated that a total number of customers associated with the proposal will not exceed ten (10) per day with approximately two (2) full time employees which should be incorporated in conditions of consent. The applicant anticipates that traffic volumes generated by the proposal will not adversely impact on the road's capacity. Old Coast Road services a number of local residents, the road is narrow in places and the potential for traffic conflict and degradation may occur. Based on an estimated maximum annual usage of the site, a contribution of 0.5 of an ET is considered appropriate.

### **Noise**

The proposal has the potential to impact on a number of adjoining dwellings by reason of noise. The applicant's dwelling, located on the same land parcel is the nearest residence to the proposal at about 200 metres.

The application is supported with a noise impact assessment, which concludes that no adverse impacts will result from the operation of the proposal. However, it is considered reasonable to require ongoing noise monitoring of the driver training facility on a regular basis.

### **Air and Microclimate**

The proposal has the potential to result in dust pollution should weather conditions 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 vehicles using the track. Dust management should be undertaken during its hours of operation. The management of dust suppression will be in accordance with the Protection of the Environment Operations Act.

### **Cumulative Impact on Amenity**

If the proposal is poorly managed, and not conducted in accordance with the details supplied in the application, it has the potential to generate traffic along Old Coast Road, noise and dust impacts may lead to some loss of amenity, 'peace and quiet', and be of inconvenience for some residents in the area.

It is proposed to grant a 12 month limited consent to determine the ability of the operator to perform to the required standards, and use this measure to determine if the operation should continue.

### **Flora and Fauna**

The proposed location of the driver training facility is generally clear of vegetation and no trees are required to be removed. The subject

property has a history of uses ranging from logging to dairy farming and grazing.

Threatened species assessments were conducted on the subject site in 1995 and again in 2000, which revealed no threatened flora or fauna species present on the subject site.

As no trees are to be cleared, the location of the proposal is unlikely to have a detrimental impact upon the biodiversity of the subject land.

**Public Exhibition**

Adjoining property owners were notified of the proposal in accordance with Council’s Public Notification Policy. Council received eleven (11) objections, which can be summarised as follows: [\(Appendix E\)](#)

Objection	Planning Comment
<p>Access to the site will be gained via Forest NSW Roads. The proposal will attract irresponsible driving on Forestry Roads.</p>	<p>Access to the site is via Old Station Road, which is a Council maintained road. Irresponsible driving on Forestry Roads cannot be reasonably attributable to this proposal and would continue whilst State Forests allows their use by the public.</p>
<p>There will be significant erosion and degradation of the land.</p>	<p>2 Council should impose a condition of consent to have the land maintained so that disturbed surfaces are stabilised to prevent degradation and incorporated in an environmental management plan.</p>
<p>3 From our property we can hear the Pacific Highway which 4.5km away. The noise assessment was conducted with only one type of vehicle, which may not be always used on the track.</p>	<p>3 The noise impact assessment demonstrates that EPA compliance can be achieved during the operation of the training facility. A condition of consent should require the applicant to continue noise monitoring including a program for frequency of monitoring and reporting results to Council.</p>

4 Loss of amenity and 'peace and quiet' to both local residents and on the surrounding State Forests.	4 A 12 month consent would determine if the use complies with the criteria detailed in the application, which is the basis of assessment for no significant impacts.
5 Fuel oil Storage may impact on the environment and may cause a bushfire.	5 Safeguards should be included in any conditions of Consent for fuel storage to be managed safely.
6 The proposal will cause dust and petrol fume pollution	6 Dust should be required to be managed and a detailed environmental management plan should be required including the means to control dust prior to commencement of the use. The vehicles are to be registered and meet traffic safety standards.
7 The proposal is contrary to the 1(a1) zone objectives and is prohibited.	7 The definition of this land use development application may be defined as a "recreation area" and is permissible with consent.
The proposal will impact on flora & fauna.	8 The proposed driver training track will use an existing track and no trees are to be felled. There is no evidence to suggest that any long-term disturbance to any threatened fauna is likely.

**Conclusion**

As evidenced in the Heads of Consideration above, there are a number of issues and potential impacts associated with the proposed driver training facility. However, if the use is conducted in accordance with details specified, these impacts are considered to be manageable. To test the performance of management, it is proposed to limit the use to an initial 12 month trial.

It is considered reasonable to require the applicant to furnish Council with a Plan of Management for the facility prior to the commencing the facility. 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.

Subject to compliance 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 conditions would be heavily weighted and carefully analysed when examining any future proposals of this nature.

**REPORT IMPLICATIONS:**

- ***Environmental***

*There are no significant fauna and flora species associated with the location of the proposed development, however there may be impacts from noise and dust pollution. Increase traffic on Old Coast Road would result from the proposed development.*

- ***Social***

*The proposed development facility may impact on the amenity of the surrounding area. Appropriate management of the facility is considered necessary to ensure impacts are acceptable.*

- ***Economic (Financial)***

*The proposal will provide employment for two (2) employees. The operation of the facility may provide some indirect benefits to the economy of the Shire.*

- ***Policy or Statutory***

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

**Director Sustainable Services Department Recommendation:**

**A That consent be granted subject to the following conditions:**

- 1 This development consent is valid for a twelve month (12) period from the nominated date of commencement. A separate development application is required to be submitted to Council to continue the driver training facility at the competition of this development consent.**
- 2 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.

- 3 The hours of the driver training facility is restricted to 10.00am to 5.00pm daily.
- 4 A detailed Plan of Management (in a single document) is required to be provided to Council incorporating the means of complying with all conditions of consent. The facility shall not proceed unless Council has provided written confirmation that all conditions have been adequately addressed.
  - (a) Monitoring of the use at monthly intervals for the first 3 months, and then at 6 months and 12 months after the nominated date of commencement, is to be carried out by a suitably qualified acoustic consultant at the closest affected adjoining residence in accordance with Department of Environment and Conservation Guidelines and relevant legislation. A report is to be forwarded to Council indicating the results of the monitoring within 30 days of the end of the 12 month trial.
  - (b) Sediment control devices are required to be installed to areas where stormwater can discharge from the track. Details of the means for compliance are to be included in the required Plan of Management.
  - (c) The applicant is to provide a water cart or similar dust suppression mechanisms along the entire length of track. Details of the means for compliance are to be included in the required Plan of Management.
  - (d) The applicant is to provide equipment and facilities suitable for the containment and cleanup of any petroleum products that are spilt. Details of the means for compliance are to be included in the required Plan of Management.
- 5 Following receipt of written approval of the required Plan of Management, the applicant shall provide written notice of the nominated date on which it is intended to commence the use.
- 6 Construction of functional vehicular access entirely within the access handle forming part of Lot 1 in DP 1017148 from Old Coast Road in strict compliance with

Council's Development Control Plan No 36 Engineering Guidelines for Subdivision and Development Detailed. Engineering Plans are to be submitted for approval prior to the release of the Construction Certificate. The final location of the proposed intersection will be determined using the appropriate sight distance requirements set out in latest Austroads Rural Design Guide.

- 7 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.
  - 8 The applicant is to demonstrate that the proposed access is capable of being constructed to a two wheel drive vehicle all weather standard i.e. five (5) metre formation width, with four (4) metre wide gravel pavement complete with drainage structures and longitudinal grades not exceeding 16%. A surveyors report is to be lodged with Council prior to the issue of the construction certificate demonstrating compliance with this condition.
  - 9 Should Council receive any complaint considered by Council to be justified regarding the operation of the driver training facility, the activity is to cease until such time as details of mitigation measures are submitted to Council and approved.
  - 10 Five car parking spaces are to be provided at a safe area away from the track.
  - 11 This consent does not authorise the construction of any building on the site, or any accommodation other than the permanent residents of the existing dwelling house.
  - 12 No driver training is to be carried out prior to/after the agreed dates.
  - 13 The applicant is to pay a contribution towards Old Coast Road. The current rate is \$10,948 a rate of 0.5 of an E.T. ie.  $\$10,948 \times 0.5 \text{ E.T} = \$5,474$  (Indexed 2004/2005). This payment maybe deferred for 12 months and will be payable in the event that the use is approved to continue beyond 12 months.
- B That the objectors be advised of Council's decision.

2005. 382

**RESOLVED:**

*Moved: Cl. Howell*

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THIS IS PAGE 12 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.

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MAYOR

*Seconded: Cl. Sowter*

**That this matter be listed for a works inspection.**

**An Amendment was MOVED:**

*Moved: Cl. Hunt  
Seconded: Cl. Gribbin*

**That this application be declined on the grounds of the effect on the amenity, the locality resulting from noise and pollution, and that letters received from Government departments do not support the application.**

**This Amendment was withdrawn at the request of the Mover.**

<b>DSDS3</b>	<b>FOUR STOREY COMMERCIAL AND RESIDENTIAL BUILDING – 10 PRINCE OF WALES AVENUE, SOUTH WEST ROCKS FILE: T6-04-694 TJN {Folio No. 297698}</b>
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**SUMMARY:**

Reporting that Council has received an application to demolish an existing building, and erect a four storey commercial and residential building which requires the support of a SEPP 1 objection and for which objections have been received.

☆☆☆☆

**Applicant:** Ross Nicastrì  
**Subject** Lot 18 DP 3588  
**Property:** 10 Prince of Wales Avenue, South West Rocks  
**Zone:** 3(v) "Business (village) V"

**Description of Proposal**

The proposal involves the demolition of an existing one storey structure to be replaced by a four storey building containing floor level commercial, with basement carparking and storage areas. The 2<sup>nd</sup> and 3<sup>rd</sup> storeys contain four separate residential units. [\(Appendix F\)](#)

**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).

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*THIS IS PAGE 13 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.*

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**MAYOR**

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

The subject land is zoned 3(v) (Business (Village) "V" Zone) under the provisions of this plan. The objectives of this zone are:-

- (a) to permit the provision of a suitable range of tourist accommodation, personal services and retailing to meet the needs of tourists and local residents within the existing village centre at South West Rocks; and
- (b) to prevent development which would inhibit the establishment of a new town centre.

The proposal contains a ground floor commercial space with four residential units above this. This provides accommodation and retail services in accordance with the zone objectives. It is considered to be consolidating the town centre.

Clause 25 of KLEP 1987 sets a height limit of 3 storeys for the zone. Pursuant to State Environmental Planning Policy 6 – Number of Storeys in a Building, the proposal has 4 storeys as it incorporates a below ground storage basement. As a result the application requires the support of a SEPP 1 objection which the applicant has submitted.

### **State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65)**

The proposal is a residential flat building as defined within the provisions of SEPP 65. Under the provisions of SEPP 65 the following is required from a qualified designer:-

- (a) a statement that he or she designed or directed the design of the residential flat development, and
- (b) a statement that the design quality principles set out in part 2 of the SEPP are achieved for the residential flat development.

The building has been designed by a registered architect. A statement of the design principles has been included and is attached. [\(Appendix G\)](#)

It is considered that the provisions of this SEPP, as they apply to the Kempsey Shire Council, have been met.

### **State Environmental Planning Policy 71 – Coastal Protection**

The subject lot falls within the coastal zone as defined by SEPP 71, however the site is not classified as a sensitive coastal location. Therefore concurrence from the Minister is not required. The proposal is not State Significant Development under the provisions of

this State Environmental Planning Policy. In addition to this the application was completed prior to State Environmental Planning Policy (State Significant Development) being gazetted, meaning that the provisions of this policy do not apply. Council is required to have regard for the matters for consideration as outlined in Clause 8 of SEPP 71.

(a) The proposal is not considered contrary to the aims and objectives as set out in clause 2 of the SEPP.

(b) The proposal is located a substantial distance from any coastal foreshore and will not interfere with any public access to the foreshore.

(c) As the site is not located adjacent to any foreshore there is no requirement to enhance any existing public access.

(d) The proposal is for a structure that presents itself as a three storey building in a commercial area with a three storey height limit. It is considered that the building is consistent with the current and planned streetscape.

(e) The site is not located adjacent to any coastal foreshore and therefore will not overshadow any public foreshore reserve.

(f) The surrounding area is predominately urban/commercial, as such, it will not detract from the scenic qualities of the New South Wales coast line.

(g) The site is cleared meaning that there will be minimal impact upon threatened species of flora and fauna.

(h) There will be no significant impacts on marine ecosystems.

(i) The lot is situated within a nearby developed commercial precinct meaning there will be no impacts on wildlife corridors.

(j) There is 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 an existing coastal cottage. This style of development is adequately represented elsewhere in South West Rocks.

(m) The applicant is required to treat stormwater on site to an acceptable level to minimize impacts on coastal water bodies.

(n) See (l)

(o) Not applicable as no rezoning is proposed.

(p) The proposal complies with Council's energy smart homes criteria and is not expected to significantly contribute to any negative cumulative environmental impacts.

Part 4 – Development Control also applies to the proposal.

Clause 13: Flexible Zone provisions - not applicable.

Clause 14: Public Access – the proposal will not block, impede or limit land based access to any coastal foreshore.

Clause 15: Effluent Disposal – Not applicable as reticulated sewer is available.

Clause 16: Stormwater – Once the final design of the building has been accepted by Council, the applicant will be required to show how it is proposed to treat stormwater on-site prior to disposal.

### **Development Control Plan 34 – South West Rocks Town Centre**

The proposal falls within the area defined by DCP 34 as the South West Rocks Town Centre and as such is required to have regard for the provisions of this DCP. Section 3.2.4 "Built Form within the Village Commercial Precinct" is of particular relevance to the proposal. The objectives of this section are:-

*"To achieve buildings with appropriate setbacks, heights, size and scale which ultimately contribute to the town centre as a "Seaside Village" with a compact style and strong pedestrian focus".*

Compliance with the objectives is defined through assessment of the proposal against the performance criteria outlined in part (b):-

i) It is considered that the proposal will contribute to the overall aesthetics of the streetscape through addressing the requirements of the development control aspects of the South West Rocks Town Centre Masterplan.

There is no scope to improve interlot access given the size of the site and the fact that adjoining lots have been developed to their full potential.

Through bringing the street frontage into alignment with existing surrounding buildings and providing retail facilities the proposal is encouraging an active street frontage.

ii) The development is required to address the relationship with adjoining buildings. Visually it is considered incompatible with the current adjacent structures, however it is consistent with the planned future streetscape more so than most other development within the precinct.

iii) It is considered impractical to require the applicant to provide rear access to the lot. An access from Prince of Wales Avenue is considered the only means of providing vehicular egress.

iv) Not applicable as it does not front Paragon Avenue.

v) The building has a height of 11 metres containing four stories, contravening the 9m three storey limit set out in the DCP. This is addressed in the DCP 22 assessment.

vi) The development has a floor space ratio of less than 1.5:1.

vii) The building presents as a three storey building. The DCP states that approval of the third storey is subject to stepping back. This is achieved throughout all levels of the development, giving the proposal a less imposing frontage.

viii) Not applicable as no setback to the street frontage is proposed.

ix) No seating is proposed on Council's footpath at this stage. This would be subject to separate assessment depending on what type of retail activity is proposed.

DCP 34 also outlines the need to retain and encourage the commercial use of some of the traditional cottages within the CBD. However it is considered that in this instance, the cottage does not reflect the current streetscape (streets such as Memorial Avenue have a mixed streetscape and as such these style of cottages are maintained). The building is not listed with the draft heritage study. As there is no statutory heritage listing it is considered appropriate to allow removal of the existing cottage in this instance.

The proposal is required to contribute to the "Seaside Village" character of the town. A streetscape analysis has been submitted showing the proposal in context with adjoining development. [\(Appendix H\)](#)

The applicant has submitted a comprehensive submission having regard for all aspects of DCP 34 [\(Appendix I\)](#). It is considered that the design aspects of the DCP have been met through the use of hardwood timber frontage and stone materials.

### **Development Control Plan 22 – Local Housing Strategy**

As the land is zoned 3(v), the proposal is subject to the provisions of DCP 2, except in respect to density, setbacks and landscaping. It is required to comply with the following:-

<b>STANDARD</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMPLIES Y/N</b>
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<b>Density</b>	- 3(v) zoning – density provisions do not apply - a floor space ratio is 1.5:1 is required.	Floor space ration 1.3:1	Yes
<b>Setbacks</b> - side - front - rear	No provisions due to 3(v) zone		N/A
<b>Carparking</b>	4 resident/1 visitor/2 retail		Section 94 contributions are to be levied.
<b>Private open space</b>	15m <sup>2</sup> per unit 80% wider than 2 metres	>15m <sup>2</sup> per unit 80% wider than 2 metres	Yes
<b>Landscaping</b>	No provisions due to 3(v) zone		N/A
<b>Height</b>	3 storeys 9 metres	4 storeys 11 metres	<b>No</b>
<b>Solar access</b>	Section 4.7 3.5 star rating	Adjoining private open space overshadowed for more than 2 hours. 3.5 star ratings achieved.	<b>No</b>
<b>Privacy</b>	Section 4.8	Adverse privacy impacts on adjoining residence	<b>No</b>
<b>Cut and fill</b>	1.5 metre max cut/fill	2.1 metre cut to contain subsurface storage areas	<b>No</b>
<b>Erosion/ sediment control</b>	Section 4.10	To be conditioned	Yes
<b>Infrastructure</b>	Section 4.11	There is no stormwater drainage system readily available in Prince of Wales	

## Height

The proposal is to construct four storeys, with a maximum height of 11 metres. The applicant has submitted a SEPP 1 objection to vary the three storey limit, and a request to vary the 9 metre height limit as identified within DCP 34 – South West Rocks Town Centre. This can be summarized as follows:-

*"We seek Councils support in varying the 3 storey development standard as the proposed storage room is located within the property boundaries and has no adverse effects on any of the adjoining properties. The intent is to provide the commercial area with some additional storage space".*

No objection is raised to the use of SEPP 1 in this instance to vary the standards for the following reasons:-

- (a) The storey will not add to the bulk of the building when viewed from the street or from Jubilee apartments as the fourth "storey" as defined by SEPP 6 relates to a below ground storeroom.
- (b) The building would appear as a three (3) storey building from outside the site.

Clause 3.24 b) v) of DCP 34 states that buildings are to have a maximum of three storeys with a height limit of nine metres ground to top most floor ceiling.

The applicant has submitted the following in seeking a variation to the DCP:-

*" The proposed building has a height limit of 9 meters measured from the natural ground level at Prince of Wales Avenue to the underside of the top most ceiling.*

*The natural ground level was identified from the survey drawings and was used as a datum point. The buildings floors are carried through this level to provide an economical construction and to meet the sites potential.*

*Although the site falls away to the east the intent is to provide a three storey building addressing Prince of Wales Avenue and to form part of a uniform street pattern with existing and future developments.*

*There are also precedents of this found within the precinct.*

*The Bronte and Jubilee Apartments have both been constructed on sloping sites where the building height has been taken from the highest natural ground level.*

*Bronte Apartments has two levels of residential, one level of commercial and a lower ground car park. From Paragon Avenue this reads as a four storey building. The proposed site is an infill development and the side elevations will not read in the same context as a street elevation.*

*It should also be noted that the adjoining NAB site has a horizontal parapet impacting on the proposed site despite the natural fall of the land.*

*We seek Council's support in our interpretation of the building height as defined within DCP 34 and found within the existing precinct."*

While Council can assume concurrence in relation to the number of storeys within the building and the height limit, it is recommended that Council only resolve to support these variations if it can be shown that there will be minimal impact on the private open space of adjoining residences. It is considered that at present the solar impacts upon the residents of Bronte Court is too great to justify a departure of this magnitude (2 metres). (See "Solar Access" and "Privacy").

There is also considered to be adequate scope to reduce the height of the building. The building can be designed to follow the topography at the site or the ceiling levels can be lowered from the proposed 3 metres down to 2.4 metres and still remain compliant with the Building Code of Australia. This should be fully explored prior to Council considering approval.

#### **Cut/Fill**

The applicant proposes a cut of 2.1 metres to accommodate the subsurface storage area. No objection is raised as it is contained entirely within the building.

#### **Solar Access**

In accordance with the requirements of section 4.7.2, three storey development is to be designed to ensure that no part of any adjoining private open space are to be overshadowed for more than two (2) hours between 9.00am and 3.00pm on June 22<sup>nd</sup>. From the attached shadow angle diagrams [\(Appendix J\)](#), it is clearly seen that this requirement is not met when examining the solar access to the primary living areas of Bronte Court.

The applicant has submitted a comprehensive sun shadow analysis with the application. [\(Appendix K\)](#) The basis of this submission relates to the development to the south known as Bronte Court and the outdoor living areas of the units situated at the east and western ends of the building. As seen from the attached photographs, the balconies of these units that serve as the private open space are partially located at the side of the buildings. The northern aspects will be totally overshadowed by the proposed building. There are areas of the balconies facing east and west respectively which form part of the private open space will not be overshadowed for the entire day. However they will still be overshadowed for more than 2 hours. [\(Appendix L\)](#)

## Privacy

Given the nil setbacks allowed for in the zone, and the positioning of the existing private open space of the units in Bronte Court, it is considered that there will be privacy conflicts regardless of how the lot is developed. While there is scope to improve privacy to Bronte Court, given that the area is zoned commercial, it is considered unreasonable to totally redesign the project to ensure that there is no overlooking onto the units to the east known as Jubilee Apartments.

Privacy screens can be erected at the north and south of the rear balconies to minimize conflicts with the directly adjoining developments in Prince of Wales Avenue.

## Pedestrian Access

Access to the retail floor area will rely on pedestrians sharing the driveway to the carpark and entering from the side. The driveway will be about 400 mm below the retail floor level, so necessitating a step or ramp up to floor level. However this detail is not shown in the plans. Two other doorways are shown to access from the driveway, this will need to be redesigned. The BCA requires separation between vehicular and pedestrian access.

## Vehicular Access

Access from the carpark is onto Prince of Wales Avenue and is a potential pedestrian hazard, particularly given the proposed narrow driveway. It will be necessary to provide design modifications to demonstrate a safe arrangement for vehicles leaving the site.

## Advertising

The application was advertised in accordance with Council's notification policy with six (6) objections being received, one of which was labelled as confidential. These can be summarised as follows:-

[\(Appendix M\)](#)

	Objection		Planning Comment
1	The building exceeds the height limitations as defined by DCP 34	1	Agreed (See Height).
2	Loss of amenity and privacy as a brick wall will enclose the balcony	2	Some loss of amenity resulting from the development of this site is inevitable, however it is considered that there is scope to explore alternative designs

<p>3 All of the existing views towards the north will be obliterated.</p>	<p>to try and minimize this impact.</p>
<p>3 All of the existing views towards the north will be obliterated.</p>	<p>3 Recent Land and Environment Court decisions state that it is unrealistic to expect to retain side views when a development complies with all the relevant planning standards. <a href="#">(Appendix N)</a></p>
<p>4 Privacy will be lost as there will be windows facing directly onto my balcony.</p>	<p>While the building does not comply with the height restrictions in this instance, development which complied with the height requirements would also remove the view.</p>
<p>4 Privacy will be lost as there will be windows facing directly onto my balcony.</p>	<p>4 Any windows directly facing private open space areas are to be made of opaque glass or the like.</p>
<p>5 Overshadowing will greatly impact on my property.</p>	<p>5 The proposal does not comply with the solar impact requirements of DCP 22. (See Solar Access).</p>
<p>6 Access to the proposed car park will require another driveway across Prince of Wales Avenue. This is to the detriment of all pedestrians in the area.</p>	<p>6 While this is acknowledged, the property owner has a right to access his property from the street frontage which is the only access to the land.</p>
<p>6 Access to the proposed car park will require another driveway across Prince of Wales Avenue. This is to the detriment of all pedestrians in the area.</p>	<p>It is considered more desirable to have a driveway enabling access to off street parking, than having no driveway crossing and no on site parking which would put further pressure on public car spaces in the precinct.</p>
<p>7 The proposed building extends the entire length of the block at the maximum building height. This will set a precedent.</p>	<p>7 The building exceeds the maximum height as set by DCP 34, Council needs to carefully consider the impacts of this prior to approving the variation.</p>
<p>8 Proposed building should only</p>	<p>8 The building aligns with the</p>

<p>extend to the alignment of the residential first floor of number 8 Prince of Wales Avenue, thus giving all buildings access to natural light, views and sunshine at the rear of the buildings</p>	<p>frontage to Prince of Wales Avenue.</p> <p>Any other alignments are assessed using performance based criteria such as solar and privacy impacts.</p>
<p>9 Failure to come up with design alternatives would create a concrete ghetto and block out sunlight for all existing and future surrounding buildings if this alignment is allowed.</p> <p>This matter can easily be rectified.</p>	<p>9 Council is presented with a number of design alternatives to examine as part of this report. During the assessment process a number of design options have been looked at to try and maximize the sites development potential while trying to minimize impacts on adjoining properties.</p> <p>It is contended that there are no reasonable and easy design solutions in this regard.</p>
<p>10 Proposal will adversely affect the whole character of the surrounding area.</p>	<p>10 The proposal complies with the design criteria of SEPP 65 and contributes to "Seaside Village" theme through wooden frontages, expansive decks and increased second and third storey setbacks. A number of older buildings in the precinct do not meet this criteria.</p>
<p>11 Jubilee Apartments would suffer a severe loss of privacy with the upper balcony of the proposed development looking directly into our living area and balcony from six metres away.</p>	<p>11 Design modifications will be necessary to minimise these impacts. (See "Conclusion").</p>
<p>12 Levels 1 and 2 appear to be car park areas. What provisions for fire protection is made if these openings are on the rear boundary.</p>	<p>12 There is only one level of car parking proposed. Any car park is required to comply with the provisions of the Building Code of Australia. This will include completely enclosing the rear of the building and most probably providing mechanical ventilation.</p>

- |    |   |    |  |
|----|---|----|--|
| 13 | What provision is made for stormwater disposal and sewerage connection?   | 13 | The system was designed to collect stormwater from existing development on the eastern side of Prince of Wales Avenue.<br><br>The applicant should be required to show that stormwater can be disposed of without increasing pre-development flows.  |
| 14 | Is the existing easement capable of additional capacity.  | 14 | See 13 above.  |
| 15 | There may be additional water runoff onto neighbouring properties.  | 15 | See 13 above.  |
| 16 | During construction of the proposed development the income derived from the adjoining units as holiday accommodation will be affected due to construction noise.                | 16 | Any construction noise is governed by the industrial noise policy.<br><br>If approved, the hours of construction will be conditioned to be from 7:30am till 4:30pm Mondays to Fridays, and 8:30am till 12:30pm on Saturdays, which is considered reasonable to allow development to proceed. |
| 17 | Such a building height and structure will adversely affect the character and amenity of South West Rocks should another developer chose to use this development as a precedent. | 17 | All proposals are assessed in accordance with Section 79(c) of the Environmental Planning and Assessment Act 1979.<br><br>Council needs to be certain that there will be no significant adverse impacts from approving a departure from the height standards.                                |

## Conclusion

The nature of the surrounding development makes this site exceptionally difficult to achieve its full development potential. The existing brick wall to the north of the site severely limits solar access. The north facing balconies of Bronte Court further limits development on the land. In order to design a building on site it is necessary to achieve a trade off between privacy and solar access, particularly having regard for the residences of Bronte Court. By designing a proposal that maximises sunlight to these units, the loss of privacy would increase. In order to alleviate this, privacy screens should be erected, meaning that the issue of adequate solar access will again be relevant.

The applicant has submitted a mirrored set of plans [\(Appendix O\)](#), showing how these conflicts potentially arise regardless of design.

The blocks to the north and south have been developed in a manner that has afforded little consideration for the development of the subject lot. The current design put forward by the applicant and his architect achieves the objectives as set out in DCP 34, SEPP 65 and SEPP 71, as well as modern planning principles, including placing private open space at the front and rear of the development to maximize the development potential of adjoining lots. It is acknowledged that the lot is "difficult to work with" and some concessions should be made in this regard. It is recommended that Council only resolve to support the variation to the overall height and number of storeys in principle, subject to the applicant making design concessions to minimize the solar and privacy impacts on the Bronte Court units.

Design alternatives to minimise these impacts include:-

- reduce height to comply with DCP 34 through stepping of building or reduction in ceiling height
- reduction of living areas to increase side setbacks
- deletion/reduction of storage areas
- removal of 2<sup>nd</sup> stairwell
- increased front/rear setbacks for the 2<sup>nd</sup> and 3<sup>rd</sup> floor
- privacy screens to side boundaries

### **REPORT IMPLICATIONS:**

- ***Environmental***

***The applicant will be required to show how it is proposed to treat stormwater to an acceptable level. This will need to be done prior to release of the Construction Certificate.***

*There is no Council stormwater system adjacent to the site. Once a final design has been settled upon it will be necessary to address stormwater issues.*

- **Social**

*As stated within the report there will need to be careful consideration given to the social impact this development will cause to adjacent units through overshadowing and privacy issues. There is considered scope and lessen the impacts.*

- **Economic (Financial)**

*The period is expected to bring an economic development for the period of construction. In addition to this retail space is being supplied which will consolidate the centre of South West Rocks.*

**Director Sustainable Services Department Recommendation:**

**A** That the applicant be advised that Council is prepared to consider supporting the variations to the numbers of storey as defined by Clause 25 of KLEP 1987, and the height limit as defined by DCP 34 subject to the receipt of amended plans providing for reduced impacts of overshadowing of the adjoining units whilst optimising privacy.

**B** That the applicant be further advised that:

- (a) it will be necessary to submit details on how it is proposed to limit stormwater flows to predevelopment levels;
- (b) pedestrian access to the residential units from Prince of Wales Avenue will be required to be separated from vehicular access to comply with the BCA;
- (c) access to the retail floor area as proposed, is impractical and will require modification; and
- (d) it will be necessary to modify vehicular access to demonstrate potential conflicts between pedestrians and cars leaving the site will be managed in a safe manner.

2005. 383

**RESOLVED:**

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

**That this matter be listed for a works inspection.**



At this stage 10.32a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.08 a.m. all present at the adjournment were in attendance.



### CONSIDERATION OF LATE REPORTS

2005. 384

**RESOLVED:**

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

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



### ADOPTION OF AGENDA ORDER OF BUSINESS

2005. 385

**RESOLVED:**

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

That the Agenda Order of Business be adopted.

### MAYOR'S REPORT

<b>MM1</b>	<b>PACIFIC HIGHWAY SUMMIT</b>	<b>{ Folio No. 297685 }</b>
	<b>FILE: 165 MAYOR (NRN)</b>	

#### SUMMARY:

Reporting on attendance at the Pacific Highway Summit.



The Pacific Highway Summit was held in Ballina on Friday 6<sup>th</sup> May, and hosted by the Northern Rivers Organisation of Councils (NOROC). I attended together with the General Manager and Director Shire Services.

The Summit was opened by NOROC President, Ernie Bennett, Mayor of Kyogle Shire Council, who reinforced the need for a united and consistent approach to the Government to complete the Pacific Highway Upgrade, from Newcastle to the Queensland border, as soon as possible.

Other speakers included:

1. The Hon. Ian Causley, Federal member for Page, standing in for Deputy Prime Minister the Hon. John Anderson, who noted the Pacific Highway was a State road but that the Federal Government had committed funds in line with the AUSLINK programme, which aimed at a divided dual carriageway by 2016. He also noted the effectiveness of the Black Spot Program, which had increased Highway safety.

2. Alan Evans, President of NRMA Motoring Services, who spoke of the national tragedy of 430 deaths that could be avoided. Supporting safer drivers in safer vehicles on safer roads. The R.T.A. are prepared to commit time, money and resources to improving the Pacific Highway quickly and urged the formation of a Task Force, similar to the Princess Highway.

3. Ron Clarke MBE, Mayor of Gold Coast City Council, spoke of the overall strategy for infrastructure upgrade in South East Queensland, which had been developed in co-operation with both State and Local Government. The State Government owned the Pacific Highway and were devoting \$1 Billion extra to roads infrastructure in South East Queensland and Gold Coast City Council was working constructively with the State Government. Ron noted that the Tugun Bypass project was still awaiting a decision by NSW State Government after some 10 years of planning and urged Councils to seek a triple carriageway, as a dual carriageway would soon fill.

4. Don Page MP, Member for Ballina, spoke of the inability of the rail system to cater for the increasing freight load, even if substantial funds were available for rail infrastructure. He noted that 85 % of accidents occurred on those sections of the Highway not yet upgraded and 50 % of accidents were head-on collisions, which would be addressed by a divided carriageway. The State Governments commitment to being debt free was of no benefit if there was no investment in infrastructure.

5. Katrina Luckie, Executive Director of the Northern Rivers Regional Development Board presented a range of statistics on regional growth and the requirement for improved access, both interstate and overseas. Due to the new port facilities in Brisbane it was now easier and quicker to export goods to Hong Kong than to transport them to Sydney. Freight movements were growing at 1.5 times the rate of growth of the National Economy.

Mayors present were invited to provide their thoughts on the condition of the Highway and priorities for future works. I took the opportunity to raise community concerns with increasing traffic, increasing heavy vehicle traffic and the noise issues in urban areas, noting the recent accidents and the major accident – the Clybucca bus crash – and the comments from State Governor Kevin Waller.

Merv King from Lismore noted the impacts were more than just the accidents, as communities had deviations through urban areas when the Highway was blocked. A recent accident on the Highway lead to all traffic, both normal and heavy vehicles being deviated through Alstonville, Goonellabah and Lismore.

Charlie Cox from Richmond Valley noted the impacts of increasing traffic and heavy vehicles through the villages of Woodburn and Broadwater and community concerns with noise and safety in urban areas.

Phil Silver from Ballina noted the recent accidents in the area and the community impacts. His major concern was the bottleneck in funding from the State and urged Councils to join with the NRMA to pursue this issue.

A representative from Byron Shire Council presented a dissenting view and noted Byron Shire Council did not support the thrust of the Summit.

A communiqué was released following the Summit and is attached at [\(Appendix A\)](#). Copies of all papers are available from the Director Shire Services should any Councillor require copies.

**REPORT IMPLICATIONS:**

- ***Environmental***

*There are no environmental implications from this report.*

- ***Social***

*It is important for the communities on the Highway present a constant and consistent message to the Government on the need for Highway upgrades.*

- ***Economic (Financial)***

*There are no economic implications from this report, as funds for attendance would come from existing votes.*

- ***Policy or Statutory***

*There are no policy or statutory implications from this report.*

**Mayoral Recommendation:**

**That the information be noted.**

2005. 386

**RESOLVED:**

*Moved: Cl. Powell*

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*THIS IS PAGE 29 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.*

.....  
**MAYOR**

*Seconded: Cl. Sowter*

That Council make a submission to the Inquiry being conducted by the Commonwealth Government on the effects of interstate Truck Transport on the Pacific and New England Highways.

<b>MM2</b>	<b>ASSISTANCE FOR VICTIMS OF RECENT HOUSE FIRE</b>
<b>FILE: 3</b>	<b>MAYOR</b>
	<b>{Folio No. 297686}</b>

**SUMMARY:**

Reporting on a proposal to offer assistance to the Conn family, victims of the recent house fire on a rural property near Coonamble.



Councillors would be aware of the recent tragedy on a property near Coonamble where parents, Tony and Belinda Conn, and one child became fatalities in a house fire, leaving three (3) young children (aged 13, 10 and 4) orphaned survivors. These children are now to be cared for by an uncle and aunt who have five (5) children of their own. The area and its people are struggling from the devastation of the drought.

Councillor Sowter has approached me regarding a proposal to offer the family and carers a one (1) week holiday at one of Council's 4 Shore Holiday Parks staying in on-site cabins (at a mutually convenient time).

I support this suggestion and have discussed the proposal with Park Management who would share the costs with Council (ie 2 cabins at off peak rates = approximately \$1200).

**Mayoral Recommendation:**

**That Council offer the carer family of the children recently orphaned in the house fire on a property near Coonamble, a one (1) week holiday at one (1) of Council's 4 Shore Holiday Parks.**

2005. 387

**RESOLVED:**

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

**That Council, in conjunction with Family Holiday Experiences, offer the carer family of the children recently orphaned in the house fire on a property near Coonamble, a two (2) week holiday at one (1) of Council's 4 Shore Holiday Parks.**

The Mayor noted that the foregoing resolution was passed unanimously.

## MAYOR'S SUPPLEMENTARY REPORT

<b>MM3</b>	<b>SHIRES CONFERENCE AND LGMA FORUM</b>
<b>SUPP.</b>	<b>FILE: 152 MAYOR (NRN) {Folio No. 298053}</b>

### SUMMARY:

To provide Councillors with details of the proceedings of the Shires Conference and LGMA Forum held in Sydney.



The Local Government Managers Australia Forum held on Monday, 6 June was attended by Councillors Bowell, Green, McWilliam, Saul, the General Manager and myself.

The two keynote speakers were, around the world and a surviving 1998 Sydney to Hobart sailor, Tony Mowbray and Sheryle Moon, Telstra Business Woman of the Year in 1999. Both spoke about personal challenges and how those challenges can be used in our business lives. Other sessions were panel sessions including, "Democracy is Alive and Surviving – But is it Sustainable", "Challenges for our Community Survival" and "Keeping the Tribe on Track". Overall the forum was once again of a high standard.

The Shires Association Conference was held on Tuesday, 7 and Wednesday, 8 June. The Conference was opened by the Premier Hon. Bob Carr, MP and was addressed by a number of Ministers viz:-

- Minister for Local Government, Hon Tony Kelly MLC
- Minister for Infrastructure and Planning and Minister for Natural Resources, Hon Craig Knowles
- Minister for Roads, Hon Michael Costa MLC
- Minister for Transport, Hon John Watkins MP
- Minister for Environment and Attorney General, Hon Bob Debus MP

as well as the Leader of the Opposition, John Brogden, MP.

The Conference was also addressed by:-

- Rod Gerr, Director State Cover Mutual Ltd
- Richard Acheson, Director Community Relations Service
- John O'Neill, Executive Director Tourism NSW
- David McLeod, NSW State Manager Multicultural Affairs and Settlements

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*THIS IS PAGE 31 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.*

.....  
MAYOR

- Clr Paul Bell, President Australian Local Government Association
- Brett Westbrook CEO, Local Government Superannuation Scheme
- Jennifer Westacott, Director General DIPNR

and a workshop on performance improvements in respect to governance, probity and ethics was held and covered, Code of Conduct, ICAC, Ombudsman, Pecuniary Interest, Disciplinary Tribunal and Council Image.

The Minister for Local Government advised that legislation was to be introduced to regulate payments to Councillors under Section 252 of the Local Government Act. Council's policies under that section are to be forwarded to the Department for approval. Standard contracts for General managers are to be developed in conjunction with the Associations with the remuneration to be determined by each Council. Legislation is also to be introduced to enable Councils to voluntarily reduce the number of Councillors by giving 21 days notice of a motion to that effect. The reduction would take effect at the next election unless there are two or more vacancies on Council. The minimum number of Councillors on a Council shall still remain at five. The Minister asked that those Councils applying for a special rate variation forward their applications to the Department prior to the end of the exhibition period of their Management Plans so that the applications can be processed prior to the 30 June. Sub divisions adjoining crown roads must be referred to the Department of Lands.

Craig Knowles, Minister for Infrastructure and Planning and Minister for Natural Resources spoke on the need to develop partnerships between Local Government and Catchment Management Authorities, the new opportunities under Section 94 through fixed levies and planning agreements and announced that The Hon. Tony Kelly , Minister for Local Government has been appointed Minister Assisting for Natural Resources.

Many of the programs were detailed by Jennifer Westacott, Director General DIPNR including initiatives to have Catchment Management Authority funds substantially spent on projects rather than administration and studies and she outlined planning reforms such as priority planning in the Sydney metropolitan area, Far North Coast, Lower Hunter, Illawarra and Sydney – Canberra corridor. The number of planning instruments have been reduced and Section 94 overhauled to allow developer consent agreements and contributions from more than one Council area. Legislation is being introduced to allow the Minister to be the consent authority on significant projects.

Open discussion on the future of the Association was held. The following motion was passed.

That a working party be established jointly with the LGA of NSW to explore the options identified in the paper titled, "Options of one Local Government Association of NSW, May 2005", with a view to formulating an agreed proposal for the consideration of all Councils. Membership of the working party will be negotiated by the two Presidents.

That as a basis for discussion between the Associations, the Shires Association believes the following matters to be essential components in the constitution of a one Local Government Association in NSW.

- Continuance of a Divisional or Zone structure in non-metropolitan NSW to ensure effective rural and regional representation.
- An equal split between metropolitan and non-metropolitan executive members to ensure equal Executive Representation for metropolitan and non-metropolitan Councils.

*Councillor Colin Sullivan won the ballot for President, Councillors Bruce Miller and Barry Johnston were elected Vice-Presidents Councillor Paul Braybrooks was elected Treasurer and I was fortunate enough to be elected, unopposed, as the "A" Division delegate on the Executive.*

*Council's motion 96, "That the State Government be requested to implement the recommendations of the Independent Pricing and Regulatory Tribunal of NSW (IPART) as from 1 July 2005 to ensure a more equitable allocation of funding for NSW Health Services" was originally referred to the Executive but Conference agreed to debate the issue and the motion was carried. The motion, "That the Shires Association make representation to the Minister for Roads supporting volumetric loading of livestock transport vehicles on the basis that additional funding is provided to Local Government to compensate for the increased damaging effect due to any load increases" was carried.*

**REPORT IMPLICATIONS:**

- ***Environmental***

***Nil***

- ***Social***

***Nil***

- ***Economic (Financial)***

***Nil***

- *Policy or Statutory*

*Nil*

**Mayoral Recommendation:**

That the information be noted.

2005. 388

**RESOLVED:**

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

That the information be noted and that the Hon Bob Debus MP Minister for Environment and Attorney General be requested to reconsider the provision of funding towards the maintenance and reconstruction of Point Plomer Road.

<b>MM4</b>	<b>NATIONAL SEA CHANGE TASKFORCE SUMMIT</b>
<b>SUPP.</b>	<b>FILE: 357 MAYOR (NRN) {Folio No. 298054}</b>

**SUMMARY:**

The National Sea Change Taskforce is convening a Sea Change Summit in Coolum on July 17 and 18.



The event will involve a briefing and workshop session for members of the taskforce, of which Kempsey Shire council is one, together with Senators and Members of the House of Representatives whose electorates cover coastal growth areas.

Speakers at the Summit will include;

- Minister for Local Government Territories and Roads - Jim Lloyd
- Professor Ed Blakely of the Planning Research Centre at the University of Sydney, who will discuss the University's recently released report on managing coastal growth
- Queensland Senator Santo Santoro who recently raised the issue of sea change and the challenge it represents to coastal communities in a speech to the Senate

Registration Fee is \$350 plus GST.

The Sea Change Taskforce was instrumental in initiating the enquiry into Infrastructure needs in coastal communities.

The Summit will be attended by the General Manager.

2005. 389

**RESOLVED:**

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

**That the Mayor attend the Sea Change Summit on July 17 and 18, 2005 on behalf of Council.**

**REPORT OF THE CONDUCT COMMITTEE  
FILE: 564 MAYOR (NRN) {Folio No. 297687}**

The following item was dealt with immediately following PUBLIC FORUM.

**NOTICE OF MOTION**

**NOM1 GLADSTONE AND SOUTH WEST ROCKS POOL  
MANAGEMENT  
FILE: 153 JCC (NRN) {Folio No. 297688}**

Notice is hereby given that I intend to move the following motion at the Ordinary meeting of Council scheduled for Tuesday, 14<sup>th</sup> June 2005.

*"That the provision of \$84,000 be made in the 2005/2006 estimates for pool management at the Gladstone and South West Rocks Swimming Pools."*

.....  
Councillor T L Hunt

2005. 390

**RESOLVED:**

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

**That the provision of \$84,000 be made in the 2005/2006 estimates for pool management at the Gladstone and South West Rocks Swimming Pools.**

**NOM2 SLIM DUSTY CENTRE  
FILE: 153 CC: 462 JCC (NRN) {Folio No. 297689}**

Notice is hereby given that I intend to move the following motion at the Ordinary meeting of Council scheduled for Tuesday, 14<sup>th</sup> June 2005.

*"That Kempsey Shire Council make a commitment to become a foundation donor of the Slim Dusty Centre to be built at the Kempsey showground. Our commitment would be \$25,000 which can be paid over a five year period at \$5,000 per year."*

.....  
MAYOR

NOTES:

As a foundation donor it would show that Kempsey Shire Council was serious about attracting tourism and supporting local businesses within Kempsey. This project is probably one of the largest undertaken within Kempsey with the potential to attract a huge slice of the tourist dollar, as well as showing our respect to Slim Dusty a world wide country music icon but more importantly a local Kempsey icon. With the Kempsey bypass about to happen in the not too distant future this project will attract people to come in off the highway and visit Kempsey thus helping to keep our economy viable.

.....  
Councillor R H McWilliam

This item was withdrawn at the request of the Mover.

<b>NOM3</b>	<b>RURAL COUNSELLING SERVICE</b>
	<b>FILE: 153 JCC (NRN) {Folio No. 297690}</b>

The following item was dealt with immediately following PUBLIC FORUM.

<b>NOM4</b>	<b>DCP22 COMMITTEE</b>
	<b>FILE: 395 AVB (NRN) {Folio No. 297691}</b>

I hereby intend to move the following Notice of Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday, 14th June 2005 (this notice of motion was previously submitted to the Ordinary Meeting of 12<sup>th</sup> April 2005).

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

**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

This item was withdrawn at the request of the Mover.

<b>NOM5</b>	<b>VOTING FOR COUNCIL COMMITTEES</b>
	<b>FILE: 395 AVB (NRN) {Folio No. 297692}</b>

The following item was dealt with immediately following PUBLIC FORUM.

## DELEGATE'S REPORT

DR1

NSW RURAL HEALTH PRIORITY TASKFORCE  
FILE: 46 MAYOR (NRN) {Folio No. 297693}

### SUMMARY:

Reporting on attendance at a meeting of the Taskforce at Kempsey District Hospital on Friday, 13 May 2005.



Also in attendance was Councillor B Green. The NSW Rural Health Priority Taskforce was appointed by the Minister for Health to monitor implementation of the NSW Rural Health Plan.

The Plan included a range of initiatives to recruit and retain health professionals, provide greater certainty about the roles of rural health services and where possible, provide services closer to home.

The opportunity was taken to raise Council's submission in respect to the Health Care Services Plan 2005-2008 and in particular: -

- The urgent need for the allocation of funding for the preparation of a Master Plan for the re-development of Kempsey District Hospital.
- The circumstances surrounding mental health services within Kempsey Shire.
- The impact on health services by the Mid North Coast Correctional Centre.
- The removal of Dr Frumar from the operating lists for Kempsey district Hospital.

It is understood that funding for the preparation of the Master Plan for Kempsey District Hospital will be provided within the 2005 / 2006 finance program.

Dr Sue Page, Chairperson North Coast Area Health Services' Health Care Services Advisory Committee gave me an undertaking to have the matter of Dr Frumar investigated.

Dr page indicated that the Minister for Health is expected to announce the membership of the Advisory Committee prior to 30 June 2005.

The revised draft of the Health Services Plan 2005-2008 has been completed. It is hoped that Mr Chris Crawford, CEO North Coast Area Health Service will respond to Council's request to discuss Council's submission.

**Delegates Recommendation:**

**That the information be noted.**

2005. 391

**RESOLVED:**

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

1. That the CEO North Coast Area Health Service be requested to provide a copy of the final draft of the Health Care Services Plan 2005 – 2008 prior to the meeting proposed for Thursday 23 June 2005.
2. That Drs C Farquharson and H Johnston together with Mr L Clay CEO Durri Area Medical Service be invited to the meeting proposed for Thursday 23 June 2005.

**DR2**

**AGED CARE SERVICES**

**FILE: 46 KJF**

**{Folio No. 297694}**

**SUMMARY:**

Reporting on a meeting with Professor Colleen Cartwright, Dean of Aged Care Services, Southern Cross University.



The meeting was held on Thursday, 2 June 200 with representatives from Amity – Kempsey, Cedar Place and Vincent Court Aged Care Facilities and TAFE (Nursing) in attendance.

Clr Betty Green and Clr Bob McWilliam attended. Special guests were Deborah and Kate Thompson representing Thompson Health, the developers of a proposed aged care facility at Frederickton.

Professor Cartwright provided an overview of issues associated with:-

- Advance Care Planning
- P.E.G funding
- Aged Care Workforce (including training needs)
- Older Workers

Whilst those in attendance agreed the range of issues were informative there was general consensus that those associated with the provision of aged care services could benefit with a seminar to be facilitated by Professor Cartwright.

The seminar will be arranged at the TAFE College with the operators of the aged care facilities within the Macleay / Hastings area to submit matters to be considered within the agenda.

2005. 392

**RESOLVED:**

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

1. That Professor Colleen Cartwright be thanked for her support.
2. That Council seek to be represented at the proposed seminar to be organised in association with the provision of aged care services.

**DR3**

**SCHOOL OF RURAL HEALTH**

**FILE: 46 KJF (NRN) {Folio No. 297695}**

**SUMMARY:**

Reporting on attendance at the meeting of the Community Advisory Board.



The meeting was held at Coffs Harbour on Friday, 3 June 2005 and was preceded by the official opening of the Faculty of Medicine Campus of the School of Rural Health by The Honourable Tony Abbott, MP Federal Minister for Health and Ageing.

An overview of the School of Rural Health is attached [appendix A](#).

The University of New South Wales requires that 25% of the students admitted to medicine enter the School of Rural Health together with 3 or 4 Indigenous students who are provided with mentors.

Interestingly statistics provided through the port Macquarie Campus disclosed:-

- In 2003 the achievement was 73% (69% city)
- In 2004 the achievement was 72% (66% city)

A number of Year 6 students return to the area as junior Medical Officers with some succeeding as specialists and GP's within the area.

The incoming Director, School of Rural Health Faculty of Medicine, Professor Louis Pilotts believes the Community Advisory Board should provide a conduit between the medical students and the community in which they train.

Professor Pilotts is also an advocate for change and research.

The next meeting of the Board will be held in Kempsey.

**RESOLVED:**

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

That the information be noted.

## **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

<b>DSDS1</b>	<b>REZONING FOR LOT 17 (PART LOT171 DP1038558 AND PART LOT161 DP738128) 123 SMITH STREET, KEMPSEY FILE: T5-92 GGL {Folio No. 297696}</b>
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### **SUMMARY:**

Reporting that the exhibition period for the draft Kempsey Local Environmental Plan (LEP) (Amendment No 92) to permit the development of a hardware storage shed in Smith Street, Kempsey has concluded and recommending proceeding with the LEP to gazettal.



### **Background**

At its meeting of 15<sup>th</sup> July 2004, Council resolved to support a rezoning application to permit the erection and use of a building for storage of goods associated with adjoining hardware store. The application was reviewed by the Department of Infrastructure Planning and Natural Resources (DIPNR) who initially required a flood study but following submission of additional information waived this requirement as it was demonstrated that the proposed development would have negligible impacts on flood levels in the locality.

### **Public Exhibition**

The draft plan was exhibited for public comment from 26<sup>th</sup> April 2005 to 17<sup>th</sup> May 2005. The purpose of the plan is to permit development of Part 171 and Part Lot 161 Smith Street, Kempsey as a storage shed ancillary to a hardware store. The site is presently zoned 3(c) which does not permit this use.

No submissions from the public were received.

Notification of the amendment was forwarded to the Roads and Traffic Authority (RTA) and to the Department of Environment and Conservation for comment.

The RTA replied raising no objection to the proposal providing:

- existing access for the hardware is used to access the shed.

.....  
**MAYOR**

- no additional vehicular access to the Pacific Highway.
- internal movements of heavy vehicles can be accommodated without adversely affecting existing traffic and parking adjacent the hardware store. [\(Appendix A\)](#)

It is considered that the applicant's site plans adequately addresses the concerns of the RTA.

Council is able to exercise delegation under Section 69 of the Act and report directly to the Minister.

**REPORT IMPLICATIONS:**

- *Environmental*

*No significant impacts.*

- *Social*

*No significant impacts.*

- *Economic (Financial)*

*The development will increase economic activity and increase competition in the supply of building materials in the Valley.*

2005. 394

**RESOLVED:**

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

That Council submit Kempsey Local Environmental Plan (Amendment No 92) for gazettal, and exercise its delegation under Section 69 of the Environmental Planning and Assessment Act 1979 to prepare a report to the Minister for Infrastructure Planning and Natural Resources requesting that the Plan be made.

<b>DSDS2</b>	<b>RALLY CAR DRIVER TRAINING FACILITY</b>
	<b>FILE: T6-05-158 GGL {Folio No. 297697}</b>

The following item was dealt with immediately following PUBLIC FORUM.

<b>DSDS3</b>	<b>FOUR STOREY COMMERCIAL AND RESIDENTIAL BUILDING – 10 PRINCE OF WALES AVENUE, SOUTH WEST ROCKS</b>
	<b>FILE: T6-04-694 TJN {Folio No. 297698}</b>

The following item was dealt with immediately following PUBLIC FORUM.

.....  
MAYOR

**DSDS4**

**PROPOSED CUSTOMER FIRST CENTRE AND  
STAFF AMENITIES**

**FILE: T6-05-138 GGL**

**{Folio No. 297699}**

**SUMMARY:**

Reporting that a Development Application has been received to erect a Customer First Centre and staff amenities at Council's Civic Centre.



**Applicant:** Kempsey Shire Council  
**Subject Property:** Lot 1 DP 904753 Elbow Street, West Kempsey  
**Zone:** 5(a) Special Uses "A" Zone

**Description of Proposal**

The proposal consists of a two-stage development. Stage 1 is to demolish the existing lunchroom, Councillors room and office space to erect the Customer First Centre. The Customer First Centre will replace the counters in Shire Services, Sustainable Development Services and switchboard with a single point of contact for all face to face and initial telephone and electronic enquiries to Council. Stage 2 is to erect a new lunchroom facility in the centre courtyard of Council's Civic Centre. [\(Appendix P\)](#)

**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 considered to be of particular relevance to the proposal.

**Relevant Environmental Planning Policies**

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

**Kempsey Local Environmental Plan 1987**

The objective of the 5(a) zone is to make suitably located sites available for community services and public utilities. Clause 9 provides that the proposed development is prohibited unless Council is satisfied that the proposal is consistent with the objectives of the Zone.

It is considered that the proposed development is consistent with the zone objective.

## **Description of Works**

Kempsey Shire Council proposes to construct a 'One-Stop' Customer First Centre and a new staff amenities facility at the existing Civic Centre site. Stage one of the two stage development proposal includes replacing the existing building fronting Tozer Street to erect the Customer First Centre and modifications to the existing carpark. Stage two is constructing a staff amenities building in the courtyard of Council's Civic Centre.

## **Fire Safety**

Clause 94 of the Environmental Planning and Assessment Regulation applies to a development application for development comprising the rebuilding, alteration, enlargement or extension of an existing building where:

- (a) the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or
- (b) the measures contained in the building are inadequate:
  - (i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or
  - (ii) to restrict the spread of fire from the building to other buildings nearby.

In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.

The proposed development is not expected to represent more than half volume of the building, however in accordance with the provisions of the Building Code of Australia the measures contained in the existing building are considered non-compliant with the current requirements of the BCA to protect persons against the event of fire as there is no emergency lighting, exit signs and hose reels and means to restrict the spread of fire between buildings.

## **Access, Transport and Traffic**

The proposed Customer First Centre will create an additional floor space area of 86m<sup>2</sup>. The proposed staff amenities building will create a floor space area of 78.32 m<sup>2</sup>. Over all the new buildings will create an additional floor space area of 164.32m<sup>2</sup>. In accordance with

Council's Car Parking Code an additional five (5) car parking spaces are required for the proposed two-stage development.

Currently there are seventy one (71) off street car parks provided. Council proposes to create additional car parks through reorganisation of the carpark, which will satisfy the requirements outlined in Parking Code.

The proposal is expected to generate traffic to a single point in Tozer Street. The proposal does not provide for "customer only" off street parking and no provisions have been made for disabled car parks to access to the proposal. Deletion of the in only access of Tozer Street will create three additional kerbside spaces, which could be nominated as disabled parking spaces.

The traffic flows at the intersection of Tozer and Elbow Streets are expected to increase as a result of the customer first centre.

Staff accessing the Council car park from Tozer Street is not expected to significantly increase traffic movements at the intersection of Tozer and Elbow Streets or along Tozer Street. However it is expected that traffic conflict at the intersection of Harold Walker Avenue and Elbow Street may result from the increased use from Council vehicles due to closure of the exit to Tozer Street from the carpark. Harold Walker Avenue will also experience an increase in traffic movements. There is adequate space to provide two-way access off Tozer Street, which would result in no significant change to existing traffic loads.

Currently, a right of way exists between the amenities building and Council offices. This should be extinguished to allow construction of the new building.

### **Stormwater Drainage**

The nett impervious area created from the proposed customer first centre is not expected to increase, however, construction of the proposed lunchroom will increase stormwater discharged into Council's stormwater table on Tozer Street. The current stormwater provisions on the western side of Tozer Street are inadequate and ponding of water occurs due to a series of gutter bridges to the north of the site preventing stormwater escaping during heavy rain events. Further stormwater details are required to be submitted detailing the stormwater disposal methodology which should be incorporated in conditions of consent to form part of the plans for the required Construction Certificate.

### **Planning Comment**

The proposed erection of the Customer First Centre and staff amenities are permissible on the subject allotments. Any necessary fire upgrades of existing buildings need to be satisfied pursuant to

Clause 94 of the Environmental Planning and Assessment Act. A plan of management needs to be submitted indicating the process in staging the development, relocation of the Macleay Water offices, Councillors room, employee amenities, parking and traffic.

Kerb and guttering in Tozer Street is currently inadequate to disperse stormwater during storm events and would impact on accessing the customer first centre.

It is likely that the proposal may impact on traffic flow intersecting Elbow Street at Tozer Street and Harold Walker Avenue.

**REPORT IMPLICATIONS:**

- ***Environmental***

*The proposed construction and use of the new buildings are not expected to have any significant adverse environmental impacts. Traffic and parking impacts can be managed through appropriate conditions of consent.*

- ***Social***

*An improved customer service centre is likely to provide a social benefit to the community. Stormwater design improvements are recommended to be included in the detailed design to the proposal.*

- ***Economic (Financial)***

*An improved customer service centre is expected to improve economic efficiency for Council and the local development and business community.*

- ***Policy or Statutory***

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

***Public Exhibition***

*The proposal was advertised in accordance with Council's Policy with no objections received.*

**Director Sustainable Services Department Recommendation:**

**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 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 Details are to be submitted of the methodology of staging the development. Details are to include the relocated staff offices, Councillors' room, employee amenities, access, traffic and parking. The details are to be submitted for approval prior to the release of the Construction Certificate.
- 6 All lots containing Council's offices and the carpark are to be consolidated into one lot including dissolving the right of way in Council's carpark from Tozer Street. The Subdivision Certificate is to be submitted for approval prior to the release of the Construction Certificate with registration completed prior to issue of an Occupation Certificate.
- 7 Detailed architectural plans drawn to a nominated scale that include elevations of the proposed development are required to be submitted. The details are to be submitted for approval prior to the release of the Construction Certificate.
- 8 A hydraulic assessment of the proposal detailing stormwater disposal onsite and demonstrating no significant effects will result from the proposed development in relation to disposal of stormwater including the need for on-site detention, or infiltration or reuse. The details are to be submitted for approval prior to the release of the Construction Certificate.
- 9 Prior to the issue of the Construction Certificate details are to be submitted to provide adequate measures within the existing buildings to protect persons using the building and to facilitate their egress from the

building in the event of fire and to restrict the spread of fire from building to other buildings.

- 10 Provision of a total of no less than 76 off street car parking spaces.
- 11 Provision and appropriate signposting of at least two disabled parking spaces in the road reserve in Tozer Street.
- 12 The access way from Tozer Street to be widened to allow for two-way traffic.
- 13 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. All such areas to be paved.
- 14 Engineering design plans to be submitted with the Construction Certificate showing parking and circulation to comply with Conditions 10, 11, 12 and 13.
- 15 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.
- 16 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.
- 17 The building is not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.
- 18 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.

19 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.

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

21 The hours of operation of the demolition and 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.

22 All loading and unloading in connection with the construction shall be carried out wholly within the subject property.

23 Building materials are not to be stored within the road reserve.

24 All demolition work shall be carried out in accordance with the approved plans and the provisions of the relevant Australian Standards including AS 2601-1991.

25 All material in the building, which contains asbestos, shall be removed in accordance with the guidelines of Work Cover Authority and requirements of Environmental Protection Authority.

26 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.

27 Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the work is not in progress or the site is otherwise unoccupied.

- 28 The burning of any demolished material on site is not permitted.
- 29 All loading and unloading of vehicles shall occur on site.
- 30 Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.

2005. 395

**RESOLVED:**

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

**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 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 Details are to be submitted of the methodology of staging the development. Details are to include the relocated staff offices, Councillors' room, employee amenities, access, traffic and parking. The details are to be submitted for approval prior to the release of the Construction Certificate.
- 6 All lots containing Council's offices and the carpark are to be consolidated into one lot including dissolving the right of way in Council's carpark from Tozer Street. The Subdivision Certificate is to be submitted for approval prior to the release of the Construction Certificate with registration completed prior to issue of an Occupation Certificate.
- 7 Detailed architectural plans drawn to a nominated scale that include elevations of the proposed

development are required to be submitted. The details are to be submitted for approval prior to the release of the Construction Certificate.

- 8 A hydraulic assessment of the proposal detailing stormwater disposal onsite and demonstrating no significant effects will result from the proposed development in relation to disposal of stormwater including the need for on-site detention, or infiltration or reuse. The details are to be submitted for approval prior to the release of the Construction Certificate.
- 9 Prior to the issue of the Construction Certificate details are to be submitted to provide adequate measures within the existing buildings to protect persons using the building and to facilitate their egress from the building in the event of fire and to restrict the spread of fire from building to other buildings.
- 10 Provision of a total of no less than 76 off street car parking spaces.
- 11 Provision and appropriate signposting of at least two disabled parking spaces in the road reserve in Tozer Street.
- 12 The access way from Tozer Street to be widened to allow for two-way traffic.
- 13 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. All such areas to be paved.
- 14 Engineering design plans to be submitted with the Construction Certificate showing parking and circulation to comply with Conditions 10, 11, 12 and 13.
- 15 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.
- 16 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.**

- 17 The building is not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.**
- 18 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.**
- 19 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.**
- 20 All building work must be carried out in accordance with the provisions of the Building Code of Australia.**
- 21 The hours of operation of the demolition and 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.**
- 22 All loading and unloading in connection with the construction shall be carried out wholly within the subject property.**
- 23 Building materials are not to be stored within the road reserve.**
- 24 All demolition work shall be carried out in accordance with the approved plans and the provisions of the relevant Australian Standards including AS 2601-1991.**
- 25 All material in the building, which contains asbestos, shall be removed in accordance with the guidelines of**

Work Cover Authority and requirements of Environmental Protection Authority.

- 26 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.

- 27 Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the work is not in progress or the site is otherwise unoccupied.

- 28 The burning of any demolished material on site is not permitted.

- 29 All loading and unloading of vehicles shall occur on site.

- 30 Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.

- 31 That the issue of traffic in Harold Walker Avenue be referred to the Traffic Committee.

Councillor Gribbin recorded his vote against the foregoing Resolution.

<b>DSDS5</b>	<b>DEVELOPMENT CONTROL PLAN NO 22 – LOCAL HOUSING STRATEGY – CRESCENT HEAD REVIEW COMMITTEE FILE: 145 APB (NRN) {Folio No. 297700}</b>
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**SUMMARY:**

Reporting that a member of the Committee to review DCP 22 for Crescent Head has resigned. The Committee has requested that the vacant position be filled.

◆◆◆◆◆

**Background**

At its meeting of 18<sup>th</sup> January 2005, Council considered expressions of interest from seven people to fill four positions on the Committee

for reviewing the provisions of DCP 22 in relation to Crescent Head.  
The seven people considered were:

John Bourke  
Robert Dennis  
Madeleine Mainey  
Brian Hardy  
James Mather  
Marijke Roberts  
John Jeayes

After a process of voting, Council appointed John Bourke, Robert Dennis, Madeleine Mainey and James Mather to the Committee.

The Committee has met three times so far, and is likely to meet another three times before the review is finalised.

At its last meeting on 23<sup>rd</sup> May, Madeleine Mainey resigned from the Committee [\(Appendix Q\)](#) primarily as a protest against Council's recent approval of a residential flat building in Killuke Crescent at Crescent Head.

Despite all members of the Committee encouraging her to stay, Ms Mainey resigned.

The next meeting of the Committee is to be held on 23<sup>rd</sup> June 2005.

**REPORT IMPLICATIONS:**

- ***Environmental***

***Nil***

- ***Social***

***Nil***

- ***Economic (Financial)***

***Nil***

**Director Sustainable Services Department Recommendation:**

- A** That Council determine whether to replace the vacant position on the DCP22 Review Committee for Crescent Head.
- B** That if Council resolves to replace the position, that Council appoint a person from the original expressions of interest.

**RESOLVED:**

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

That no action be taken.

Councillor Gribbin declared an interest in the following item for the reason that his wife is an objector in the report and retired from the Chamber.

**DSDS6      REVIEW OF DCP30 EXEMPT AND  
COMPLYING DEVELOPMENT, KEMPSEY LEP  
1989 (AMENDMENT NO 97)  
FILE: T5-97 DRH (NRN) {Folio No. 297701}**

**SUMMARY:**

Reporting that draft amendments to DCP 30 Exempt and Complying Development within the Kempsey Shire and the associated amendment to Kempsey Local Environmental Plan (LEP) 1987 (Amendment No 97) have been exhibited with three submissions received.



**Background**

At its meeting of 12<sup>th</sup> April 2005 Council resolved to place draft DCP 30 Exempt and Complying Development and Kempsey LEP 1987 (Amendment 97) on public exhibition for a period of 28 days, incorporating a number of amendments.

To provide information to the public and consider matters of concern, an information night was held on Monday 9<sup>th</sup> May 2005. The information evening was attended by Councillors Green and Hunt. No members of the public attended.

The bold-faced writing indicates exhibited draft amendments to DCP 30 with recommended changes to the draft indicated in a separate distinctive font.

The previous report may be summarised as follows:-

- Complying Development relates to only minor developments with minimal environmental impacts which may be undertaken provided it complies with a set of predetermined development standards.
- Due to minimal likely impacts, Complying Development does not require neighbour notification.

- Complying Development Certificates must be issued within seven (7) days of receipt of an application.

Proposed amendments are seeking to increase the utilisation of Complying Development in order to achieve considerable efficiency gains without sacrificing proper assessment of more complex proposals.

### **DCP 30 – Exempt and Complying Development**

The main changes proposed are as follows:-

- Allowing Complying Development on Bushfire Prone Land subject to compliance with a Bushfire Threat Assessment prepared in accordance with "Planning for Bushfire Protection 2001". This will not reduce the requirements which currently apply to developments submitted as Local Development. (Bushfire areas cover large sections of village areas [\(Appendix R\)](#)).
- Allowing Complying Development on land serviced by an approved onsite waste system.
- Allowing sheds of less than 100 square metres to be erected up to 10 metres from an adjoining property in rural areas as Complying Development.
- Restricting the size of sheds in residential areas to be less than 40 square metres in area if submitted as Complying Development.
- Removing the reference to Council's Notification Policy from DCP 30 as section 101 of the Environmental Planning and Assessment Act 1979 and Clause 77B of the Environmental Planning and Assessment Act Regulation provide that Exempt and Complying Development do not require notification prior to determination. It is intended to create a separate policy for Public Notification of development applications.

Minor changes proposed are as follows:-

- Removal of fences in flood-ways as Exempt Development in rural and residential areas – allows greater consideration of these structures within crucial flood-paths.
- Removal of restrictive clause not allowing Complying Development on flood prone land, subject to compliance with Council's Flood Risk Management Policy – should have been done as part of the previous amendment to DCP 30.
- Incorporating the DCP 22 development standards as the reference standard in DCP 30.

- Prohibiting re-siting of dwellings as Complying Development to allow any adverse impact arising from such proposals such as visual impacts to be considered.
- Requiring that associated works in a road reserve receive appropriate consent under Section 138 of Roads Act.
- Adopting the new state standard for sustainability BASIX to be implemented on July 1 in regional areas.
- Removal of the requirement for construction progress survey reports under the Complying Development standards.
- Requiring that smoke alarms be installed in all dwellings in standard conditions.
- Requiring Resuscitation charts be installed with all swimming pools in standard conditions.
- Requiring that pool pump equipment create less than 5dB(A) where audible from adjoining property in standard conditions.
- Requiring the installation of lighting to bed and breakfast buildings/hostels (Class 1b) in standard conditions.

**Kempsey LEP 1987 (Amendment 97)**

The draft LEP simply amends the reference in Kempsey LEP 1987 to the version of DCP 30 recommended for adoption by this report.

**Public Exhibition**

The draft DCP and LEP (Amendment 97) was exhibited in accordance with the requirements of the Environmental Planning and Assessment Regulation with submissions having been received which may be summarised as follows:- [\(Appendix S\)](#)

Objection	Planning Comment
<p>1 South West Rocks Ratepayers and Citizens Association Inc</p> <p>Objection to any amendment which would reduce existing requirement to notify affected landowners of development applications</p>	<p>1 Noted. The intention is to allow low impact development to be processed quickly. Such development is assessed as having no significant effect on adjoining landowners, so that notification is not necessary.</p> <p>It should be noted that Council’s current delegations to staff allow for applications which currently require notification to be approved even where objections are received provided all</p>

<p>2 Karen Gribbin</p> <p>Concerned that key fauna habitat and corridors identified in the South West Rocks Structure Plan Review by Parsons Brickerhoff dated January 2003 can be interpreted as being land identified as critical habitat (under the Threatened Species Conservation Act 1995).</p>	<p>relevant controls have been met.</p> <p>DCP 30 forces proposals to comply with all relevant controls.</p> <p>2 The key fauna habitat and corridors are based on regional computer modelling undertaken by NPWS and is not prescribed critical habitat under the Threatened Species Conservation Act. The model is used for undertaking broad strategic planning for a range of issues and is not relevant to the consideration of individual buildings.</p>
<p>3 Friends of South West Rocks</p> <p>Reference was made to the amendment of DCP 30 in correspondence received dated 17<sup>th</sup> May 2005.</p>	<p>3 Noted. No specific matter concerning the amendment of DCP 30 was raised.</p> <p>The objection relates to changes to the Public Notification Policy which will be reported separately.</p> <p>Reference was made objecting to caravans being placed in caravan parks as Exempt Development which is allowed under the Local Government Act Regulation which overrides local controls.</p>

**REPORT IMPLICATIONS:**

- **Environmental**

*Complying and Exempt development cannot be carried out in environmental sensitive areas.*

- **Social**

*Allow applications to be considered as 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 DCPs.*

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

*In respect to the draft LEP 1987 (Am 97) Council has delegation to report to the Minister under Section 69 of the Act recommending that he make the plan.*

- **Director's Comment**

*As part of a reorganisation of the Building Section within Council's 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.*

*For the first five months of 2005 Council has approved 36 Complying Developments which included three dwellings, 15 additions to dwellings and 18 detached garages and swimming pools with a value of \$857,962.*

*As Complying Development places the onus on the 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.*

*Council must ensure that the level of assessment of development is appropriate to the scale of development and potential environmental impacts. The efficiencies gained through Complying Development allows resources to be reallocated to properly assessing more complex proposals and providing other environmental services the community is increasingly demanding. As advised, Complying Development has been increased from approximately 3% per annum to 15% per annum (commonly in excess of 30% per month) with no complaints being received. The recommended changes are considered to be conservative and should be reviewed again within 12 months to gauge community response.*

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**RESOLVED:**

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

- A That Council submit Kempsey Local Environmental Plan (Amendment No 97) for gazettal, and exercise its delegation under Section 69 of the Environmental Planning and Assessment Act 1979 to prepare a report to the Minister for Infrastructure Planning and Natural Resources requesting that the Plan be made. [\(Appendix T\)](#)
- B That Council resolve to adopt the Draft Development Control Plan No 30 – Exempt and Complying Development, the subject of this report, effective from the date of public notification.
- C That DCP 30 be reviewed after 12 months of the date of adoption.
- D That the people who made submissions be thanked for their input.

At this stage 12.04pm Councillor Gribbin returned to the chamber.

Councillor Gribbin declared an interest in the following item for the reason that his wife is an objector in the report and retired from the Chamber.

<b>DSDS7</b>	<b>REVIEW OF PUBLIC NOTIFICATION POLICY</b>
	<b>FILE: 526 KJW (NRN) {Folio No. 297702}</b>

**SUMMARY:**

Reporting that the draft amendments to the Public Notification Policy have been on public exhibition for 28 days with comments received.



**Background**

Following amendments to DCP 30 “Exempt and Complying Development” in May 2004, Council requested a review of the effectiveness of the changes to be reported to Council within twelve (12) months, which incorporated Council’s Public Notification Policy.

Whilst there have been very few complaints relating to the adequacy of Council Public Notification Policy, 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. [\(Appendix U\)](#)

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

A summary of the changes are as follows:

- Inclusion of a preamble to clarify where and the purpose of the Policy.
- Extension of the objectives of the Policy to include the importance of community consultation and participation in the development assessment process.
- Additional clauses have been inserted to clarify who receives notices. Tenants on adjoining land are not advised as Council does not record the particulars of occupants, however, any person may make a submission. If the adjoining land is Strata Title, 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 neighbouring land owners will be notified. If the development is on the boundary of the Shire, adjoining owners in the adjoining Council area will be notified.
- The method for determining applications includes 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 to ensure that all relevant matters are taken into consideration.
- Clarification has been provided that where a submission is a petition, Council will only advise the main proponent.
- Survey of other major coastal Councils as to the length of their exhibition period indicated fourteen (14) days was the industry standard.

Council's present exhibition period is ten (10) days. Given the intention to encourage utilisation of Complying Development, applications requiring notification will relate to more complex proposals and an increase in the notification period is justified.

- It is noted that dwellings relocated from another property have been of concern in recent times and should require notification/advertising to address issues such as visual amenity.
- 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, or where the site borders residential land.

- Clarification of amended and modified applications has been included. 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.
- Inclusion of provision for 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.
- Inclusion of a section to identify fees and charges for notification/advertising in accordance with Council's Fees and Charges Schedule.

For 2005/2006 the fee has been increased to \$120.

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

It is also proposed to introduce an "Information - Notification Process" leaflet to be sent with notification letters to advise owners of the process. [\(Appendix V\)](#)

**Public Exhibition**

As Council is also reviewing DCP 30 which was required to be placed on public exhibition for a period of at least 28 days, although not obliged to do so, it was considered reasonable to allow public comment on the "Public Notification Policy" concurrently with the DCP and the required draft LEP amendment. Council received three (3) submissions which may be summarised as follows: [\(Appendix W\)](#)

<b>Objection</b>	<b>Planning Comment</b>
<p><b>1 Karen Gribbin</b></p> <p>(a) Most councils notify neighbours on all developments.</p>	<p><b>1</b></p> <p>(a) Complying Development is not been advised to the adjoining owners. Councils similar to Kempsey advise adjoining owners of some local development applications which may cause an impact or identified in a policy. The current trend is to reduce notification for simpler proposals, whilst maintaining notifying of more complex proposals.</p>

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| <p>(b) Complying and Local Development can have detrimental ramifications for adjoining properties.</p>                                    | <p>(b) Complying Development is required to meet set standards which are designed to ensure that minimal impacts on adjoining premises are likely and therefore does not require notification. Local Development which is not notified to adjoining owners is still required to be assessed under the EP&amp;A Act Section 79C to ensure that no unacceptable impacts will result.</p>                             |
| <p>(c) Development Control officers should not identify properties which are likely to be impacted.</p>                                    | <p>(c) If an application does not fall within section 7 of the policy, all adjoining land owners are required to be advised of the application. In carrying out a site inspection, the officer is required to assess if neighbouring land owners should be advised.</p>  |
| <p>(d) If an objection is received and can be resolved the matter should be discussed with both applicant and owner/occupation.</p>        | <p>(d) Clause 4(b)(ii) is an existing delegation that is being clarified. If amendments cannot be agreed to, applications will be referred to Council for determination. Negotiations with multiple objectors is time consuming and agreements would often not be reached.</p>   |
| <p>(e) If condition existing point 3(b) [new 4(b)(iii)] remains then existing point 3(c) [new condition 4 (b)(iii)] should be deleted.</p> | <p>(e) The point should remain as it allows developments to be approved with specific conditions applied to address the objections. If conditions can't be applied, the application would need to be referred to Council.</p>  |
| <p>(f) Back log of development application being cleared at the expense of existing owner/occupiers.</p>                                   | <p>(f) Proposed changes are not recommended to address any short term back log of development applications. Proposed changes are recommended to compliment changes to DCP 30 to streamline the assessment process for simple applications in response to criticisms levelled at all Council's in NSW. Council is currently exempted from a State imposed Exempt and Complying Development SEPP on the basis of</p> |

	DCP 30.
(g) Who will be delegated officers?	(g) Council delegates all functions to the General Manager. The General Manager delegates functions to suitably qualified and experienced officers. Those officers are town planners and building surveyors.
(h) To which Department will Development Control Officers be attached?	(h) Development control is currently a function of Sustainable Development Services.
(i) Move to take control from Councillors driven decisions.	(i) Council sets policies and guidelines for delegated staff to work within. Without delegation to officers within clearly defined limits, Council meetings would be swamped with consideration of minor applications that comply with Council's policies.
<b>2 Friends of South West Rocks</b>	<b>2</b>
(a) Altering the objectives could remove the opportunity for the public to comment.	(a) The objectives have been expanded to include the importance of public consultation in the development assessment process, commensurate with the scale of development.
(b) Change from "Development Control" to "Delegated" means that person of lesser qualifications and/or experience.	(b) Council delegates all functions to the General Manager. The General Manager is responsible to delegate functions to suitable persons.
(c) Occupiers of adjoining properties will not be advised which will be detrimental to the process and should be deleted.	(c) Council has never advised occupiers of premises as it does not hold records of occupiers.
(d) Where an adjoining property is owned by more than one person all owners should receive notice. It is not up to that person to advise all neighbours.	(d) Council will continue to send letters to the persons and addresses identified for the service of notices. As with Rates and other notices, it is the responsibility of the nominated contact to advise any other owners.
(e) Request to alter "may notify" to "will notify" in point 3(f).	(e) Agreed. The policy should be amended to provide that where Council considers that a development application is likely to

- (f) Clause 7 public should be informed of the difference between the Exhibition and Advertising.
- (g) "Development Control Officers" should not be altered to "Delegated Officers".
- (h) Alteration and additions to single dwellings should be notified and advertised. Adjoining owner should always have the opportunity to object.
- (i) Request for a review of a determination should be re-advertised.
- (j) Council made extensive amendments a little over 12 months ago, no reason to review.

result in significant impacts, Council will advise adjoining owners.

- (f) There is a difference which is identified in the section "interpretation". "Advertising" means an advertisement in the local press and "Notification" includes a letter to adjoining owners. Exhibition is being deleted.
- (g) The term "Delegated Officers" is generic and accounts for changing titles over time.
- (h) Single storey dwellings, additions and alterations to single storey dwellings have not been notified or advertised under the current policy. Residential work would need to comply with all requirements of DCP 22. If a proposal is likely to result in adverse impacts, notification may still be required, whether or not in compliance.
- (i) A request to review a determination is to reconsider the determination that has been issued. The Act allows modifications in requesting a review provided the development remains substantially unaltered. Persons who made previous submissions will be notified, however, as only minor amendments can be applied for re-advertising is not necessary.
- (j) Council previously resolved to review DCP 30 within 12 months to assess the impacts of increased Complying Development. Part of DCP 30 is Public Notification Policy. Council was concerned that increased use of Complying Development may cause complaint, which has not eventuated.

Objects to any amendments, which would reduce the existing requirements to notify affected landholders of Development Applications.

No examples identified. The changes made to the policy are intended to clarify the policy for public and staff.

**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 to set out Council's requirements for the notification and advertising of development applications.*

- **Directors Comment**

*Council has benefited by considerable efficiencies achieved through increased utilisation of Complying Development and reduced notification and no complaints concerning any Complying Development have been received.*

*Council needs to balance the need to involve the public in the development application process with the increasing demands on limited resources.*

*The recommended changes seek to achieve this balance, the success of which will be gauged by the community. It is recommended that the Policy be reviewed again in twelve (12) months to either consider further relaxation or tightening, depending on any community response.*

2005. 398

**RESOLVED:**

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

**A That Council resolve to adopt Public Notification Policy, the subject of this report, effective from the date of public notification.**

- B That the effectiveness of the Policy be reviewed within 12 months.
- C That the people who made submissions be thanked for their input.

At this stage 12.06pm Councillor Gribbin returned to the chamber.

<b>DSDS8</b>	<b>FOOD PREMISES INSPECTION REPORT UPDATE</b>
<b>FILE: 196 JGR (NRN)</b>	<b>{Folio No. 297703}</b>

**SUMMARY:**

Reporting on Council's recent food premises inspections.



**Background**

During April and May 2005, a total of 141 food premises were inspected to ensure compliance with Standard 3.2.2 Food Safety Practices and General Requirements; Standard 3.2.3 Food Premises and Equipment of the Australian and New Zealand Food Standard Code with only four premises requiring urgent work to be carried out and re-inspected.

Compared to previous inspections, the overall standard of the premises is noticeably improving.

There is a definite need to ensure that premises categorised as high risk are visited on a more frequent basis up to three times per year, whilst less hazardous premises could be inspected annually.

Council may consider obtaining proposed works schedules from properties of some of the older establishments to refurbish the premises (kitchens and food preparation) over an agreed time. Works may include provision of stainless steel benches and preparation tables, repainting and renewal of floor services.

**REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*The community has a perception that Council has a role in the regulation of food related matters. Council has authorised officers, have local knowledge and can utilise Council's data base in respect to the food premises.*

- *Economic (Financial)*

*Fees and Charges for inspections will be set by Council in their Management Plan.*

- *Policy or Statutory*

*Food premises inspection will remain as a function undertaken by this Department, the frequency of inspections will be reviewed.*

- *Director's Review*

*Nil*

2005. 399

**RESOLVED:**

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

That the report be noted.

**DSDS9**

**NSW FOOD REGULATION PROPOSED  
PARTNERSHIP LOCAL GOVERNMENT AND  
NSW FOOD AUTHORITY  
FILE: 128 JGR (NRN) {Folio No. 297704}**

**SUMMARY:**

Council has been requested to review and comment on the Draft Model – NSW Food Regulation Partnership – A Blueprint.

☆☆☆☆

**Background**

Council's role and responsibility in Food Surveillance is currently under review.

Initially Local Government and the NSW Health Department were the key providers in respect to the regulatory requirements of food legislation.

As from the 5<sup>th</sup> April 2004, the NSW Food Authority became the sole agency responsibility for food regulation in NSW.

Historically, Local Government (Councils) have been involved in food regulation since 1896. In 1908 with the implementation of the Pure Food Act the State Government requested that all Councils appoint local food inspectors.

The NSW Food Authority wish to utilise Council's level of knowledge and resources to form a partnership with Local Government (Councils).

Council has been requested to comment on a Model Policy for the partnership between the NSW Food Authority and Local Government.

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***THIS IS PAGE 67 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.***

.....  
**MAYOR**

This model has been developed by a Committee of Local and State Government representatives appointed by the Minister for Primary Industries, Presidents of the Local Government and Shire Associations. It also reflects the findings through consultation with individual Councils. A regional meeting for local Health Surveyors was held at Port Macquarie in October 2004 and again on 6<sup>th</sup> May 2005.

The model seeks to:

- clearly define the respective roles of councils and the NSW Food Authority;
- provide a dedicated program to support and assist Council's roles in food regulation;
- establish arrangements for coordination of the NSW food regulatory system (eg. protocols, guidelines and reporting arrangements); and
- provide a secure funding base for Council's food regulatory work.

Local Council's have been requested to determine the extent to which they wish to participate in the partnership. Each Council is to decide which Category or Level they wish to participate, from the following categories:

- Category A
- Food premises approvals
  - Emergency response
  - Urgent food recalls
- Category B
- Category A, plus:  
For retail and food service businesses (excepting those businesses for which a Food Safety Scheme applies):
- *Premises inspections (to determine compliance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 and basic Food Standards matters and including taking samples as appropriate).*
  - Investigating complaints (including single cases of foodborne illness).
  - Enforcement action (including serving notices, orders and taking court action).
- Category C
- Category A and B, plus:  
Any other role negotiated directly between councils and the NSW Food Authority, for example (but not limited to):
- Premises inspections for manufacturers.

### **Category A**

If Council adopted this level it could mislead people that the Council is ensuring the community are safe guarded in terms of food premises and food handlers hygiene. This would also be an under utilisation of Council's expertise and resources, as well as a reduction of income that is currently available to Council through inspections.

### **Category B**

Should Council elect to undertake food regulatory work to Category B level there would be no change to the regulatory function and the level of service

provided to the community in respect to food service that currently is being undertaken by the Shire's Health and Building Surveyors.

### **Category C**

This level could place an added burden on Council which would require major staff reorganisation and the addition of new staff to undertake the role.

At the meeting at Port Macquarie on 6<sup>th</sup> May 2005 where representatives were present from Mid North Coast Councils and Mr Phillip Bird Senior Technical Officer – Local Government Liaison Coordinator, information was given that most Councils were nominating Category B with exception of larger city Councils who have qualified staff to undertake Category C and large western Councils who do have technical staff who were electing Category A.

#### **REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*The community has a perception that Council has a role in the regulation of food related matters. Council has authorised officers which work within the district, have local knowledge and can utilise Council's data base in respect to the food premises.*

- *Economic (Financial)*

*Fees and Charges for inspections will be set by Council which will provide a source of funding for food regulatory work.*

- *Policy or Statutory*

*Council appoints authorised officers to undertake food premises inspections, Council would enter into a service agreement with NSW Food Authority.*

- *Director's Review*

*Given that public perception is that Council should be providing a service when it comes to ensuring that the community are safe guarded in terms of Food Premises and Food Handlers Hygiene, it is essential that Council maintains its current level of service in respect to food premises. It would seem Category B best fits our Department.*

2005. 400

#### **RESOLVED:**

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

**That Council adopt Category B as its level of participation with the NSW Food Authority.**

**SUMMARY:**

Reporting that the following applications have been approved.

**Council Report on Local Development Application**

Reporting that the following applications have been approved:

2002/LD-00184 REV01 588 PLUMMERS LANE RAINBOW REACH  
6 HOLIDAY CABINS  
Owner: ODELL GRAHAM

2003/LD-00179 REV01 59 OCEAN STREET SOUTH WEST ROCKS  
TWO STOREY DWELLING  
Owner: OATES B & P

2003/LD-00554 REV01 99 GREGORY STREET SOUTH WEST  
ROCKS  
DWELLING ADDITIONS  
Owner: CROTTY B & K

2003/LD-00719 REV01 64 RUDDER STREET EAST KEMPSEY  
DWELLING  
Owner: WESTON N

2003/LD-00815 REV01 21 DENNIS CRESCENT SOUTH WEST  
ROCKS  
DWELLING AND ATTACHED GARGAGE  
Owner: JACLESTA PTY LTD

2004/LD-00127 REV01 5 WILSON STREET ARAKOOON  
MODIFIED CONSENT  
Owner: SAUNDERS M

2004/LD-00147 REV01 76 SMITH STREET KEMPSEY  
DEMOLITION, CONSTRUCTION OF FOOD OUTLET WITH  
UPSTAIRS OFFICES AND DRIVE THRU  
Owner: SILVERJET P/L

2004/LD-00411 REV02 2624 WILLI WILLI RD MOPARRABAH  
4 LOT SUBDIVISION  
Owner: FLOOD I & D

2004/LD-00461 REV01 HORSESHOE BAY SOUTH WEST ROCKS  
TIMBER & STEEL COASTAL PATROL BUILDING  
Owner: KEMPSEY SHIRE COUNCIL

- 2004/LD-00480 REV01 19 SEAVIEW STREET SOUTH WEST  
ROCKS  
DUAL OCCUPANCY & TORRENS TITLE  
Owner: PEARSON M & S AND AKHURST N
- 2004/LD-00509 16 PARAGON AVENUE SOUTH WEST ROCKS  
3 RESIDENTIAL UNITS  
Owner: GAVRILIS C & A
- 2004/LD-00542 REV01 7 YATES PLACE WEST KEMPSEY  
DWELLING  
Owner: BALL J & WILLIAMSON S
- 2004/LD-00565 REV01 2646 SOUTH WEST ROCKS ROAD  
JERSEYVILLE  
DWELLING ADDITIONS  
Owner: PARKER W & S
- 2004/LD-00598 Lot 9 DP1036869 ARAKOOON ROAD SOUTH  
WEST ROCKS  
DWELLING  
Owner: SMOKY CAPE DEVELOPMENTS
- 2004/LD-00626 75 SHERWOOD ROAD ALDAVILLA  
SUBDIVISION OF 2 LOTS INTO 4  
Owner: MCKENZIE B & M, SHARPLES B
- 2004/LD-00633 19 LIVINGSTONE STREET SOUTH WEST ROCKS  
DEMOLISH EXISTING BUILDING & REBUILD NEW  
BUILDING  
Owner: COASTLINE CREDIT UNION LTD
- 2004/LD-00657 Lot 32 DP1005475 EDGAR STREET  
FREDERICKTON  
4 LOT SUBDIVISION  
Owner: SNODGRASS J & GALLOWAY J
- 2004/LD-00690 21-23 ELBOW STREET WEST KEMPSEY  
CARPORT  
Owner: CYBERDALE P/L
- 2004/LD-00694 Lot 6 DP752420 NULLA NULLA CREEK ROAD  
BELLBROOK  
SUBDIVISION 5 LOTS  
Owner: LYMARN HOLDINGS P/L
- 2005/LD-00025 Lot 19 DPDP882846 WAIANBAR AVENUE  
SOUTH WEST ROCKS  
TWO STOREY DWELLING AND POOL  
Owner: SALTWATER DEVELOPMENTS P/L
- 2005/LD-00059 39 LACHLAN STREET SOUTH KEMPSEY  
COMMERCIAL ADDITIONS  
Owner: JOHNSTONE M & V
- 2005/LD-00061 56 MAIN STREET CRESCENT HEAD

GARAGE & DWELLING ADDITIONS  
Owner: SCHINDEHUETTE K

2005/LD-00062 43 FRANCIS DIMOND STREET ARAKOOON  
DWELLING AND ATTACHED GARAGE  
Owner: CARVILL M

2005/LD-00080 Lot 1 DP717143 SUMMER ISLAND ROAD  
SUMMER ISLAND  
BOUNDARY ADJUSTMENT  
Owner: WALKER E & CROTTY J

2005/LD-00095 2 MILTON DUFTY PLACE EAST KEMPSEY  
DUAL OCCUPANCY  
Owner: PAUL OSBORNE CONSTRUCTIONS

2005/LD-00107 66 CARDWELL STREET ARAKOOON  
DWELLING  
Owner: KEITH VOLKMER

2005/LD-00116 17 SPRINGFIELDS DRIVE GREENHILLS  
DWELLING  
Owner: JENKINS T & S

2005/LD-00125 9 BOHEMIA COURT STUARTS POINT  
DWELLING  
Owner: ILSLEY S & L

2005/LD-00133 75 BELGRAVE STREET KEMPSEY  
CHANGE OF USE TO MEDICAL CENTRE & INTERNAL  
ALTERATIONS  
Owner: KEMPSEY RURAL LANDS PROTECTION BOARD

2005/LD-00135 250 GRASSY HEAD ROAD STUARTS POINT  
PRAYER CHAPEL  
Owner: AUSTRALISIAN CONFERENCE ASSOCIATION  
LTD

2005/LD-00149 8 PRINCE OF WALES AVENUE SOUTH WEST  
ROCKS  
INSTALL ATM  
Owner: NEVILLE B & A

2005/LD-00150 23 SEAVIEW STREET SOUTH WEST ROCKS  
DWELLING ADDITIONS  
Owner: KOPPMAN S & C

2005/LD-00151 249 EUROKA ROAD EUROKA  
DWELLING ADDITIONS  
Owner: BOOTH M

2005/LD-00152 701 SPOONERS AVENUE COLLOMBATTI  
ADDITIONS TO DWELLING  
Owner: MORRASEY N

2005/LD-00156 24 EAST STREET CRESCENT HEAD

DECK  
Owner: WHEELHOUSE J

2005/LD-00159 14 BUNYA PINE COURT WEST KEMPSEY  
DWELLING  
Owner: GAYFORD D & J

2005/LD-00170 55 LIKA DRIVE SOUTH KEMPSEY  
DWELLING ADDITIONS  
Owner: SHANNON K C

2005/LD-00172 22 RUDDER STREET SOUTH WEST ROCKS  
TWO STOREY DWELLING ADDITIONS  
Owner: REID R

2005/LD-00174 38 GREGORY STREET SOUTH WEST ROCKS  
ADDITION - DECK  
Owner: WILLIAMS N

2005/LD-00181 28 COCHRANE STREET WEST KEMPSEY  
GARAGE & DWELLING ADDITIONS  
Owner: BIELBY J

2005/LD-00186 Lot 8 PT DP752422 HOUSE NO 8 BELLBROOK  
DEMOLITION OF DETACHED DWELLING  
Owner: THUNGUTTI LOCAL ABORIGINAL LAND

COUNCIL

2005/LD-00188 111 JOHN LANE ROAD YARRAVEL  
DWELLING ADDITIONS & ALTERATIONS  
Owner: BRODBECK S & L

2005/LD-00189 17 CREEK STREET FREDERICKTON  
GARAGE  
Owner: GORDON R & N

2005/LD-00193 2 ROBINSON PLACE SOUTH WEST ROCKS  
DWELLING  
Owner: MORLEY W & S

2005/LD-00196 19 HILTON TROTTER PLACE WEST KEMPSEY  
SINGLE STOREY DWELLING  
Owner: SMITH P & L

2005/LD-00198 52-54 CARDWELL STREET ARAKOOON  
DWELLING ADDITIONS - ROOF OVER EXISTING DECK  
Owner: WALDRON V

2005/LD-00199 337-383 RIVER STREET GREENHILLS  
SHED  
Owner: BOOROONGEN DJUGUN ABORIGINAL  
CORPORATION

2005/LD-00201 20 CAMERON STREET WEST KEMPSEY  
DEMOLITION (PATIO) & DWELLING ADDITIONS  
Owner: BALL T & M

2005/LD-00202 3 DRUITT STREET SOUTH KEMPSEY  
SHED  
Owner: ROBINSON T & R

2005/LD-00204 99 LIKA DRIVE SOUTH KEMPSEY  
DWELLING & SHED  
Owner: WOODS B

2005/LD-00207 58-60 MACLEAY STREET FREDERICKTON  
3 BAY SHED  
Owner: HEGGIE W J & J A

2005/LD-00211 998 PIPERS CREEK ROAD DONDINGALONG  
SWIMMING POOL  
Owner: BENNETT H & J & S

2005/LD-00221 34 GREY GUM CRESCENT YARRAVEL  
DWELLING ADDITION  
Owner: DICKINSON S & L

2005/LD-00223 31 WIDE STREET WEST KEMPSEY  
DWELLING ADDITIONS - PATIO COVER  
Owner: DEPT COMMUNITY HOUSING (WOMENS  
REFUGE)

2005/LD-00227 554 AUSTRAL EDEN OUTER ROAD AUSTRAL  
EDEN  
DEMOLISH SHED & REPLACE WITH NEW SHED AND  
CARPORT  
Owner: MILLARD JJ & Y M

Summary Type	No	Value
Local Development Application	56	\$6,596,284

There were 56 applications approved with a value of \$6,596,284 with 73% approved within 30 days.

For the financial year to date there has been 547 applications together with 68 modifications approved, with 71% approved within 30 days. The 547 applications include 74 sub-applications with a value of \$60,297,478.

As at 3 Jun 2005 220 applications are in the office awaiting a determination.

The number of applications in excess of 40 days is 114 and the range of days is 41 to 1975.

The reasons for the matters outstanding are:-

FD	Further Details Req	67
IA	Incomplete Application	19
OA	Other Agencies	9

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*THIS IS PAGE 74 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.*

.....  
**MAYOR**

RC Refer Council 2  
XX No Reason Given 17

### **Council Report on Construction Certificate Building**

Reporting that the following applications have been approved:

2004/CB-00385 Lot 850 DPDP790816 NEW ENTRANCE ROAD  
SOUTH WEST ROCKS  
TWO STOREY DWELLING  
Owner: MYALL PROPERTIES PTY LTD

2004/CB-00400 HORSESHOE BAY SOUTH WEST ROCKS  
TIMBER & STEEL COASTAL PATROL BUILDING  
Owner: KEMPSEY SHIRE COUNCIL

2004/CB-00470 76 SMITH STREET KEMPSEY  
DEMOLITION, CONSTRUCTION OF FOOD OUTLET WITH  
UPSTAIRS OFFICES AND DRIVE THRU  
Owner: SILVERJET P/L

2004/CB-00523 Lot 9 DPDP1036869 ARAKOON ROAD SOUTH  
WEST ROCKS  
DWELLING  
Owner: SMOKY CAPE DEVELOPMENTS

2005/CB-00047 33-41 SOUTH STREET SOUTH KEMPSEY  
ADDITIONAL SHEDS OVER EXISTING WORK AREAS  
Owner: READYMIX HOLDINGS PTY LTD

2005/CB-00048 56 MAIN STREET CRESCENT HEAD  
GARAGE & DWELLING ADDITIONS  
Owner: SCHINDEHUETTE K

2005/CB-00096 17 SPRINGFIELDS DRIVE GREENHILLS  
DWELLING  
Owner: JENKINS T & S

2005/CB-00103 9 BOHEMIA COURT STUARTS POINT  
DWELLING  
Owner: ILSLEY S & L

2005/CB-00112 250 GRASSY HEAD ROAD STUARTS POINT  
PRAYER CHAPEL  
Owner: AUSTRALISIAN CONFERENCE ASSOCIATION  
LTD

2005/CB-00118 82 BELGRAVE STREET KEMPSEY  
RETAIL & WORKSHOP ALTERATIONS  
Owner: GILL G & V

2005/CB-00121 249 EUROKA ROAD EUROKA  
DWELLING ADDITIONS  
Owner: BOOTH M

- 2005/CB-00122 23 SEAVIEW STREET SOUTH WEST ROCKS  
DWELLING ADDITIONS  
Owner: KOPPMAN S & C
- 2005/CB-00124 8 PRINCE OF WALES AVENUE SOUTH WEST  
ROCKS  
INSTALL ATM  
Owner: NEVILLE B & A
- 2005/CB-00125 701 SPOONERS AVENUE COLLOMBATTI  
ADDITIONS TO DWELLING  
Owner: MORRASEY N
- 2005/CB-00128 24 EAST STREET CRESCENT HEAD  
DECK  
Owner: WHEELHOUSE J
- 2005/CB-00131 14 BUNYA PINE COURT WEST KEMPSEY  
DWELLING  
Owner: GAYFORD D & J
- 2005/CB-00142 55 LIKA DRIVE SOUTH KEMPSEY  
DWELLING ADDITIONS  
Owner: SHANNON K C
- 2005/CB-00143 22 RUDDER STREET SOUTH WEST ROCKS  
TWO STREY DWELLING ADDITIONS  
Owner: REID R
- 2005/CB-00144 56-58 SMITH STREET KEMPSEY  
RELOCATION OF ATM  
Owner: D R & H PARKER
- 2005/CB-00147 38 GREGORY STREET SOUTH WEST ROCKS  
ADDITION - DECK  
Owner: WILLIAMS N
- 2005/CB-00149 Lot 106 DP848819 VERNON STREET SOUTH  
KEMPSEY  
DEMOLISH PART HOUSE AND ADDITIONS  
Owner: LAHEY P
- 2005/CB-00154 28 COCHRANE STREET WEST KEMPSEY  
GARAGE & DWELLING ADDITIONS  
Owner: BIELBY J
- 2005/CB-00156 7 YULGILBAR PLACE SOUTH WEST ROCKS  
3 TOWNHOUSES - 2 X 4 BEDROOM & 1 X 3 BEDROOM  
Owner: DIVALL & KEMP SUPERANNUATION FUND
- 2005/CB-00157 111 JOHN LANE ROAD YARRAVEL  
DWELLING ADDITIONS & ALTERATIONS  
Owner: BRODBECK S & L
- 2005/CB-00158 436 ARAKOOON ROAD ARAKOOON

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

2005/CB-00160 Lot 19 DP882846 WAIANBAR AVENUE SOUTH  
WEST ROCKS

TWO STOREY DWELLING AND POOL  
Owner: SALTWATER DEVELOPMENTS P/L

2005/CB-00161 343 GOWINGS HILL ROAD DONDINGALONG  
DWELLING

Owner: HERBERT S

2005/CB-00162 17 CREEK STREET FREDERICKTON  
GARAGE

Owner: GORDON R & N

2005/CB-00163 2 ROBINSON PLACE SOUTH WEST ROCKS  
DWELLING

Owner: MORLEY W & S

2005/CB-00167 19 HILTON TROTTER PLACE WEST KEMPSEY  
SINGLE STOREY DWELLING

Owner: SMITH P & L

2005/CB-00169 52-54 CARDWELL STREET ARAKOOON  
DWELLING ADDITIONS - ROOF OVER EXISTING DECK

Owner: WALDRON V

2005/CB-00170 337-383 RIVER STREET GREENHILLS  
SHED

Owner: BOOROONGEN DJUGUN ABORIGINAL  
CORPORATION

2005/CB-00171 3 DRUITT STREET SOUTH KEMPSEY  
SHED

Owner: ROBINSON T & R

2005/CB-00172 20 CAMERON STREET WEST KEMPSEY  
DEMOLITION & DWELLING ADDITONS

Owner: BALL T & M

2005/CB-00173 99 LIKA DRIVE SOUTH KEMPSEY  
DWELLING & SHED

Owner: WOODS B

2005/CB-00177 58-60 MACLEAY STREET FREDERICKTON  
3 BAY SHED

Owner: HEGGIE W J & J A

2005/CB-00180 998 PIPERS CREEK ROAD DONDINGALONG  
SWIMMING POOL

Owner: BENNETT H & J & S

2005/CB-00187 34 GREY GUM CRESCENT YARRAVEL  
DWELLING ADDITION

Owner: DICKINSON S & L

2005/CB-00189 31 WIDE STREET WEST KEMPSEY  
DWELLING ADDITIONS - PATIO COVER  
Owner: DEPT COMMUNITY HOUSING (WOMENS  
REFUGE)

2005/CB-00193 554 AUSTRAL EDEN OUTER ROAD AUSTRAL  
EDEN  
DEMOLISH SHED & REPLACE WITH NEW SHED AND  
CARPORT  
Owner: MILLARD JJ & Y M

2005/CB-00194 588 PLUMMERS LANE RAINBOW REACH  
INTERSECTION UPGRADING  
Owner: ODELL GRAHAM

2005/CB-00197 Lot 3 DP868181 JOHN LANE ROAD YARRAVEL  
DRIVEWAY CONSTRUCTION X 2  
Owner: SCOTT G & J & ELFORD A & L

Summary Type No

Construction Certificate Building 42

There were 42 Construction Certificate applications approved with 64% approved within 30 days.

As at 3 Jun 2005 206 applications are in the office awaiting a determination.

For the financial year to date there has been 467 applications with 74.5% approved within 30 days.

The number of applications in excess of 40 days is 51 and the range of days is 41 to 2367.

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	2
RC	Refer Council	1
XX	No Reason Given	3

2005. 401

**RESOLVED:**

*Moved: Cl. Bowell*

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*THIS IS PAGE 78 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.*

.....  
**MAYOR**

That the information be noted.



At this stage, 12.10pm, Councillor Gribbin retired from the Chamber and apologised for non-attendance at the remainder of the Meeting.



<b>DSDS11      STAFFING SUSTAINABLE DEVELOPMENT DEPARTMENT FILE: 584 RBP (NRN) {Folio No. 297705}</b>
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**SUMMARY:**

Reporting that due to several vacancies in Council’s Sustainable Development Department, a number of programs are likely to be delayed and reorganisation of staff responsibilities has been necessary.



Due to a nation-wide shortage of qualified and experienced Town Planners, Engineers and Building Surveyors and other regional and local factors, Council has been unable to attract and retain staff in several key positions.

As a result, a number of measures aimed at addressing these shortages are being implemented that have shorter-term implications for the provision of services that Council should be aware of.

***Health and Building Services***

Council’s Health and Building Services section is responsible to provide a range of environmental health and building services, including: -

- Processing DAs for single dwellings and sheds
- Processing Construction Certificates for all building developments
- Issuing Building Certificates
- Responding to environmental complaints/enquiries
- Renewing annual Caravan Park Licenses
- Renewing Public Entertainment Licenses
- Issuing Annual Fire Safety Certificates
- Processing Onsite Sewerage Management System applications
- Ensuring food shops are operating in accordance with regulations
- Ensuring development application conditions are enforced
- Processing Tree Preservation Order applications
- Acting as Principal Certifying Authority on developments
- Carrying out building inspections
- Issuing approvals under Section 68 of the Local Government Act

.....  
**MAYOR**

- Issuing of Occupation Certificates

To deliver these services Council employs the following staff resources: -

- 4 X Health and Building Surveyors
- 1 X Complying Development Officer
- 1 X On-site Sewerage Management Systems Officer
- 1 X Manager (also responsible for Ranger Services)
- 1 X Contractor - Building Inspections -Part time
- 1 X Contractor - Food Shop Inspections – Part Time (funded from inspection fees)

### Vacancies

Since September 2004, one of the Health and Building Surveyor positions has been vacant and Council was unable to attract any suitably qualified and experienced applicants within the salary range being offered.

The On-Site Sewerage Management Systems Officer recently resigned and applications for a replacement are being called.

### Management Response

In order to address these vacancies, the following measures are being implemented: -

- Two (2) Assistant Building Surveyors have been appointed to replace the Health and Building Surveyor position.
- A Clerical Support Officer has been appointed to one of the Assistant Building Surveyor positions and the clerical position will not be replaced. **Note:** Due to the resignation of the Strategic Planner, the responsibilities of one of the Assistant Building Surveyors will not be met until a replacement can be found as the appointed officer is assisting in a number of Strategic Planning projects.
- The loss of the clerical position will be offset by including most of the clerical duties in the new roles. **Note:** This has resulted in a nett saving to Council in both salaries and by the fact that no vehicles have been offered with the new positions.
- The Complying Development Officer has been utilised to approve Local Development Applications and Construction Certificates
- *DCP30 – Exempt and Complying Development* is being reviewed to encourage compliance with predetermined standards to reduce the resources required to assess minor development proposals.
- The three (3) remaining Health and Building Surveyors have been utilised to inspect and approve the operation of on-site sewerage management systems, in addition to their other duties.

### Implications for Health and Building Services

1 Service levels in all functions of the section, including response to correspondence, are likely to continue to be restricted until the Assistant

Building Surveyors are able to be trained and utilised for building inspections and application assessment procedures.

2 The increased utilisation of Complying Development is likely to slow, compounding the effect of reduced resources by increasing the number of minor developments requiring the same level of assessment as more significant developments.

### **Planning Services**

Council's Planning Services Section is responsible to provide the following services: -

- Processing of DAs for all developments (other than single dwellings and sheds).
- Responding to complaints/enquiries relating to land use.
- Ensuring Development Application conditions are enforced.
- Issuing Planning Certificates
- Undertaking Strategic Planning
- Carrying out subdivision inspections
- Issuing of Roads Act Approvals
- Issuing approvals under Section 68 of the Local Government Act
- Release of Subdivision Certificates

To deliver these services Council employs the following staff resources: -

- 2 x Development Control Planners
- 1 x Town Planning Compliance Officer
- 2 x Development Engineers
- 1 x Strategic Planner
- 1 x Planning Manager

### **Vacancies**

As Council would be aware, the Strategic Planner position is currently vacant. Despite extensive advertising, no suitable replacement has been found.

Although vacant for some time, the Town Planning Compliance Officer position has recently been filled, however, training in relevant procedures will be necessary.

The Strategic Planner position is responsible for the following functions:-

- Coordination of Council's
  - Heritage Committee,
  - Kempsey Town Centre Master Plan Committee
  - South West Rocks Town Centre Master Plan Committee
  - Land Release Taskforce Committee and
  - DCP 22 Review Committee
- Issuing of Planning Certificates
- Processing rezoning applications for
  - Saltwater Developments, South West Rocks
  - Ex Oil Terminal site, South West Rocks
  - Beranghi Road Community Title Subdivision, Crescent Head
  - Millards, Gladstone
  - Mitre 10 – Commercial Smith Street
  - Thurgoods – Industrial land, South Kempsey
  - Crescent Head Expansion

- Amendment for DCP 30
- Frederickton expansion
- KLEP 2005 Major Amendment
- Parking Study
- Point Plomer Road LEP
- Open Space Strategy for SWR
- Residential Land Release Strategy review
- Rural Land Release Strategy review
- Spencerville/New Entrance Master Plan (Distributor Road)
- Shire Heritage Study
- Review of Kempsey Town Centre Master Plan
- South Kempsey Industrial Land Strategy
- Section 94 plan preparation and review

### **Management Response**

In order to address this vacancy, the following measures are being implemented: -

- With the exception of a number of minor LEPs which have been handed to the Development Control Officers, the Planning Manager has taken over all responsibilities and projects previously undertaken by the Strategic Planner.
- One of the Assistant Building Surveyors is been utilised to finalise the demographic modelling required for the Residential and Rural Land Release Land Release Strategies.

### **Implications for Planning Services**

1 As there are insufficient resources to absorb the functions of the Strategic Planner, prioritisation has been necessary on the basis of the expectations of the community and of the need to ensure that the economic development of the Shire does not suffer. Accordingly, with the exception of the DCP 22 Review Committee, no meetings of the other Committees of Council for which the Strategic Planner is responsible to coordinate will be scheduled unless an item of urgency arises.

2 The rezonings for Saltwater Developments and the ex Oil Terminal Site at South West Rocks are likely to be delayed as both require consideration of draft Local Environmental Studies which have been prepared by consultants to ensure integration with the draft Saltwater Creek Estuary Management Plan and Flood Study, all of which are interrelated.

3 Coordination of the Shire Heritage Study will be undertaken by the Economic Development Manager which, in turn, will impact on other activities related to economic development.

4 The rezoning applications for Thurgood, Beranghi Road and Crescent Head expansion will be stalled

5 No progress will be made on the Parking Study, Residential or Rural Land Release Strategy reviews

6 All other functions and projects will continue, however, delays can be expected.

## **Environmental Project Services**

Council's Environmental Projects Services section is responsible to provide the following services:-

- Coordination of the Macleay River Flood Plain Project, including preparation of plans of management related to rehabilitation of the Macleay River Flood Plain.
- Coordination of works required by the various plans of management.
- Monitoring of the environment to meet Department of Environment and Conservation (DEC) requirements and to ensure water quality parameters are met.
- Preparation and implementation of Council's State of the Environment Report.
- Coordination of environmental works related to Council's infrastructure.
- Coordination and implementation of Council's Ecologically Sustainable Development Policy.

## **Vacancies**

On the 25th May 2005, Council's Environmental Projects Coordinator ceased employment with Council to take up a position with an environmental consultancy.

The Environmental Projects Coordinator's position involves:-

- Preparation and implementation of Council's State of the Environment Report.
- Coordination of environmental works to improve environmental conditions at Council's current and ex landfill sites, saleyards and depot.
- Gills Creek Restoration program.
- Environmental auditing of Council facilities to meet DEC requirements.
- Coordination and implementation of Council's Ecologically Sustainable Development Policy.
- Co-ordinating Council's Ecologically Sustainable Development Committee (Agenda 21 Committee).

## **Management Response**

*It should be noted that the current position responsibilities have altered significantly with environmental projects relating to Council's infrastructure having been either completed or nearing completion. As a result of completion of these environmental works, the role will involve -*

- *Coordination of environmental projects,*
- *Monitoring of the State of the Environment indicators,*
- *Preparation of the annual State of Environment Report,*
- *Environmental auditing, and*
- *Coordination of the Agenda 21 Committee.*

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**THIS IS PAGE 83 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.**

.....  
**MAYOR**

As a temporary measure the monitoring and reporting component of the position will be undertaken by the Waste Management Coordinator or by consultants.

### **Implications for Environmental Project Services**

1 With this resignation and the current vacancy of the Strategic Planner's position, Council does not have the capacity to service the Agenda 21 Committee, which may be delayed pending appointment of a suitable replacement.

2 Depending on the qualification and experience of applicants, other environmental reporting functions of the role may need to be undertaken by consultants in order to meet Council's obligations to the DEC.

#### **REPORT IMPLICATIONS:**

- **Environmental**

*The level of environmental services provided is likely to be restricted pending replacement of several key positions within the Sustainable Development Services Department.*

- **Social**

*Nil*

- **Economic (Financial)**

*If the position of Strategic Planner remains vacant for an extended period, opportunities for economic development may be reduced.*

- **Policy or Statutory**

*Council's ability to satisfy statutory obligations may also be reduced due to the shortage of staff resources.*

2005. 402

**RESOLVED:**

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

That the information be noted.

<b>DSDS12</b>	<b>SUBDIVISION OF LOT3 DP 831419 WILLI WILLI ROAD, MOPARRABAH FOR I &amp; D FLOOD FILE: T6-04-411 AJC</b>	<b>{Folio No. 297706}</b>
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**SUMMARY:**

Reporting on a written submission from the owner of the property questioning the amount of the Section 94 Contribution towards upgrading of Willi Willi Road required in relation to a subdivision.

◆◆◆◆◆

Applicant: Laundry and Beukers Pty  
Subject Land: Lot 3 DP 831419, Willi Willi Road, Moparrabah  
Owner: Mr I and Mrs D Flood

## History

The development application was lodged on the 17<sup>th</sup> July 2004 to create four rural allotments.

The proposal is to subdivide Lot 3 DP 831419 into four rural allotments as shown in the plan attached to this report. [\(Appendix X\)](#)

The subject property is located at 2624 Willi Willi Road, Moparrabah as shown in the plan attached to this report. [\(Appendix Y\)](#)

Council issued a conditional development consent on the 18<sup>th</sup> October 2004 after the NSW Rural Fire Service issued a Bushfire Safety Authority notice received by Council on the 11<sup>th</sup> October 2004.

The applicant applied on the 10<sup>th</sup> November 2004 to modify the development approval to vary condition 7 only so an appropriate right of way benefiting proposed lot 1 and burdening proposed lot 2 could be created. A modified development approval was issued on the 18<sup>th</sup> November 2004.

The owners of the subject property lodged a letter, received on the 6<sup>th</sup> January 2005, requesting Council review condition 5 of the development consent imposed by the NSW Rural Fire Service with a view to deleting this condition which related to bushfire protection measures. As the NSW Rural Fire Service imposed this condition, any review would need to be undertaken by the Service in the first instance. Council forwarded the owners submission to the NSW Rural Fire Service on the 10<sup>th</sup> January 2005.

In addition to this the owners also verbally requested Council review condition 11 which required a road upgrading contribution for Willi Willi Road of \$19,230 x 3 = \$57,690 (Indexed 2004/2005).

Council received the NSW Rural Fire Service review on the 18<sup>th</sup> April 2005. The Service agreed to delete its condition shown at condition 5 of the development consent.

Council wrote to the owners regarding the review of the Section 94 road Upgrading Contribution on the 13<sup>th</sup> April 2005 and stated that the review was undertaken in accordance with the current Section 94

Rural Roads Contribution Plan and that the rate per additional allotment would be \$19,182, i.e.  $\$19,182 \times 3 = \$57,546$  (Indexed 2004/2005).

A meeting was convened at the applicant's request on the 21<sup>st</sup> April 2005 to discuss the contribution rate contained in Council's letter of the 13<sup>th</sup> April 2005. At that meeting the owner was informed that the \$19,182 was the rate per allotment that would be used and that an Application to Modify a development consent and associated fee would need to be lodged.

The owners were invited to submit an Application to modify their development application on the 21<sup>st</sup> April 2005. The application to modify the development consent was lodged by the applicant (Laundry and Beukers Pty Ltd) on the 2<sup>nd</sup> May 2005 and Council issued the Notice to modify a development application on the 13<sup>th</sup> May 2005.

The applicant has lodged a further request for the contribution rate to be reviewed.

#### Owners Submission

A copy of the owner's submission is appended to this report. [\(Appendix Z\)](#)

#### Discussion

The original contribution rate prepared for the 18<sup>th</sup> October 2004 conditional approval was determined by applying the CPI Index sourced from the Australian Bureau of Statistics to a previously calculated contribution rate for Willi Willi Road. The rate determined was \$19,230 per equivalent tenement. In January 2005 Council agreed to review the contribution rate levied by undertaking a calculation of the contribution based upon the formula described in the Section 94 Plan for Rural Roads for Willi Willi Road. Council wrote to the owner of the subject property on the 13<sup>th</sup> April 2005 stating that the review process was complete and that the rate applicable is \$19,182 per equivalent tenement for 2004/2005 (indexed).

At the meeting of the 21<sup>st</sup> April 2005 it was explained to the owner that the contribution rate was calculated using the current Section 94 Plan for Rural Roads.

The time taken (in excess of 3 months) for the NSW Rural Fire Service to review their conditions in this instance in respect to the Bushfire Safety Authority issued is outside Council's control. Current legislation requires a Bushfire Safety Authority to be issued by NSW Rural Fire Service prior to the issue of the development consent.

The rate determined using the Current Section 94 plan for Willi Willi Road is fair and any move to artificially reduce this rate will cause a precedent that will place an unnecessary financial burden upon council with development not meeting its apportioned share of the burden for the upgrading of this section of Council road.

**REPORT IMPLICATIONS**

- *Environmental*

*None relevant to the review of the contribution.*

- *Social*

*If there is a substantial reduction in the developer contributions then there will be a cumulative impact in relation to the ability of the Council to adequately service this and or similar rural catchments.*

- *Economic*

*Any move to reduce the developer contributions outside the framework of the current Section 94 Rural Road Contribution Plan will place a substantial additional financial burden on Council.*

**Director Sustainable Services Department Recommendation:**

**That Council advise the applicant that the Section 94 calculation was determined in accordance with the current Section 94 Rural Roads Plan and that the current rate for Willi Willi Road for 2004 / 2005 is \$19,182.**

2005. 403

**RESOLVED:**

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

1. **That Council advise the applicant that the Section 94 calculation was determined in accordance with the current Section 94 Rural Roads Plan.**
2. **That the Director be encouraged to negotiate, within the policy, with the applicant for a contribution to be determined.**

## **DIRECTOR SHIRE SERVICES REPORT**

**DSS1**

**STREET SWEEPING SERVICE**

**FILE: 140 WJL (NRN) {Folio No. 297707}**

## **SUMMARY:**

Reporting on the environmental implications of reducing the Street Sweeper Program.



Council, at its meeting of 18<sup>th</sup> January 2005 resolved:

“That a report be prepared for Council’s consideration in conjunction with the 2005/06 draft budget, in respect to the comparative costs of the cleaning of street gutters within the streets of the Shire compared to the ultimate damage to roads with the over spill of stormwater due to blocked gutters as well as the long term environmental damage to the waterways.”

Local governments may sweep streets to prevent contaminants from vehicles from reaching surface waters. While many local governments may sweep the streets to improve community aesthetics or as part of combined sewer or storm water programs, street sweeping is also an effective tool in protecting water resources.

Contaminants typically found on streets include the following:

- Particulates from local soil erosion
- Nitrogen and phosphorus from local plants and soils
- Phenolic compounds from wear of asphalt street surfaces
- Grease, petroleum, n-paraffin, and lead from vehicle leaks and spills
- Lead, zinc and asbestos from tire wear
- Asbestos, lead, chromium, copper and nickel from clutch and break lining wear.

Street sweeping protects surface waters by removing solids such as sand, debris, and litter that would otherwise be transported to the surface water during a rain event. Street sweeping also prevents contaminants that may be absorbed by sand and debris from reaching surface water.

Apart from the aesthetic reasons for sweeping the streets, regular sweeping removes the build up of weed growth along kerbs, reduces expensive road maintenance and minimises drainage gully blockage by removing the build up of sand and leaves.

In addition to the regular sweeping program, attendance is required at fuel and oil spills, broken glass, sand drift and vehicle accidents.

Increasing use of the sweeper is being made by the roadwork crews to clean up after each completed project and frequent use is necessary at road resurfacing works and where road operations are undertaken.

Roads are cleaned on a continuous basis and in addition any shopping centre car parks are swept on a weekly basis. During winter months particular attention is focused on areas where rain washes material on to the roads and at drainage low points where material accumulates. The current sweeping program sees the majority of main streets in Kempsey Shire being swept as per a Works Schedule. [\(Appendix A\)](#)

This schedule incorporates sweeping in Kempsey, South West Rocks and Crescent Head. Additional street areas are done on a request basis, along with Private Works jobs.

The program incorporates the sweeping of main thoroughfare areas and central business districts of the towns, sweeping of carpark areas such as IGA and Big W and daily sweeping of the Kempsey CBD area.

It should be noted that the operator also undertakes duties as part of the Trade Waste Service and also acts a relief staff member during periods of leave.

In 2004 / 05 budget, \$132,750 was allocated for street sweeping activities, \$95,000 of which was allocated for direct collections costs (Labour and Plant)

Since the development of Key Performance Indicators, average service levels have been constant, at about 2000 km per month, with additional private works being sourced as a supplemental income stream. This additional stream of income is generated from works for commercial businesses such as Pioneer, Big W, Boral and for works such as sub-divisions and road patching.

Over the past few years, the number of streets included in the sweeping program has been reduced. While once most residential streets were swept routinely, many have now been removed from the schedule and are only swept on an as-needs basis. These are usually done following a report of broken glass or blocked drains.

The reduction in residential sweeping impacts on the amount of material finding its way into the stormwater system. Rather than removing the material from the road and gutter system, it is left to the installed Gross Pollutant Traps (GPT's) or other screening systems to prevent the material finding it way into the water system.

Recently a number of GPT's at South West Rocks and Crescent Head were inspected and cleaned by the Works crew. The type of material collected in the GPT is evident in the included photo [\(Appendix B\)](#).

Much of this material could have been removed through the implementation of a more regular street sweeping program.

All roads within Kempsey Shire that have kerb and guttering are also sealed. Should these gutters not be cleared regularly and become blocked, stormwater spillage will occur. Prolonged exposure to excess stormwater caused by block drains could lead to a number of problems. These include: the lifting of the seal itself, impregnation of the pavement causing road

failure, twisting of the kerb and gutter infrastructure, damage to sub-grade; and flooding of properties due to water runoff.

**REPORT IMPLICATIONS:**

▪ ***Environmental***

*The sweeping of streets is seen as a proactive approach to minimising the amount of litter and debris that ultimately finds its way into the stormwater system and also to prevent blockages in the drainage system during high rainfall events.*

▪ ***Social***

The provision of a sweeping program for the urban areas of the shire reduces the amount of litter and improves the aesthetics of the town. Visitors and residents appreciate that the streets and gutters are cleared of debris on a regular basis and that Council are providing a service that not only improves aesthetics, but assists in the protection of the waterways.

▪ ***Economic (Financial)***

For the 2005/06 year, \$135,500 has been allocated to the provision of street sweeping activities.

• ***Policy or Statutory***

*There are no Policy or Statutory implications arising from this report.*

▪ ***Director's Review***

*As per the report*

2005. 404

**RESOLVED:**

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

That the information be noted.

<b>DSS2</b>	<b>KERBSIDE WASTE COLLECTION</b>
<b>FILE: 141 WJL (NRN)</b>	<b>{ Folio No. 297708 }</b>

**SUMMARY:**

Reporting on the cost of an annual Shire wide large domestic items rubbish cleanup.



Council, at its meeting of 18<sup>th</sup> January 2005 resolved:

*"That a report be brought forward on options for the clean up of large domestic rubbish items and Council include for consideration in the 2005/06 budget, the cost of a shire wide large domestic items rubbish cleanup."*

In 2002, Council undertook a kerbside rubbish collection service in the villages of Frederickton, Smithtown, Gladstone, Hat Head and Kinchela.

This collection resulted in approximately 190 truckloads of material, weighing over 225 tonnes to be collected and disposed of at the Kempsey Waste Reveal and Disposal Facility, at a cost of almost \$50,000. (Collection and Disposal costs).

#### Current waste service

Council provides a weekly collection of domestic waste from 9960 premises within the Shire, fortnightly collection of domestic waste from a further 1350 premises. The remaining premises within the Shire receive no collection of domestic waste.

Council staff operate a landfill at Crescent Head Road, Kempsey, Transfer Stations at South West Rocks and Stuarts Point and provides a contractor operated Transfer Station at Bellbrook for customer delivered domestic waste.

Council also provides 8 contractor-serviced drop off centres for recyclable materials from domestic premises at an annual cost of \$63,000.

From time to time KSC has also provided a 'kerbside' collection of larger unwanted domestic items.

#### Fees and charges

The annual charge for waste covers the collection services.

Material delivered to the landfill attracts a fee as specified in the Schedule of Fees & Charges.

No charge is levied at the recyclable centres.

No additional charge is levied for the 'kerbside' collection.

There are ratepayers who do not receive, or pay for, a domestic collection but then pay for the correct disposal of their waste at a landfill or transfer station.

There are many residences that do not receive a 'kerbside' collection.

## Limitations

The spread out nature of most areas of the Shire makes it uneconomic to provide a weekly collection of domestic waste to all residences.

## Funding

In the KSC Budget of 2004/05, \$12,000 was allocated to the provision of community cleanups in the Shire. These funds have been expended on cleaning up 20 separate reports of rubbish build up and illegal dumping.

## Proposed alternative to 'kerbside' collection

It has been suggested by some ratepayers and has been provided by some other Local Authorities, that a system of vouchers be provided to enable every resident to take the materials to a disposal point at no charge.

The main points of this type of proposal are:

- Every residence which currently receives a domestic collection, is to receive two vouchers per year – one for green materials and one for mixed materials
- Every residence which does not currently receive a domestic collection, is to receive four vouchers per year – two for green materials and two for mixed materials

## System conditions

There are to be some conditions that would need to be applied to the system.

- The green material voucher is to be for this type of material only so that the materials can be included in the current green material recycling system;
- The material within the mixed load should be separated into components that can be incorporated into the current metal, green / timber and resalable item recycling system;
- The maximum weight that will be accepted for each load is to be 250 kg;
- Only one voucher will be accepted per load;
- The voucher cannot be redeemed or used for payment of any other KSC account;

- Vouchers will not be replaced if lost or misplaced;
- Any weight in excess of 250 kg may be charged at scheduled disposal fees;
- The voucher is to be redeemed at the time of disposal;
- Vouchers are not transferable; and
- Proof of eligibility may be required.

Distribution of vouchers

The vouchers would be distributed with future Rates Notices.

Some advice may have to be given to the Ratepayers to cover the conditions of the system.

Advantages to KSC

There are some advantages to KSC by the implementation of this alternate system:

- Provision of an available service for all ratepayers;
- The disposal of the material to the landfill and transfer stations will be spread over the year rather than during a short period;
- It will enable more of the materials to be separated into the recycling system, rather than just dumped in mixed loads on the tip face

Cost implications

The cost of implementation of the scheme is assessed as follows:

▪ Print vouchers	\$1 000
▪ Distribute vouchers	\$1 500
▪ Community information	<u>\$1 500</u>
▪ TOTAL	<u><b>\$4 000</b></u>

The likely foregone income for disposal is assessed as follows:

▪ Maximum amount that could be delivered	
1130 @ 500 kg	5 650 t
1000 @ 1000 kg	1 000 t
SUB TOTAL of weight	6 650 t
assume only 50% of max load	3 325 t
assume only 40% redemption	1 330 t
1330 t @ \$65.35 /tonne (at scheduled fees)	\$87 000

TOTAL

**\$87 000**

The initial consideration of these figures indicates that the cost of provision of this service may be about \$75, 000 above current budgeted funds.

However, no allowance has been taken for the cost of management of the current scheme that required coordination of trucks, front-end loaders and workers.

This system of addressing additional waste services to the community reduces the manual handling issues associated with bulky waste pickups and also the risk of exposure to council staff of hazardous chemicals and wastes that may be put out for collection.

**REPORT IMPLICATIONS:**

▪ ***Environmental***

*The provision of tipping vouchers will allow ratepayers to dispose of materials that are unable to be collected using the domestic collection service.*

*The option of residents to take their bulkier items at no disposal cost will assist in reducing the amount of illegal dumping of materials and also reduce the impact on the natural environment from cars and hazardous components that may be in the dumped materials.*

▪ ***Social***

*People are inclined to save material on their properties until the amount warrants removal.*

*It would be expected that the first year of the program would see the majority of vouchers redeemed, in an effort to "spruce up" properties. The perception of this program would be that Council are assisting residents to keep their local environments tidy, without incurring the risk of manual handling, OH&S issues and increased labour and plant costs.*

▪ ***Economic (Financial)***

*To implement the voucher program will cost \$4000 direct costs for the establishment, printing and distribution of the vouchers and an indirect cost of a decrease in tipping income of \$87,000 for the first year. It would be expected that following the initial year, materials currently stored at properties would decrease and would reflect in the number of vouchers being used by the resident.*

- *Policy or Statutory*

There are no implications from this report.

- *Director's Review*

*Considering all of these matters, Council may like to consider a voucher system to be implemented on a two year trial basis. Additional funds will need to be provided in the 2005/2006 Budget.*

Director Shire Services Recommendation:

For Council's determination.

2005. 405

**RESOLVED:**

*Moved: Cl. Hunt  
Seconded: Cl. Saul*

That this matter be deferred until after lunch.



At this stage 1.04p.m. the Meeting adjourned for Luncheon and upon resumption at 2.10p.m. all present at the adjournment were in attendance.



2005. 406

**RESOLVED:**

*Moved: Cl. Hunt  
Seconded: Cl. McWilliam*

That the matter of the vouchers for hard waste be deferred until 2006 and the Director be requested to provide a report on extending domestic waste services for the September 2005 meeting.

The Mayor noted that the foregoing resolution was passed unanimously.



<b>DSS3</b>	<b>PROCESSING OF DRY RECYCLABLES</b>
<b>FILE: 647 WJL</b>	<b>{ Folio No. 297714 }</b>

**SUMMARY:**

Reporting on a proposal for processing of recycled material.



Kempsey Shire Council has been asked to sign a Memorandum of Agreement between Hastings Council and Kempsey Shire Council, committing Kempsey Shire Council to provide a minimum of 2,200 tonnes per annum of dry recycle for processing at the proposed Materials Recovery Facility (MRF) to be built at Cairncross.

At its meeting conducted in January 2005, Hastings Council endorsed the process of tendering for the processing of dry recyclables, the establishment of a Materials Recovery Facility (MRF) at the Cairncross Waste Management site and for the processing of recyclables at the facility as received from Kempsey Shire Council.

Tender documents were prepared and tenders called for a build, own, operate and transfer (BOOT) processing facility where the tender document would:

- guarantee the supply of 9,900 tonnes per annum to the facility (2,200 tonne pa from Kempsey Shire Council and 7,700 tonne pa from Hastings Council)
- seek prices per tonne for processing without risk sharing
- seek prices per tonne including risk sharing
- seek prices per tonne for contract periods of 10 years plus 2 year option and 12 years plus 2 year option.

To oversee the process, a Procurement Officer was appointed to perform the role of Probit Officer and a comprehensive probity plan was prepared by Hastings Council.

A Memorandum of Agreement has been drafted between Kempsey Shire Council and Hastings Council whereby the total minimum quantities of recyclables (9,900 tonnes per annum) would be guaranteed during the term of the processing contract.

In order for the MOA to be signed, Council would need to be advised as to the identity of the successful tenderer and the processing rate per tonne. The probity plan required confidentiality agreements to be signed by all parties to whom restricted information may be given. This included all relevant council staff that will have input and access to the tender information.

At the close of the tendering period, three conforming tenders and one non-conforming tender were received. The conforming tenders were submitted by Thiess Services, Remondis (formally Rethmanns) and J R Richards & Sons. The non-conforming tender was received from Cleanaway.

The tender evaluation panel met for its first meeting within a week of the close of tenders and provided conditional scoring to the weighted criteria for each conforming tender. Clarification was needed for

some elements of the various tenders and questions were subsequently issued to the tenderers. J R Richards & Sons were invited to attend the next evaluation panel meeting, as greater detail was sought from the Richards tender.

Subsequent to the first evaluation panel meeting and prior to the second panel meeting, Mr Ken Richards representing J R Richards & Sons contacted Hastings Council advising of a mistake in their pricing schedules that has become evident from a review of their pricing spreadsheets.

Hastings Council advised Mr Richards that this matter should be presented to the next meeting of the evaluation panel where Mr Richards was to appear in relation to clarification of the J R Richards tender. At that evaluation panel meeting, Mr Richards explained the circumstances of the error and subsequently sent a letter of explanation to Hastings Council, including the revised schedule of rates.

**Legal opinion** - the matter of the pricing error and revised schedule of rates was discussed with solicitor Mr Justin Levido of Donovan Oates Hannaford. Mr Levido offered the opinion that Council can accept revised schedule of rates during the tender evaluation period if it believes a genuine error has occurred, or can request the tender be withdrawn and not considered.

In his written advice of the pricing error, Mr Richards explained that the same mistake had occurred in his MRF tenders for Orange City Council and for Coffs Harbour City Council, which had been prepared at the same time as the Hastings tender. Confirmation has been received from representatives of Orange City Council and Coffs Harbour City Council that this was indeed the case. The evaluation panel was satisfied that a genuine mistake had occurred and included the J R Richards tender for further consideration.

Evaluation panel members have inspected MRFs at Sommersby and Thornton that were promoted by the tenderers as similar facilities to that which would be constructed at Cairncross. The panel has also taken into account the responses from tenderers to questions resulting from the examination of their tenders.

Final scores have now been given to the weighted selection criteria and these appear in the attachment.

The J R Richards & Sons tender received the highest score and was consequently recommended to Hastings Council for acceptance.

***REPORT IMPLICATIONS:***

- ***Environmental***

*The implementation of "Best Practice" waste management services to Kempsey will assist in assuring environmentally sustainable practices in relation to waste collection and disposal within the Shire. With the introduction of a kerbside recycling program, much material (estimated at over 2000 tonnes per year) can be diverted from landfill, increasing the tipping life at KWR&DF and reducing the effect of land-filling on the neighboring environment.*

*The collection and processing of recyclates will increase the amount of materials available for reuse and recycling, reducing the amount of virgin feedstock and energy required for the manufacture of new goods.*

▪ **Social**

*In the Community Satisfaction Survey conducted in March 2004, priority scores were developed for the 34 Council services or facilities. Of these, the provision of recycling facilities was identified as the highest priority due to the high importance but low satisfaction rate of the community surveyed.*

*The community's expectation would be to receive a waste service of a standard similar to that received in other council's, particularly the neighbouring one of Hastings. There would also be an expectation that an increase in the level of waste services being offered would come at an increased cost. The cheapest option would be to continue with the current service levels. However this is not seen as being in the best interests of the community and does not assist in the promotion of State and Federal programs of waste reduction and increased resource recovery.*

▪ **Economic (Financial)**

*In considering the financial implications of the tenders, the evaluation panel examined the combination of options involving the term of the contract, risk sharing or non-risk sharing and on site glass fines processing. The most cost advantaged combination was for a 12 year contract with risk sharing and including on-site glass fines processing.*

*The attachment provides a comparison of J R Richards & Sons and Thiess Services annual cost of services based upon the aforementioned combination. The cumulative cost comparison over the term of the contract is substantial and has been determined including materials input growth over the contract term.*

*\* Note: Risk sharing refers to the establishment of benchmark \$ values for a range of recycled commodities and the gain or loss be shared between Council and the Contractor should the marketable value of the commodity vary from the benchmark.*

▪ *Policy or Statutory*

There are no planning and policy considerations.

▪ *Director's Review*

*Council needs to commit to the introduction of kerbside recycling collection in 2006 and to commit now to join Hastings Council in its new Materials Recovery Facility (MRF) to be constructed at Cairncross.*

*Should Council not commit, it risks the loss of the opportunity to join with Hastings and will then need to establish its own MRF, at considerable cost.*

Director Shire Services Recommendation:

1. That kerbside recycling be introduced in Kempsey Shire in July 2006.
2. That a Memorandum of Agreement committing Kempsey Shire Council to providing a minimum of 2,200 tonnes of recyclables per annum during the term of the processing contract be approved.
3. That Tender price part B (with risk sharing and including on site glass fines processing) as tendered by J R Richards & Sons for a period of twelve (12) years at a price of \$70.7023 per tonne (based on 5-10% contamination) be accepted for Kempsey Shire.

2005. 407

**RESOLVED:**

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

1. That kerbside recycling be introduced in Kempsey Shire in July 2006.
2. That a Memorandum of Agreement committing Kempsey Shire Council to providing a minimum of 2,200 tonnes of recyclables per annum during the term of the processing contract be approved.
3. That Tender price part B (with risk sharing and including on site glass fines processing) as tendered by J R Richards & Sons for a period of twelve (12) years at

a price of \$70.7023 per tonne (based on 5-10% contamination) be accepted for Kempsey Shire.

4. That an education program to be implemented as soon as possible.

**DSS4 SWIMMING POOLS**  
**FILE:460 COPY:608 WJL (NRN) {Folio No. 297715}**

**SUMMARY:**

Reporting on the 2004 / 2005 swim season at Kempsey and Crescent Head Pool.



Council, at its ordinary Meeting of 15th July 2004, resolved that-

*"Tenders be invited for the lease of each of the Shire's 4 swimming pool complex for a period of three (3) years, commencing the 2004/2005 swimming season."*

Council, at its ordinary Meeting of 1<sup>st</sup> September 2004, further resolved that-

*"Council accept the tender submitted by Rob Marchment and Mason Marchment for the lease of the Crescent Head Swimming Pool Complex and that Council accept the tender submitted by Swimwell P/L for the lease of the Kempsey Swimming Pool Complex."*

Commencement of the leases at Crescent Head and Kempsey commenced in September 2004 and concluded for the season in March 2005.

**McElhone Memorial Pool**

During this time, Swimwell targeted three (3) main areas at the McElhone pool:

1. Smooth transition into facility management
2. Specific programme initiation
3. Service to Clientele

The implementation of a more consistent pricing structure and hours of operation, together with excellent relations with Council officers, resulted in Swimwell's approval across the clientele base with a positive outlook to future management of the complex. Liaisons with the indigenous people and their representatives were seen as benchmark indicator.

With the delay in the re-commissioning of the 25m pool, a negative impact to the programmes was seen. However swimming squad, Learn to Swim and aquarobics exceeded expectations in the time frame.

Positive comments across the clientele base were indicative of the effort directed at servicing all users. The aesthetic improvements were warmly welcomed and commented on, along with water quality. Consistent return attendances bolstered staff enthusiasm although real attendance was down on targets.

The joint venture between Swimwell and KSC to provide sheltered areas is nearing completion and will see positive usage from all clientele groups. Council is already benefiting from professional management of the facility, clearly seen in the significant saving in chlorine usage of over 50% from the previous season. The introduction of "active" type water play apparatus in the 2005/056 season will further enhance the facility overall.

Swimwell looks forward to further discussions regarding the future of the complex and building on the already good working relationship with KSC. This relationship will only enhance the services available and the strategy of building quality goodwill in the long term.

***Crescent Head Pool***

2004/05 season for Crescent Head Swimming Pool has seen a number of improvements including the completion of the multi purpose room, external facade upgrade and continuing high levels of patron services.

The decision to award the lease to R Marchment has resulted in improved community support and had minimised any issues associated with the hand over of the operations from Council staff to the lessee.

***REPORT IMPLICATIONS:***

▪ ***Environmental***

***There are no environmental implications from this report.***

▪ ***Social***

***The decision to lease the swimming pools has been welcomed by the community and, considering the improvements made over the last season, it would be expected that further benefits will be seen in the future as additional programs and services are provided at both complexes.***

▪ ***Economic (Financial)***

***There are no economic implications from this report.***

▪ ***Policy or Statutory***

***There are no implications from this report.***

▪ ***Director's Comment***

***It is pleasing to see not only community acceptance of the new management structure but also an improvement of service levels to the community.***

RESOLVED:

Moved: Cl. Hunt  
Seconded: Cl. Green

That the information be noted.

**DSS5 SEWERAGE PRICING POLICY**  
**FILE: 455 GRP (NRN) {Folio No. 297716}**

**SUMMARY**

Reporting on the protocols for the allocation of discharge factors under the Proposed Sewerage Pricing Policy.



*Council resolved at its 10 May 2005 meeting to include new user-pays sewerage pricing (including trade waste) in the 2005/6 Management Plan.*

*Part of this pricing system is an allocated Discharge Factor for non-residential properties, which relates to the type of business being operated at the premises. Some premises have multiple businesses operating from the one water service and therefore allocation of a discharge factor can become complex.*

*Macleay Water has prepared a draft policy detailing protocols for allocation of discharge factors to these premises and procedures for variation of these discharge factors in special circumstances. This draft policy is attached as [\(Appendix C\)](#)*

**REPORT IMPLICATIONS:**

▪ **Environmental**

*As previously reported, the user-pays system provides incentive for more efficient water use, which results in less pressure on water and sewage treatment operations thereby reducing effluent discharges and energy consumption.*

*Allocation of discharge factors and protocols for the variation of discharge factors, whilst maintaining an equitable assessment, may also provide additional incentive for businesses to further refine processes to reduce water consumption and/or wastewater production.*

▪ **Social**

*In addition to the previously reported social implications regarding the removal of cross subsidies from the residential sector, the proposed policy provides fairness amongst non-residential customers in allocation of appropriate discharge factors.*

▪ *Economic (Financial)*

*Activities and businesses subject to the Proposed Sewage Pricing may have different processes and therefore significantly different wastewater production volumes. Furthermore, businesses classified under the same specific discharger category may exhibit significantly different wastewater volumes.*

*Protocol for variation to allocated discharge factors is essential to ensure equitable and objective assessment of applications for such variations. This flexibility is essential to ensure a true user pays system is sustainable and accepted as fair.*

▪ *Policy or Statutory*

*Incorporation of discharge factors and protocols for variations to discharge factors is considered essential in an effective and equitable user pays pricing, which, as previously reported, is a DEUS prerequisite for Best Practice Management of local water utilities.*

▪ *Director's Review*

*This policy is necessary to give staff clear guidelines in the allocation of discharge factors and Council is urged to adopt the recommendation.*

2005. 409

**RESOLVED:**

*Moved: Cl. McWilliam  
Seconded: Cl. Hunt*

That the policy for assessment of Discharge Factors in [Appendix A](#) be adopted for use in conjunction with the new sewerage pricing system.

**DSS6**

**HAT HEAD SEWERAGE**

**FILE: 217 DWH (NRN) {Folio No. 297717}**

**SUMMARY:**

Reporting on the operating and maintenance of the Hat Head sewerage system.



This report is provided following the resolution from the Council meeting and updates the previous report regarding operation and maintenance of the Hat Head Sewerage Scheme.

### ***Amenities Block – Hat Head***

The old Shower Block on the hill area of the caravan park has been connected to the sewerage system via a vacuum pot behind the cabins. This was not catered for in the design of the sewerage system and is contributing to overloading of that pot in times of heavy loading and rainfall. Another major source of flooding of this sewerage collection well is infiltration through gully traps from a number of site cabins in low areas in times of heavy rain. This results in failure of the sewerage vacuum system and flooding to campers camping in the area.

To resolve this problem two actions are needed:

1. The shower block should be re-connected to the large sewerage collection pit near the shelter shed, or alternatively to the collection pit over the road near the reception office.
2. Check valves installed on the cabin gully traps that are flood prone.

### **Sewerage Treatment Plant**

*United Kilpatrick Green visited the STP from the 03/05/05 to the 06/05/05 to finalise outstanding modifications to the plant and the following work was carried out:*

- *The replacement of all the hoses in the digester and sludge storage tanks.*
- *Cleaning out the carry over from the chlorine contact tank.*
- *Visual and physio-chemical testing of the basin diffusers.*
- *Continued process improvements on the plant.*

### **Sewerage Pumping Station.**

Airvac installed new Transfer Pumps and motors between the 03/05/2005 and the 06/05/2005 which are performing satisfactorily to date.

The new pump units now have an extension of 52-weeks defects liability period (DLP) for the pumps from the date of installation.

### **Dune Disposal.**

No current problems with effluent disposal to date.

**EPA License compliance.**

Results have been assessed to the 100<sup>th</sup> percentile of the EPA Licence operating criteria the results shown below:

	O&G	Ph	TN	TP	F Coli	NH4-N	TSS	BOD
23.03.05	0.50	6.50	19.84	0.88	1.00	0.02	6.50	1.00
5.04.05	0.50	6.78	8.18	0.58	1.00	6.10*	5.50	1.00
20.04.05	0.05	6.31*	3.37	0.69	1.00	1.16	11.00	1.00
3.05.05	0.05	6.32*	15.69	1.27*	1.00	8.30*	29.00	1.00
100%ILE	6.00	6.5-8.5	20.00	1.00	600.00	5.00	30.00	20.00

United Kilpatrick Green has investigated instances of non-compliance (indicated \*) with the primary cause of the non-compliant events being:

- Problems with Alum dosing mid – April.
- Pump station failure in May on several occasions starving the plant of flow for several hours.

**REPORT IMPLICATIONS:**

▪ **Environmental Implications**

*When completed and running efficiently the sewerage system will improve the environment of Hat Head.*

▪ **Social Implications**

*The moratorium on future development in Hat Head under DCP37 will continue until the sewerage system is fully functional.*

▪ **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.*

2005. 410

**RESOLVED:**

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

That the information be noted.

**SUMMARY:**

Reporting on the Interim Report of the NSW Road Classification Review Panel and its implication on Council's Regional Road Network.



In May 2004 both Council and the RTA were invited to make submissions to the Road Classification Review Panel to justify existing regional roads as well as proposing any new roads to be classified as Regional Roads.

Council made a submission in August 2004 proposing that the five existing Regional Roads remain as Regional Roads.

<u>Road No</u>	<u>Road Name</u>	<u>Sealed Length</u>	<u>Unsealed length</u>
MR75	Armidale Road	60.02	13.15
MR198	South West Rocks Road	36.16	
MR5560	Smithtown Road	4.00	
MR7737	Crescent Head Rd	18.37	
MR7740	Stuarts Point Road	<u>10.28</u>	
	<b>TOTAL</b>	<u>128.83</u>	<u>13.15</u>

An additional three other roads were submitted for inclusion as Regional roads.

- Local Road 121 – Plummers Lane
- Local Road 141 – Maria River Road
- Local Road 64 – Hickeys Creek Road, Billybyang Road, Sundowner Road, Taylors Arm Road.

Council currently receives a contribution from the RTA to maintain and improve Regional Roads in the form of a Block Grant. The amount of the Block Grant is determined by a formula, which uses road length, traffic volumes and bridge length as factors. Council's current funding allocation under the program is \$1,116,000.

The Interim Report proposes that, of the 3 additional roads submitted, only Plummers Lane will be supported.

Of the 5 existing Regional Roads, the section of Armidale Road west of Bellbrook and South West Rocks Road from Gladstone to Plummers Lane would revert to Local Road status.

This will have a significant impact on the allocation of funds under the Block Grant. It is estimated that there would be a reduction of

approximately \$200,000 annually in grant funds. These roads will need to be funded from within Council's existing rural road funding allocations.

An extract from the Interim Report states:

*"The Panel has taken a rather firm approach in arriving at its initial assessment. Proposals, particularly those seeking to raise the classification of a road, need to have demonstrated compelling arguments that the road meets the classification criteria in order to convince the Panel to propose agreement.*

*The Panel is aware that the current classification of many roads dates back to the 1920s at a time when motor traffic was very limited and there was an extensive network of low speed, low standard roads. With the upgrading of many arterial roads and despite past classification reviews, there remains some classified roads, particularly through difficult country, which may have been significant in the past but today remain as relatively low standard, low usage roads. Apart from some tourists, local ratepayers, and occasionally logging traffic, such roads do not fit the criteria for State or Regional Roads in the highly motorised economy now in existence.*

*The Panel acknowledges that there will never be enough funding, as called for by many stakeholders, to improve the vast length of roads in NSW. The Panel took the view that, given the limited funds available, a hierarchical network should be reinforced to encourage traffic to use the higher order network. Accordingly, where council's main argument supporting reclassification was that a road provided a short cut or an alternative route, the proposal has been rejected on the basis that the State needs to focus on the major network and encourage its maximum use rather than divert funds onto short cuts and low volume alternative routes. It is particularly necessary to encourage freight vehicles to use the arterial network in order to minimise road damage and safety impacts on other roads."*

The panel has requested Council's consideration of their initial position and has invited a formal response by 30 June 2005.

Armidale Dumaresq Council has requested Kempsey Shire Council's support for the retention of MR75 as a Regional Road.

It is recommended that Council support Armidale Dumaresq Council in retaining the full length of Armidale Road as a Regional Road, due to the increased financial burden that will be placed on Council, the importance of a direct link between the regional centres of Kempsey and Armidale and the potential of this route as upgrading occurs.

It is also recommended that Council seek to retain the total length of South West Rocks Road, due to the increased financial burden, as well as its regional importance as a direct southern link to Kempsey.

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**THIS IS PAGE 107 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.**

.....  
**MAYOR**

**REPORT IMPLICATIONS**

▪ ***Environmental Implications***

*There are no environmental implications from the following recommendation.*

▪ ***Social Implications***

*There are no social implications from the following recommendation.*

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

*Of the proposal in the interim report are adopted an additional amount of approximately \$200,000 will need to be funded from Council funds for maintenance of those sections of road that were formally regional roads.*

▪ ***Policy or Statutory Implications***

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

▪ ***Director's Review***

*Council relies heavily on the Block Grant to supplement its Road Funding and cannot afford any reduction. Council is urged to support the recommendation.*

2005. 411

**RESOLVED:**

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

That the Road Classification Review Panel be advised that Kempsey Shire Council support the retention of the full length of MR75 (Armidale Rd) and MR198 (South West Rocks Rd) as Regional Roads.

<b>DSS8</b>	<b>WEST KEMPSEY SEWAGE TREATMENT WORKS</b>
<b>FILE: 645</b>	<b>GRP (NRN) {Folio No. 297722}</b>

**SUMMARY:**

Reporting on the options for upgrading or replacing West Kempsey Sewerage Treatment Works.



## **Overview of the Treatment Works**

The West Kempsey Sewage Treatment Works (STW) accepts and treats sewage from the Kempsey area including the CBD north of the Macleay River. This also includes the Aldavilla and Greenhill areas west of Kempsey.

The STW consists of a trickling filter plant and a series of four maturation ponds. There are two distinct trickling filter plants onsite, which were constructed in 1939 and 1966. There have been various upgrades since 1966, which have included construction of the maturation ponds; a new inlet works and a final trickling filter humus clarifier.

The trickling filter plant removes the majority of the organic and suspended solids material from the sewage. The effluent from the trickling filter plant is disinfected by retention in a series of four maturation ponds. The trickling filter and maturation ponds act together to achieve a degree of nitrogen removal.

Final treated effluent from the STW is pumped from the last Maturation Pond to the Macleay River.

The STW is situated on North St adjacent to the Warwick Park Racecourse. There are residential areas along North St as close as 200 m from the boundary of the treatment works. The inlet works where raw sewage is received is relatively close (250 m) to the nearest residences.

## ***Overview of Issues with the Current STW***

Given the close location of the STW to residential areas in West Kempsey, there has been a history of odour complaints from residents adjacent to the STW. The inlet works is believed to be the primary odour source, however odour will emanate from other parts of the STW.

As well as the odour issue, listed below are other deficiencies with the STW:

- The effluent produced from the STW regularly breaches the EPA Licence maximum suspended solids limit during summer. Algae growth occurs in the maturation ponds, which has the effect of increasing the effluent suspended solids level as effluent travels through the ponds. Algae levels are higher during summer periods where the majority of licence compliance issues are experienced.
- Key parts of the STW are below the 1 in 100 flood level and are subject to flooding. This includes the humus clarifier, sludge storage lagoons and maturation ponds. The final effluent pump station is above flood level, however it will be surrounded by floodwaters and will not be accessible in the event of a flood.
- The inlet structures (i.e. screening, transfer pump station and secondary plant bypass) are hydraulically limited, which prevents all

storm water collected in the sewerage catchment from being conveyed to the STW. Currently, in extreme storms, part of the K6C Thompson St Pump Station flow needs to be pumped directly to the Macleay River.

- The brick walls on the 1939 trickling filter have significantly deteriorated and require renewal. Staff access for maintenance has had to be prevented for safety reasons.
- The covers on the 1939 anaerobic digesters have significantly corroded and require replacement.
- There are a number of OH&S issues with the STW, including a number of confined spaces which require regular entry, and a lack of hand rails and ladders around key parts of the trickling filter infrastructure.

### **West Kempsey STW Upgrade Strategy Report**

Hunter Water Australia (HWA) was engaged by Macleay Water to develop future augmentation strategies for the West Kempsey STW. A report, in August 2004, assessed a range of future augmentation strategies for both the current West Kempsey STW and a Greenfield STW at a new site.

HWA, through hydraulic, process and condition assessment, identified the aforementioned deficiencies. Also future target effluent concentration limits for compliance with the EPA concentration and load-based limits were established based on the report planning horizon (i.e. 2023). This was used as a basis to develop upgrade strategies which were assessed based on the whole of life cost of each strategy (i.e. assessment of capital, operations and maintenance costs) and non-cost factors.

### **Upgrade Strategies Assessed**

HWA assessed 12 STW upgrade strategies, which fell into the following two categories:

- Retain the existing STW and significantly upgrade it to meet the EPA effluent quality requirements and resolve odour, hydraulic, flood, asset and OH&S issues.

- Acquire a new site, construct a Greenfield STW and decommission and demolish the existing STW.

Construction of a new STW on the existing site was not considered feasible due to land constraints.

A preferred site had been previously identified by Council for a new STW, which includes a parcel of land to the north west of the existing STW and adjacent to the Warwick Farm Racecourse. The site is remote from existing residences and there is adequate land above the 1 in 100 flood level for a new STW.

The site is currently privately owned farming land and would need to be either purchased or resumed.

Presented in Table 1 are the estimated capital and Net Present Value (NPV) costs over 20 years. The NPV represents the whole of life costs for each strategy represented in current dollars and includes capital and long-term operations and maintenance costs. From this assessment construction of a Greenfield STW on the new site is a lower cost upgrade option.

**Table1: Comparison of Costs for Upgrade Strategies**

Upgrade Strategy	Capital Cost	NPV – 20 years 7% discount rate
Existing site	\$12.4 M*	\$16.1 M*
Greenfield Site	\$9.4 M	\$13.7 M

\* If flood mitigation works are not required the capital and NPV costs for the existing site are \$6.4 M and \$10.0 M respectively. It is unlikely that the EPA would accept a STW with structures, which are prone to inundation by flooding, and the higher capital cost of \$12.4 M is required to protect structures from flooding.

There are a number of non-cost factors, which are difficult to quantify in a cost assessment. These aspects are summarised in Table 2 below.

**Table 2: Assessment of Non Cost Factors for the Upgrade Strategies**

Upgrade Strategy	Upgrade the Existing STW	Greenfield STW
Odour	<p style="text-align: center;">?</p> <p>Significant works may be required to reduce odour to an acceptable level. There is a risk that odour may still be an issue after upgrade to the STWs proximity to a dense residential area.</p>	<p style="text-align: center;">✓</p> <p>Site is remote, new plant technology is less odorous</p>
Flood	<p style="text-align: center;">?</p> <p>Significant works are required to prevent inundation of structures.</p>	<p style="text-align: center;">✓</p> <p>Site is above 1 in 100 flood level</p>
Effluent Quality	✓	✓✓

	Quality limits can be achieved with the inclusion of a tertiary treatment plant installed after the existing maturation ponds	With a new STW, it is simpler to retrofit in future if EPA licence limits are tightened.
Operability & OH&S	? STW footprint is very large which makes operation difficult. Due to the design there will need to be confined space entry to some areas.	√√ STW will have a small footprint and be highly automated. Operators' resources required to run the STW are expected to be lower than the existing STW.
Visual Amenity	? Site is close to residential areas and is very expansive.	√ Site is remote and more compact than the upgraded existing STW.

There are a number of concerns with upgrading the existing STW, as outlined in Table 2, in relation to odour, flooding, operability and visual amenity.

A key consideration is odour management. Due to the close proximity of the STW to residential areas, significant expenditure will be required to minimise the odour release from various parts of the two trickling filter plants. This will involve covering key structures and treating the off gas to remove odorous compounds. Even with these odour mitigation measures it cannot be fully certain that future odour complaints will not be received due to the close proximity of the STW to residents.

A Greenfield STW will have a significantly smaller footprint than the existing STW and will require less staff attendance. A significant benefit of a Greenfield STW is its ability to be upgraded in future to achieve tighter nutrient effluent quality limits, which is more difficult to achieve with the existing STW.

**Summary**

The existing STW is currently not meeting the EPA licence requirement for suspended solids and needs to be upgraded or replaced. There are also a number of other deficiencies which need to be addressed with any upgrade of the existing STW which include, the need to reduce odour emanating from the site, resolution of

current hydraulic capacity limitations, parts of the STW are subject to flooding and structural and OH&S issues with a number of the assets.

It was identified that upgrading the existing STW was not preferred based on a consideration of cost and non-cost factors.

### ***Pathway Forward***

A master plan has been produced jointly by Macleay Water and HWA to procure the Greenfield STW and will include the following tasks:

1. Enter discussions with the land owner to acquire the site
2. Finalise the treatment process option selection for new STW
3. Complete a conceptual design of the preferred process option
4. Undertake the necessary environmental assessment for a new STW and the decommissioning and remediation of the existing site.
5. Complete detailed design of the new STW including a strategy to decommission and demolish the old STW. This will include the preparation of contract documentation.
6. Seek expressions of interest from contractor to construct the new STW
7. Release tender documents to short listed contractors & award tender
8. Construction project management
9. Commissioning

### ***REPORT IMPLICATIONS:***

#### ***Environmental***

***Establishment of a new sewage treatment facility will provide a far higher degree of treatment of sewage in line with modern day expectations for discharge to the environment. The effluent quality will also be suitable for all types of reuse including use for domestic dual reticulation and public amenities. This would also reduce the volumes discharged to the environment. Odours will also be significantly reduced with the new technology.***

#### ***Social***

***The sewerage treatment facility would be located at a site, which would offer buffer zones to reduce the impacts of any noise or odour emissions from the plant.***

#### ***Economic (Financial)***

***Establishing a new plant on a Greenfield site offers the most cost effective solution in the long term whilst best addressing all ecological sustainability factors.***

*The 2005/06 Sewerage Fund budget has an allocation of \$400,000 to commence the project, including purchase of land, complete the conceptual design and carry out environmental assessments.*

▪ *Policy or Statutory*

*Establishing a new plant on a Greenfield site offers the solution most likely acceptable to the EPA.*

▪ *Director's Review*

*The recommended option provides the best solution for the Kempsey community and is endorsed by the findings of the recently completed IWCM Strategy. Council is urged to adopt the recommendation.*

**Director Shire Services Recommendation:**

1. That the concept of the design and construction of a Greenfield STW at the nominated new site and the decommissioning and demolition of the existing West Kempsey STW be approved.
2. That the above master plan for implementation of the project be adopted.
3. That the commencement of Items 1 to 4 of the above master plan be approved.

2005. 412

**RESOLVED:**

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

1. That the concept of the design and construction of a Greenfield STW at the nominated new site and the decommissioning and demolition of the existing West Kempsey STW be approved.
2. That the above master plan for implementation of the project be adopted.
3. That the commencement of Items 1 to 4 of the above master plan be approved.
4. That consideration be given to the ability to expand the scheme to cover the rural residential areas and a report be provided on the relative cost implications.

**SUMMARY:**

Reporting on the Pilot Station at South West Rocks.

**Background:**

The Pilot Station was built in 1902 as permanent accommodation for the Pilot who was responsible for guiding shipping into and out of the then new entrance to the Macleay River.

The property is an "item of environmental heritage" (heritage item) under Kempsey Local Environmental Plan 1987.

In 1997 Council entered into a Lease Agreement under the Crown Lands Act, with the Department Land and Water Conservation for a period of ten (10) years for the Pilot Station property (site and buildings) for the specific purpose of "Community Purposes". This lease expires on 19 October 2007.

Council called for Expressions of Interest and the Kempsey Adult Education, South West Rocks Senior Citizens Association and later the South West Rocks Neighbourhood Centre became tenants of this building.

In 2000 Macleay Valley Community Education Adult Education Group entered into an Agreement to become a Centrelink Agency.

**Current:**

The building has urgent maintenance and safety issues, with the following repairs being identified: -

- Replace terracotta roof tiles.
- Adjust or replace piers to level up floor.
- Full internal/external repaint.
- Replace gutters and down pipes.
- Replace back verandah.
- Electrical rewire.
- Modifications to return front/side verandah to original.
- Reconstruct timber tank stand.

Estimates for the work total \$99,000.

Letters were forwarded on 4 May 2005 to Adult Education (including the Centrelink Agency) and the Neighbourhood Centre stating that the

leases would not be renewed due to maintenance and OH&S issues at this building.

Council's Community Services has liaised with the leaseholders to help them access other accommodation.

Council's Community Projects Officer is seeking grant funding to maintain and restore this heritage building.

The Mayor met with the Hon Tony Kelly, MLC, Minister for Rural Affairs, Minister for Local Government, Minister Emergency Services, and Minister for Natural Resources (Lands) last year and outlined Council's concerns over large maintenance items of the SWR Heritage Precinct (including the Boatman's Cottage). The response was that maintenance was the responsibility of Council during the time of the Lease.

**REPORT IMPLICATIONS:**

- ***Environmental***

***The Maritime Heritage precinct is an important area of South West Rocks and warrants preserving.***

- ***Social***

***The user groups have been unable to find alternative accommodation, highlighting that there is a lack of suitable accommodation for community based organisations and groups in the area. This may impinge on available services and assistance for the South West Rocks community, however the safety of the building and occupants is paramount.***

- ***Economic (Financial)***

***Loss of rental on this building whilst Council still pays lease agreement fees, rates and maintains lawn.***

- ***Policy or Statutory***

***There are no policy or statutory implications from this report.***

- ***Director's Review***

***For Council to derive any benefit from investment in these buildings a longer lease term would be required.***

**Director Shire Services Recommendation:**

1. That a further lease of ten (10) years for the Pilot Station property with the Department of Lands be sought.
2. If granted the continuation of the lease of a further 10 years, that the immediate replacement of the roof tiles be carried out from Budget 2005/06 monies allocated to the SWR Heritage Precinct.
3. That a meeting be held with interested parties for possible future use of the Pilot Station property. E.g. Adult Education, Neighbourhood Centre, Senior Citizens Association, Arts and Craft Association, Historical Society, Visitor Information Centre and any other interested community organisations.
4. That grant funding to carry out restoration works be sought continually.

2005. 413

**RESOLVED:**

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

1. That a further lease of ten (10) years for the Pilot Station property with the Department of Lands be sought.
2. If granted the continuation of the lease of a further 10 years, that the immediate replacement of the roof tiles be carried out from Budget 2005/06 monies allocated to the SWR Heritage Precinct.
3. That a meeting be held with interested parties for possible future use of the Pilot Station property. E.g. Adult Education, Neighbourhood Centre, Senior Citizens Association, Arts and Craft Association, Historical Society, Visitor Information Centre and any other interested community organisations.
4. That grant funding to carry out restoration works be sought continually.
5. That the project be put to the Community Consultative Committee of the Mid North Coast Correctional Centre for consideration.

**DSS10**

**MINOR ROADS**

**FILE: \* NJT (NRN)**

**{ Folio No. 297737**

**SUMMARY:**

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*THIS IS PAGE 117 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.*

.....  
MAYOR

Reporting on proposals for the expenditure of the Minor Roads vote.



\$10,000 has been provided in the 2004/2005 Budget for repairs on minor dedicated public roads that are not presently maintained by Council.

\$1,000 has been expended on the annual agreement with the National Parks and Wildlife Service for the ongoing maintenance of Carrai Road.

Council continues to receive some requests to carry out works on roads that it does not maintain. The property owner on Belmore River Right Bank Rd, who contributed last year to road improvements, has sought a repeat this year and believes such funds will significantly improve property access.

No other offers of contributions have been made.

Kawana Lane is a dedicated public road running eastward from the Pacific Highway and services a blueberry farm, a B & B and a piggery. The road needs some attention and Council may feel happy to provide funds for minimal maintenance.

Yessabah Road, from the end of that normally maintained by Council to the river, is dedicated public road and in need of attention. Council may like to agree to minimal maintenance attention.

Dungay Creek Road beyond that normally maintained by Council is not on the correct alignment, encroaching on private property. Following discussions with the Department of Lands, fees for the closure of the Crown road have been waived. However survey and legal costs have to be borne by Council. As no other use has been sought for the remainder of the Minor Roads vote, Council may wish to re-allocate the funds to cover the cost of the survey and resumption of Dungay Creek Road.

It is recommended that the \$9,000 available in funds be expended on the following roads:

- Belmore River Right Bank Road  
\$1,000
- Kawana Lane \$2,000
- Survey on end Dungay Creek Road  
\$4,000
- Yessabah Rd \$2,000

**REPORT IMPLICATIONS**

▪ ***Environmental Implications***

*There are no environmental implications from the following recommendation.*

▪ ***Social Implications***

*The social implications from the following recommendation would be improved access on roads not normally maintained by Council.*

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

*There are no economic implications from the following recommendation as funding is provided from the Minor Roads vote.*

▪ ***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 the \$9,000 available in funds allocated for Minor Roads be expended on the following roads:**

- |                                   |         |
|-----------------------------------|---------|
| • Belmore River Right Bank Road   | \$1,000 |
| • Kawana Lane                     | \$2,000 |
| • Survey on end Dungay Creek Road | \$4,000 |
| • Yessabah Road                   | \$2,000 |

2005. 414

**RESOLVED:**

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

**That the \$9,000 available in funds allocated for Minor Roads be expended on the following roads:**

- |                                   |         |
|-----------------------------------|---------|
| • Belmore River Right Bank Road   | \$1,000 |
| • Kawana Lane                     | \$2,000 |
| • Survey on end Dungay Creek Road | \$4,000 |
| • Yessabah Road                   | \$2,000 |

**providing the funding is matched by the benefiting property owners (in respect to dot points 1, 2 and 4) and in the event it is not, the money be returned for revote.**

**SUMMARY:**

Reporting on advice received from RTA regarding funding allocations for 2005 / 2006 Traffic Facilities Program.



Council has received advice from the RTA relating to Council's 2005/2006 Road related Works Program funding. Details are as listed below:

Regional Road Block Grant	1,116,000
Ex 3X3	122,000
Traffic Facilities	126,000
Remedial Bus Stops	20,000
Cycleway	0
PAMP: Works resulting from Study	20,000

**1. Regional Road Block Grant**

*The Regional Road Block Grant Funding for 2005 / 2006 has been increased from \$1,087,000 to \$1,116,000 in line with C.P.I. increases. The proposed program of works for next financial year will be listed in the 2005 / 2006 Transportation Infrastructure Strategic Plan.*

**2. Ex 3X3 Funding**

The Ex 3X3 Council Determined component funding remains at \$122,000. This funding can only be utilised on Regional Roads. The proposed program of works for these funds will be listed in the 2005/2006 Transportation Infrastructure Strategic Plan.

**1. Traffic Facilities**

The Traffic Facilities funding for 2005 / 06 has increased marginally from \$123,000 to \$126,000. The proposed program of works for these funds will be listed in the 2005 / 2006 Transportation Infrastructure Strategic Plan.

**2. Remedial Bus Stops**

A grant of \$20,000 has been allocated for Bus Stop Remedial Works. These funds are to be matched 1:1 by Council.

Council is presently, in cooperation with bus companies, seeking to rationalise bus stops especially on the Regional Roads. Installation of bus laybys on the Armidale Road has been complete.

It is proposed to carry out works on the Stuarts Point Roads and South West Rocks Road. Council's share of \$20,000 will be allocated from the 2005 / 06 Regional Road Block Grant.

**3. Cycleway Funding**

No funding has been provided under this program.

**4. PAMP: Funding of works relating to the study**

A grant of \$20,000 has been received for the implementation of the Pedestrian Access Mobility Plan (PAMP) recommendations. These funds are to be matched 1:1 by Council. Council has allocated \$30,000 in the 2005 / 06 Budget specifically for the implementation of the PAMP. Projects will be listed in 2005 / 2006 the Transportation Infrastructure Strategic Plan.

**REPORT IMPLICATIONS**

• ***Environmental Implications***

*There are no environmental implications from the following recommendation.*

▪ ***Social Implications***

*The social implications from the following recommendation would be improvements to road infrastructure for the benefit of the community.*

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

*There are no economic implications from the following recommendation as funding is provided within Council's draft budget for 2005 / 2006 for those programs requiring matching funding by Council.*

▪ ***Policy or Statutory Implications***

*There are no policy or statutory implications.*

▪ ***Director's Review***

*The grant funds offered, slightly increased on the previous year, are an integral part of Councils road funding. Council is urged to support the recommendation.*

2005. 415

**RESOLVED:**

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

- 1. That funding in the amount of \$1,116,000 allocated under the Regional Road Block Grant for 2005 / 2006 be accepted.**

2. That the General Manager be authorised to sign on Council's behalf the Agreement for Block Grant of Assistance to Council for Regional Roads 2005 / 2006.
3. That funding in the amount \$122,000 under the Ex 3X3 Council Determined component be accepted.
4. That funding in the amount of \$126,000 under Traffic Facilities Block Grant be accepted.
5. That funding in the amount of \$20,000 under Bus Stop Remedial Works be accepted.
6. That funding in the amount of \$20,000 under the PAMP Implementation be accepted.

<b>DSS12</b> <b>QUESTIONS WITHOUT NOTICE</b> <b>FILE: 149</b> <b>KMT (NRN)</b> {Folio No. 297740}
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**SUMMARY:**

Reporting on Questions Without Notice from the Council meetings of 12 October 2004, 9 November 2004, 8 February 2005, 8 March 2005, 23 March 2005, 4 April 2005, 12 April 2005, 26 April 2005 and 10 May 2005.



**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. Best option with 5 parking sites, sealed pavement and appropriate drainage is estimated to cost \$36,000. Provision of a sewer dump point in such an area is contrary to DEUS guidelines and cannot be included.*

*A report will come to Council on this proposal.*

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**Ordinary Meeting 9th November 2004**

**Councillor B R Sowter**

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**THIS IS PAGE 122 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.**

.....  
**MAYOR**

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. Owners of vehicles have been approached.*

---

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: Broken pit lid repaired.**

---

*Ordinary Meeting 8 March 2005*

**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?

*Matter has been referred to the Local Traffic Committee meeting 1 June 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?*

***Area inspected 15 April 2005. Noogoora Burr present and weeds infest the majority of the road reserve. No funding available to control the noxious weed.***

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**Councillor D Saul**

File: 109

(Folio No. 292740)

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*THIS IS PAGE 123 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.*

.....  
MAYOR

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 4 April 2005**

**Councillor R McWilliam**

**File: LA5575**

**(Folio No. 294899)**

1. Can the Director Shire Services correspond with Harcore Developments and request that they tidy up the block of land in Mitchell Street, South West Rocks?

**Response: Block inspected and no major issues identified. Development imminent.**

---

**Ordinary Meeting 12 April 2005**

**Councillor R McWilliam**

**File: 60**

**(Folio No. 294575)**

1 Can Council investigate the excessive runoff from stormwater in Cardwell Street Arakoon in front of number 65?

**Response: Block inspected and runoff not considered excessive. Earth berm in place and should suffice for design storm events.**

---

**Councillor R McWilliam**

**File: 348**

**(Folio No. 294578)**

4 Could Council in conjunction with Country Energy look at street lighting, or lack of, in residential streets in South West Rocks?

***Following consultation with Councillor McWilliam, quotes have been sought from County Energy to improve lighting at South West Rocks in the following locations:***

***Gregory St – from Gordon Young Dr to Landsborough St***

***Gregory St – from Spencers Creek Rd to Lindsay Noonan Dr***

***Gordon Young Dr – from Roy Sanders St to Gilbert Cory St***

***Livingstone St – northern side from Gregory St to Memorial St***

***Phillip Drive – Waiianbar Ave to Carwell St (footway/cycleway on northern side of the road).***

---

**Councillor R McWilliam**

**File: 109**

**(Folio No. 294577)**

5 Could Council investigate the large hole in grassed area outside the Heritage Restaurant in Livingston Street South West Rocks?

*The hole was repaired on the 18 April 2005.*

---

**Councillor E A Green**

**File: 348**

**(Folio No. 294585)**

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?

**R.T.A. contacted to review this situation.**

---

**Councillor E A Green**

**File: 102**

**(Folio No. 294586)**

5 Would the Director Shire Services examine the need for a bus shelter outside Frederickton Public School as there is no shelter at present?

*The school provided an internal seating arrangement, as shown in the attached photographs, which covers an area of 11m x 5m. Due to the number of children, the size required for a shelter and the appropriateness of the location, it is difficult for Council to provide an appropriate structure. Discussions have previously been held with the school, who have stated that no funding is available from their side. No other schools in the Shire have shelters externally, except for bus changeovers, etc.*

---

**Councillor E A Green**

**File: 60**

**(Folio No. 294587)**

6 Can the drain near 78 Great North Road which is eroding and getting deeper be added to our works program?

*The drain in front of 78 Great North Road was inspected on 20 April 2005. (Photograph attached). The drain is not showing signs of erosion and is functioning properly. The location given may not be correct and in this regard further information would be required.*

---

**Councillor E A Green**

File: 178

(Folio No. 294589)

9 Are we going to put in a submission to the Commonwealth Inquiry into Indigenous Employment?

*The attention for Indigenous Employment in the Kempsey Shire was focused on the CDEP, specifically as this is local to our area. Meetings have also been held with the Director-Generals from various State Departments in reference to Indigenous Employment.*

---

**Councillor J H Bowell**

File: 91

(Folio No. 294590)

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?

*The RTA has advised that pavement patching and resurfacing of the approaches to the Maria River Bridge on the Pacific Highway will be undertaken in the next month in conjunction with some planned bridgeworks.*

*Arrangements have been made for 4 Shore Holiday Parks to clear the regrowth in front of the billboards on the Highway advertising the caravan parks.*

---

**Councillor J A C Hayes**

File: 180

(Folio No. 294592)

1 Could the recycling bins be placed outside the Stuarts Point transfer station?

*A hardstand area has been constructed and recycling bins will be relocated this week.*

---

**Extraordinary Meeting 26 April 2005**

**Councillor B R Sowter**

File: 102

(Folio No. 295366)

1 Would the Director Shire Services investigate the site distance for traffic at the Jerseyville bridge and could this matter be included in the Works Inspection on 12<sup>th</sup> May 2005?

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*The site was inspected on 18 May 2005 and it was ascertained that the distance is fine at the present time, based on the fact that both north and southbound traffic are prevented from not giving way at the "Give Way" sign near Mottee House. It would appear that the height of the timber rails across the bridge is more of a problem than the trees.*

---

**Councillor E A Green**

File: 418

(Folio No. 295385)

1 Do helicopters landing in public parks in Kempsey Shire require permission as one recently landed in Chapple Park, Kempsey?

*The Director Shire Services advised that approval is required as per Council's policy and this matter will be investigated. Permission of the property owner is required for helicopters to land and the pilot is to ensure all safety and air space regulations are met. Council Policies M12:7 and M12:8 relate to approvals for helicopter landing within the Shire. No approvals were given for the landings reported and details are insufficient to allow a formal approach to C.A.S.A. over the incidents.*

*In any future such incident, the aircraft registration details need to be ascertained to allow precise identification and referral to C.A.S.A.*

---

Ordinary Meeting 10 May 2005

**Councillor E R Walker**

File: 149

(Folio No. 295909)

2 During recent roadworks near Mr John Scott's at Belmore River the gang came and went from the job a number of times. Would the Director Shire Services advise why this was necessary?

*Investigations have revealed that this job (Seale Rd) was a fill in job prior to the start of the Benelong Haven Job.*

*During this small maintenance job, the grader broke a hose, which necessitated the crew leaving the site until repairs could be undertaken. The crew was absent for approximately 3 hours.*

---

**Councillor B R Sowter**

File: 109

(Folio No. 295911)

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1 The RTA has recently sprayed the roadsides with roundup with good results. Has Council considered doing this?

*Prices obtained and estimate to spray all roads is via the order of \$10,000 – will look to initiate in next financial year.*

-----

**Councillor D F Saul**

File: 193

(Folio No. 295913)

2 Can the Director Shire Services investigate the long grass and thistles covering graves at the Uniting Church portion of Frederickton Cemetery?

*The area in question has been investigated with the following action :*

- *Whipper snipping of the area to remove thistles.*
- *Thistles on top of graves have not been removed, as this is the responsibility of the family.*

*The thistles are programmed to be poisoned.*

-----

**Councillor R McWilliam**

File: 55

(Folio No. 295919)

1 Would Council investigate the planting of camphor laurel trees along Lindsay Noonan Drive at South West Rocks?

*The trees that have been planted along Lindsay Noonan Drive are Jacarandas, not Camphor Laurels.*

-----

**Councillor J Gribbin**

File: R Cooper St

(Folio No. 295922)

2 Why are landowners in Cooper Street, Jerseyville being told they must buy the land adjoining their block?

**Response:** The Director Shire Services advised that letters were sent asking the owners to acquire part of the land they were occupying as it was Council road reserve. Some of the owners have agreed and some have not replied but can say they do not want to acquire the land if that is their decision. The Director will provide a copy of the letters to Councillors.

**Sample letter provided to all Councillors.**

-----

**Councillor E A Green**

File: 172

(Folio No. 295927)

1 Would Council investigate the build up of rubbish at the bottle bins in Frederickton?

*The build up of rubbish was in fact bags of excess bottles, which have now been removed. The bottle banks are emptied on a weekly basis by Norton Recycling. Upon notification, Norton must clear excess bottles within 24 hours and they are responsible for clearing any excess bottles and/or rubbish within a 2 metre radius of the bottle banks. Contractor being pursued to ensure compliance.*

---

**Councillor E A Green**

File: R Skyline Cr

(Folio No. 296041)

2 Would Council investigate the condition and alignment of Skyline Crescent, Crescent Head and can an upgrade be considered?

The upgrading of Skyline Crescent, including the construction of kerb and gutter, will be listed for consideration with the Town Improvement Program for Crescent Head.

---

**Councillor E A Green**

File: 1

(Folio No. 296040)

3 Council has received a letter in relation assisting the Kempsey Silver Band find a home base. I understand the SES building has been proposed. Ultimately the Band should be housed in the Slim Dusty Complex when completed. In the interim perhaps the Macleay Valley Arts Council could offer them premises in the Oddfellows Hall?

*Letters were sent to both the Frederickton Hall and the Rail Infrastructure Corporation. Frederickton Hall subsequently advised that the Silver Band would be more than welcome to utilizing the hall for band practice and the storage of their equipment.*

---

**Councillor E A Green**

File: 188

(Folio No. 296043)

4 Would Council investigate parking issues at Crescent Head reserve on the caravan park side of the sealed area. Can restricting vehicle movements in this area be considered?

*Investigations initiated.*

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**Councillor J H Howell**

**File: LA18938  
296050)**

(Folio No.

1 Will requirements for water services to Vincent Court Hostel be addressed as soon as possible?

*This issue is in the hands of the developers and their hydraulic consultants Glenn Haigh & Associates. We have suggested they consider coming off the 300mm main in Leith Street. This will cost more for the connection but may be cheaper in the long run because if they extend the existing service they will need to verify flows with flow testing and network analysis calculations (by HWA) to ensure the retic. system does not suffer as a result of extra demand by Vincent Court complex.*

-----

**Councillor J A C Hayes**

**File: 188**

(Folio No. 296074)

1 Would Council investigate the need for dedicated parking for staff outside the Women's Refuge in Wide Street, Kempsey?

*Investigations reveal off-street parking available at rear.*

-----

**Councillor J A C Hayes**

**File: 188**

(Folio No. 296076)

2 On Council meeting days can designated parking areas in Council's carpark be set aside for Councillors?

*Investigation initiated into overall parking at Civic Centre.*

**REPORT IMPLICATIONS**

- ***Environmental***

***Nil***

- ***Social***

***Nil***

- ***Economic***

***Nil***

- ***Policy or Statutory***
-

*Nil*

- *Director's Comment*

*As per report.*

2005. 416

**RESOLVED:**

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

That the information be noted.

<b>DSS13 SUPP.</b>	<b>BOYTERS LANE PLAYING FIELDS AND WETLANDS FILE: LA14295 KLB (NRN) {Folio No. 298057}</b>
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**SUMMARY:**

Reporting on the Boyters Lane Playing Fields and Wetlands Draft Plan of Management.



The Boyters Lane site on Pelican Island at South West Rocks is situated in the lower Macleay River, with Spencers Creek forming the northern and eastern boundary of the island. The site was acquired by Council for the purpose of constructing playing fields on one portion of the site, with the remainder to be managed for environmental objectives.

There is Crown Land adjoining the site along Spencers Creek and together there are 28.4 hectares of wetlands, estuarine inlets and grassland. There are three small estuarine embayments and a fresh to brackish lagoon (Teal Lagoon).

The site is mapped as an Acid Sulphate Soil (ASS) landscape. It is not within a Hotspot area, and is not regarded as a high-risk zone.

Meetings had been held on site with stakeholders, interest groups and community members in July, September and October 2004. To date there has been general community support for the intent of the project.

The site has good value from a wetland management and educational perspective. The site has a significant to high bird population. The site is Zoned Rural 1 (a1) – under this Zoning playing fields are permissible.

Currently there are no cattle on site. However an agreement allows a local farmer to cut the grassed area for silage from time to time.

---

*THIS IS PAGE 131 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.*

.....  
*MAYOR*

The draft Plan of Management was received in April 2005. Council is asked to agree to advertise the draft plan for community comment. Copies of the Plan of Management are available for Councillors interested.

The site has been identified as a suitable one for tree planting on National Tree Day, Sunday 31<sup>st</sup> July 2005. Tree planting would occur on a portion of the proposed Buffer Zone between the playing fields and the wetland in accordance with the Plan of Management.

**REPORT IMPLICATIONS:**

- ***Environmental***

***The environmental implications of this report would be the enhancement of the existing wetland by reverting the highly modified site to natural conditions, in stages and consistent with maintenance of present ecological values. This process would be integrated with the development and management of the playing fields.***

***The profile of the planned development would be raised in the public awareness through identifying this site for planting on National Tree Day, Sunday 31<sup>st</sup> July 2005.***

- ***Social***

***The social implications of this report would be to provide playing fields suitable to the growth of South West Rocks and to maximise community enjoyment and understanding of the ecological values of the site through communication and improved accessibility.***

- ***Economic (Financial)***

***Section 94 Contributions are available for development of the playing fields.***

***Applications will be submitted to various State Government departments for funding to address the environmental awareness and management issues.***

***Interest from the corporate sector has been proposed.***

***Section 94 Contributions should be allocated for National Tree Day activities on the site.***

- ***Policy or Statutory***

***All policy and statutory requirements will be met.***

---

- *Director's Review*

*The proposed developments on the site have community support and Council is urged to support the recommendations.*

2005. 417

**RESOLVED:**

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

1. That the draft Plan of Management be advertised for comment.
2. That \$10,000 from Section 94 Contributions be allocated for Outdoor Recreation for Buffer Zone tree planting.

## **DIRECTOR CORPORATE SERVICES REPORT**

DCS1	STATEMENT OF BANK BALANCES AS AT 31 <sup>st</sup> MAY 2005 FILE: *                      APC
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### **SUMMARY:**

Reporting on the Statement of Bank Balances as at 31<sup>st</sup> May 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.*

2005. 418

**RESOLVED:**

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

That the information be noted.

<b>DCS2</b>	<b>STATEMENT OF INVESTMENTS AS AT 31<sup>st</sup> MAY</b>
	<b>2005</b>
<b>FILE: *</b>	<b>APC</b>

**SUMMARY:**

Reporting on the Statement of Investments as at 31<sup>st</sup> May 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.***

2005. 419

**RESOLVED:**

*Moved: Cl. Hunt  
Seconded: Cl. Saul*

That the information be noted.

**SUMMARY:**

Reporting on 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 seal to any document. The following agreements require the affixing of Council's seal.

***Aboriginal Liaison Officer – Service Agreement***

The Department of Community Services has forwarded to Council the Service Agreement for the funding of the Aboriginal Community Liaison Officers position for the 2005 / 2006 year.

The agreement states the funding to be received by Council toward the position as \$40,160. Council's draft budget for 2005 / 2006 shows the estimated grant as \$41,310, and salary and overhead costs for this position at \$51,200 for 2005/2006. Council's net funding contribution to this position will now be \$11,040 in the 2005 / 2006 year, plus vehicle (\$7,400).

***Community Development Worker***

The NSW Land and Housing Corporation has forwarded to Council the Funding Agreement for the funding of the Community Development Workers position (West Kempsey Community Renewal Project) for the 2005 / 2006 year.

This agreement provides for funding of \$26,000 to be made available to Council for the first half 2005 / 2006 financial year. NSW Land and Housing have confirmed they will also provide funding for the second six months and a further agreement will come for this.

Council's Draft 2005 / 2006 budget shows funding for this position at \$54,850 for the full financial year with expenses for the West Kempsey Community Renewal Project listed at \$57,850 for the 2005/2006 year.

***Telstra License Deed – Use of Hat Head Reservoir***

Telstra have negotiated the use of the Hat Head Reservoir for telecommunications equipment. This Licence Agreement sets out the terms and conditions of the use.

Telstra will pay Council \$5,000 per annum with this to increase by 3% per annum.

**REPORT IMPLICATIONS:**

▪ ***Environmental***

*The environmental implications of these matters are not significant.*

▪ ***Social***

*The positions of Aboriginal Community Liaison Officer and Community Development Worker have significant community benefits.*

▪ ***Economic (Financial)***

*The financial implications of the agreements have been detailed in the descriptions above.*

▪ ***Policy or Statutory***

*The Local Government (Meetings) Regulation requires that the affixing of the seal to documents must be authorised by Council.*

▪ ***Director's Review***

*This report is a standard requirement when the affixing of the seal to documents is necessary.*

2005. 420

**RESOLVED:**

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

1. That Council authorise the affixing of the seal to the Service Agreement documents between Council and the Department of Community Services in relation to the Aboriginal Community Liaison Officer's position for the 2005 / 2006 year.
2. That Council authorise the affixing of the seal to the Funding Agreement document between Council and the NSW Land and Housing Corporation in relation to the Community Development Workers position for the 2005 / 2006 year.

3. That Council authorise the affixing of the seal to the License Agreement with Telstra Corporation in relation to the use of Hat Head Reservoir for telecommunications equipment.

<b>DCS4</b>	<b>MAYORAL AND COUNCILLOR FEES</b>
<b>FILE: 276 PJH (NRN)</b>	<b>{Folio No. 297748}</b>

**SUMMARY:**

Reporting on the Local Government Remuneration Tribunal determinations for the 2005 / 2006 year.



The Local Government Remuneration Tribunal sets the maximum increase in fees for all Councillors in the state each year, after consultation with Councils and the Local Government and Shires Association.

The Tribunal as part of this years report was also to review the categories of Councils.

**Changes deferred pending review by Department**

Council may recall that at the Council meeting on 12<sup>th</sup> April 2005 advice was given to Council that the Department of Local Government was to undertake a review of Council's expenses policies and preparing guidelines on payment of Councillor expenses.

Council resolved to defer adoption of any amendment to our current policy pending receipt of the review by the Department.

The Local Government Remuneration Tribunal has taken the same approach and deferred any amendments to the quantum of fees or the categories pending the review. The review by the Department is expected to be completed by the end of this year.

The following is an extract from the Tribunal report:-

*"The Minister for Local Government, the Hon Tony Kelly MLC has advised the Tribunal that the Department of Local Government will undertake a review of the expenses policies adopted by councils with a view to guidelines being developed. Councils are currently required, pursuant to section 252 of the Act, to adopt a policy for the payment of expenses to Mayors, Deputy Mayors and other Councillors.*

*As the issues surrounding the payment of fees and expenses are related, the Minister has requested that the Tribunal defer its review of categories until such time as the Department has completed its review. One option being considered is the central regulation of expenses and whether different categories of councils should have variable expense structures.*

*In light of the review of expenses policy the Tribunal has considered the quantum of fees for 2005/2006. It has been determined to defer any changes to the fee structure until the results of the Government's inquiry are available."*

A copy of the full report of the Tribunal has been forwarded to each Councillor.

#### ***Determination of Categories and Limits for 2005/2006***

The Tribunal's decision will mean that the categories and amount limits set for 2004/2005 will remain for the 2005/2006 year until further reviewed by the Tribunal. Kempsey Shire Council is a category 3 Council with the following limits on Councillor fees.

Councillor:	Minimum \$5,875	Maximum \$12,925
Mayor:	Minimum \$12,490	Maximum \$28,215

This Council currently pays the upper limit to its Mayor and Councillors.

#### ***REPORT IMPLICATIONS:***

- ***Environmental***

*Nil*

- ***Social***

***Council is being open with the community in its decision on fees payable to the Councillors through all such matters being in open Council. The Tribunal is an independent body reporting to the Minister and sets the upper and lower limits payable.***

- ***Economic (Financial)***

***Mayoral and Councillor fees are provided for in Council's budget for Elected Members Services. The Draft Budget for 2005/2006 allows for a 3% increase in Mayoral and Councillor fees. As this Council pays the upper limit of category 3 at the moment, no increase will be possible until the Tribunal conducts its further review. A saving of approximately \$4,500 is likely on the 2005/06 Budget provision.***

- ***Policy or Statutory***

***Section 248 of the Local Government Act requires that Councils must pay each Councillor a fee as determined by the Tribunal guidelines. If such fee is not set by Council it must pay the minimum fee set by the Tribunal for that category Council.***

- ***Director's Review***

***Whilst the Local Government & Shires Association has recommended that Council's should postpone formulating their new expense policies until the Department has conducted its review of policies and guidelines agreed upon. The Department has been advised that***

*Kempsey Shire Council has deferred adoption of an amended policy pending development of the guidelines.*

2005. 421

**RESOLVED:**

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

**That Mayoral and Councillor fees payable for the 2005 / 2006 year be the maximum allowed in category 3 as determined by the Local Government Remuneration Tribunal.**

**DCS5    DEPOT – GATE UPGRADE  
FILE: LA825 MPM (NRN) COPY: JCC  
{ Folio No. 297749 }**

**SUMMARY:**

Report on required upgrade of entrance gate systems at the Thompson Street and Dangar Street entrances to Councils Depot.



Council's Safety Committee has raised concern with the matter of unauthorised entry to the Works Depot and suggested the installation of boom gates. This was reported to Council in July 2004 and \$15,000 was allocated for the installation of boom gates.

Investigations and developments relating to the installation of boom gates at the depot have revealed that single arm boom gates will not completely solve the problem of unauthorised entry into the depot.

At the time of the original request for funds (\$15,000) for the installation of a boom gate at the Thompson Street entrance to the Depot it was believed the risk was unauthorised access during working hours, since that time there have been a number of incidents where entry has been gained into the depot and vehicles vandalised. At the time security staff that came out could not find anyone onsite.

It is believed that these occurrences were due to the fact that it is possible to enter or leave the site when personnel open the gates when they arrive and they are then left open until they leave. This can occur in the early hours of the morning as well as weekends. It is also believed that these unauthorised persons wait until vehicles come or go and then leave or enter when they have driven out of site.

There is also the situation during the course of a normal day where boom gates will only prevent vehicular access and still allow pedestrian access of unauthorised persons, which will still leave the Council exposed risk wise.

A better system in light of further unauthorised access and associated vandalism is to employ an electric sliding gate at the Thompson Street entrance. This gate would be operated with the present fob used to disarm and arm the electric fence. Once opened it will allow the user to enter the depot and the gate would then automatically close behind the user.

Exiting from the depot vehicles will pass through a beam, which will then activate the gate to open, the vehicle to exit and recluse behind the user.

If necessary, the electric security fence can then be rearmed in the usual manner

The Dangar Street entrance will have a manual sliding gate arrangement where the gate will be slid into place after the existing swinging gates are opened. This sliding gate will have a controlled entry gate with intercom link and electric opening to allow for legitimate visitor entry and will also limit the number of sales representatives cold calling on Council which has an inhibiting effect on work performance.

This system would then ensure that entrance to the depot are open for a minimum amount of time and this would then minimise the opportunity for unauthorised entry under the cover of darkness or during periods of minimal staff numbers.

This would also prevent situations of unauthorised vehicular entry, which could also expose the Council risk wise due to the movement of heavy vehicles on site.

**REPORT IMPLICATIONS:**

- **Environmental**

*Nil*

- **Social**

*The installation of security gates will curtail the opportunity for unauthorised access to the Depot, thus providing a safer workplace for staff.*

- **Economic (Financial)**

*\$15,000 has been allocated in 2004/05, for the boom gate system, but the inclusion of the sliding gate at the Dangar Street entrance and upgrade to an automated sliding gate system will require an additional \$10,000 to complete.*

- **Policy or Statutory**

*There are no policy or statutory implications arising from this report.*

---

- *Director's Review*

*The provision of a physical barrier to prevent unauthorised access to/through the Depot has been recognised as an essential requirement for effective management of the site.*

2005. 422

**RESOLVED:**

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

**That the sum of \$10,000 be allocated from Working Funds for the upgrading of the security system at the Works Depot.**

**DCS6**

**FINANCIAL WARRANT**

**FILE: 117 APC (NRN) {Folio No. 297751}**

**SUMMARY:**

Reporting on the response from the Department of Local Government in respect of Council's practice of providing a warrant to Councillors.



A report in respect of Council's current practice of providing a cheque warrant to Councillors was considered by Council at its meeting of 10<sup>th</sup> May 2005.

The report noted that Council has written to the Department requesting confirmation that Council's current practice in providing a Financial Warrant satisfied Departmental guidelines as well as seeking direction in respect of what constituted legitimate reasons for Councillors seeking access to that information contained within the warrant and the process by which such information maybe sought.

A copy of the Department response is attached. [\(Appendix C\)](#)

The Department advice maybe summarised as follows:

- **Council must not provide a cheque warrant**, by doing so Council creates a public document disclosing personal information in contravention of the requirements of the Privacy and Personal Information Act 1998 (PPIP Act). It is noted that substantial penalties can be imposed for the breach of the PPIP Act.
- The General Manager and not Council is responsible for the day-to-day management of expenditure of money within the budget approved by Council.
- Access to information of a kind reported within a cheque warrant must be made in accordance with the requirements of the PPIP Act. ie. the reason for disclosure but be specific in nature and relate to the performance of Council's function e.g. a specific instance relating to the non-payment of an individual supplier by Council.

**REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*Nil*

- *Economic (Financial)*

*There will be some saving in resources (staff time, photocopying, paper costs etc) by not producing a Financial Warrant – say \$200 per month).*

- *Policy or Statutory*

*Council should not provide cheque warrants to Councillors in accordance with the requirements of the Privacy and Personal Information Protection Act 1998.*

- *Director's Review*

*Support the Recommendation.*

2005. 423

**RESOLVED:**

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

**That the monthly Financial Warrants (Cheque List) no longer be prepared for distribution to Councillors.**

<b>DCS7</b>	<b>2004 / 05 LOAN BORROWING PROGRAM</b>
<b>FILE: 633</b>	<b>APC {Folio No. 297752}</b>

**SUMMARY:**

Reporting on the proposal to borrow \$728,000 for Environmental Works and \$1,000,000 for Water Fund projects.



**The Local Government Act requires that the borrowing of monies is a function that Council must determine and cannot delegate.**

**The Department of Local Government has approved that Council may borrow \$3,660,500 in the 2004 / 05 year made up as follows:**

General Fund (including \$1,860,500 Waste Management – Recycling 500,000 Water Fund Sewer Fund	Environmental Works)
	\$
	\$1,000,000
	\$ 300,000

#### **Water Fund Loan Approval**

The loan program provides funding towards the construction of the SWR Water Treatment Plant. Council has awarded a tender to John Thompson Engineering Pty Ltd in the sum of \$3.7 million, to date cost of \$372,791 have been incurred.

A loan of \$1,000,000 will be raised in the current year.

#### **Sewer Fund Loan Approval**

The original approval provided for \$300,000 for the Jerseyville Sewerage Scheme, these funds were in fact taken up in the 2003 / 04-year. No borrowings are proposed in the 2004 / 05-year.

#### **Recycling Service**

Provision was made to borrow \$500,000 to facilitate the commencement of the service in the 2005 / 06-year. The project has now been deferred and therefore no loan borrowing is required at the present time.

#### **General Fund**

It is proposed to borrow \$728,000 for works programmed under the Environmental Levy.

In respect of the General Fund loan program, a number of loan funded projects were deferred by Council at its meeting of the 24 August 2004 whilst cash flow projections in respect of a number of other projects do not support the need to raise additional loan funds prior to the 30 June 2005.

Council proposes incorporating \$563,000 within its 2005 / 06-loan approval in respect of works deferred in the current year.

#### **Loan Offers**

Council enquiries during the previous financial year confirmed that the major banks continue to provide the optimum

borrowing rates to Local Government, and that the second tier institutions are not competitive. The advantage that the banking institutions enjoy is attributed to the size of their portfolios, the lower risk ratio applicable to local government borrowings, and the regulatory capital adequacy requirement's applicable to these institutions which make lending to local government attractive to the banks.

Council approached major lending authorities requesting quotes in respect of the above borrowing, the following quotes for the loans totaling \$1,728,000 have been provided:

**Commonwealth Bank**

Term 10 years, quarterly repayment \$728,000 General Fund  
Rate 6.03%  
Term 10 years, quarterly repayment \$1,000,000 Water Fund  
Rate 6.0%  
Quote Valid to: 6 June 2005 12 noon

**National Australia Bank**

Term 10 years, quarterly repayment  
Rate 6.053%  
Quote Valid to: 14 June 2005

**IMB Banking & Financial Services**

Term 10 years, quarterly repayment  
Rate 10-year swap rate plus a margin of 70bps (6.91%)  
Quote Valid to: Indicative only

**St George**

Term 10 years, quarterly repayment  
Rate 6.51%  
Quote Valid to 30 May 2005

Updated rates will be available to Council at its meeting of 14 June 2005 to enable determination of the successful lender.

**REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*Nil*

- *Financial*

*The borrowings are in accordance with Council's Budget and will create a liability of \$728,000 in General Fund and \$1,000,000 in Water Fund.*

The annual loan repayments will be approximately \$97,473 and \$133,708 in the General and Water Funds respectively, whilst the debt service ratio will be impacted by approximately .49% in General Fund and 2.3% in the Water Fund.

*The loan repayments within the General Fund will be met by the proceeds from the Environmental Levy.*

- *Policy or Statutory*

*Nil*

- *Director's Review*

Updated borrowing rates will be provided at the Council meeting.

Director Corporate Services Recommendation:

1. That Council resolve to accept the offer of a General Fund loan of \$728,000 and a Sewer Fund loan of \$1,000,000 based upon a ten year fixed term quarterly installments from the financial institution offering the lowest interest.
2. That the seal of Council is affixed to the necessary loan documents.

2005. 424

**RESOLVED:**

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

1. That Council resolve to accept the offer of a General Fund loan of \$728,000 and a Sewer Fund loan of \$1,000,000 based upon a ten year fixed term quarterly installments from the financial institution offering the lowest interest rate being 5.968% by the National Australia Bank.
2. That the seal of Council is affixed to the necessary loan documents.

**SUMMARY:**

Reporting on grants received by Council in the 2004 / 05 year.



Council at its meeting of 12 April 2005 resolved

*"That a report be prepared and submitted to Council, which includes:*

- *A list of all grants across all departments of Council*
- *Extent of Council's required input*
- *The length of the grant i.e. one only application or annual*
- *The outcomes if the grant ceases."*

A listing of all grants as contained within Council's 2004 / 05 budget together with the information as requested by Council is attached at [\(Appendix D\)](#).

Council is responsible in the main for the administration costs associated with grants, administration costs provided by Council include:

- Salaries and employment overheads for Council's professional, technical and office staff
- Cost of maintaining and operating the corporate buildings including the Civic Centre & Depot
- All office expenses including printing and stationery, photocopiers, bank and audit fees together with liability insurance for the Council

Administration costs are charged against the principal functions of Council e.g. Local Roads, Environmental Control, Community Services and not individual projects of Council. The apportionment of administration costs between the individual programs of Council (including grant funded) would be largely a subjective exercise and has not been undertaken.

**REPORT IMPLICATIONS:**

- ***Environmental***

***Nil***

- ***Social***

***Nil***

- ***Economic (Financial)***

***Nil***

- ***Policy or Statutory***

Nil

*Director's Review*

*Council is dependent upon Grant income for approximately 20% of its total revenue.*

2005. 425

**RESOLVED:**

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

That the information be noted.

<b>DCS9</b>	<b>FLEET MANAGEMENT</b>	
	<b>FILE: 151 MPM (NRN)</b>	<b>{Folio No. 297760}</b>

**SUMMARY:**

The Fleet Management Business Plan adopted by Council requires that Council be advised of Plant purchases each month.



There following items of plant have been purchased for the month of May 2005.

<b>Plant No.</b>	<b>Description</b>	<b>Amount (GST excl)</b>
VC2235	International Acco (side loading garbage truck)	\$270,282.19
VC2235	International Acco (side loading garbage truck)	\$270,282.19
	Total	\$540,564.00

The following items of plant have been auctioned / traded for the month of May 2005.

<b>Plant No.</b>	<b>Description</b>	<b>Amount (GST excl)</b>
	Nil	
	Total	\$

**REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*Nil*

- *Economic (Financial)*

*Nil*

- *Policy or Statutory*

There are no policy or statutory implications arising from this report.

- *Director's Review*

*Nil*

2005. 426

**RESOLVED:**

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

That the information be noted.

<b>DCS10</b>	<b>CONSULTANTS CONTRACTED BY COUNCIL</b>
<b>FILE: * APC</b>	<b>{ Folio No. * }</b>

**SUMMARY:**

Reporting on consultants used by Council



Council at its meeting of the 4 April 2005 resolved that a report be prepared listing all consultants used by Council, indicating the degree of their effectiveness and the cost to Council if staff were employed to undertake the consultants projects.

A listing of all consultants used by Council in the twelve month period April 2004 to March 2005 together with the information as requested by Council is attached at [\(Appendix E\)](#).

**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. 427

**RESOLVED:**

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

That the information be noted and the staff be thanked for their input.

## GENERAL MANAGER'S REPORT

<b>GM1</b>	<b>OUTSTANDING REPORTS / RESOLUTIONS</b>
<b>FILE: 149</b>	<b>AVB (NRN) {Folio No. 297763}</b>

### SUMMARY:

Council's report on outstanding reports and resolutions.



Following is listed each Director's outstanding reports and resolutions up to and including 10th May 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	Awaiting SEPP65 certification.
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	subject to conditions.	
12.4.05 NOM	Council's Tree Preservation order to be reviewed to take into consideration – Bushfire Legislation and where height of tree is greater than distance between base of tree and a dwelling	No progress

**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 <b>report</b> on the possibility of Council running a trial of computerised floodgates.	Details being pursued.
8.6.2004 NOM	Stuarts Point sewerage scheme - request Dept. Energy Utilities & Sustainability support Council progressing.	I.W.C.M.S. complete and DEUS being pursued to recommence this project and undertake community consultation
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.
8.3.05 NOM2	Councillor Bowell – Invite expressions interest grass cutting activities cemeteries conjunction 2005/6 Draft Budget.	Expressions of Interest being prepared.
12.4.05 NOM2	K District Silver Band – Investigate ways and means of assisting to find permanent accommodation and storage of equipment.	Reviewing premises.
12.4.05 RM	C/H Boatramp – WADAMP Grant	Discussions held 1.6.05 - reviewing options for

	Funding \$11,000 be accepted and \$10,000 be provided from loan funds be rescinded – resolved Boat Ramp not be refurbished – provision of Ramp be discussed with MGT C/H Caravan Park and Country Club	other sites
12.4.05 RM2	Youth Information and referral centre – matter be referred back to DSS to find a more appropriate location be rescinded – also activities below pool grandstand to be dealt with through a DA	D.A. being completed.
12.4.05 DSS26	Street Lighting South Kempsey Industrial Area – write to business owners Nance Rd and Woolford Cres advising differences in costs A & B and seek indication if they prepared to contribute 50% costs if B chosen – Street Lighting be provided Reginald	Letters seeking contributions dispatched
10.5.05 NOM2	Accident statistics for Point Plomer Road – can Police and NSW Ambulance Service provide statistics for the past 10 years.	Details being compiled.

**Director Corporate Services**

12.4.05 DCS8	Mayor and Councillors – Payment of Expenses and Provision of Facilities – Policy Review – Councillors Fee's	Adoption of Policy deferred. Dept & LGSA reviewing policies
12.4.05 DCS9	Goolawah Reserve – Caretaker and Council Rangers to enforce limitation of campsites as per licence – forward bookings to commence and occupancy register to be formalised –	Deferred pending calling of expressions of interest for development and management. Discussions in progress with Caravan Park broker.

	\$15,000.00 in draft budget 2005/06 to review plan of management	
12.4.05 DCS10	Future Management of Airport Lands – Negotiate development of residential Airpark – Consider sale of land on eastern side of Old Aerodrome Rd	Negotiations continuing on future development proposals. Sale of surplus land deferred until these negotiations completed.
12.4.05 NOM3	Council owned Caravan Parks and Goolawah Camping Ground – Invite expressions of interest for operation from 1 July 2006	Expressions of Interest to be invited for Development and Management. Discussions in progress with Caravan Park broker.
10.5.05 CONF. DCS8	Kempsey Shire communications proposed wireless network - Council support further investigation of shirewide communications.	Under investigation. Meeting with Federal Minister for Communication 21.6.05

**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	The LGSA have received agreement for the Inter Departmental Committee on crown roads to look at the issue.
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**REPORT IMPLICATIONS:**

- **Environmental**

*Nil*

- **Social**

*Nil*

- **Economic (Financial)**

*Nil*

- *Policy or Statutory*

*Nil*

- *General Manager's Review*

*Nil*

2005. 428

**RESOLVED:**

*Moved: Cl. Howell*

*Seconded: Cl. Sowter*

That the information be noted.

**GM2**

**ORGANISATIONAL CULTURE**

**FILE: 553 AVB (NRN) {Folio No. 297769}**

**SUMMARY:**

To outline to Council the steps that are being undertaken to introduce a performance pay system and Organisational Values.



At the Council meeting held on the 12<sup>th</sup> April 2005, Councillor Howell asked, "Could a progress report on Council's Plan of Management (Manex proposal for payment of performance achievements) be supplied.

Employees of Council are paid under a Local Government Award, which has been negotiated between the Council's representative, ie. Local Government and Shires Association and the various unions.

The award is a skilled-based award. That is, employees are eligible to salary and wage advances on the attainment of skills pertinent to their level of employment. Council has a pay system of twenty-one (21) grades with each grade having four (4) steps. Each employee is graded and has the opportunity to advance to step 4 on the attainment of those skills. As a result, the majority of Kempsey Shire employees are overly skilled for what they do and are sitting on step 4 with no prospect of advancement in the future. This is unsatisfactory from an employee and union point of view.

The unions are pushing for additional skills based steps but this is not considered to be in Council's best interests. Management's objective is to increase the performance of the organisation and to reward that increased performance. To do this staff have been required to collect data on identified Key Performance Indicators. Since 2004 / 05 a performance bonus of \$300 per employee has been paid to staff who achieved the data collection. Details of the data collection are shown [\(Appendix A\)](#).

The data collection will continue during the 2005 / 06 year and subsequent years to ensure that the performance measures in the management plans can in fact be measured and reported on. From the data collected, benchmarks are to be established from 2005 / 06. For example in respect of ADI, " Number of outstanding documents to be filed on the 15<sup>th</sup> of the month", the benchmark to be set will be an amount less than the current accumulated average of 2769.9 items. Payments in future will be paid on the achievement of benchmarks and the collection of data. Management is currently developing performance steps for the pay system, which will replace the payment of bonuses. The introduction of a performance pay system is designed to significantly increase the efficiency of the workforce.

The introduction of Performance Pay is only one step in the process being introduced to change the culture of the organisation. The other is the adoption and introduction of Organisational Values, which form the basis of our dealings with our customers, determine how Council will operate and which will establish a results driven organisation. Those Values are: -

- ❖ TRUST
- ❖ CO-OPERATION
- ❖ SERVICE
- ❖ INNOVATION AND
- ❖ PRIDE

The Values are changing what is expected by the organisation and provide the staff with a shared vision that binds them together to act as a group, rather than a set of individuals.

The Values were launched at a Customer Service breakfast last year and have since been reinforced through the Management Team leading by example, strong communication and a Values Implementation Team.

Both the attainment of the performance measures and the continuing ownership of our organisational Values were celebrated and reinforced at a breakfast training session on the 12<sup>th</sup> May at the Kemp Street Ovals. The breakfast was cooked by the Management Team and comprised a sausage and egg roll and fruit juice. The opportunity was also taken to outline staff responsibilities under the Code of Conduct and to ensure that staff were aware of their obligations under the Code. The breakfast was well received by both indoor and outdoor staff and gave everybody the opportunity to undertake important training in an informal atmosphere.

#### ***REPORT IMPLICATIONS:***

- ***Environmental***

*Nil*

- *Social*

*Nil*

- *Economic (Financial)*

*Improvement to work practices in the long term will deliver cost efficiencies and service improvements that will far outweigh the cost of implementation.*

- *Policy or Statutory*

*Nil*

- *General Manager's Review*

*As per report.*

**General Manager's Recommendation:**

That the information be noted.

2005. 429

**RESOLVED:**

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

That the information be noted and the General Manager be thanked for the report.

<b>GM3</b>	<b>ANNUAL PERFORMANCE REVIEW OF GENERAL MANAGER</b> <b>FILE: S10-13 AVB (NRN) {Folio No. 297770}</b>
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**SUMMARY:**

To determine a date for the Annual Performance Review of the General Manager.



The Annual Performance Review of the General Manager is generally held in July. As part of the review process Council finalises the General Manager's Outcomes and Outputs for the subsequent year in this case the 2005 / 06 year. For this reason the review should be held as early in July as possible to enable the adopted program to commence implementation.

The General Manager's contract provides that the process be facilitated by an external consultant. As well as the performance appraisal the consultant

who is paid a daily fee also conducts a Councillor / Senior Staff Workshop to get maximum value for the day.

In the past this has been undertaken by associate professor Dr John Martin of the Royal Melbourne Institute of Technology. I contacted Dr Martin and he would be available on Friday 5<sup>th</sup> August.

**REPORT IMPLICATIONS**

- *Environmental*

*Nil*

- *Social*

*Nil*

- *Economic*

*The cost of the facilitator has been provided in the 2004 / 05 budget.*

- *Policy or Statutory*

*There are no policy or statutory implications.*

2005. 430

**RESOLVED:**

*Moved: Cl. Howell*

*Seconded: Cl. Hunt*

**That the date for the Annual Performance Appraisal of the General Manager be 9.00am Friday, 5<sup>th</sup> August 2005.**

<b>GM4</b>	<b>2005 / 06 MANAGEMENT PLAN</b> <b>FILE: 335 AVB (NRN) {Folio No. 297772}</b>
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**SUMMARY:**

To arrange an Extra-ordinary meeting to adopt a Management Plan for the 2005 / 06 year.



The draft Management Plan for the 2005 / 06 year was on exhibition from the 17 May 2005 to 13 June 2005 and the public have been invited to forward submissions in respect to items in the Management Plan. In addition Council prepared a newsletter in respect of the Special Rate Increase that was delivered to every household within the Shire.

Council needs to hold an Extra-ordinary meeting to consider the submissions received and to adopt a Management Plan, including a

rating and charges structure for the 2005/06 year. The Management Plan must be adopted prior to 30 June.

**REPORT IMPLICATIONS:**

- **Environmental**

*Nil*

- **Social**

*Nil*

- **Economic (Financial)**

*Nil*

- **Policy or Statutory**

*The Local Government Act requires that Council adopt its Management Plan prior to 30th June.*

- **General Manager's Review**

*Nil*

**General Manager's Recommendation:**

That Council fix a date to hold an Extraordinary meeting to adopt a Management Plan for the 2005 / 06 year.

2005. 431

**RESOLVED:**

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

That Extraordinary meeting to adopt a Management Plan for the 2005 / 06 year be held Monday 20<sup>th</sup> June 2005 at 9.00am.

<b>GM5</b>	<b>WORKS PROGRAM</b>	
	<b>FILE: 153 AVB (NRN)</b>	<b>{Folio No. 297773}</b>

**SUMMARY:**

To outline progress of the capital works program for the 2004 / 05 year.



**DESCRIPTION:**

Attached [\(Appendix B\)](#) 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. 432

**RESOLVED:**

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

That the information be noted and the directors provide an update at the extraordinary meeting Monday 20<sup>th</sup> June 2005.

## **ABORIGINAL LIAISON COMMITTEE**

FILE: 540 DJM (NRN)

{Folio No. 297774}

25<sup>th</sup> May 2005

**"SUBJECT TO ADOPTION BY COUNCIL"**

**REPORT OF THE ABORIGINAL LIAISON COMMITTEE HELD ON WEDNESDAY 25<sup>TH</sup> MAY 2005 COMMENCING AT 10:00 AM HELD IN THE COUNCIL'S COMMITTEE ROOM, CIVIC CENTRE, WEST KEMPSEY.**

**PRESENT**

- Councillor Betty Green;
- Gerald Hoskins - Area Equity Manager, Mid North Coast Area Health;
- Beverly Roberts - Domestic Violence Caseworker, Many Rivers Violence Prevention Unit;
- Father Bernie Ryan - Aboriginal Catholic Ministry;
- Gerald Bradshaw - Aboriginal Sports Development Officer Department Sports and Recreation;
- Mavis Davis- Community Member;
- Noelene Griffen- Administration Officer- Burran Dalai Out of Home Care and Family Support Services;
- John J Smith- Aboriginal Community Liaison Officer- Kempsey Police;
- Christine Landkroon- Acting KSC Community Services and Lifestyle Coordinator;
- Debra J Morris - KSC Aboriginal Liaison Officer.

**1 Welcome - Clr Betty Green**

**2 Apologies**

- Keith Finnie - Director Shire Services;
- Lotta Jackson - KSC Community Services and Lifestyle Manager;
- Clr Jim Gribbin;
- Ren Perkins - Manager Djigay Centre Kempsey Campus of TAFE;
- Narelle Cochrane - Senior Aboriginal Worker, 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;
- 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;

- 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.

### **3 Adoption of the Previous Minutes**

The minutes of the meeting of 30<sup>th</sup> March were referred to the Council meeting of the 12<sup>th</sup> April 2005 and adopted.

**RECOMMENDATION**

Moved: M Davis

Seconded: B Bradshaw

**That the information be noted.**

### **4 BUSINESS ARISING**

#### **4.1 Kempsey Master Plan Implementation Committee**

Drew Roberts was not available to attend the meeting.

**RECOMMENDATION:**

Moved: M Davis

Seconded: G Bradshaw

**That this agenda item be put over to the next meeting when the representative is available.**

#### **4.2 Geographical Names Board**

**RECOMMENDATION**

Moved: M Davis

Seconded: Father B Ryan

**That a progress report be given once the proposed meeting with the stakeholders is held.**

#### **4.3 Many Rivers Legal Service Position**

It was noted that circumstances have changed since the last meeting and there are concerns related to legal representation for the Aboriginal community.

**RECOMMENDATION**

Moved: B Roberts

Seconded: N Griffen

**That Council write to Many Rivers Administrative and Legal Services, Ms Julie Perkins and the Principal Solicitor voicing community concerns and seeking the retention of the Many Rivers Legal Service and their positions and their community based activities.**

## **5 Statement of Commitment Strategic Plan Matters**

The report of the 28<sup>th</sup> February 2005 has been completed and distributed to former members.

**RECOMMENDATION:** Moved: G Bradshaw  
Seconded: M Davis

**That the information be noted.**

## **6 Aboriginal Community Matters**

### **6.1 Gerald Hoskins - Kempsey Assistance Patrol**

The A/Community Services and Lifestyle Coordinator give an update.

Following continued concerns about the operations of the Kempsey Assistance Patrol, the Kempsey Assistance Patrol Advisory Committee has been dissolved and a new community committee will be formed. Expressions of interest will be sought for community members on the committee.

The Guri Wa Nundagar CDEP will be encouraged to submit a written expression of interest for representation onto the committee.

Discussion took place and there were concerns that the expressions of interests called for the KAP committee will not have Aboriginal representation.

**RECOMMENDATION:** Moved: G Hoskins  
Seconded: M Davis

**That the information be noted.**

### **6.2 Caroline Bradshaw- Structural support for Bellbrook**

Councillor Green is still investigating.

**RECOMMENDATION:** Moved: M Davis  
Seconded: G Hoskins

**That a progress report be given at the next meeting.**

### **6.3 Tracey Edwards - Council's Culture and Heritage Sub Committee**

The draft service agreement still has to be developed and taken back to the KLALC members for their ratification. It was agreed that

- (i) The Culture and Heritage report of the 28<sup>th</sup> February 2005 be accepted with an amendment to Item 5D;
- (ii) An Aboriginal person be Co-Chair of the Culture and Heritage Sub-Committee.

**RECOMMENDATION:** Moved: M Davis  
Seconded: G Hoskins

**That a progress report be given at the next meeting.**

**6.4 Aboriginal Child, Youth and Family Strategy Community Working Party**

**RECOMMENDATION:** Moved: M Davis  
Seconded: B Roberts

**That the Aboriginal Liaison Committee representative on this group be the Burrin Dalai Coordinator, Ms Dan Clarke.**

**7 Council Matters**

**7.1 Strategies from Community Safety and Crime Prevention Plan**

The inter office memo was distributed to the ALC members for their comments and advice.

**RECOMMENDATION** Moved: G Hoskins  
Seconded: B Roberts

**That an extension of two weeks be given for further provision of comments from the Aboriginal Liaison Committee members.**

**7.2 Naming a Road**

Council at its meeting held on the 12<sup>th</sup> April 2005 resolved: That the section of Pipers Creek road be renamed to Ritchie Brothers Road.

**RECOMMENDATION** Moved: G Hoskins  
Seconded: B Roberts

**That the information be noted.**

**7.3 Aboriginal Youth Representation**

This matter was advertised in the Mayoral Column 29<sup>th</sup> April 2005.

**RECOMMENDATION:** Moved: G Hoskins  
Seconded: B Roberts

**That the nomination of Wayne Dickson as the Aboriginal Male Youth Representative onto the committee be accepted.**

**8 Naidoc Week Planning Committee**

It was noted that all formal Naidoc Week activities (Naidoc Week Planning Committee) are formally endorsed by the Aboriginal Liaison Committee and come under the Aboriginal Liaison Committee umbrella for insurance.

**RECOMMENDATION:**

Moved: M Davis  
Seconded: G Hoskins

**That a formal vote of thanks be extended to the Aboriginal Liaison Officer and The Naidoc Week Planning Committee for all their hard work leading up to, during and after the Naidoc Week celebrations**

**9 General Business**

**9.1 Mavis Davis**

- Gimbisi Warriors Football club- sharing of the amenities

**RECOMMENDATION:**

Moved: M Davis  
Seconded: G Bradshaw

**That this matter and relevant issues be referred to the appropriate Council's Open Space and Recreation Coordinator and that Mavis Davis contact details be provided.**

**9.2 Gerald Bradshaw**

- The ending of ATSIC after the 30<sup>th</sup> June 2005.

There will be a function held on the 17<sup>th</sup> June 2005 for past and existing Atsic Councillors. Tickets are available from the Djigay Centre or the Elders Councils but there is limited seating.

- Family Violence Small Grant applications are available

**RECOMMENDATION:**

Moved: G Bradshaw  
Seconded: N Griffen

**That the information be noted**

**9.3 John Smith- Caravan sites at Crescent Head**

The concerns raised are already being addressed.

**RECOMMENDATION:**

Moved: G Hoskins  
Seconded: M Davis

**That the information be noted.**

**9.4 Road Safety Concerns**

**RECOMMENDATION:**

Moved: G Hoskins  
Seconded: M Davis

**That the Road Safety Officer be invited to attend the next Aboriginal Liaison Committee meeting to discuss road safety concerns in the 70 kilometres zone area from Green Hills School to Aldavilla School.**

## 10 Evaluation of the Meeting

Everyone felt the meeting was positive, information sharing and networking linkages were strengthened and with a quorum for business and the meeting to proceed.

## 11 Next Meeting

Wednesday 22<sup>nd</sup> June 2005 in the Council's Committee Room commencing at 10am.

## 12 Conclusion

Meeting concluded at 12:50 PM.

2005. 433

### RESOLVED:

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

That the Report of the Aboriginal Liaison Committee held on Wednesday 25<sup>th</sup> May 2005 be adopted.

## CARAVAN PARK COMMITTEE

FILE: 358 SJR (NRN)

{Folio No. 297775}

23<sup>rd</sup> May 2005

'SUBJECT TO ADOPTION BY COUNCIL'

REPORT OF THE MEETING OF THE CARAVAN PARK COMMITTEE HELD ON MONDAY, 23<sup>rd</sup> MAY 2005, IN THE COMMITTEE ROOM, COMMENCING AT 2.00PM.

### PRESENT

Councillors Mayor Janet Hayes (Chairperson), John Bowell and Jim Gribbin, Bruce Snape, Steve Read and Toni Shannon

Also in attendance was Jenny Kelly and Brian Dwyer.

### 1. APOLOGIES

Nil.

### 2. MINUTES OF PREVIOUS MEETING

#### RECOMMENDED

*Moved: Councillor J H Bowell  
Seconded: B Snape*

That the Minutes of the previous meeting held 10<sup>th</sup> February 2005 be confirmed.

### **3. BUSINESS ARISING**

#### **3.2 Amenities Block – Hat Head**

Report to be provided by Director Shire Services to a meeting of Council.

#### **3.4 Security – Crescent Head Caravan Park**

**RECOMMENDED**

*Seconded: G B Snape*

*Moved: S J Read*

That we pursue the offer of a CCTV by SurfCam once a broadband connection becomes available at Crescent Head.

#### **3.7 Crescent Head Stormwater Collection**

**RECOMMENDED**

*Moved: Councillor J H Howell*

*Seconded: Councillor J Gribbin*

That the Director Shire Services be requested to provide another report ensuring that the stormwater from outside of the caravan park is adequately disposed of.

#### **4.1 Mayoral Inspection Tour**

##### **i) Foreshore Bank Erosion – Stuarts Point**

**RECOMMENDED**

*Moved: Councillor J H Howell*

*Seconded: Councillor J Hayes*

That the Estuary Committee be requested to discuss bank erosion and siltation with Fisheries and other relevant Departments.

##### **ii) Boat Hand Winch - Stuarts Point**

Noted that the winch had been installed and several favourable comments received.

##### **iii) Tree - Grassy Head**

Noted that the tree had been attended to.

### **4. DIRECTORS REPORTS**

#### **4.1 Grant Application Playground Shading**

**RECOMMENDED**

*Moved: S J Read*  
*Seconded: Councillor J H Howell*

That the matter of Playground Shading be referred to the Director Sustainable Development Services to determine eligibility to use Section 94 funds.

#### **4.2 Caravan Parks Occupancy Reports**

**RECOMMENDED**

*Moved: Councillor J H Howell*  
*Seconded: T M Shannon*

That the information be noted.

#### **4.3 Standard of Holiday Vans**

**RECOMMENDED**

*Moved: S J Read*  
*Seconded: T M Shannon*

That the standard of Holiday Vans be regularly assessed at the quarterly Inspections of the Caravan Parks

#### **4.4 Stormwater Drainage, Crescent Head**

**RECOMMENDED**

*Moved: Councillor J H Howell*  
*Seconded: Councillor J Gribbin*

1. That the matter be referred back to the Director Shire Services with a view to investigating the possibility of a kerb drain structure along the golf course boundary.
2. That the Director Shire Services be thanked for works done to date.

#### **4.5 Cabin Tender Viability**

**RECOMMENDED**

*Moved: Councillor J H Howell*  
*Seconded: G B Snape*

1. That Council decline to accept any of the Tenders received for 4 luxury cabins.
2. That Council invite fresh tenders based on the provision of 3 luxury cabins at Crescent Head Caravan Park.

#### **4.6 Department of Lands**

**RECOMMENDED**

*Moved: Councillor J H Howell*  
*Seconded: G B Snape*

- i) That an invitation be forwarded to representatives of the Hat Head Community Group to meet onsite with the Mayor, the Manager Properties and Marketing and the Contract Manager of 4 Shore Holiday Parks.
- ii) That the Department of Lands to be notified of the outcome of this meeting.

#### **4.7 Flood Study Interpretive Report**

**RECOMMENDED**

*Moved: Councillor J H Howell*  
*Seconded: S J Read*

That the matter be listed for consideration at the Flood Plan Management Workshop.

#### 4.10 Audit of Caravan Parks

1. That the Manager Properties and Marketing hold discussions with the Lands Officer Crown Lands Taree, in respect of any outstanding requirements arising from the audit of Councils Caravan Parks.
2. That the rates used for depreciation of long lived assets be reviewed.

#### 4.11 Additional Amenities, Grassy Head

##### RECOMMENDED

*Moved: S J Read*

*Seconded: T M Shannon*

1. That the alternatives of additions or construction of a new amenities block be investigated.
2. That the pricing of hired amenities for the coming January holidays be further investigated.

#### 5. GENERAL BUSINESS

1. Expressions of Interest for Caravan Parks and Goolawah Reserve will be released in conjunction with a Caravan Park Broker
2. The confidential ISD paper dealing with future management options for the Caravan Parks will be considered in the negotiations for extension of the contract with current Managers.
3. Kerb and gutter works at "Norberry's Corner", Hat Head, will be included in the program of works.
4. The Residential Tenancies Act does apply to Crown Land Parks, except for some provisions relating to the on-site sale of vans.

#### 6. EVALUATION OF MEETING

It was agreed that the meeting met expectations, aligned with the Objectives and adequately covered the agenda items

#### 7. NEXT MEETING

That the next Committee meeting be scheduled for Monday, 27<sup>th</sup> June 2005, at 2:00pm in the Committee Room.

#### 8. CONCLUSION

There being no further business the meeting concluded at 4:35pm.

2005. 434

##### RESOLVED:

*Moved: Cl. Howell*

*Seconded: Cl. McWilliam*

**That the Report of the Caravan Park Committee held on Monday, 23rd May 2005 be adopted.**

# LOCAL TRAFFIC COMMITTEE

1st June 2005

## "SUBJECT TO ADOPTION BY COUNCIL"

**MINUTES OF THE MEETING OF THE LOCAL TRAFFIC COMMITTEE HELD ON WEDNESDAY, 1 JUNE 2005, IN THE ELBOW STREET MEETING ROOM COMMENCING AT 9.00AM.**

### **PRESENT:**

Mayor Councillor Janet Hayes, Kempsey Police - Sergeant Paul Dilley, Senior Constable Wayne Lollback, Roads & Traffic Authority - Graeme Carthew, Andrew Stoner's Representative - Rod Dale, Keith Finnie, Neil Thomson and Mark Thompson.

### **A G E N D A**

#### **1. APOLOGIES**

**Nil**

#### **2. PREVIOUS MINUTES**

*2.1 The minutes of the meeting of 2 March 2005 were referred to Council's meetings of 8 March 2005 and 12 April 2005 and adopted.*

#### **RECOMMENDATION**

That the information be noted.

#### **3. BUSINESS ARISING**

##### **3.1 Gordon Young Drive speed limit Ref: 34 (292573)**

#### **RECOMMENDATION**

That the RTA be asked to consider increasing the speed limit on Gordon Young Drive.

##### **3.2 Application for Proposed B-Double route Stuarts Point Road – Ocean Avenue – Marine Parade – Fisherman's Reach Road Ref: 4 (293835, 293832, 294343)**

#### **RECOMMENDATION**

That approval be granted to gazette Stuarts Point Road, Ocean Drive, Marine Parade, Fisherman's Reach Road and Serrata Lane from 9.00am to 3.00pm excluding school holidays for B-double use.

##### **3.3 Speed Limit in North Street, Kempsey Ref: 34 (290789)**

## **RECOMMENDATION**

That, in view of the fact that the RTA are undertaking an overall review of speed zones, the speed in North Street remain as is at this stage.

- 3.4 Speeding around Gordon Nixon Avenue, West Kempsey**  
Ref: T7 (271542/269517)

## **RECOMMENDATION**

That the information be noted.

- 3.5 ROUNDABOUT SEA AND BELGRAVE STREET**  
Ref: 263 (290779)

## **RECOMMENDATION**

*That information be noted*

- 3.6 Disabled Parking – 14 Broughton Street**  
Ref: 192 (295182)

## **RECOMMENDATION**

That one marked "Disabled" car parking space be provided adjacent to 14 Broughton Street, West Kempsey.

## **4. GENERAL BUSINESS**

- 4.1 Point Plomer Road speed limit**  
Ref:

## **RECOMMENDATION**

That Council recommend to the RTA 60kph speed zones on the two new sealed sections of Point Plomer Rd.

- 4.2 Phillip Drive, South West Rocks - Cycleway Crossing**  
Ref:

## **RECOMMENDATION**

That the plans be accepted.

- 4.3 Marsh St, Kempsey – Pedestrian Refuge**  
Ref:

## **RECOMMENDATION**

That the plans, as adjusted, be accepted.

- 4.4 North St, Kempsey – Pedestrian Refuge**  
Ref:

## **RECOMMENDATION**

That the plans be accepted.

**4.5 19 Memorial Avenue, South West Rocks**  
**Ref:**

**RECOMMENDATION**

1. That the line marking be better defined.
2. That the timed angle car parking sign be relocated to the southern side of the driveway.
3. That the disable car space be changed from angle to parallel.

**4.6 Traffic Problems in Sturt Street, South West Rocks**  
**Ref 102 (293958)**

**RECOMMENDATION**

That Council recommend to the RTA that a 40kph School Speed Zone be implemented in Sturt St and Hill St adjacent to the school.

**4.7 Guide Dog Association – Pedestrian Crossing Gregory Street**  
**Ref: 102 (292265)**

**RECOMMENDATION**

That Refuge Warning Signs be installed on both approaches and protective bars are installed on the median.

**4.8 Women's Refuge Parking – Wide St, Kempsey**

**RECOMMENDATION**

That Council Road Safety Officer liase further with the D.O.C.S.

**4.9 NAIDOC Week March 2004**  
**Ref: P12-21 (274158)**

**RECOMMENDATION**

That approval be granted to hold the NAIDOC Week March on Monday, 4 July 2004, subject to Police approval and strict adherence to the submitted Traffic Management Plan.

**4.10 Kempsey Country Music Festival**  
**Ref: P12-21 (272982)**

**RECOMMENDATION**

That approval be granted to hold the Kempsey Country Music and Trucking Festival street parade on Saturday, 10 September 2005, subject to Police approval and strict adherence to the submitted Traffic Management Plan.

**4.11 Crescent Head Sky show**  
**Ref:**

## **RECOMMENDATION**

That approval be granted to hold a street parade as part of the Crescent Head Skyshow on Sunday, 12 June 2005, subject to Police approval and to strict adherence to the submitted Traffic Management Plan.

### **4.12 Memorial St, South West Rocks**

**Ref:**

## **RECOMMENDATION**

That the "Give Way" signs be replaced with "Stop" signs, in Memorial St at the intersection of Landsborough St, South West Rocks.

## **5. OTHER BUSINESS**

### **5.1 D.A's for discussion.**

#### **a. Watuma Keeping Place**

## **RECOMMENDATION**

That the proposal be referred to the RTA.

#### **b. Unit Development – Lord St**

## **RECOMMENDATION**

1. That the proponent be asked to re-evaluate the proposal to address concerns with access the highway and vehicle movements on site.
2. That the proposal be referred to the RTA

#### **c. Banohire Pty Ltd – Lachlan St**

## **RECOMMENDATION**

1. That the proposal be referred back to the proponent to ensure that service delivery access only off Nicholson St and exit only via Tighes Lane.
2. All vehicular manoeuvring must be contained on site and not encroach our Tighes Lane.

### **5.2 Trial Bay Triathlon**

## **RECOMMENDATION**

5.1 That approval be granted to hold the Trial Bay Triathlon on Sunday 12 June 2005 subject to Police approval and to strict adherence to the submitted Traffic Management Plan.

### **5.3 Macleay Regional Co-op**

## **RECOMMENDATION**

That approval be granted to hold the Co-op. Centenary Parade on Saturday 16 July 2005 subject to Police approval and to strict adherence to the submitted Traffic Management Plan.

#### **5.4 Heavy Vehicle Parking in Urban Areas**

It was noted that the Police are to commence a campaign to enforce the regulations on Heavy Vehicle parking in urban areas.

#### **RECOMMENDATION**

1. That Council publicise the issue of Heavy Vehicle Parking in urban areas, through its normal advertising program.

5.2 That Council write to the North Coast Trucking Association, Councils Fleet Manager and Country Energy regarding the issue.

#### **5.5 Aldavilla Public School – letter from Andrew Stoner**

#### **RECOMMENDATION**

1. That the works completed do all that can be done to address the concerns raised.

#### **5.6 Road Safety Officer's Report**

*Council's Road Safety Officer, Mark Thompson reported on activities to date. A copy of his report will accompany the minutes.*

#### **RECOMMENDATION**

1. That the information be noted.

#### **6. NEXT MEETING**

The next meeting is scheduled for Wednesday 20<sup>th</sup> July, 2005 in the Elbow Street Conference Room commencing at 9:00 am.

2005. 435

**RESOLVED:**

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

**The issue of heavy vehicle illegal parking be referred to the Economic Development Section of Council to arrange a meeting to discuss the matter as soon as possible.**

2005. 436

**RESOLVED:**

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

**That the minutes of the meeting of the Local Traffic Committee held on Wednesday 1st June 2005 be adopted.**

# SALEYARDS COMMITTEE

FILE: 154 RAB (NRN)

{ Folio No. 297776 }

30<sup>th</sup> May 2005

**"SUBJECT TO ADOPTION BY COUNCIL"**

REPORT OF THE SALEYARDS COMMITTEE MEETING HELD AT THE SALEYARDS, WEST KEMPSEY, ON MONDAY, 30<sup>th</sup> MAY 2005, COMMENCING AT 2.30PM.

## **PRESENT**

Councillor B Sowter (Chairman), Councillor D Saul, Messrs I Argue and A Griffin.

Also present were B Snape, R Browning and R Bowen.

## **1. APOLOGIES**

**RECOMMENDATION** *Moved: A Griffin*

*Seconded: Councillor D Saul*

That the apologies submitted by H Borger, N Griffin, R Swan and W McGoldrick be accepted.

## **2. MINUTES OF PREVIOUS MEETING**

**RECOMMENDATION** *Moved: Councillor*

*D Saul*

*Seconded: I Argue*

That the minutes of the Saleyards Committee meeting held on 13<sup>th</sup> December 2004 be confirmed.

**RECOMMENDATION** *Moved: A Griffin*

*Seconded: Councillor D Saul*

That the minutes of the Special Meeting of the Saleyards Committee held on 1<sup>st</sup> March 2005 be confirmed, subject to an amendment to include A Griffin as being present.

Note: Council at its meeting of 8<sup>th</sup> March 2005 amended the Committee's recommendation 2.1, and subsequently on 26<sup>th</sup> April 2005 resolved –

*"That the capital works expenditure on the Saleyards be allocated over four (4) years as follows –*

2005/06	-	\$250,000
2006/07	-	\$250,000
2007/08	-	\$250,000
2008/09	-	\$250,000

### **3. BUSINESS ARISING FROM PREVIOUS MINUTES**

#### **3.1 Sponsorship Signs**

**RECOMMENDATION** *Moved: Councillor D Saul*

*Seconded: A Griffin*

That the dimensions of rafter signage be amended to "a maximum of 4.8m long x 1.2m high".

#### **3.2 Signage – Users Risk**

Signs installed.

#### **3.3 Weed Spraying**

Spraying for Giant Parramatta Grass completed.

### **4. DIRECTORS REPORTS**

#### **4.1 Code of Conduct**

**RECOMMENDATION** *Moved: Councillor*

*D Saul*

*Seconded: A Griffin*

1. That the resignation of Russell Bowen from the Saleyards Committee in view of potential conflict of interest be noted.

2. That a draft letter of disclosure be prepared for use by Committee members to give notice of interests to the General Manager.

#### **4.2 Financial Statement**

**RECOMMENDATION** *Moved: Councillor D Saul*

*Seconded: I Argue*

That the information be noted.

#### **4.3 Water Charges**

**RECOMMENDATION** *Moved: Councillor B Sowter*

*Seconded: Councillor D Saul*

1. That the information be noted.
2. That rationalisation of water connections to the holding paddocks be investigated following installation of the new truckwash.

#### **4.4 Kiosk Facilities**

**RECOMMENDATION** *Moved: I Argue*

*Seconded: Councillor D Saul*

That the Lessee be advised that extension of the Kiosk facilities would be undertaken subject to:-

- a) compliance with current lease terms, and
- b) written agreement to increase the current rental by \$1,000pa with the term of the lease increased from 3 years to 5 years.

#### **4.5 Redevelopment Program**

**RECOMMENDATION**

That the proposed upgrading works be staged as follows –

- |           |   |   |
|-----------|---|---|
| Stage I   | - | installation of NLIS equipment and modifications to adjacent structures |
| Stage II  | - | completion of new drafting and stacker pens                             |
| Stage III | - | reconstruction of northern end unloading area                           |
| Stage IV  | - | new scale house/Agents Office   |
| Stage V   | - | new Amenities/Canteen   |
| Stage VI  | - | reconstruction of southern receival yards.                              |

#### **4.6 Saleyards Owners Association**

**RECOMMENDATION** *Moved: Councillor D Saul*

*Seconded: I Argue*

That the information relating to the special industry "think tank" be noted.

### **5. GENERAL BUSINESS**

#### **5.1 Truck Parking**

R Browning to speak to drivers who block loading chutes or parking area for long periods.

#### **5.2 Locking of Yards**

**RECOMMENDATION** *Moved: Councillor*

*B Sowter*

*Seconded: Councillor D Saul*

That the Committee's previous decision to lock all yards except for 2 large pens and all the small pens adjacent to the roadway at the southern end be enforced.

### 5.3 Destruction of Trees in Buffer Zone

**RECOMMENDATION** *Moved: A Griffin*

*Seconded: D Saul*

That the Director Sustainable Development Services be requested to investigate the destruction of Oak trees within the Saleyards Buffer Zone and as to what measures are in place to ensure protection of the remaining Oak trees.

### 5.4 National Saleyards Conference

#### **RECOMMENDATION**

That one (1) member of the Saleyards Committee be registered for attendance at the 2005 National Saleyards Conference to be held at Narrabri, 26<sup>th</sup> to 28<sup>th</sup> July 2005.

### 6. NEXT MEETING

That the next meeting of the Saleyards Committee be scheduled for Monday, 25<sup>th</sup> July 2005, at 2:30pm.

### 7. EVALUATION OF MEETING

Members felt that the meeting was positive, and met the objectives of the Committee.

### 8. CONCLUSION

There being no further business the meeting concluded at 4.10pm.

2005. 437

**RESOLVED:**

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

**That the Report of the Sale yards Committee meeting held Monday 30th May 2005 be adopted.**

## **WORKS INSPECTION**

2005. 438

**RESOLVED:**

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

**That the report of the Works Inspection held on 12th May 2005 be adopted.**

12<sup>TH</sup> MAY 2005

**"SUBJECT TO ADOPTION BY COUNCIL"**

**REPORT OF THE WORKS INSPECTION HELD ON 12<sup>th</sup> MAY 2005  
COMMENCING FROM THE CIVIC CENTRE, CORNER ELBOW AND  
TOZER STREETS, WEST KEMPSEY, AT 1.10PM**

**PRESENT:**

COUNCILLORS J A C HAYES (MAYOR AND CHAIRPERSON), COUNCILLORS J H BOWELL, E A GREEN, J C GRIBBIN, T L HUNT, R H MCWILLIAM, B R SOWTER AND E R WALKER

ALSO IN ATTENDANCE WERE DIRECTOR SHIRE SERVICES, K J FINNIE:  
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES, R B PITT (MINUTE TAKER)



**1 FORMER WHARF SITE – FREDERICKTON  
FREDERICKTON WHARF (OFF SWR ROAD)  
FILE: LA22690 KJF**

**RESOLVED:**

*Moved: Clr Sowter  
Seconded: Clr Green*

That the Department of Commerce be advised that Council has no interest in acquiring the subject land at this time.

**2 QUESTION WITHOUT NOTICE – JERSEYVILLE  
BRIDGE  
FILE: \* KJF**

**RESOLVED:**

*Moved: Clr Howell  
Seconded: Clr Walker*

That the Director Shire Services provide a report relating to the removal of vegetation on the approaches to Jerseyville Bridge to improve sight distance.

**3 SOUTH WEST ROCKS OPEN SPACE STRATEGY –  
SALE OF LOCAL PARKS  
FILE: 527RBP**

**RESOLVED:**

*Moved: Clr Hunt  
Seconded: Clr Howell*

That the inspection of the site be noted and that Council will consider reclassification following receipt of public submissions.

**4**

**HAT HEAD LIBRARY  
FILE: 554 KJF**

**RESOLVED:**

*Moved: Clr Howell  
Seconded: Clr Green*

**That a letter of congratulations be forwarded to all concerned in the establishment of the Hat Head Library.**



**QUESTIONS WITHOUT NOTICE**

**Councillor JAC Hayes**

**1** Would Council investigate the lack of effective erosion control in the Oceanside subdivision?

**Response:** The Director Sustainable Development will investigate.

**2** Would Council investigate the branches overhanging the pathway leading to the park in Albert Harrower Crescent?

**Response:** The Director Shire Services would investigate.

**3** Would Council investigate the use of public reserves for the purposes of vehicular access and parking of vehicles, trailers, boats etc?

**Response:** The Director Shire Services would investigate.

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**Councillor R McWilliam**

**1** Would Council investigate the planting of trees and placement of material on the unformed road reserve west of the SWR Golf Course which is impeding access.

**Response:** The Director Shire Services would investigate.

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**Councillor E A Green**

**1** Would Council investigate interconnection of green spaces at SWR?

**Response:** Director of Sustainable Services advised that the issue will be addressed in the proposed Spencerville/New Entrance Masterplan and the revised SWR Masterplan.

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**Councillor J Gribbin**

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1 Would Council investigate the planting of trees at the western end of Bruce Field Street?

**Response:** The Director Shire Services would investigate.



The meeting was adjourned at 1.40pm.

The meeting was reconvened at 2.20pm.

<b>5</b>	<b>PCYC KEMPSEY 38 BLOOMFIELD STREET, SOUTH KEMPSEY FILE: 25 KJF</b>
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**RESOLVED:**

*Moved: Cllr Gribbin  
Seconded: Cllr Sowter*

**A. That Council assist in the preparation and processing of the DA for the use of the premises to conduct markets.**

**B. That the PCYC be congratulated for their efforts in establishing the centre.**



There being no further business, the meeting ended at 2.30pm.



## **QUESTIONS WITHOUT NOTICE**

**Councillor J H Howell**

1 Can you advise on the proposed meetings with Mark Vaile MP and Andrew Stoner?

**Response:** The Mayor advised that the ministers have been unavailable on both dates put forward.

2 Could Council investigate connecting South Street Caravan Park to the sewer?

**Response:** The Director Shire Services advised that the connection to the service is the responsibility of the property owner and the owner will be advised of options.

3 Is there a report on the Roads to Recovery Program?

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*THIS IS PAGE 179 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.*

.....  
**MAYOR**

**Response:** The Mayor advised the report would be available next meeting.

4 Could the Director Shire Services please advise on the progress of the Horseshoe Bay Plan of Management?

**Response:** The Director advised that the information is currently being collated and a positive response has been received from the Department of Lands.

5 Could the Director Shire Services investigate the possibility of the Rural Medical Infrastructure Fund to benefit Smithtown Medical Clinic?

**Response:** The Director advised he would report back.

6 What is the progress on the Kempsey Master Plan?

**Response:** The Mayor advised that there hasn't been a meeting since the resignation of the Strategic Planner.

7 Has Council received a report from the RTA following the inspection of the Kempsey Traffic Bridge?

**Response:** The Director Shire Services advised no report has been received yet and the RTA will be contacted.

8 Has Council received a reply from the Mid North Coast correctional Centre concerning inpatients at Kempsey District Hospital?

**Response:** The Mayor advised that a response would be sought and submitted at the meeting of the North Coast Area Health Service on 23rd June.

9 Could the occupancy of the Central Caravan Park be investigated?

**Response:** The Director Sustainable Development Services advised he will advise on the outcomes of investigations.

10 Are there any plans for road improvements corner Elbow and River Streets West Kempsey?

**Response:** The Director Shire Services advised the road was subject to ongoing maintenance program.

**Councillor E A Green**

1 Could the sealed surface of the top of Tozer Street from 168 to North Street on both sides of the road be inspected?

**Response:** The Director Shire Services advised the matter would be investigated.

2 Could the loose aggregate on the corners of Elrington Avenue, Leith, Sea, North Streets and Jack Bond Crescent and North Street and James Ramsay Place be cleared as this work was done several months ago?

**Response:** The Director Shire Services advised the matter would be investigated.

3 Could the condition of the road verges throughout the shire especially on the Highway be given some urgent attention considering the Commonwealth Games Baton Relay will be travelling through Kempsey January 29 2006? Could we commence planning, actions and budget to clean this up well before the event? The relay will have international media coverage and we MUST put our best foot forward.

**Response:** The Director Shire Services advised the matter would be investigated.

4 The Macleay Valley Community Art Gallery committee has requested that the number of community members with an interest in the arts be increased. Rationale is that there is a considerable amount of work to be done to get the gallery up and running. Staff hours are very restricted due to workload and budget and the current numbers too small to be effective.

**Response:** The Mayor advised the matter could be addressed in September 2005.

5 Tree vandalism. Some councils are replacing every tree killed by wanton vandalism and deliberate destruction with two for one in the same positions. Could we utilise this approach?

**Response:** The Director Shire Services advised the matter would be investigated.

6 Could you please advise the system of processing of community petitions?

**Response:** The General Manager and Director Sustainable Development Services advised the matter would be investigated.

7 Is it correct there are 12 houses on Plomer Road not approved?

**Response:** The Director Sustainable Development Services advised no applications have been submitted.

8 Could Council investigate relocating Central Caravan Park?

**Response:** The Director Sustainable Development Services advised the park had been recently inspected and he would advise of the results of the inspections.

#### **Councillor R H McWilliam**

1 Could Council investigate the parking area at Horseshoe Bay next to the Caravan Park, possibly removing the horizontal logs as it restricts the drivers from opening their doors?

**Response:** The Director Shire Services advised the matter would be investigated.

2 Can something be done about the trees at the end of Trevor Judd Avenue which overhang the road. A local resident has shown me a termite report which states that the trees are heavily infested.

**Response:** The Director Sustainable Development Services advised that council have provided written advice that no objection was raised to removal of the trees provided any necessary approvals under the TPO were obtained, the cost of which is a matter between the owner and neighbour.

3 Can the Director Shire Services advise if there are any plans in place for kerb and gutter on the southern side of Marriott Street South West Rocks and if so where is it in our priority list?

**Response:** The Director Shire Services advised that he didn't think it was listed but he would further investigate the matter.

#### **Councillor D F Saul**

1 What is the current situation with the reduction in speed limits to 80km at Red Hill South West Rocks Road?

**Response:** The signs were erected and the speed limits were enforced immediately.

2 What is the timeframe to installing the playground equipment at Kundabung?

**Response:** The Director Shire Services advised there was no timeframe set as yet and would need to be funded by the 2005 / 06 allocation.

**3** Can the Director Shire Services investigate the gum tree on Council footpath in Morton Avenue Smithtown with overhanging branches?

**Response:** The Director Shire Services advised that a quote had been received for the removal of the tree and Council anticipate work will commence early in the next financial year.

**4** Councillor Saul wished to convey his thanks to the water crew who fixed the main break at Clybucca last Sunday, the work was completed within a few hours of being reported.

**Councillor B R Sowter**

**1** South Kempsey Bottle shop - where is the DA up to?

**Response:** The Director Sustainable Development Services advised that a pre-lodgement meeting had taken place but there were still issues to be sorted through. The plan does address access issues but not the lack of parking. The issue of rezoning of the house purchased to the west of the bottle shop.

**2** Could Council advise when is the Floodplain Management Workshop?

**Response:** The Mayor advised when the flood study is completed the Director Shire Services would advise when known.

**3** Where are we up to with the Yarrahapinni Wetlands?

**Response:** The Mayor advised she had spoken to Ashley Love in regard to handing over the gate structure to National Parks and Greg Croft to organise another meeting.

**Councillor J A C Hayes**

**1** What is the situation with the access at Crottys Lane Cemetery?

**Response:** The Director Shire Services advised that Council had written to the owner and requested advice as to when the fence would be moved to the property boundary.

2 How is the development application at Crottys Lane Cemetery progressing?

**Response:** The Director Shire Services advised that there has been a hold up with consultants.

3 Could witches hats be set up in the car park on Monday next for Councillors during the Extraordinary meeting?

**Response:** The Director Shire Services advised that would be organised.



## MOTION FOR COMMITTEE

2005. 439

**RESOLVED:**

*Moved: Cl. Green  
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 SHIRE SERVICES CONFIDENTIAL REPORT

**DSS1 CROWN RESERVE - SMITHTOWN  
CONF. FILE:LA7216 CC:220 KJF (NRN) {FolioNo. 297777}**

REASONS FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is presented on a confidential basis as it contains personal matters concerning particular individuals (Sec. 10A2(a)).

**SUMMARY:**

Reporting on proposals for Crown Reserve 72371 at Smithtown.



**Director Shire Services Recommendation:**

**That Crown Reserve 72371, in Fitzgerald Avenue, Smithtown, be named John "Yakka" Watson Reserve.**

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*THIS IS PAGE 184 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.*

.....  
MAYOR

2005. 440

**RECOMMENDED:**

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

That after community consultation has been received on the proposal, that Council approach the Geographical Names Board to name the Crown Reserve 72371, in Fitzgerald Avenue, Smithtown, be named John "Yakka" Watson Reserve.

**GENERAL MANAGER'S CONFIDENTIAL REPORT**

**GM1            LEGAL MATTERS  
FILE: 155        AVB (NRN)        {Folio No. 297778}**

**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)).



2005. 441

**RECOMMENDED:**

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

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**

*THIS IS PAGE 185 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH JUNE 2005.*

.....  
MAYOR

2005. 442

**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.



## **WORKS INSPECTION**

2005. 443

**RESOLVED:**

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

That the next Works Inspection be held at the conclusion of the extraordinary meeting 20<sup>th</sup> June 2005.



## **CONCLUSION:**

There being no further business, the Meeting terminated at 6.06p.m.

