



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 8th March 2005 commencing at 9.05am.

PRESENT:

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

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



APOLOGY:

2005. 116 **RESOLVED:**

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

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



CONSIDERATION OF CONFIDENTIAL REPORT

2005. 117 **RESOLVED:**

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

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



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

2005. 118 **RESOLVED:**

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

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



MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 14TH FEBRUARY 2005

2005. 119 RESOLVED: *Moved: Cl. Howell*
Seconded: Cl. Hunt

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 14th February 2005, be adopted.



CONSIDERATION OF LATE REPORTS

2005. 120 RESOLVED: *Moved: Cl. Sowter*
Seconded: Cl. McWilliam

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



PUBLIC FORUM

- 1 - Mr Chris Jenkins addressed Council regarding DSDS3 (Page G15)
- 2 - Mr Don Dyson addressed Council speaking against DSS6 (Page H12)



CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports DSDS3 and DSS6

2005. 121 RESOLVED: *Moved: Cl. McWilliam*
Seconded: Cl. Saul

That the items dealt with in public forum be brought forward and dealt with immediately.

DSDS3

**TWO STOREY DWELLING AND ATTACHED
GARAGE LOT 4 DP 758505 No 8 LEDGE
STREET, HAT HEAD**

FILE: T6-04-637 SAR

{Folio No. 292109}

SUMMARY:

A Local Development Application has been received for approval to erect a new two-storey dwelling and detached garage which does not comply with the requirements of DCP 22 for which objections have been received.



Applicant: Chris Jenkins Design Architects P/L
Subject Property: Lot 4 DP 758505, 8 Ledge St, Hat Head
Zone: 2(v) (Village or Township Zone)

Proposed Development

The proposal is to build a split-level two storey dwelling on the abovementioned allotment with a detached garage.

Background

In 2004 a Development Application was submitted for the erection of a two-storey dwelling at the above mentioned address.

The application was submitted to Council on the 8th February 2005 for consideration, however was withdrawn at the request of the applicant so that a further submission by the applicant could be considered by Council.

This submission is appended to this report as [\(Appendix E\)](#).

Siting

The site is a vacant allotment situated on the south eastern side of Ledge Street. The land falls to the street in a south to north direction 14m over 50.2m where the dwelling is to be erected. The property has a street frontage of 31.18m and a total site area of 1064 m².

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 with the following matters considered to be of particular relevance to the proposal.

The proposal may be defined as "dwelling house" and is permissible with consent in the 2(v) (Village or Township) zone under Kempsey Local Environmental Plan 1987.

The proposal is not contrary to any State Environmental Planning Policy or North Coast Regional Environmental Plan 1988.

Bushfire Risk Assessment

An assessment was undertaken by Council in relation to the potential for bushfire risk, however Council was unable to make a determination due to the close proximity of the dwelling to a potential bushfire hazard at the rear of the proposed dwelling. The application was referred to the NSW Rural Fire Service for consideration & a number of recommendations made in conjunction with a Bushfire Assessment Report by Midcoast Environmental Services in regard to protection from bushfire. The recommendations made by the Rural Fire Service will form part of any determination made by Council.

DCP 37- Hat Head

In regard to DCP 37 Hat Head, Section 4.0 Key Landscape elements, Council must ensure that adequate measures are employed to minimize any visual impacts of all buildings in order to preserve the character of the Hat Head village. In its current form, it is considered that the proposed dwelling may pose a visual impact on the slopes of O'Connors Hill, thereby contravening the requirements of DCP 37 as to maintaining key landscape elements. By reducing the overall height of the eastern portion of the dwelling, the proposal would maintain visual uniformity with the existing streetscape as well as complying with the requirements of DCP 22.

DCP No 22- Local Housing Strategy

The proposal is required to comply with the following requirements of DCP 22: -

STANDARD	REQUIRED	PROPOSED	COMPLIES Y/N
Density	600m ²	1064m ²	Y
Landscape	250m ²	713m ²	Y
Setbacks			
- Front	5m	12m	Y
- Side	1.5m	0.4m	N
	0.9m	0.9m	Y

- Rear	1.8m	13m	Y
Carparking	1	2	Y
Private open space	>25 m ²	>25m ²	Y
Landscaping	250m ²	713m ²	Y
Height	7.9m	9.3m	N
Solar access	15 point	24 points	Y
Cut and fill	Max 1.5m	1m (approx).5m garage/dwelling	N/A
Erosion/ sediment control	Adequate	Adequate	Y

Height

The above non-compliance in relation to building height on the northeastern corner, was referred back to the applicant for reconsideration. It was suggested to the applicant that the non-compliant portion of the building be dropped in height by excavating the ground floor level into the ground and aligning the upper floor of the eastern portion of the dwelling with the floor level of the living area on the western portion of the dwelling. In response to this request a submission was received from Chris Jenkins Architects and is appended to this report as [\(Appendix F\)](#).

The applicant concludes that the topography of the land justifies the non compliant height, while the requested cut in land would be in excess of 2 metres and unacceptable to Council. While the topography of the site in Ledge Street does make compliance difficult for the current proposal, a redesign of the dwelling as requested will achieve compliance in regard to building height. Further, it is not considered that the required cut would be in excess of the required 1.5 metres as proposed by the applicant, and in terms of acceptance to Council, it is anticipated that the excavated cut would find more favour with Council than the proposed non-compliant height.

Submission to exceed Councils height requirement

The applicant argues that every attempt has been made to keep the dwelling within the controls of DCP 22 in relation to building height. While Council confers that the majority of the dwelling does fall within what is required for compliance, it is the portion of the dwelling with the greatest bulk that falls outside of this parameter & is most likely to be visibly obtrusive.

In regard to the statement that the site is physically difficult to develop, the steepness of the site is no greater than that experienced by other dwellings along Ledge Street, & a possible redesign of the dwelling would

assist in overcoming any problems in relation to topography. The applicant argues that further excavation of the block could increase problems associated with storm water run off & erosion, however these problems are likely to be no more significant & possibly decreased as a result of excavation of the site.

While overshadowing is not likely to be a problem from the proposed design, there still remains the possibility of a detrimental impact in terms of the aesthetic quality of the dwelling due to it's excessive height (DCP 37), as well as the issue of privacy loss on the adjoining properties as previously discussed. It is considered that by redesigning the proposed dwelling to meet compliance with DCP 22, the proposal will meet the requirements of DCP 37 in relation to aesthetic impacts.

Setbacks

The non-compliant side setback in regard to the distance of the rear deck to the property boundary can be alleviated by a reduction in the width of the deck. A minor reduction would bring the deck into compliance with DCP 22 in terms of side setbacks. The deck is compliant with the Building Code of Australia, as encroachments within 900mm of the property boundary are allowed for unroofed terraces, landings, steps and ramps not more than 1 metre in height.

Public Exhibition

The application was advertised in accordance with Council's notification and advertising policy to adjoining owners, with two (2) submissions received [\(Appendix G\)](#).

Objection	Planning Comment
1 Proximity of the deck on the south eastern side of the dwelling.	1 The deck on the north eastern side of the dwelling is non compliant in terms of DCP 22 and a reduction in width would be required to achieve compliance.
2 Compliance with DCP 37 Section 4.1.3 (e) in regard to rainwater storage tank overflows.	2 Any overflow from the proposed rainwater tank will be required to be disposed of by means of a rubble drain, so as not to impact on adjoining properties.
3 Lack of privacy screening on the deck adjacent the entry point into 10 Ledge Street.	3 Some degree of overlooking of adjoining properties is to be anticipated, however this can

be further reduced by the implementation of some form of privacy screening on the exposed areas of deck fronting the adjoining properties.

REPORT IMPLICATIONS:

- **Environmental**

From information supplied to Council, it is not anticipated that there will be any adverse environmental impacts from the proposed new dwelling.

- **Social**

The proposal is considered for the period of construction, to provide employment for local trades people and others employed in the building industry.

- **Economic**

The proposal is considered to provide an economic benefit only for the period of construction.

- **Director's Comment**

KLEP 1987 and DCP 22 place the onus on the applicant to demonstrate that the topography of the site makes it impractical to comply.

By reducing the lower level ceiling by 300mm and excavating up to 1.1 metres in one corner or by stepping the building, compliance could readily be achieved.

In this instance it is considered that the applicant has failed to justify any variation.

2005. 122

RESOLVED:

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

1. That the applicant be requested to submit revised plans with the proposed dwelling demonstrating compliance with DCP 22 in regard to building height.
2. That the applicant be advised that unless the requested plans or written advice to submit such plans is received

within fourteen (14) days of the date of notice being given, that the application be refused, for the following reason:

- a. The proposal is contrary to Councils Development Control Plan 22- Local Housing Strategy in regard to building height.**
- b. The proposal is likely to create an undesirable precedent for similar variations in the locality and throughout the Shire.**

DSS6	YOUTH INFORMATION AND REFERRAL SERVICE
FILE: 451 GJH	{Folio No. 292119}

SUMMARY:

Reporting on the progress in the establishment of a Youth Information and Referral Centre and the Bunker activity space in the Chappell Park Youth Precinct.



In late 2001 Kempsey Shire Council entered into a partnership with the Kempsey Campus of TAFE to deliver an external education program to the young people of the Macleay. The original venue was to be the Tozer St premises of the SES. When the program was late in it's planning stages it was realized that the premises in Tozer St were undergoing major repairs after severe flood damage and would not be available for the commencement of the course at the start of the semester.

The program was then moved to 19 Druitt St in South Kempsey in the cottage on the grounds of the old King Gee site. The program operated at these premises with huge success and went on to form partnerships with Dept of Education, Juvenile Justice, Mid North Coast Area Health Service, Durri Aboriginal Medical Centre, Djigay Student Association, Job Placement Employment and Training (JPET), TAFE outreach and many more.

Students involved in the activities surrounding the program were introduced to programs such as, Numeracy and Literacy modules, living skills, nutrition and cooking skills, job interview skills, budgeting skills and self esteem courses which included drama and public performance, circus skills, audio and photographic displays and compilations.

The course was so successful that the Kempsey Shire Council Youth Development Officer and two other workers from Youth Services in

Kempsey were invited to present the program at a Dept Of Education national conference in Newcastle.

In late 2003 with the imminent construction of the PCYC facility, the need for the PCYC to take over the cottage as a site office was seen to be a priority. After discussions with Kempsey Shire Council (KSC) and the relative partners of the project it was agreed that the premises under the Kempsey pool, formerly occupied by the canoe club, would then become the activity centre for this project.

For the partnership project to proceed it was decided that the bunker area under the pool would be a suitable location if it were to be combined with the Community Solutions funded "Youth Information Referral Service". After negotiations with Mid North Coast Area Health Service (MNCAHS) it was decided to terminate the lease of the Memorial Ave Baby Health Care Centre and to use the existing site for the Youth Information Referral Centre. These negotiations included direct consultation with the existing staff at the centre by the Youth Development Officer (YDO), correspondence with Brett Thompson (Manager of child, adolescent and family services MNCAHS), and meetings with Terry Clout the CEO of MNCAHS.

Current Situation:

Planning is well under way for the Memorial Ave premises to be used as a "Youth Referral Centre". A Development Application is in progress to make the changes to the building required to satisfy all relevant OH&S issues. This project is in line with the current Social Plan findings that the nominated highest need for improvement of service to young people was that of mentoring and counselling. It also falls in line with:

- The Report to Council to move youth services to the proposed youth precinct area of Chappell Park 12 February 2004 and;
- Kempsey Shire Council Management Plan requirements to:
 1. Support Youth Based Activities
 2. Develop a youth Referral Centre
 3. Ensure that the Youth Referral Centre is set up in a permanent location/building.

(KSC Management Plan 04/05, page, 13)

Within the "Youth Referral Centre" project, the building will be occupied by Youth and Family Counselling, Mediation, as well as visits from health services such as Mental Health, Drug and Alcohol, Sexual Health and other Counselling services. This service will not be a group drop in centre and will be catering for individuals and their families only. Any group activities will be catered for in the Bunker area.

Currently the NSW Dept of Education (DET) and Training are awaiting the DA approval of the Bunker and Youth Referral Centre so that they may start the Links to Learning Program through Djigay Student Association for early school leavers. NSW DET have been waiting since April 2004 and this project is seriously at risk of being cancelled if the venue is not approved shortly.

The Premiers Dept will provide financial assistance with funding totalling \$70,000 to establish the Centre and Bunker facilities, leading to a more cohesive approach to addressing youth issues in the Macleay Valley.

REPORT IMPLICATIONS:

- ***Social Implications***

This project is definitely a chance for Kempsey Shire Council to lead the way in youth related issues in the Shire and will secure partnerships with neighbouring shires as well (this has already started). Projects like this will have a direct bearing on issues surrounding youth health, education and employment in the local area, and will only strengthen partnerships that bring all related services assisting with the development of young people together.

- ***Environmental Implications***

There are nil environmental implications.

- ***Economic Implications***

All costs will be met by the secured funding of the Premiers Department through the Community Solutions Program. However KSC is seriously at risk of losing the \$70, 000 if there are further delays in completing this project.

The program will only assist KSC by the improvement of already existing capital assets in the Chappell Park area.

- ***Director's Review***

Council is urged to support the Youth Referral Centre being established in the old Baby Health Centre in Memorial Avenue Kempsey.

Director Shire Services Recommendation:

That the Youth Information and Referral Centre and the Bunker activity space in the Chappell Park Youth Precinct be supported.

MOVED:

*Moved: Cl. McWilliam
Seconded: Cl. Saul*

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

An Amendment was MOVED:

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

That this matter be deferred subject to consideration of the development application process.

The AMENDMENT was PUT to the Meeting and was LOST.

2005. 123 The MOTION was PUT to the MEETING and was CARRIED.



ADOPTION OF AGENDA ORDER OF BUSINESS

2005. 124 RESOLVED:

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

That the Agenda Order of Business be adopted.

MAYOR'S REPORT

M1

"A" DIVISION CONFERENCE

FILE: 152 CLR J A C HAYES {Folio No. 292102}

SUMMARY:

To advise Council of the proceedings of the "A" Division Conference held in Casino.



DESCRIPTION:

The General Manger and I attended the "A" Division Conference of the Shires Association of NSW in Casino on Wednesday, 16 February.

The Conference was addressed by: -

THIS IS PAGE 11 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 8TH MARCH 2005.

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MAYOR

- Councillor Phyllis Miller, President Shires Association
- The Hon. Tony Kelly, MLC Minister for Local Government
- Mr Andrew Fraser, MP Shadow Minister for Local Government
- Mr Greg Chalmers, Country Energy

Councillor Miller covered the following topics: -

- Code of Conduct.
- The proposal to set Councillor expenses through the Local Government Remuneration Tribunal.
- The formation of a working party to establish criteria for political donations. The same criteria should apply to both State and Local Government.
- A meeting to be held with the Electoral Commissioner to discuss 2004 election problems and funding increases.
- The need to advise the Associations of problems being encountered with the Rural Fire Service.
- Individual Councils should develop Memorandum of Understandings with their Catchment Management Authority.
- Amalgamation of the Associations.

The Minister spoke on the following: -

- Amalgamation of Councils.
- Benefits of Strategic Alliances.
- Code of Conduct. Individual Councillors can be dismissed on a recommendation from ICAC.
- The dismissal of the Orange City Council General Manager.

During question time the Minister, in response to a question from myself, did indicate that he would be receptive to applications for rate increases for infrastructure provision.

Council had two motions before Conference: -

1. *"That the Shires Association make representations to the Minister for Roads supporting volumetric loading of livestock transport vehicles if additional funding is provided to Local Government to compensate for the increased damaging effect due to any load increases."*
2. *"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".*

Both motions were adopted by Conference and will be submitted by "A" Division for inclusion in the Shires Conference Agenda.

I also raised a late motion regarding the crises that Local Government is having with the provision and maintenance of infrastructure. The issue is to be referred to the Shires Conference Committee to see whether a workshop can be held as part of this years Conference. Tweed Shire Council sought support from the Division for changes to the Electoral Funding Act. Their submission has been referred to the LGSA Working Group on Local Government Election Funding.

The "A" Division representative, Col Sullivan has given notice that he intends to stand as President of the Shires Association at the elections to be held in June and if successful there will be a need for divisional councils to appoint a new "A" Division Representative.

Council also submitted a submission on the amalgamation of the Associations [\(Appendix A\)](#). The submission is to be referred to the working party investigating the proposal. Councils who support our submission have been asked to write to the Association.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

Nil

- ***Policy or Statutory***

Nil

2005. 125 **RESOLVED:**

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

That the information be noted.

M2

COUNTRY MAYORS ASSOCIATION

FILE: 344 CLR J A C HAYES {Folio No. 292103}

SUMMARY:

To inform Council of the discussions held at the Country Mayors Association meeting.



DESCRIPTION:

The General Manager and myself attended the Country Mayors Association meeting in Sydney on Friday, 25 February.

The meeting was addressed by Commissioner Koperberg of the Rural Fire Service who gave a general overview of the operation of the Service, advice regarding staffing increases due to the transfer of functions and the Service's position regarding the supply of non-standard equipment to brigades.

The RFS will supply non-standard equipment so long as there is a reason for the change and it complies with the requisite legislation.

Council's motion regarding the introduction of heavier penalties for infringement of speed limits by drivers and owners of heavy vehicles was supported. The Chairman is to see the Minister for Police shortly and will bring the matter up with him then.

The Association is to support Ballina Council in its representations to the Department of Infrastructure Planning and Natural Resources in respect to changes to SEPP 5 which is inconsistent with LEP's in that "Seniors Living", in urban zones is limited to a height no greater than two storeys.

There is a lot of concern about the Model Code of Conduct, in particular, the composition of the Conduct Committee and the untenable position in which those members will be placed.

In the case of the Mayor there will be a judgement of peers and in the case of the General Manager, conflict will certainly arise between himself/herself and the elected members. The Association is to make representations to the Minister and is to get a legal opinion on the exposure of members, the implications of Section 435 dealing with surcharging and the necessity to report the committee's activities in open Council.

The Association is also making representations to the Minister on the powers of the Mayor, under Section 226 of the Act and in particular the right of a Mayor to make decisions between Council meetings. Shoalhaven Council's Mayor made a decision between meetings, which was referred to the Ombudsman who has ruled that, the function "To exercise in cases of necessity the policy making functions

of the governing body of the Council between meetings of the Council" means matters of "Extreme urgency".

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

The redistribution of Health Funding is expected to increase allocations in rural areas.

- *Economic (Financial)*

Nil

- *Policy or Statutory*

SEPP 5 is currently contrary to Councils LEP allowing 8 metre heights.

2005. 126 **RESOLVED:**

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

That the information be noted.

.....
J A C Hayes
MAYOR

NOTICE OF MOTION

NOM1	QUESTIONS WITHOUT NOTICE
FILE: 149	AVB {Folio No. 292104}

Notice is hereby given that I intend to move the following motion at the Ordinary Meeting of Kempsey Shire Council scheduled for Tuesday, 8 March 2005.

"That the General Manager reports on the effectiveness of recording Questions Without Notice verbatim in the minutes".

Note:

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MAYOR

Some questions being submitted express a personal view of a resident or Councillor that could have legal implications at a later time.

.....
Councillor B R Sowter

2005. 127 **RESOLVED:**

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

That the General Manager reports on the effectiveness of recording Questions Without Notice verbatim in the minutes.

NOM2	EXPRESSIONS OF INTEREST
FILE: 447	KJF {Folio No. 292105}

Notice is hereby given that I intend to move the following motion at the Ordinary Meeting of Kempsey Shire Council scheduled for Tuesday, 8 March 2005.

"That in conjunction with the consideration of the 2005 / 06 Draft Budget, Council invite expressions of interest for all grass cutting activities associated with cemeteries which are the responsibility of Council".

.....
Councillor J H Bowell

2005. 128 **RESOLVED:**

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

That in conjunction with the consideration of the 2005 / 06 Draft Budget, Council invite expressions of interest for all grass cutting activities associated with cemeteries which are the responsibility of Council.

NOM3	WATER TELEMTRY DEVICES
FILE: 448	KJF {Folio No. 292106}

Notice is hereby given that I intend to move the following motion at the Ordinary meeting of Council scheduled for Tuesday 8th March 2005.

"That a report on the servicing of water telemetry devices be presented to the April meeting of Council. Such report to

.....
MAYOR

advise on the frequency of such servicing and the method now that a staff instrument technician appears to no longer provide this service"

.....
Councillor T Hunt

2005. 129 **RESOLVED:**

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

That a report on the servicing of water telemetry devices be presented to the April meeting of Council. Such report to advise on the frequency of such servicing and the method now that a staff instrument technician appears to no longer provide this service.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

DSDS1	TWO LOT SUBDIVISION AND DWELLING LOT 222 DP 852732 PAVANS ACCESS, GRASSY HEAD FILE: T6-04-651 TJN {Folio No. 292107}
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SUMMARY:

Reporting that Council has received an application to subdivide Lot 222 DP852732 which is contrary to the Kempsey Local Environmental Plan and for which two (2) objections have been received.

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Applicant: Amos and McDonald Surveyors
Subject Property: Lot 222 DP 852732 100D Pavans Access,
Grassy Head
Zone: 1(a3) Rural "A3" Agricultural Protection Zone

Description of Proposal

The proposal is to subdivide Lot 222 DP 852732 into two allotments of areas 9.43ha and 4.3ha respectively. The applicant also seeks to formalise an existing dwelling.

Heads of Consideration

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MAYOR

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

The proposal is not considered to be contrary to any State Environmental Planning Policy (SEPP).

North Coast Regional Environmental Plan (NCREP)

Clause 12 of the North Coast Regional Environmental Plan requires that Council shall not grant consent to development on rural land unless it has considered whether or not the development will cause a loss of prime crop or pasture land. The subject land is zoned "Agricultural Protection" and is classed as prime crop or pasture land.

Kempsey Local Environmental Plan 1987 (KLEP 1987)

The applicant seeks to subdivide land within a 1(a3) zone into allotments of less than 40 hectares through the use of Clause 35 and Schedule 2 of KLEP 1987. Schedule 2 states that nothing prevents Council from consenting to the subdivision of:

"Land within the Zone 1(a3) in the Parish of Yarrahapinni – subdivision of land into allotments having an area of not less than 4 hectares where the land has a history of successful banana production and is currently fully planted for this purpose."

In order to satisfy the provisions of this schedule the applicant is required to provide documentary evidence to support the proposal. The applicant has provided this stating: -

"It is proposed to subdivide the existing one (1) lot into 2 lots. Under Schedule 2 (Cl. 35) of the Kempsey LEP whereby the land in the Parish of Yarrahapinni having an area of not less than 4 hectares and a successful history of banana plantation may be subdivided.

Proposed Lot 1 is entirely planted with banana's except for 200m² on which the house is located."

A document from the Banana Industry Committee has been included as evidence of banana production [\(Appendix A\)](#). No other specific documentation has been provided in addition to this.

Planning Comment

As stated previously the applicant has provided an invoice for Industry charges for the 2004/2005 financial year as proof of production. This does not represent any actual productive capacity of continual agricultural success. Council has consistently required that any subdivision under this clause should be considered where the applicant has shown that the land has been continually used for the specified purpose in a productive manner over a number of years.

Documentation such as yearly budgets, profit margins, proof of sales and payment of wages are required as proof of productivity. That the applicant has failed to provide any of these in what is considered to be an extensive submission, including only an invoice for industry charges for the current financial year, may indicate that the land has not been used extensively for banana production.

From aerial photography on Council's Mapinfo system it appears that the lot is not entirely planted with banana's as required by KLEP 1987 [\(Appendix B\)](#).

This clause/schedule was included in KLEP 1987 as a means to redefine what is considered to be a minimum viable farming unit and not as a means to undertake rural residential subdivision. By granting consent, Council will be further fragmenting rural land in an area represented by smaller agricultural lots. Subdivision under this clause requires that the existing lot is planted and managed in such a way that it is capable of being divided into two (2) lots each capable of existing as a separate, profitable farming unit. The applicant is unable to show that the lot is totally planted for the purpose of a banana plantation, and in the absence of proof of continual use of land for the prescribed purpose the application should be refused.

As the requirements of Clause 35 have not been met, it would be necessary for the applicant to submit an application pursuant to SEPP 1 to vary the 40ha minimum allotment applying to the zone for which Department Infrastructure Planning & Natural Resources concurrence would be required.

Formalisation of existing dwelling

As part of the application it is proposed to formalise an existing unauthorised workers dwelling, through firstly subdividing the land, giving the new lots separate dwelling entitlements, and then undertaking works to ensure that the dwelling complies with the provision of the Building Code of Australia.

The formalisation of this dwelling is entirely dependent on gaining approval for the subdivision. As the proposed subdivision does not comply with the provisions of KLEP 1987 it will be necessary to

request either demolition of the building or render it uninhabitable. Detached dual occupancies are prohibited within a 1(a3) zone pursuant to Clause 32 of KLEP 1987.

Advertising

The application was advertised in accordance with Councils Advertising Policy with two (2) objections being received:

Objection	Planning Comment
1 Land under such zoning should not be subdivided into lots less than 40ha.	1 Schedule 2 of KLEP 1987 allows subdivision into lots of 4ha.
2 If approved, it would set a precedent that would adversely affect the character of the rural land in the area.	2 Agreed, as both lots to be created are not fully planted with bananas it is considered that the lots will be more in character with the rural residential areas elsewhere in the shire, rather than the general rural zoning of the surrounding area.
3 The proposed developer will not be able to provide documentary proof that this form of land use has either been prolonged of continuous in nature.	3 The onus is on the applicant to prove that the use has been continuous. There is an absence of supporting documentation indicating that the objection is valid.
4 All existing plantations in Pavans Access are being removed, with bananas only being planted on the subject lot in the last twelve (12) months.	4 See Planning Comment 3.
5 It appears this process in the LEP is a "backdoor" for rural residential subdivision.	5 Schedule 2 is a means of redefining what a minimal viable farming unit is. Any application under this clause is carefully assessed by Council to ensure that productive agricultural land is not converted to rural residential "hobby farms".

- | | |
|---|---|
| <p>6 It is contended that four (4) hectares of bananas will no longer provide an acceptable income based on the current economic climate.</p> | <p>6 This schedule has not been revised since its inception. As a result Council can only assess the proposal under the provisions of KLEP 1987, without taking into account the broader economic issues normally associated with an LEP amendment.</p> |
|---|---|

REPORT IMPLICATIONS:

- ***Environmental***

No significant environmental impacts are anticipated. However, the inappropriate use of the banana farming subdivision provisions of Kempsey Local Environmental Plan 1987 may result in essentially unplanned rural residential subdivision, which will have environmental impacts.

- ***Social***

The proposal does not satisfy the banana farming subdivision provisions, and is considered to be a rural residential subdivision which is out of character with the rural zoning of the area.

- ***Economic (Financial)***

The proposal does not satisfy the banana farming subdivision provisions, and will not result in the economic use of the land, which is prime agricultural land.

- ***Policy or Statutory***

The proposal contrary is KLEP 1987 and Clause 12 of NCREP.

2005. 130 **RESOLVED:**

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

- A. That the applicant be invited to withdraw the application on the basis that the proposal does not comply with KLEP 1987.
- B. That unless the application is withdrawn within fourteen (14) days of notice being given that the proposal be refused for the following reasons:

1. It is contrary to the Kempsey Local Environmental Plan 1987.
2. It will create an undesirable precedent for other similar proposals within the Shire.

C. That the objectors be advised of Councils decision.

DSDS2	RELOCATED DWELLING LOT 14 DP 263927 No. 85 LEITH STREET, WEST KEMPSEY FILE: T6-04-702 JGR {Folio No. 292108}
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SUMMARY:

A Local Development Application has been received for the relocation of a dwelling to the subject allotment for which objections have been received.

◆◆◆◆◆

Applicant: I & R Keast
Subject Property: Lot 14 DP 263927 No. 85 Leith Street, West Kempsey
Zone: Residential 2(a)

Proposed Development

The proposal is to refurbish a relocated dwelling and construct a free standing garage on the subject allotment.

History

Council's officer inspected the dwelling in Port Macquarie on 23rd November, 2004. The cottage was deemed satisfactory for relocation subject to the lodgement and approval of a Local Development Application.

The adjoining property owner notified Council that the dwelling had been situated on the subject allotment on 13th December, 2004.

A search of Council's records indicated that Council had not issued Development Consent to the siting of the dwelling.

Subsequently Council issued a penalty notice to the owner for the unauthorised siting of the dwelling.

Plans for the relocated cottage were submitted to Council on 15th December, 2004.

The plans submitted were of insufficient detail and amended plans were requested on 11th January, 2005. Amended plans were received at Council on 8th February, 2005.

The plans were advertised and objections have been received regarding the proposed development.

Heads of Consideration

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

The proposal may be defined as "dwelling house" and is permissible with consent in the 2(a) (Residential) zone under Kempsey Local Environmental Plan 1987.

The proposal is not contrary to any State Environmental Planning Policy or North Coast Regional Environmental Plan 1988.

DCP No. 22 – local Housing Strategy

The proposal has been examined in respect to the requirements of DCP 22 and the development was found to comply with all requirements.

Public Exhibition

The application was advertised in accordance with Council's notification and advertising policy, with two (2) submissions received.

The objections have been summarised below. A full copy of the objection forms part of [\(Appendix C\)](#).

Objection	Planning Comment
1 The dwelling was placed on-site prior to a Development Application being lodged with Council	1 Council took action against the owner of the land and issued a penalty notice under Section 76A(1)(a) of the Environmental Planning and Assessment (EP & A) Act. Nothing prevents Council from considering the Development Application submitted to

		formalise the placement of the dwelling.
2	I object to the fact that I was given ten (10) days from 21 st December. This is ludicrous given the Christmas break and suggests an attempt to circumvent public consultation.	2 Council's notification policy allows for ten (10) days from the date of the letter advising of the proposed development. The application was re-advertised for ten (10) days from the 8 th February 2005 (a total of 20 days)
3	Building contains asbestos.	3 The applicant proposes to have the asbestos material removed from the dwelling which is to be clad with weatherboard. Work Cover require that an authorised Asbestos removalist undertake the removal of Asbestos if more than 200m ² is to be removed. The existing hardwood roof and subfloor frame has been inspected and is considered satisfactory.
4	There is no signage or security fence appropriate to a construction site.	4 The applicant has been requested to provide a safety barrier around the dwelling and to provide a builders sign which is provided by Council at the site. A warning sign has been affixed to the front of the dwelling.
5	The plans are inadequate in detail.	5 The initial plans were inadequate; further plans were requested and subsequently readvertised. (Appendix D)
6	The dwelling is not suitable for the area and impacts on the visual amenity of the area.	6 The structure, in its current state is certainly visually intrusive, however the refurbished structure with

added verandahs and new cladding and colourbond roofing will not look out of character in the street where similar buildings exist.

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

NOTE: Council development condition that building to be completed externally within three (3) months of approval.

REPORT IMPLICATIONS:

- ***Environmental***

From information supplied to Council, it is not anticipated that there will be any adverse environmental impacts from the proposed dwelling subject to Asbestos Sheeting being removed in accordance with Work Cover guidelines.

- ***Social***

The proposal is considered for the period of construction, to provide employment for local trades people and others employed in the building industry.

- ***Economic (Financial)***

The proposal is considered to provide an economic benefit only for the period of construction.

- ***Policy or Statutory***

The application has been assessed under Section 79(c) of the Environmental Planning and Assessment Act, 1979, Development Control Plan 22 – Local Housing Strategy.

Director Sustainable Development Services Recommendation:

A. It is recommended that Council approve of Application T6-04-702 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 No portion of the verandah is enclosed without prior written approval obtained from Council.
- 3 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.
- 4 The dwelling and shed is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.

An application for a certificate is enclosed. It is requested that it be completed and returned to Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.

- 5 The external facade of the building shall be completed within three (3) months from the date of this approval in accordance with the approved plan.
- 6 A safety fence shall be erected around the dwelling.
- 7 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.

Details are to be submitted to Council prior to work commencing.

- 8 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.
- 9 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.

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

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

- (a) Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.
- (b) Should the verandah, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the verandah, patio or landing and steps for safety and convenience.

Such balustrade to conform with the requirements of the Building Code of Australia:-

(1) D2.16

(2) Part 3.9.1. and 3.9.2 of BCA Housing Provisions

Note: Spacing of rails not to exceed 125mm.

- (c) Riser and Going dimensions for stairs shall be in accordance with Clause D2.13 of the Building Code of Australia. In Class 1 and 10 buildings the following will apply:

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

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

- (d) Class 1(a) and 1(b) Buildings

An automatic fire detection and alarm system is to be installed in the building. Such system to conform with Specification E1.7 of the Building Code of Australia or be a smoke alarm system complying with AS 3786 or listed in the SSL Register of Accredited Products.

The system is to be provided with mains electrical power, have a stand by power supply and installed in each storey to comply with Clause E1.7 (NSW Variation). Details of location of the units are to be provided for approval prior to installation.

- (e) All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.
- (f) The sub floor ventilation must comply with Part 3.4.1.2 a) b) c) d) e) f) and g) of the Building Code of Australia (Housing Provisions).
- (g) Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
- (h) Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).
- 10 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided.

Walls	Light Colour
Roof	Light Colour
Wall	R1 Batts
Roof	Sarking
Ceiling	R2.5 Batts
Hotwater	Existing

- 11 Building materials are not to be stored within the road reserve or any other public place.
- 12 Excavated material from the site is not to be placed within the road reserve or any other public place.
- 13 Roofwaters are to be directed by means of sealed pipes to rubble drains 4000mm x 600mm x 600mm,

located not less than 3 metres from the building. Details are to be provided with the plans for the required Construction Certificate.

- 14 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
- (a) diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - (b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.
 - (c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

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

Note:

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

15. Removal of any material containing asbestos is to be undertaken in accordance with the requirements of the Work Cover Authority of NSW.

B. That the applicant's attention be drawn to Condition 5 requiring completion of the external façade within three (3) months of the date of approval, and that Council may consider the issuing of a further Penalty Infringement Notice if the condition is not met.

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

2005. 131 **RESOLVED:**

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

That the Director Sustainable Development Services recommendation be adopted subject to recommendation part B being amended to read:-

- B. That the applicant's attention be drawn to Condition 5 requiring completion of the external façade within three (3) months of the date of approval, and that Council will consider the issuing of a further Penalty Infringement Notice if the condition is not met.

2005. 132 **RESOLVED:**

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

That Council make representations to the Local Government and Shires Association to have the penalty for unauthorised siting of dwellings increased significantly and that provision be included for a daily penalty for non-compliance.

The Mayor noted that the foregoing resolution was passed unanimously.

DSDS3	TWO STOREY DWELLING AND ATTACHED GARAGE LOT 4 DP 758505 No 8 LEDGE STREET, HAT HEAD
	FILE: T6-04-637 SAR {Folio No. 292109}

This report DSDS3 was dealt with earlier in the meeting just after PUBLIC FORUM.

DSDS4	RIVERSIDE – TASTES AND SOUNDS OF THE MACLEAY
	FILE: 449 KEO {Folio No. 292110}

SUMMARY:

Reporting on the Riverside festival scheduled for the 2nd April 2005 at Riverside Park Kempsey, from 10am to 8pm.



The Economic Development Office (Macleay Development & Promotion), is organising a tastes and sounds of the Macleay festival in April 2005. The purpose of the event is to highlight local food, wine

and to encourage community development and tourism. It is anticipated that this festival becomes an annual event showcasing the Macleay.

Arrangements have been made with local chefs, growers, vineyards, bands, artists and the indigenous community to participate and perform. All participants will be required to have their own public liability and product insurance.

On site security will be arranged for the event. Police and emergency services will be advised and the SES will be assisting with onsite operations.

Volunteers will assist with this running of the festival and covered by Council's Activities Events insurance. Other community groups will be approached to support and assist with this event.

The licensee of the Macleay Hotel – Alan Neil, has offered to apply for an off site liquor licence for this event, and ensure all staff have appropriate qualifications. It is anticipated that local vineyards will work with the licensee promoting and selling their local product.

In order to sell and consume alcohol on Riverside Park, Council is requested to assist the organisers with providing an exemption to the existing "Alcohol Free Zone" on this day.

All required arrangements concerning the provision of alcohol concerning designated areas and barricades will be adhered to.

Security officers will be in attendance, with a minimum of two security officers working within the licensed area an additional four officers with Responsible Service of Alcohol (RSA) qualifications will be securing the remaining area.

REPORT IMPLICATIONS:

- ***Environmental***

NIL

- ***Social***

The Riverside festival is aimed at promoting community pride and development through showcasing the areas culinary and artistic attributes.

- ***Economic (Financial)***

NIL

- *Policy or Statutory*

Council is requested to provide exemption of the existing Alcohol Free Zone at Riverside Park on the 2nd April 2005, between 10am and 8pm.

2005. 133 **RESOLVED:**

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

That Council provide an exemption to the Alcohol Free Zone at Riverside Park for the Riverside Festival – Tastes and Sounds of the Macleay on 2nd April 2005 between 10am and 8pm.

Councillor Sowter declared an interest in the following item for the reason that his daughter is a property owner referred to in part of the report and retired from the Chamber.

DSDS5	BUILDING AND DEVELOPMENT
FILE: *	RBP {Folio No. *}

SUMMARY:

Reporting that the following applications have been approved:

◆◆◆◆◆

Council Report on Local Development Application

Reporting that the following applications have been approved: -

2003/LD-00073 2-10 EDGAR STREET FREDERICKTON
TWO STOREY DWELLING
Owner: CLARKE D E & S
Builder: 0

2003/LD-00504 REV01Lot 11 DPDP737113 CRESCENT HEAD
DWELLING
Owner: BEAUMONT S & WITHEROW L
Builder: 0

2003/LD-00692 REV016 YULGILBAR PLACE SOUTH WEST ROCKS
DUAL OCCUPANCY SUBDIVISION
Owner: DIVALL S & K, KEMP D & P

2004/LD-00404 365 BELMORE RIVER RIGHT BANK ROAD
BELMORE RIVER

CONSOLIDATION OF 5 LOTS TO 2 & BOUNDARY
ADJUSTMENT

Owner: MCGINN S & B
Builder: 0

2004/LD-00624 18 LACHLAN STREET SOUTH KEMPSEY
COLOURBOND FENCE

Owner: PIETSCH S
Builder: 0

2004/LD-00639 343 GOWINGS HILL ROAD DONDINGALONG
DWELLING, DETACHED GARAGE & SUBDIVISION

Owner: HERBERT S
Builder: 1

2004/LD-00640 14 CECIL BALDWIN CLOSE WEST KEMPSEY
DWELLING & ATTACHED GARAGE

Owner: WATERSON G & C

2004/LD-00689 2 YAELWOOD STREET KEMPSEY
TIMBER DECK

Owner: FINNIE K
Builder: 0

2004/LD-00693 23 CHARLES PARRY STREET CRESCENT HEAD
DWELLING

Owner: RYAN S
Builder: 0

2004/LD-00697 15A PETER MARK CIRCUIT SOUTH WEST ROCKS
CARPORT & DWELLING ADDITIONS

Owner: FREEMAN C & C
Builder: 0

2004/LD-00700 79 LEITH STREET WEST KEMPSEY
DWELLING

Owner: ELLIOTT A & V
Builder: 0

2004/LD-00701 87 RANCH ROAD CRESCENT HEAD
DWELLING ALTERATIONS

Owner: BLEWITT J & A
Builder: 0

2004/LD-00709 30 MAHOGANY CRESCENT YARRAVEL
DWELLING ALTERATIONS - ROOF CONVERSION

Owner: YOUNG B & S

Builder: 0

2004/LD-00710 24-26 NANCE ROAD SOUTH KEMPSEY
STORAGE SHED
Owner: BBC HARDWARE LTD
Builder: 0

2004/LD-00712 154 SETTLERS WAY SOUTH KEMPSEY
DWELLING
Owner: WYATT A
Builder: 0

2005/LD-00002 38 RAWSON STREET SMITHTOWN
RELOCATE DWELLING & ADDITIONS
Owner: KANE R & S
Builder: 0

2005/LD-00010 69 LILLI PILLI ROAD KUNDABUNG
DWELLING RELOCATION
Owner: LAING J & HEATH L
Builder: 0

2005/LD-00019 14 HOME STREET HAT HEAD
DWELLING ADDITIONS
Owner: SEDDON L & WEEKS V
Builder: 0

2005/LD-00020 8 CECIL BALDWIN CLOSE WEST KEMPSEY
DWELLING
Owner: FULFORD S
Builder: 0

2005/LD-00021 Lot 1 DPDP782296 INNES STREET EAST KEMPSEY
ASPHALT PLAYING COURT
Owner: DEPT EDUCATION & TRAINING
Builder: 0

2005/LD-00026 470 FISHERMANS REACH ROAD FISHERMANS
REACH
SWIMMING POOL
Owner: SMITH S & L
Builder: 0

2005/LD-00027 Lot 5 DPDP264284 BARNARD STREET GLADSTONE
GARAGE & DECK
Owner: BARBER E
Builder: 0

2005/LD-00031 42 MARLIN DRIVE SOUTH WEST ROCKS

DWELLING ADDITIONS

Owner: THOMAS A

Builder: 0

2005/LD-00032 2 PACIFIC HIGHWAY FREDERICKTON
CARPORT

Owner: McALISTER K

Builder: 0

2005/LD-00033 7 BEDE LAWRENCE CLOSE COLLOMBATTI
DWELLING & GARAGE

Owner: EVERSON J & KEMP S

Builder: 0

2005/LD-00035 Lot 707 DPDP1032859 CRESCENT HEAD ROAD
CRESCENT HEAD

FARM SHED

Owner: PORTOFINO ENTERPRISES P/L

Builder: 0

2005/LD-00037 Lot 26 DPDP777344 EVERINGHAMS LANE
FREDERICKTON

SHED

Owner: HUGHES A

Builder: 0

2005/LD-00038 22 BROUGHTON STREET WEST KEMPSEY
VERANDAH ADDITION

Owner: LEE B

Builder: 0

2005/LD-00040 73 NICHOLSON STREET SOUTH KEMPSEY
ONE BEDROOM & TIMBER DECK EXTENSION

Owner: SHAW L

Builder: 0

2005/LD-00042 54 ELBOW STREET WEST KEMPSEY
CHANGE OF USE OF BUSINESS

Owner: SALMON K & G

Builder: 0

2005/LD-00043 24 RUDDER STREET SOUTH WEST ROCKS
DWELLING ADDITIONS

Owner: BRADBURY R & J

Builder: 0

2005/LD-00048 100 LIKA DRIVE SOUTH KEMPSEY
GARAGE

Owner: MCMANUS J

Builder: 0

2005/LD-00049 18 GREAT NORTH ROAD FREDERICKTON
CAR, WORKSHOP, STORAGE
Owner: PATTEN B & I
Builder: 0

2005/LD-00050 32 STRINGY BARK CRESCENT YARRAVEL
SWIMMING POOL
Owner: CARTER S & A
Builder: 0

2005/LD-00051 1 NEWTON CLOSE SOUTH WEST ROCKS
GARAGE
Owner: MIRANDA D & J
Builder: 0

2005/LD-00052 11 THOMAS HENNESSY CRESCENT WEST KEMPSEY
GARAGE & FENCE
Owner: HOVENDEN J & J
Builder: 0

2005/LD-00058 32 CROADS ESPLANADE SMITHTOWN
SWIMMING POOL
Owner: CORVIN J

2005/LD-00060 10 DUDLEY STREET WEST KEMPSEY
CARPORT & DWELLING ADDITIONS
Owner: DITTON J
Builder: 0

2005/LD-00069 39 GILBERT CORY STREET SOUTH WEST ROCKS
SWIMMING POOL
Owner: MEERE D & STONE-MEERE W
Builder: 0

2005/LD-00071 7 BUNYA PINE COURT WEST KEMPSEY
DWELLING ADDITIONS - AWNING
Owner: ABRIC P & WRIGHT C
Builder: 0

Summary

Type	No	Value
Local Development Application	40	2307710

There were 40 applications approved with a value of \$2,307,710.00 with 68% approved within 30 days.

For the financial year to date there has been 408 applications together with 37 modifications approved, with 70% approved within 30 days. The 408 applications includes 557 sub-applications with a value of \$37,668,769.

As at 25 Feb 2005 242 applications are in the office awaiting a determination.

The number of applications in excess of 40 days is 123 and the range of days is 41 to 1877.

The reasons for the matters outstanding are: -

FD	Further Details Req	71
IA	Incomplete Application	17
OA	Other Agencies	12
RC	Refer Council	2
XX	No Reason Given	21

Council Report on Construction Certificate Building

Reporting that the following applications have been approved

2003/CB-00061 2-10 EDGAR STREET FREDERICKTON
TWO STOREY DWELLING
Owner: CLARKE D E & S

2003/CB-00404 Lot 121 DPDP752419 SHERWOOD ROAD
SHERWOOD
DWELLING
Owner: BARNETT J & W

2004/CB-00230 22 KEMP STREET WEST KEMPSEY
UPGRADING OF EXISTING HALL
Owner: MACLEAY VALLEY ARTS COUNCIL INC.

2004/CB-00287 309 GREGORY STREET SOUTH WEST ROCKS
DUAL OCCUPANCY & TORRENS SUBDIVISION
Owner: GOODWIN RJ

2004/CB-00323 Lot 287 DPDP45936 THOMPSON STREET WEST
KEMPSEY
UNDERCOVER PLANT STORAGE AWNING
Owner: KEMPSEY SHIRE COUNCIL

2004/CB-00441 17 BUNYA PINE COURT WEST KEMPSEY
DUAL OCCUPANCY & SUBDIVISION
Owner: ARAKOOON HOMES & GOWINGS BROS PTY LTD

- 2004/CB-00485 36 MARLIN DRIVE SOUTH WEST ROCKS
DWELLING & GAZEBO
Owner: COOK D & J
- 2004/CB-00552 343 GOWINGS HILL ROAD DONDINGALONG
DWELLING, DETACHED GARAGE & SUBDIVISION
Owner: HERBERT S
- 2004/CB-00554 14 CECIL BALDWIN CLOSE WEST KEMPSEY
DWELLING & ATTACHED GARAGE
Owner: WATERSON G & C
- 2004/CB-00593 23 CHARLES PARRY STREET CRESCENT HEAD
DWELLING
Owner: RYAN S
- 2004/CB-00597 15A PETER MARK CIRCUIT SOUTH WEST ROCKS
CARPORT & DWELLING ADDITIONS
Owner: FREEMAN C & C
- 2004/CB-00604 79 LEITH STREET WEST KEMPSEY
DWELLING
Owner: ELLIOTT A & V
- 2004/CB-00605 87 RANCH ROAD CRESCENT HEAD
DWELLING ALTERATIONS
Owner: BLEWITT J & A
- 2004/CB-00609 30 MAHOGANY CRESCENT YARRAVEL
DWELLING ALTERATIONS - ROOF CONVERSION
Owner: YOUNG B & S
- 2004/CB-00610 154 SETTLERS WAY SOUTH KEMPSEY
DWELLING
Owner: WYATT A
- 2004/CB-00614 24-26 NANCE ROAD SOUTH KEMPSEY
STORAGE SHED
Owner: BBC HARDWARE
- 2005/CB-00003 38 RAWSON STREET SMITHTOWN
RELOCATE DWELLING & ADDITIONS
Owner: KANE R & S
- 2005/CB-00007 2 YAELWOOD STREET KEMPSEY
TIMBER DECK
Owner: FINNIE K
- 2005/CB-00009 69 LILLI PILLI ROAD KUNDABUNG

DWELLING RELOCATION
Owner: LAING J & HEATH L

2005/CB-00014 8 CECIL BALDWIN CLOSE WEST KEMPSEY
DWELLING
Owner: FULFORD S

2005/CB-00019 470 FISHERMANS REACH ROAD FISHERMANS
REACH
SWIMMING POOL
Owner: SMITH S & L

2005/CB-00021 Lot 5 DPDP264284 BARNARD STREET GLADSTONE
GARAGE & DECK
Owner: BARBER E

2005/CB-00025 42 MARLIN DRIVE SOUTH WEST ROCKS
DWELLING ADDITIONS
Owner: THOMAS A

2005/CB-00026 2 PACIFIC HIGHWAY FREDERICKTON
CARPORT
Owner: MCALISTER K

2005/CB-00027 18 LACHLAN STREET SOUTH KEMPSEY
COLOURBOND FENCE
Owner: PIETSCH S

2005/CB-00028 7 BEDE LAWRENCE CLOSE COLLOMBATTI
DWELLING & GARAGE
Owner: EVERSON J & KEMP S

2005/CB-00029 Lot 707 DPDP1032859 CRESCENT HEAD ROAD
CRESCENT HEAD
FARM SHED
Owner: PORTOFINO ENTERPRISES P/L

2005/CB-00032 Lot 26 DPDP777344 EVERINGHAMS LANE
FREDERICKTON
SHED
Owner: HUGHES A

2005/CB-00033 22 BROUGHTON STREET WEST KEMPSEY
VERANDAH ADDITION
Owner: LEE B

2005/CB-00035 73 NICHOLSON STREET SOUTH KEMPSEY
ONE BEDROOM & TIMBER DECK EXTENSION
Owner: SHAW L

2005/CB-00036 24 RUDDER STREET SOUTH WEST ROCKS
DWELLING ADDITIONS

Owner:

2005/CB-00039 18 GREAT NORTH ROAD FREDERICKTON
CAR, WORKSHOP, STORAGE

Owner: SECOMB A J

2005/CB-00040 32 STRINGY BARK CRESCENT YARRAVEL
SWIMMING POOL

Owner: CARTER S & A

2005/CB-00041 1 NEWTON CLOSE SOUTH WEST ROCKS
GARAGE

Owner: MIRANDA D & J

2005/CB-00042 100 LIKA DRIVE SOUTH KEMPSEY
GARAGE

Owner: MCMANUS J

2005/CB-00043 11 THOMAS HENNESSY CRESCENT WEST KEMPSEY
GARAGE & FENCE

Owner:

2005/CB-00045 10 DUDLEY STREET WEST KEMPSEY
CARPORT & DWELLING ADDITIONS

Owner: DITTON J

2005/CB-00051 32 CROADS ESPLANADE SMITHTOWN
SWIMMING POOL

Owner: CORVIN J

2005/CB-00058 39 GILBERT CORY STREET SOUTH WEST ROCKS
SWIMMING POOL

Owner: MEERE D & STONE-MEERE W

2005/CB-00059 7 BUNYA PINE COURT WEST KEMPSEY
DWELLING ADDITIONS - AWNING

Summary

Type	No	Value
Construction Certificate Building	40	0

There were 41 applications approved with 59% approved within 30 days.

As at 25 Feb 2005 195 applications are in the office awaiting a determination.

For the financial year to date there has been 345 applications with 73% approved within 30 days.

The number of applications in excess of 40 days is 54 and the range of days is 41 to 2269.

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	38
IA	Incomplete Application	3
OA	Other Agencies	1
RC	Refer Council	1
XX	No Reason Given	3

REPORT IMPLICATIONS

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic***

Nil

- ***Policy or Statutory***

Nil

- ***Director's Comment***

As per report

2005. 134 **RESOLVED:**

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

That the information be noted.

Councillor Sowter returned to the Chamber.

SUMMARY:

Reporting that Council has received expressions of interest from persons interested in serving on the Local Agenda 21 Team (Ecological Sustainable Development).

**Background**

At its meeting of 14th December 2004, Council resolved:

"A that Council adopt the ESD Policy.

B That Council seek expressions of interest from members of the community wishing to join the Agenda 21 Team to comprise of: -

- *Nine (9) Community representatives*
- *One (1) representative of the Aboriginal Community*
- *Two (2) Councillors*
- *The Director of Sustainable Development Services or his nominee."*

An invitation for expressions of interest was advertised with only eight submissions being received from the general public ([Appendix H](#)). Council's Aboriginal Liaison Officer has consulted with the Aboriginal Lands Council (KALC), who has put forward their representative (Mr Gerald Hoskins) for the Team. The submissions from the general community may be summarised as follows:

Nominee	Areas of Interest	Community Involvement	Relevant Professional Experience
Mr R B Gammon	Science and Technology, ESD	DCP22 Planning Committee	Lectured in Environmental Studies with ESD as Principal Focus. Wide range of experience in field of Science and Technology
Ms Riitta Kytola	Architecture,	Macleay Valley	Student –

	ESD	Arts Society, Made in the Macleay	Architectural Technology, Ecologically Sustainable Residential Building Design
Mr Michael Hinchev	Law, Environmental Law, ESD	Friends of South West Rocks	Sound knowledge of environmental law and understanding in the processes and structures of local, state and federal government.
Mr Robert Barnett	Applied Science & Environmental Health, Aboriginal and European Culture, Youth, ESD	Wide range of community health programs and education	Trainee Environmental Health Officer (North Coast Area Health Service). Education Programs
Ms Alison Brown	Environmental Science, Environmental Policy & Economics and Environmental Planning	None submitted	Clerical Officer, Kempsey Rural Lands Protection Board, Environmental Planning Consultant.
Mr John Jeayes	ESD, Environmental and Coastal Management, active in Community groups and committees.	Has sat on many Council committees. President Crescent Head Ratepayers and residents Association. Recent involvement in ESD Policy and State of the Environment public meeting.	Hon Secretary of the North Coast Environmental Committee, President of Big Nobby Committee, Tidy Towns committee, MVCC, Environmental Education
Ms Jenny Sproule	ESD, active in Community	Has sat on many Council	Former Local Government

	groups and committees.	committees.	Representative, Arts Mid North Coast, Bush Fire Brigade
Mr Trevor Scott	Development and Planning Issues, ESD, Coastal Environment	President Friends of South West Rocks, SWR Ratepayers and Residents Association, Tennis and Country Club	Architect

The report considered by Council at its meeting of 14th December 2004 advised of the need to appoint representatives from key stakeholder areas including government, agriculture, business/industry, Council health and community and the Aboriginal Community.

The above submissions received reflect a wide range of experience and expertise, particularly in the areas of Environmental Management, Science and Education, along with Health, Development and Planning, and understanding Social and Community needs. However, there is a notable lack of representation from the agricultural and business communities.

REPORT IMPLICATIONS:

- ***Environmental***

In making a commitment to the principles of ESD, Council will aim to protect and enhance biological diversity and essential life processes for the benefit of future generations. The submissions received to date include prospective team members with strong backgrounds in Environmental Management, Environmental Science, Environmental Education, Human Health and an understanding of the principles of ESD.

- ***Social***

In making a commitment to ESD and undertaking a Local Agenda 21 program Council will be better able to valuate and serve the social needs of the community. Local Agenda 21 will strive to build a healthy and vibrant community whereby the community embraces and takes ownership of the principles of ESD. The submissions received to date include prospective

team members with experience in the preparation of social and cultural programs, including community health and education programs.

- ***Economic (Financial)***

Council will need to appropriately resource the Agenda 21 program that will include, but not be limited to, providing public education and promoting the principles of ESD. In the longer term Council should expect significant cost savings from the efficiencies driven out of the Local Agenda 21 process, while realising sustainable economic development for Kempsey Shire. The current submissions do not appear to include specific representation of the interests of the agricultural or business communities. Therefore, if not included, it is possible that these key stakeholders may not be actively engaged in ESD initiatives.

- ***Directors Review***

The lack of representation from some key areas of the community such as agricultural and business/industry interests may need to be considered prior to selecting the members of the proposed Local Agenda 21 Team.

As there has been less than the required number of applicants from the general community it may be necessary to consider specifically targeting representatives from the Business (i.e. Chambers of Commerce) and Agricultural (i.e. National Farmers Federation member) communities.

It is important that the group be comprised of a wide cross-section of Environmental, Social and Economic interests. The limited number of submissions to date do appear to express a significant amount of experience and interest in the areas of environmental sustainability, development issues, social and cultural development, and community health.

Director Sustainable Services Department Recommendation:

For Councils determination.

2005. 135 RESOLVED:

*Moved: Cl. Powell
Seconded: Cl. Green*

- 1. That Council make application to the LGSA to have an ESD workshop at Kempsey.**

2. That Councillors **Bowell and Green** be authorised to attend the ESD workshop.
3. That the LGSA be asked to organise an in-house training program for the community members of the committee.

2005. 136 **RESOLVED:**

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

That Council write to each of the people who have nominated thanking them for their nomination and advising that Council is extending the period of nomination, until the 8th April 2005, to seek broader representation from the community for this committee.

DSDS7	PLANNING CONTROLS IN THE COASTAL ZONE	
	FILE: 450	PMK
		{Folio No. 292113}

SUMMARY:

Reporting on options for additional planning controls that may be introduced to manage development within the coastal zone.



Applicant: N/A
Subject Property: Coastal Zone controlled by SEPP 71
Zone: Various

Background

Council request

At its meeting of 10th June 2003 Council resolved: -

That Council investigate options for introducing additional planning controls relating to development within the coastal zone, which is controlled by SEPP 71. Such controls are to ensure: -

- a. *That the principles of ecological sustainable development are considered.*
- b. *That any planning controls following the principles of ecological sustainable development should not unreasonably restrict economic growth.*

.....
MAYOR

State Environment Planning Policy 71 – Coastal Protection

In summary, SEPP 71:-

- a. Identifies the land within the coastal zone to which it applies. The map [\(Appendix I\)](#), shows the land that is applicable in the Shire of Kempsey. The map also shows the Zoning of the land including the area affected by National Parks and the area that will be the subject of the Point Plomer LEP amendment.
- b. Identifies matters for consideration by Council when it prepares a draft local environmental plan and by a consent authority when it determines a development application. (Clause 8 in [\(Appendix J\)](#)). This includes the assessment of cumulative impacts of the proposed development on the environment.
- c. Defines 'significant coastal development' and determines how the State can become involved in the assessment of such applications.
- d. Applies general development control provisions for the interpretation of some zone provisions, public access, effluent disposal and stormwater.
- e. Defines master plans as used in the Coastal Zone and determines how these are made, assessed and used. Master plans, approved by the Minister, are required for subdivision in all residential and rural residential zones:
 - That is in a sensitive coastal location; or
 - Residential land that creates more than 25 lots; or
 - Residential land that has the potential to create more than 25 lots.
 - Rural Residential subdivision that creates more than 5 lots.

Master plans may be prepared or funded by the landowners.

The master plan, as approved by the Minister, has to be considered by the consent authority when dealing with development approval.

Whilst SEPP 71 provides a framework for development control in the Coastal Zone, the relevant matters for consideration are generic and therefore do not address issues relevant to specific areas.

SEPP 71 replaces a strategic approach to landuse planning by requiring Department Infrastructure Planning and Natural Resources to approve of a range of development through the Development Application process.

Options for Council to introduce additional planning controls to manage development

There are a number of options open for introducing additional planning controls, each of which may be used alone or in combination.

It should be noted that because of the extensive land that is within National Parks in the area and once the Point Plomer LEP comes into effect, there is very little other land that is able to be developed that falls within the Coastal Zone in the Kempsey Shire.

With all the options discussed below, residential and rural residential land will still be controlled by the need for a master plan under the provisions of SEPP 71, which will deal with the detail for subdivision.

OPTION ONE

Council Policy

Following a study that identifies the specific constraints to development, a policy can be developed that will reflect and extend the general requirements in SEPP 71 and other State, Regional and Local policy and legislation that applies.

Studies of this nature are costly. At present, Council's Management Plan identifies \$93,000 for a Vegetation Study over three (3) years (2006/7 –8/9). Council may consider bringing forward this funding.

Such policy can put in place more detailed clauses to require additional information on a wide range of issues.

It can also put in place clauses that specify requirements associated with issues such as aesthetics and visual impacts (placement of buildings, height, urban design and landscape), environmental protection (studies required on fauna and flora, levels of management for stormwater and septic).

There is nothing to prevent Council from requiring its own master plans (either general concept plans or detail subdivision plans) in specific areas prior to development should this be appropriate.

OPTION TWO

Development Control Plan

While Development Control Plans are policy documents and can deal with all the same issues as general Council policy, they carry more

weight than other forms of policy because they are prepared under the Environmental Planning and Assessment Act.

Development Control Plans can deal with a significant level of detail so the general clauses in the range of policy and legislation that applies to the area can be examined and expanded for all the different zones.

OPTION THREE

Local Environmental Plan

The Local Environmental Plan can be amended to introduce different zones and/or clauses to control development. LEP provisions, however, can only deal with a specific array of issues.

OPTION FOUR

A combination of LEP provisions and policy

This can be the most effective way of dealing with planning controls. The LEP amendment would put in the legal framework that requires the detail outlined in the policy or the Development Control Plan to be taken into account.

REPORT IMPLICATIONS:

- *Environmental*

Potentially better environmental management of development in the Coastal Zone

- *Social*

Nil

- *Economic (Financial)*

Potentially a significant commitment to funding studies and policy development

- *Policy or Statutory*

Potentially a change in planning for the Coastal Zone

2005. 137 **RESOLVED:**

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

That the report be noted.

.....
R B Pitt



At this stage 10.32a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.07a.m. all present at the adjournment were in attendance.



DIRECTOR SHIRE SERVICES REPORT

DSS1	TOWN IMPROVEMENT FUND
FILE: 153	NJT COPY: APC {Folio No. 292114}

SUMMARY:

Reporting on funding options for the Town Improvement Fund.



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

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

The current Town Improvement Fund has been in operation since amalgamation in 1975. The amount allocated to each village/town has historically been in direct proportion to rate revenue from that village/town and is set aside to carry out specific capital works.

The types of Capital Works carried out under the Town Improvement Fund has increased over the years to now include, kerb and gutter, drainage, footpath, urban road rehabilitation and other associated works.

As detailed in the Table 1, there has been a significant decrease in funding for Town Improvement Works, as a percentage of net rate revenue, over the last 20 years. In 1985 the percentage of net rate income spent on Town Improvement Works was 8.08%, whereas in 2004/2005 it was 4.46%. This means a reduction in real terms of

\$311,350 since 1985. Note that net rate revenue takes into account subsidies such as pensioner rebates.

Table 1

Year	1985	1990	1994/1995	1999/2000	2004/2005
Total % of Rate	8.08%	7.45%	6.57%	5.55%	4.46%
Town Improvement Program Budget	\$230,000	\$325,274	\$333,200	\$356,250	\$380,750
Total General Net Rate Revenue	\$2,845,000	\$4,365,685	\$5,073,169	\$6,414,133	\$8,544,528

Table 2 shows total rate revenue for each town and village, the existing town improvement budget, and the equitable distribution of funding required under present budget arrangements.

Table 2 Town Improvement Program Budget

	Rate Income	% of Rate Income	Existing TI Budget	TI per Rate Income
Bellbrook	\$13,874	0.25%		\$976
Crescent Head	\$589,311	10.67%	\$60,180	\$41,452
Frederickton	\$170,349	3.09%	\$12,750	\$11,982
Gladstone	\$102,591	1.86%	\$12,750	\$7,216
Grassy Head	\$10,924	0.20%		\$768
Hat Head	\$229,505	4.16%	\$30,345	\$16,143
Kempsey	\$1,934,723	35.04%	\$126,480	\$136,088
Kinchela	\$18,769	0.34%		\$1,320
Kundabung	\$5,568	0.10%		\$392
Smithtown	\$143,578	2.60%	\$12,750	\$10,099
South West Rocks	\$2,075,193	37.59%	\$109,140	\$145,969
Stuarts Point	\$213,858	3.87%	\$23,970	\$15,043
Willawarrin	\$13,008	0.24%		\$915
TOTAL	\$5,521,251	100.00%	\$388,365	\$388,365

To provide a more equitable distribution of funding, allocations for Kempsey and South West Rocks require to be increased, funding for Crescent Head, Gladstone, Hat Head, Smithtown, and Stuarts Point require decreasing whilst Frederickton would remain the same. As shown in Table 2, minimal income is provided from Grassy Head, Bellbrook, Kinchela, Kundabung, and Willawarrin, thus making it difficult for other urban areas to subsidise these smaller villages under this program.

If work needs to be undertaken in these villages, then that work would need to be funded from other sources.

The estimated cost of providing kerb and gutter to both sides of a typical urban block 200m in length is \$80,000. This amount can be significantly higher depending on the location, as extensive drainage may be required as part of the work.

As shown in Table 2, funding provided is often not sufficient to construct kerb and gutter in a typical urban block. Projects are often deferred until sufficient funds are accumulated for that village to proceed with the project.

In older urban areas with limited infrastructure, the expectations of the community are heightened by the provision of the type of infrastructure in new subdivisions, such as, kerb and gutter, footpaths, drainage infrastructure, and street lighting, all to current standards.

A desktop exercise was carried out recently to estimate the cost of providing kerb and gutter in towns and villages where existing drainage problems exist. The sums of these kerb and gutter projects are listed in Table 3. Other types of Capital Projects such as road rehabilitation, footpaths, construction, drainage augmentation have not been estimated.

Table 3 Outstanding Kerb & Gutter construction

	Length (km)	Estimate
Kempsey	6.85	\$1,370,000
South West Rocks	8.90	\$1,780,000
Crescent Head	4.10	\$820,000
Frederickton	5.91	\$1,182,000
Smithtown	1.35	\$270,000
Gladstone	0.68	\$136,000
Hat Head	2.40	\$480,000
Stuarts Point	1.10	\$220,000
Willawarrin	1.90	\$380,000
Bellbrook	0.95	\$190,000
Total	34.14	\$6,828,000

It is recommended that the funding within the TI Program be distributed as a proportion of net rate revenue. Funding should be pooled for the smaller villages of Frederickton, Gladstone, Smithtown, Stuarts Point and Hat Head to provide a capital project on a five-year rotational basis, as shown in Table 4.

Table 4

	Urban Rate Revenue	Existing TI Budget	TI budget per Urban Rate Revenue	Difference
Crescent Head	\$589 311	\$60 180	\$41 452	-\$18 728
Kempsey	\$1 934 723	\$126 480	\$136 088	\$9 608
South West Rocks	\$2 075 193	\$109 140	\$145 969	\$36 829
Frederickton	\$922 024	\$92 565	\$64 855	-\$27 710
Gladstone				
Hat Head				
Smithtown				
Stuarts Point				
TOTAL	\$5 521 251	\$388 365	\$388 365	\$0

Note that the redistribution of funding indicated in Table 4 is based on the current funding levels being maintained.

If Council wishes to provide much needed capital improvements in its towns and villages, then a significant increase of funding is required and the increased funding would be distributed in the same proportion as rate revenue generated. In order for much need capital works to undertaken in the urban areas, Town Improvement funding should be increased to former levels, that is, 8.1% of Total General Rate Revenue (\$692 100).

REPORT IMPLICATIONS:

- ***Environmental Implications***

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

- ***Social Implications***

The social implications from the following recommendation are increasing requests for improvement works and reducing funding levels.

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

The economic implications from the following recommendation are shown in the report.

- ***Policy or Statutory Implications***

There are no policy or statutory implications.

▪ *Director's Review*

Council may wish to increase its allocation for capital improvement works in town and village in line with the proposed distribution to address the backlog of works sought for the Town Improvement Program.

Director Shire Services Recommendation:

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

2005. 138 **RESOLVED:**

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

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

DSS2	RANKING FOR WATER/SEWERAGE GRANTS
FILE: 377	AMB (NRN) {Folio No. 292115}

SUMMARY:

Reporting on the final rankings given to projects subject to the new 'ranking' system under the Country Towns Water Supply and Sewerage Programme.



In November 2004 the initial results of the grant funding ranking for projects under the Country Towns Water Supply and Sewerage Programme were reported to Council. Council resolved, in part,

That Council provide representatives to attend the delegation by Mid North Group of Council's with Minister Sartor on 17th November 2004.

Council was represented by the Mayor, Council Hayes and the Director Engineering at the meeting on 17 November 2004 and Minister Sartor advised that the review of priority ranking had recently been completed. Outcomes were expected within 2 weeks!

The results of the ranking review has recently been forwarded and are attached at [\[Appendix A\]](#) and separate advice from the Minister on the timeframe that grant funding may be available at [\[Appendix B\]](#).

The submission achieved a move in the ranking of Stuarts Point/Grassy Head Sewerage has moved from a ranking of 7 to a ranking of 5. Whilst still a disappointing result, there has been some acknowledgement of the need to sewer the area.

The access to grant funding for Willawarrin is still not well defined and appears to be available between 2005 and 2008 provided all design, specifications, tenders and environmental requirements have been completed. Confirmation of this understanding is being sought. From this information, it can be protracted that grant funding for Stuarts Point / Grassy Head sewerage would be not available until at least 2008 and Bellbrook sewerage would not receive funding until approximately 2010.

REPORT IMPLICATIONS:

- ***Environmental Implications***

Existing environmental problems, stemming chiefly from the poor function of septic tank systems, will not be addressed by sewerage schemes in the short term if grant funding is to be utilised.

In the short term these environmental problems will need to be addressed through the Septic-Safe Programme

- ***Social Implications***

The pressure on individual property owners to address the environmental issues is building and is best met by the introduction of a sewerage scheme.

- ***Economic Implications***

The sewerage Fund budget would need to incorporate this latest information.

It would be possible to bring forward the construction of any or all these projects. However, it would most likely be without the assistance of grant funding.

If any of these sewerage projects were to be constructed without the benefit of grant funding, Macleay Water would need to carefully assess the impact upon sewerage rates for not only these projects but also the other capital works required in the ensuing years. Macleay Water is currently completing such an analysis as part of the Economic and Rate Impact Phase of the Integrated Water Cycle Management Strategy (IWCMS).

▪ *Policy or Statutory Implications*

There are no policy or statutory implications.

▪ *Director's Review*

Council will need to carefully consider the implications of waiting for Grant Funding or of funding the works fully and the impact on future budgets.

2005. 139 RESOLVED:

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

That the information be noted.

DSS3	DRAFT LIQUID TRADE WASTE POLICY
FILE: 126	RWB {Folio No. 292116}

SUMMARY:

Reporting on the response to the public exhibition of the draft Liquid Trade Waste Policy.



The 2004 draft Liquid Trade Waste Policy was on placed on public exhibition, following adoption for exhibition (DSS8 December 14, 2004). The exhibition was for approximately 6 weeks from January 4 to February 11, 2005.

The public was advised of the draft Liquid Trade Waste Policy's exhibition through the media. Notice of the exhibition was placed in the Argus to satisfy statutory requirements, before commencement of the exhibition and during the exhibition. Additional media exposure included a media release (picked up by radio and newspaper), the Mayor's column and Water Happynings monthly page.

Macleay Water has endeavoured to circulate information about the draft Liquid Trade Waste Policy by other means. The Macleay Water website has specific pages relating to the draft Policy and permitting an emailed submissions during the exhibition. The Liquid Trade Waste Officer has been meeting with individual business during January and February and explaining the impact on their business. Where requested, information on the impact of the proposed Sewerage Pricing has been calculated.

Two submissions were tended during the exhibition; one internal and one external submission. The issues raised in the submission and actions taken are shown in [\[Appendix C\]](#).

During the exhibition DEUS (Department of Energy, Utilities and Sustainability) issued amendments to the Model Liquid Trade Waste Policy, on which Macleay Water's draft Liquid Trade Waste Policy was based. [\[Appendix D\]](#) is a summary of the DEUS changes to the Model Liquid Trade Waste Policy and a summary of changes to the Macleay Water draft Liquid Trade is also included. Macleay Water had already incorporated some of the DEUS changes, as they were applicable to our regional situation. [\[Appendix E\]](#) is the final draft of the Liquid Trade Waste Policy, all amendments incorporated.

REPORT IMPLICATIONS:

- ***Environmental Implications***

The positive environmental implications for the adoption of this draft Policy include reducing the number of surcharges and odours related to grease arrestors and the reduction of undesirable substances and flows entering the sewerage system.

This aids in the efficient operation of Macleay Water's sewage treatment works and helps council remain compliant within EPA guidelines

- ***Social Implications***

Councils commercial customers who discharge Liquid Trade Waste have and/or will become aware of the implications of

the policy to their businesses due to the on going education campaign by Macleay Water's Liquid Trade Waste Officer.

▪ *Economic (Financial) Implications*

Some customers who are non compliant will have a cost associated with up grading and maintaining their liquid trade waste pre-treatment facilities together with charges to discharge liquid trade waste to sewers.

The education campaign and phase in of charges will lessen any financial burden placed upon these customers.

Implementation of charges for the disposal of liquid trade waste to sewers will eliminate some cross subsidies by domestic customers.

▪ *Policy or Statutory Implications*

This is a new policy required by DEUS to meet the new Concurrence Guidelines for 2005 and is part of a water utilities Best Practice Management.

▪ *Director's Review*

Council is urged to support the recommendation.

Director Shire Services Recommendation:

That the Liquid Trade Waste Policy [[Appendix E](#)] be adopted.

2005. 140 RESOLVED:

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

That the Liquid Trade Waste Policy be adopted subject to the policy also incorporating the amendments required by the Department of Energy Utilities and Sustainability (DEUS) detailed in Table 1 as provided by the Director Shire Services.

DSS4	HAT HEAD SEWERAGE	
	FILE: 217 DWH (NRN)	{ Folio No. 292117 }

SUMMARY:

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



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

On the 8th of February 05 United Kilpatrick Green arrived at the Hat Head Sewerage Treatment Plant and Dune Disposal site to continue plant operation changes and repairs.

On the 22nd February 05 Airvac arrived at the Hat Head reticulation & sewage pumping station to continue operation changes and repairs.

Sewerage Treatment Plant (STP)

The following problems with the STP have been repaired to date:

- Sludge Digester Rotork valve.
- Sludge Digester lower take-of-line.
- Compressor filter pressure switch.
- Chemical dosing lines replaced.
- Chlorine tank leak.
- Auto control on Grit Conveyor.

Outstanding STP problems to be repaired or replaced:

- Sludge storage tank Float still inverted.
- Two Diffuser arms in Sequential Batch Reactor to be replaced.
- All Diffuser arms to be lifted checked and locking wedges replaced.
- Sludge transfer meter not operating.
- Sand filter pressure switch alarm not operating.
- Hour meters on two compressors not operating.

Reticulation & Sewerage Pumping Station (SPS)

The following problems with the SPS and reticulation system have been repaired to date:

- Magflo meter, replaced 22nd February.
- Transfer pumps now operating on auto.
- Probe reset to correct tank levels.

Outstanding problems to be repaired, or equipment replaced, in the Reticulation system and SPS:

- Several pots in the reticulation system to be repaired.
- Airvac advised Macleay Water that new Transfer pumps and motors to arrive towards the end March.

Dune Disposal.

The following problems with the Dune Disposal Dams have been corrected to date.

United Kilpatrick Green (UKG) organised a backhoe to scrape to a depth of 600mm to release effluent through blocked sand beds.

UKG are to look at a long-term solution to correct the problem of the sand beds blocking.

EPA Licence compliance

EPA have reported they are encouraged by United Kilpatrick Green efforts to comply with their license requirements, which have improved to date

REPORT IMPLICATIONS:

- ***Environmental Implications***

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

- ***Social Implications***

There are no social implications.

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

There are no economic implications as all costs are borne by the contractors.

- ***Policy or Statutory Implications***

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

- ***Director's Review***

Improvements to the system have occurred and will continue to improve the sewerage system to a satisfactory level.

Director Shire Services Recommendation:

That the information be noted.

2005. 141 **RESOLVED:**

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

That Council notify the contractors that it is Council's intention to make representations to Minister Sartor over the operation of the Hat Head Sewerage System if this whole matter is not resolved by 30th June 2005.

DSS5	AUSTRALIA DAY 2005	{Folio No. 292118}
FILE: 247	AW (NRN)	

SUMMARY:

Reporting on the Australia Day Activities for 2005.



On Wednesday, 26th January 2005 another successful Australia Day Celebration was held with Council supporting activities as follows: -

AUSTRALIA DAY ARGUS FEATURE

This is the third year that an Australia Day Feature has been done in conjunction with the Macleay Argus. This feature provides a keepsake for the award recipients and their families and is funded through Council and sponsorship. This years sponsors were: -

- C & M Glass
- Coastline Credit Union
- South Street Mufflers
- Macleay Argus
- Kempsey – Macleay RSL Club

AUSTRALIA DAY AWARDS CEREMONY

Under somewhat cramped conditions the Awards Ceremony was held at the Kempsey- Macleay RSL Club. This did not seem to dampen the enthusiasm of the 300 (approx) people that were in attendance.

The function started with the Kempsey District Silver Band playing on the lawn outside the club prior to the flag raising ceremony conducted by the T S Culgoa Naval Cadets, under the instruction of Lieutenant Kay Aldridge, with Elizabeth Howard singing the National Anthem.

Guests were then invited inside the auditorium for the beginning of the program, which commenced with a welcome by MC Allan Burgess and was then followed by the Australian Citizenship Ceremony where

the following applicants were naturalised by Mayor, Cllr Janet Hayes and welcomed by Uncle Blue: -

- Elizabeth Ann Keay
- Suchitra Devi Brown
- Shiela Bellosillo Peet
- Wendy Elizabeth Ring
- Karen Rowena Smedley
- Elena Milson
- Alastair Charles Smedley
- Sonja Boschke
- Aline Monteiro

Representative, Mrs Loma Baker, from Woolworths Kempsey (Woolworths is the sponsor of the Ambassador Program) proceeded to officially welcome the 2005 Australia Day Ambassador, Mr Gary O'Callaghan. After being presented with the Ambassador Pin, by Loma, Gary delivered a inspiring speech about his life experiences and what Australia Day means to him.

MC Allan Burgess, the Mayor and Gary then proceeded to announce the winners of Awards as follows: -

SPORTS AWARD

Ryan McMillan

COMMUNITY ENTERTAINMENT, MUSIC AND ARTS AWARD

Wynifred "Wyn" Henshaw

COMMUNITY SERVICE AWARD

Parklands Cottage

CITIZEN OF THE YEAR AWARD

Richard O'Leary

YOUNG CITIZEN OF THE YEAR AWARD

Karen McKenzie

REPORT IMPLICATIONS

- ***Environmental Implications***

There are no environmental implications.

- **Social Implications**

The Australia Day celebration is seen as providing good opportunities for social interaction.

- **Economic (Financial) Implications**

The budget for Australia Day 2005 was \$5,000.00 and as at 23 February 2005, \$3,653.00 has been spent.

- **Policy or Statutory Implications**

There are no policy or statutory implications.

- **Director's Review**

The celebrations were seen as successful, due principally to the very positive involvement of Council staff members.

2005. 142 **RESOLVED:**

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

That the information be noted and the staff involved in the organisation of the day be commended.

DSS6	YOUTH INFORMATION AND REFERRAL SERVICE
FILE: 451 GJH	{ Folio No. 292119 }

This report DSS6 was dealt with earlier in the meeting just after PUBLIC FORUM.

DSS7	WATERWAYS ASSET DEVELOPMENT & MANAGEMENT PROGRAM
FILE: 354 APV COPY: APC	{ Folio No. 292120 }

SUMMARY

Reporting on the offer of grants under the NSW Maritime Waterways Asset Development and Management Program (WADAMP) for 2004/2005.



DESCRIPTION

In line with Council's adopted budget for 2004/2009, applications were submitted in July 2004 for WADAMP funding for the following projects:

1. Construction of Kempsey Wharf
2. Refurbishment of Crescent Head Boat Ramp
3. Construction of Jerseyville Boat Ramp

1. Council's share of funding for the construction of a new wharf at Kempsey was originally provided in the 2003 / 2004 budget. With no offer of grant funding having been received, Council in May 2004, resolved to transfer the funds for the project to allow the work to be completed in 2004/2005. An amount of \$20,000 is currently set aside under Council's Loan Program for this project. NSW Maritime have now advised that the project is deferred for WADAMP funding.

2. Council's share of funding for the refurbishment of the Crescent Head Boat Ramp was provided in the 2004 / 2005 budget. In September 2004, whilst reviewing the 2004 / 2005 budget and 2003/2004 revotes, Council resolved to delete this project from the 2004 / 2005 budget. An offer of a WADAMP grant in the amount of \$11,000 has now been received. A condition of the grant offer is that the project must be commenced within 6 months and be completed within 12 months.

The proposal is for the refurbishment of the existing boat ramp at Killick Creek. Sections of the existing concrete ramp have deteriorated to the extent that large concrete slabs have broken off at the bottom of the ramp resulting in an unacceptable public risk exposure and difficulty at times in using the existing ramp.

If Council wishes to proceed with the project, funding in the amount of \$10,000 (additional \$1,000 for project management to be funded from existing votes) needs to be provided. Council has the following options:

- i) Provide \$10,000 from Loan Funds set aside for Kempsey Wharf project to allow the work to be undertaken this financial year; the remaining \$10,000 in Loan Funds could be used towards funding the Jerseyville Boat Ramp project.
- ii) Provide \$10,000 in 2004/2005 budget to allow the work to be undertaken in 2005/2006.

4. Council has received an offer of a WADAMP Grant of \$53,500 for the Reconstruction of the Jerseyville Boat Ramp. A boat ramp is currently situated on the left bank of the Macleay River at Rotary Park Jerseyville. The existing boat ramp was formerly the car ferry ramp and as a result is too steep and is unsuitable. The existing ramp is

located at the apex of a bend resulting in fast flowing currents at this location making boat launching and retrieval difficult.

The proposal is to construct a new concrete boat ramp that complies with current design guidelines upstream of the existing ramp and away from fast flowing currents.

The preliminary total estimated cost of the project is \$107,000. Construction of the ramp itself is estimated at \$80,000, whilst ancillary elements including lightning, landscaping, design and supervision are estimated to cost an additional \$27,000. If Council wishes to accept the offer for this project, an amount of \$40,000 would be needed to be provided in the 2005/2006 Council budget. Council's remaining contribution would be in-kind and sourced from existing votes. Funding could be provided in 2005/2006, as the project needs to commence within 6 months and be completed within 12 months from the date of the acceptance of the grant. In any event, construction would not commence prior to July as the investigation and design would first need to be undertaken.

REPORT IMPLICATIONS

Social

Acceptance of the grant offers will provide greater recreational opportunities for residents and tourists.

Environmental

There are no Environmental Implications for this report, as all projects will be undertaken with the approval of the relevant authorities.

Economic

The Economic Implications are set out in the report.

Policy or Statutory

There are no policy or statutory implications.

Director's Review

As per report.

Director Shire Services Recommendation:

1. That the WADAMP grant funding in the amount of \$11,000 be accepted for the refurbishment of the Crescent Head Boat Ramp.
2. That the WADAMP grant funding in the amount of \$53,500 be accepted for the reconstruction of the Jerseyville Boat Ramp.
3. That \$10,000 be provided from Loan Funds for Council's contribution for the refurbishment of the Crescent Head Boat Ramp.
4. That \$40,000 be provided in the 2005/2006 Budget for Council's contribution for the reconstruction of the Jerseyville Boat Ramp.

2005. 143 **RESOLVED:**

*Moved: Cl. McWilliam
Seconded: Cl. Saul*

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

Councillor **Bowell** lodged a Notice of Rescission in relation to the foregoing resolution.

2005. 144 **RESOLVED:**

*Moved: Cl. McWilliam
Seconded: Cl. Saul*

That the WADAMP grant funding in the amount of \$53,500 be accepted for the reconstruction of the Jerseyville Boat Ramp and that \$40,000 be provided in the 2005/2006 Budget for Council's contribution for the reconstruction of the Jerseyville Boat Ramp.

DSS8	SECOND BRIDGE CROSSING - KEMPSEY	
	FILE: 452 APV	{ Folio No. 292121 }

SUMMARY:

Reporting on the current status of the project for the Second Bridge Crossing of the Macleay River Kempsey.



.....
MAYOR

Council, at its meeting on 13th April 2004, resolved:

"That a decision on the Second Bridge Crossing Project be deferred until the results of the Stage 1 investigations by Cardno MBK are received."

The report to Council's Meeting on 13th April 2004 details the background of the project and the progress up until April 2004. A copy of that report is attached [\[Appendix F\]](#).

Council has now received a draft copy of the report from Cardno MBK presenting the results of the Stage 1 investigations, namely the Concept Design, the Urban Design and the Review of Environmental Factors. A copy of the Executive Summary is attached [\[Appendix G\]](#).

The report is still only a draft report as it is considered that some aspects of the investigations have not been fully assessed and/or reported and the consultant has been requested to address these concerns. Nevertheless, the draft report does provide sufficient information for an informed decision to be made regarding the project.

The draft report estimates that the indicative construction cost of the project would be \$8.07M without contingencies and would have a Benefit Cost Ratio (BCR) of 4.2. Although this arrives at a lower BCR than previously (7.5), it still indicates an attractive project in regards to road user economic benefit as well as broader social benefits to the wider community. Once completed, the Report will be forwarded to the RTA for their consideration.

As advised previously, a further amount of \$196,000 is still required for Cardno MBK to undertake the Detailed Design and the Construction Tender Documentation for the project. No funding for this second stage of the investigations has been provided. The RTA has indicated that they will await the outcomes of the first stage of investigations before deciding whether to proceed with the project. During discussions, the RTA has indicated that they would expect a contribution of at least 50% by Council for the second stage of the investigations.

No commitment has yet been made by the RTA on whether funding will be provided for the actual construction. If the project were to proceed, Council would need to negotiate with the RTA regarding its contribution to the project. Informal discussions with the RTA have indicated that they could be seeking a contribution from Council as high as 50 percent of the total project cost. Because of the high cost of the project, the amount of Council's contribution should be negotiated with the RTA prior to deciding whether to proceed with the project.

As previously advised, the major benefit of the Second Bridge Crossing is in the short term, prior to the construction of the Pacific Highway Upgrade around Kempsey. Progress on the Second Bridge Crossing has been longer than anticipated with still no firm commitment for funding for stage 2 of the investigations or the actual construction. The second bridge proposal offers no benefit to Frederickton and does not remove heavy vehicles from Central and South Kempsey.

At the Value Management Study for the Pacific Highway Upgrade and in informal discussions, the RTA has indicated that the construction of the Second Bridge Crossing may allow deferral of the Kempsey Bypass. There is concern within the community generally, and in particular by the residents of Kempsey and Frederickton, regarding the noise and safety of large numbers of heavy vehicles on the highway traveling through the urban areas. The four major accidents last year involving the overturning of heavy vehicles only emphasized those concerns.

Council is aware of the commitment by the Federal Government to increase funding for the upgrading of the Pacific Highway under the AusLink Program. This increase in funding allows the RTA to bring forward the timing for the construction of the Kempsey Bypass. By bringing forward the Concept Design and Environmental Assessment Impact for the Kempsey Bypass (currently underway), the RTA has shown that the Kempsey Bypass project has a high priority.

The increase in funding for the Pacific Highway Upgrading and the early commencement of the Stage 2 investigations for the Kempsey Bypass coupled with the delays with the Second Bridge Crossing could result in both these projects being constructed at about the same time. If this were the case, many of the benefits of the Second Bridge Crossing would NOT be realised.

If the project proceeds, Council's contribution (based on 50% contribution) may be as high as:

2005/06	\$100,000	Detailed Design
2006/07	\$2,000,000	Construction
2006/07	\$2,000,000	Construction

Ongoing costs would be required to maintain the structure and to remove debris and/or undertake repairs following moderate and major river rises. In addition, Council would need to provide for the eventual replacement of the bridge structure.

It is recommended that this project not proceed.

A commitment should be sought from the Minister for Roads regarding the timely commencement of the Kempsey Bypass. It is considered that the Kempsey Bypass will better address the concerns of the community. Any available RTA funding should be directed to bring forward that project, and to ensure that that project provides the best possible outcomes for the community.

The current pedestrian walkway from South Kempsey is attached to the Railway Bridge. This walkway is the responsibility of the RTA. Several years ago inadequacies of the walkway were raised with the RTA. Any decision regarding the upgrading/replacement of the walkway was deferred pending the outcome of the Second Bridge Crossing project. If Council is of a mind not to proceed with the Second Bridge Crossing, then the RTA should again be approached to urgently replace the walkway.

- ***Environmental Implications***

There are no environmental implications.

- ***Social Implications***

The Social benefits of the Second Bridge Project are well known and clearly set out in the previous reports. These proposed benefits will be lost should the recommendation be adopted.

- ***Economic Implications***

The economic implications are set out in the report. By adopting the Recommendations Council can improve its financial position.

- ***Policy or Statutory Implications***

There are no policy or statutory implications.

- ***Director's Review***

The benefits from this project are substantial but are highly dependent on the timing of the Highway Upgrade project. Should the Bypass be confirmed and commence in the short term, the opportunity to draw substantial funds from the RTA will be lost.

Director Shire Services Recommendation:

- 1) **That the Minister for Roads be approached to ensure the prompt commencement of construction of the Kempsey**

Highway Bypass and seeking a firm commitment to commencement.

- 2) That the Second Bridge Crossing Project not proceed.
- 3) That the replacement of the footway / cycle way adjacent to the Kempsey Railway Bridge be pursued with the RTA as a matter of urgency.

MOVED:

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

- 1) That the Minister for Roads be approached to ensure the prompt commencement of construction of the Kempsey Highway Bypass and seeking a firm commitment to commencement.
- 2) That the Second Bridge Crossing Project be deferred at this stage.
- 3) That the replacement of the footway / cycle way adjacent to the Kempsey Railway Bridge be pursued with the RTA as a matter of urgency.

An Amendment was MOVED:

*Moved: Cl. Saul
Seconded: Cl. Walker*

- 1) That the Minister for Roads be approached to ensure the prompt commencement of construction of the Kempsey Highway Bypass and seeking a firm commitment to commencement.
- 2) That the Second Bridge Crossing Project continues to be pursued.
- 3) That the replacement of the footway / cycle way adjacent to the Kempsey Railway Bridge be pursued with the RTA as a matter of urgency.

The AMENDMENT was PUT to the Meeting and was LOST.

2005. 145 The MOTION was PUT to the MEETING and was CARRIED.

Councillor Saul recorded his vote against the foregoing Resolution.

SUMMARY:

Reporting on proposals for a road name.



A request was received to investigate the naming of a road leading past the Kinki Cemetery off Stuarts Point Road. A plan of the area is attached at [\[Appendix H\]](#). The Macleay River Historical Society investigated suitable possibilities for the unnamed road. The Society has responded recommending Harris Road as a suitable option and a copy is attached at [\[Appendix I\]](#).

Subject to Council's concurrence, approval to name the roads will be sought from the Geographical Names Board. Advertising will be carried out in line with the requirements of the Board. Council will provide and install appropriate signage.

- ***Environmental Implications***

There are no environmental implications.

- ***Social Implications***

Naming of roads is required to assist residents in locating properties and addresses.

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

It is considered there will be minor financial impacts with advertising and signage costs, all of which will come from current maintenance votes.

- ***Policy or Statutory Implications***

The road has been named in accord with Council's Policy C22:6 and, subject to Council's decision, will then be referred to the Geographical Names Board as required by the Geographical Names Act 1966.

- ***Director's Review***

Council is urged to support the recommendation.

2005. 146 **RESOLVED:**

Moved: Cl. Sowter

That Harris Road be accepted as the name for the road off Stuarts Point Road.

DSS10	MID NORTH COAST WEEDS ADVISORY COMMITTEE
FILE: 373	GWE (NRN) {Folio No. 292124}

SUMMARY

Reporting on the Mid North Coast Weeds Advisory Committee meeting.



Kempsey Shire Council hosted the Mid North Coast Weeds Advisory Committee Quarterly meeting on 24 February. Councillor Green and Councillor Sowter along with Manager Community Services and Lifestyle Lotta Jackson and Weeds Officer Greg Egan attended the meeting.

Councillor Sowter welcomed everyone to the meeting expressing a few of his concerns regarding Noxious and Environmental weeds.

Each Member on the committee presented their reports. Kempsey Shire Council's Quarterly Noxious Weeds report was read and handed out in the meeting.

Ms Susanna Greig, Weeds CRC Education Officer bases at New England University, Armidale, gave a presentation of School Weed Education Program.

Greg Egan was given credit for the PowerPoint Weed Presentation he has prepared for groups and Council. Greg was also given a Certificate Of Appreciation for contribution to the Northern Riparian Vine Weed Project.

- ***Environmental Implications***

There are no environmental implications.

- ***Social Implications***

There are no social implications.

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

There are no economic implications as all costs are within available budgets.

- *Policy or Statutory Implications*

There are no policy implications.

- *Director's Review*

Active involvement in the Mid North Coast Weeds Advisory Committee ensure Council is kept abreast of best practice and any emerging issues.

2005. 147 **RESOLVED:**

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

That the information be noted.



PRESENTATION

At this stage 12.45p.m. Dr Judy Henderson, chairperson for the Northern Rivers Catchment Management Authority and Michael Pitt, General Manager, addressed the Meeting on the role of the Authority.



At this stage 1.09p.m. the Meeting adjourned for Luncheon and upon resumption at 2.12p.m. all present at the adjournment were in attendance.



DSS11	FLOODPLAIN MANAGEMENT CONFERENCE
FILE: 19 KJF (NRN)	{Folio No. 292125}

SUMMARY:

Reporting on attendance at the 45th Annual Conference of the Floodplain Management Authorities of NSW.



The 45th Annual Conference of the FMA was hosted by Eurobodalla Shire Council and held in Narooma from 22nd until the 25th February 2005. Council was represented by the Mayor Councillor Hayes, Councillor Saul, the Director Shire Services and Manager Engineering Strategy.

The conference was officially opened by the Hon. Jim Lloyd MP, Minister for Local Govt., Territories and Roads, The Minister recognised the influence of the FMA and noted that although a significant area of NSW was in drought, it was the most flood prone State. A National framework for Risk Assessment has been developed following release of a C.O.A.G Report and Local Council need to adapt local policies to suit this new format. The Minister also noted the funding for the Regional Flood Mitigation program was \$9m.

Keynote speaker, Vick Verdult, CEO of Zeeland Province in the Netherlands, spoke on the ESCAPE Project, a regional flood mitigation scheme involving a range of coastal regions in the Netherlands and England. The scope of the scheme is substantial and the presentation was interesting and well presented.

A further keynote speaker on Thursday was also extremely interesting. Assoc Prof Ted Bryant from the University of Wollongong presented a paper "The Susceptibility of the NSW Coast Line to Flooding from Tsunamis". With a wall of water up to 10m high and moving as far as 10kms inland, the impact would be extreme. Prof Bryant noted that Australia's East Coast was subject to tsunamis and showed slides of resultant disruption evident on the coastline.

Other presentations of interest were;

"Floodplain Management – From the Past to the Present to the Future" by Durran McLuckie from Dept of Infrastructure, Planning and Natural Resources.

"Adding Value to BoM Flood Predictions" by Mark Babister and Matthew Chadwick from Webb McKeown and Associates and Steve Opper and Belinda Davies from NSW State Emergency Services.

"Remember Commemorate – Prepare Flood anniversaries as a community education focus" by Phil Campbell from NSW State Emergency Service.

"The Use of Airborne Laser Surveys in Floodplain Management" by David McConnell from Patterson Britton & Partners.

"Liability" by David Baird from Marsden Lawyers.

"Floodgate – An engineering solution for Flood Mitigation" by Keith Jackson and Mike Clarke from *Floodgate Australia* and Jim Oliver from *JCL Hydraulics*.

"The Po River – 2000 Years of History" by Steve Molino from Molino Stewart P/L.

"A Clever Solution: Do the Opposite as a Matter of Policy" by David Gibbins and Stuart Holle from Newcastle City Council.

"Flood Notifications from Flood Risk to Reality" by Nilmini De Silva from Fairfield City Council and John Maddocks from Bewsher Consulting.

Technical tours covered

1. Moruya – Engineering Solutions for Commercial Areas
 - a. Commercial property protection.
2. Wagonga Inlet – Ecological impacts of Flooding
 - a. Oyster Farms
 - b. Fishing
 - c. Tourism
 - d. Farming
3. Tuross – Urban and Coastal Flooding
 - a. Land swap program
 - b. Impacts of an ICOL opening policy

The Annual General Meeting of the FMA was held on the Wednesday afternoon and saw the re-election of Chairman Councillor Allan Ezzy, Deputy Chairman Councillor Arch Humphrey, Executive Member Technical Ian Dinham, and the appointment of Tamworth Regional Council as the Executive Services Provider.

Next years conference will be in Lismore and Gunnedah was successful in its bid for the 2007 conference.

An information booklet on the FMA has been made available to all Councillors.

▪ ***Environmental Implications***

Attendees have the opportunity to review practices in other locations and become aware of best practice in Flood Mitigation.

▪ ***Social Implications***

There are no social implications.

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

There are no economic implications as all costs are covered by the current budget.

- ***Policy or Statutory Implications***

There are no policy implications.

- ***Director's Review***

As per the report.

2005. 148 **RESOLVED:**

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

That the information be noted.

DSS12	QUESTIONS WITHOUT NOTICE
FILE: 149 KMT (NRN)	{Folio No. 292127}

SUMMARY:

Reporting on Questions Without Notice from the Council meetings of 1 September 2004, 14 September 2004, 9 November 2004, 14 December 2004, 18 January 2005, 8 February 2005 and 14 February 2005.



Responses to Councillors Questions Without Notice are listed for information.

Extraordinary Meeting 1st September 2004

Councillor T L Hunt

File: R Smith St

(Folio No. 281440)

That the Director Engineering would raise with the RTA the left turn exit at the traffic lights exiting Woolworths in Smith Street and the need for this to also allow traffic to proceed across to Stuart Street.

Recommendation from the LTC: That the RTA further investigate the operation of the traffic lights on the corner of Smith Street and Stuart Street and Smith Street and Belgrave Street - awaiting feedback.

Ordinary Meeting 14 September 2004

Councillor R H McWilliam

File: R Maria River

(Folio No. **282578**)

That the Director Engineering would write to Hastings Council to see if they would be willing to join Kempsey Shire Council in applying for R2R funding to seal Maria River Road and a bridge to Port Macquarie.

Awaiting announcement of guidelines for Roads to Recovery Program.

Ordinary Meeting 12th October 2004

Councillor B R Sowter

File: P1-7

(Folio No. **284157**)

That the Director Engineering would investigate the establishment of a better caravan parking area for Kempsey in the Forth Street area and arrange suitable signposting and advertising.

Plans prepared for four options and preliminary estimates being determined.

Ordinary Meeting 9th November 2004

Councillor J H Bowell

File: D5-2

(Folio No. **285724**)

2. Can the Director Engineering investigate the disposal of stormwater in Hopetoun Street, Kempsey.

Situation being investigated.

Councillor B R Sowter

File: H2-17A

(Folio No. **285754**)

3. What is the situation with the storage of vehicles under the bridge at Smithtown?

The matter is being investigated.

Ordinary Meeting 14 December 2004

Councillor E R Walker

File: B6-5

(Folio No. **288009**)

1. Could the Director Shire Services investigate the possibility of putting a handrail on the topside of Sherwood Bridge - the foundation under the water line is deteriorating and has become dangerous especially when children are swimming in the area?

The Director Shire Services advised that the bridge is owned by the RTA - the Mayor advised that the matter would be raised with the RTA as a safety hazard.

Ordinary Meeting 18 January 2005

Councillor B Sowter

File: 59

(Folio No. **289762**)

6 Are restricted speed signs going to be erected in Crottys Lane and is the public gate going to be removed?

Directions to restriction have been received at Council from RTA. Signs to be erected.

Councillor R McWilliam

File: 149

(Folio No. **289765**)

1 Could the Director Shire Services please look at updating the signs for alcohol free zones within the Shire?

Report to go to April Council meeting.

Councillor R McWilliam

File: 218

(Folio No. **289766**)

2 Has any further negotiation taken place between NPWS and Council regarding pruning of trees on Phillip Drive and Wilson Streets, Arakoon?

Order issued for pruning.

Councillor T Hunt

File: 221

(Folio No. **289773**)

2 Can we identify the number of parking sites in the CBD parking areas of Kempsey?

There are approximately 1900 parking sites in the CBD areas of Kempsey and West Kempsey.

Councillor J Gribbin

File: 55

(Folio No. **289777**)

2 What is happening about the dead trees along Phillip Drive?

Order issued for pruning.

Ordinary Meeting 8 February 2005

Councillor R H McWilliam

File: 60

(Folio No. **290771**)

1 Could the Director Shires Services investigate the clogging of the stormwater drain on the corner of Wilson and Gladstone Streets, Arakoon?

Response: The Director Shire Services will investigate.

Councillor R H McWilliam

File: 149

(Folio No. **290774**)

3 Is there anyway that Council could find a vacant building to house a boating project for TRAC. Jan Eason, Principal, has three (3) weeks to find premises or lose the project due to PCYC pulling out of the deal?

Response: The Director Shire Services will investigate.

Councillor R H McWilliam

File: 228

(Folio No. **290775**)

4 When will the kerb and guttering be done in Simpson Street, South West Rocks, between Mitchell Street and the golf course?

This project was listed and included in the Works Program but as part of Council's revision of the budget in September 2004

this project was deferred. The Works Program has been corrected.

Councillor R H McWilliam

File: R Gregory St

(Folio No. **290776**)

5 Tar spraying recently at Gregory Street, South West Rocks left excess gravel at the site. Could we look at sweeping up loose gravel after spraying and maintenance?

Contractors undertake aftercare sweeping within three days. Area has been inspected and is satisfactory.

Councillor B R Sowter

File: 263

(Folio No. **290781**)

1 Would the Director Shire Services investigate blocked site view at the Croads Lane/Plummers Lane intersection?

Works staff met adjacent landowner on site and approved trimming of trees to suit new fencing.

Councillor B R Sowter

File: 149

(Folio No. **290782**)

2 Would the Director Shire Services investigate the automatic rain gauge at Seven Oaks that is not working?

The gauge is working currently. However, a section of Council's web page is not functioning correctly. Manly Hydraulics Laboratory advised to correct promptly.

Councillor B R Sowter

File: 55

(Folio No. **290783**)

3 Would the Director Shire Services investigate a stump not removed from the footpath at 12 Cameron Street, West Kempsey which has been there since late last year?

Response: The Director Shire Services will investigate.

Councillor B R Sowter

File: 60

(Folio No. **290784**)

4 Would the Director Shire Services advise on a blocked culvert at Dowlings Fall Road that was reported last November and nothing has been done?

Response: The Director Shire Services advised this has been investigated and the culvert fills up with rocks during heavy rain. The Director has been discussing with DIPNR how to restore the culvert.

.....

Councillor E R Walker

File: 109

(Folio No. **290786**)

2 Can a check be made of the footpath in Wide Street near Tozer Street which is breaking up?

Response: The Director Shire Services will investigate.

.....

Councillor T Hunt

File: 34

(Folio No. **290789**)

1 Will Council refer to the Traffic Committee the speed limit in the North Street area bounded by Sea Street and Armidale Road?

The matter has been referred to the Local Traffic Committee meeting scheduled for 2 March 2005.

.....

Councillor E A Green

File: 192

(Folio No. **290792**)

2 Would it be possible to have a restricted parking sign in front of 14 Broughton Street where Community Transport pick up a disabled person and are required to double park creating traffic problems?

Response: The Director Shire Services advised that this matter is on the agenda for the Access Committee meeting to be held this week.

.....

Councillor E A Green

File: 59

(Folio No. **290793**)

3 Is Council aware of a number signs at its beaches in poor condition and falling over?

Beach signs have been reviewed and new signs ordered for Stuarts Point North, Middle Head South, Oil Pipeline SWR and Back Creek SWR. Signs will be erected on delivery.

.....

Councillor E A Green

File: 361

(Folio No. **290794**)

4 Is Council aware of the crack in the base of the Frederickton War Memorial?

This matter was referred to the RSL Sub-Branch who are seeking grant funds for maintenance.

.....

Councillor E A Green

File: 60

(Folio No. **290796**)

6 What is Council's proposals for sewerage at Stuarts Point?

Response: The Director Shire Services advised that there are currently no proposals.

Report to Council on Ranking to March Meeting.

.....

Councillor J H Bowell

File: R Point Plome

(Folio No. **290796**)

1 When is the road condition warning sign at the beginning of Point Plomer Road to be replaced?

Response: The Director Shire Services will investigate.

.....

Councillor J H Bowell

File: 180

(Folio No. **290850**)

1. When will recycled bins be relocated at Crescent Head?

Recycle bins relocated at Crescent Head on 10 February 2005.

.....

Councillor J H Bowell

File: R Belgrave St

(Folio No. **290941**)

7. Is there a program for improvement to median strips in Belgrave and Smith Streets?

Response: The Director Shire Services will prepare a report for Council.

.....

Councillor J H Howell

File: R Belgrave St

(Folio No. **290943**)

8. Is there a program for resealing Belgrave Street (Smith to Stuart Street) and Smith Street (Belgrave to Forth Streets)?

Response: The Director Shire Services advised that there is no immediate program for Belgrave Street and road has been inspected and is holding. With Smith Street this is an RTA responsibility and they are being pursued to undertake improvement works in Smith Street and also in Lord Street and Lachlan Street.

.....

Councillor J A C Hayes

File: 119

(Folio No. **290851**)

2. What can be done about the amount of giant parramatta grass growing in urban area?

Response: The Director Shire Services will consider educational programs but more funding would assist.

.....

Councillor J A C Hayes

File: 55

(Folio No. **290852**)

3. What can be done about the ringbarked tree close to a residence that looks dangerous in Sea Street opposite the top entrance to St Paul's College?

The tree is on private property.

.....

Councillor J A C Hayes

File: 60

(Folio No. **290854**)

4. Can action be taken to stop the gravel being washed across Sherwood road near Ronella Drive?

Response: The Director Shire Services will investigate.

.....

Councillor J A C Hayes
File: R Wide St

(Folio No. **290855**)

5 Can installation of bollards in Wide Street be considered to prevent vehicles from driving across the median in a dangerous manner?

Response: The Director Shire Services will investigate.

Extraordinary Meeting 14 February 2005

Councillor D F Saul

File: 375

(Folio No. **291072**)

1. Major Oaks bridge at Smithtown has bad potholes.

Jet patcher attended the area week ending 25 February 2005.

REPORT IMPLICATIONS:

▪ *Environmental*

Nil

▪ *Social*

Nil

▪ *Economic (Financial)*

Nil

▪ *Policy or Statutory*

Nil

▪ *Director's Review*

As per the report.

2005. 149 **RESOLVED:**

Moved: Cl. Green
Seconded: Cl. Saul

That the information be noted.

2005. 150 **RESOLVED:**

Moved: Cl. Bowell

Seconded: Cl. Green

That the delay in the traffic light sequence for Stuart, Belgrave and Forth Streets accessing the Pacific Highway be raised again with the Traffic Committee.

The Mayor noted that the foregoing resolution was passed unanimously.

DSS13	WORKS IN PROGRESS	
FILE: 1	KJF (NRN)	{Folio No. 292129}

SUMMARY:

Reporting on Works in Progress.



ROADS

REGIONAL ROADS

Sealed

Patching and general maintenance is continuing on all the Regional Roads.

Rehabilitation of MR198 (South West Rocks Road) at Benelong Haven is almost complete. This work involved some earthworks, drainage and pavement as well as the realignment of a corner.

Construction of bus bays on MR 75 (Armidale Road) has been completed.

MR75 Armidale Rd is to undergo realignment at Turners Flat. The work involves earthworks, drainage and pavement of the black spot section immediately west of the Turners Flat Rd intersection. This major upgrade is to commence in early April.

LOCAL ROADS

Sealed Rural/Local

Pavement maintenance work on the sealed road network is continuing.

Sea Street, Dangar to Short, rehabilitation works have commenced and is continuing. The work involves the rehabilitation of the

pavement is expected to be expected to be completed prior to mid March.

Sherwood Rd is to undergo realignment and rehabilitations works as part of the Roads to Recovery program. The works, west of the Link Rd intersection, will involve flattening of batters, smoothing of a curve and general rehabilitation of the road.

UNSEALED RURAL

Gravel Resheeting

Mungay Creek Road is due to be resheeted during March 2005.

Nagles Falls Road is due to be resheeted during March 2005.

Willi Willi Road (1.2klms from Tait's Bridge) is due to be resheeted during April 2005.

Pipers Creek Road was resheeted in February 2005.

Toms Gully Road is due to be resheeted during April/May 2005.

Warbro Brook Road is due to be resheeted during May/June 2005.

Toorumbie Creek Road is due to be resheeted during June 2005.

Mines Road is currently being resheeted and should be completed by mid March 2005.

Dungay Creek Road is currently being resheeted and should be completed by mid March 2005.

Maintenance Grading

The "Shire East" roads maintenance crew is currently in the East Kempsey-Belmore Area (Area E1). The crew will move to the South West Rocks Area (Area E2) upon completion of area E1. The team deviated from their normal cycle to accommodate roads in a poor state and as such is slightly behind schedule.

Roads graded during the past month;

Old Coast Road

Kemps Road

Dark Water Street

Kinchela Creek right Bank

Austral Eden Inner Rd

Winstead Road

Wharf Road

Kinchela Creek Left Bank

Fairweathers Lane

The "Shire West" roads maintenance crew is currently in the Mungay Creek Area (Area West 6). The crew will move to the Millbank Area (Area W7) upon completion of area W6.

Roads graded during the past month;

Mines Road
Mungay Flat Road
Lawrences Road
Jacks Crossing
Mooneba Road

Dennis Road
Anembo Road
Corrangula Road
Maineys Rd

TOWN AND VILLAGE STREETS

Kempsey Town Improvement

No further TI work is scheduled for 2005.

Crescent Head Town Improvement

Drainage work, kerb and gutter, and road works are currently in progress for Korogora Street, East to Scott Street. This work is due to be completed in early April 2005.

South West Rocks Town Improvement

The Memorial Avenue area is currently undergoing improvement works under the RTA 40km/h High Pedestrian Usage Program. This work will involve the installation of blisters, median islands and footpaving to accommodate a more pedestrian friendly environment.

In Gregory Street the retaining wall has been completed, drainage and kerb and gutter work is complete, fencing has been erected, foot paving is complete and the roadwork is complete except for the removal of a stay pole by CountryEnergy and then sealing.

Frederickton Town Improvement

No TI work is scheduled for 2005.

Hat Head Town Improvement

The footpath/cycleway is currently being extended in Hat Head to the limit of available funds. Thereafter drainage works will commence in the Fern/Straight Street Area.

Stuarts Point Town Improvement

No TI work is scheduled for 2005.

Pedestrian Access Mobilisation Plan (PAMP)

PAMP work is scheduled in North Street in May 2005.

PAMP work is scheduled in Sea/Marsh Street in May 2005.

FLOOD MITIGATION

General maintenance and repair of the floodgates on Kinchela Creek and Belmore River flood structures is continuing.

The Christmas Creek Flood Structure is scheduled for concrete maintenance works in April/May 2005. This work involves the dewatering of the site; the grit blasting of the concrete structure; replacement of steel where needed; and the repairing of concrete surfaces. The floodgates will be renovated at the same time.

BRIDGES / STRUCTURES

Specific Maintenance

Work has been completed on the reconstruction of Johnson's Bridge on Collombatti Road. The work involved the replacement of piles, wales, corbels, girders and deck.

McIntyres Bridge on Nulla Nulla Rd is to undergo specific maintenance and this work is to commence mid March.

OPEN SPACE & RECREATION

Coastal Weeds Rehabilitation Project

Grant funding being sought to continue this program in the next financial year.

Upper Macleay Riparian Weeds Project

Funding is being sort for this very important project - to continue with the eradication of regrowth of the problem riparian weeds that have so much impact on these important areas. The main weeds being targeted are Madeira Vine and Cats Claw Creeper.

Sporting Facilities

Meetings are being arranged with the Macleay Valley Cricket Association, Rangers Soccer Club and the Kempsey Junior Rugby League to complete the review of 355 committees.

Bookings are now being taken for the winter season and planning for the change over from summer to winter sports.

Any alterations to field arrangements and sizes are being planned in consultation with Open Space and Recreation and user groups.

Parks

Planning for the Restoration work and landscaping to the Crescent Head beachfront is well underway and is intended to commence in March 2005. A design is drawn up for this project with priority areas being initiated at the start of March.

Horseshoe Bay

Planning of Stage 1 of the redevelopment of the reserve to commence in March 2005. Access steps to the beach on the western end are at the design stage. Any remaining funds in this financial year will be allocated to re-vegetating the beachfront area.

Furniture and lighting options currently being reviewed.

NOXIOUS WEEDS

1. Kempsey Shire Council is planning for identification and control programs of Environmental Weeds, including Camphor Laurel, Large and Small Leaf Privet, Ochna, Cats Claw Creeper, Madeira Vine, Mother of Millions and Khaki Weed.

2. Noxious Weed Roadside and private property inspections are currently undertaken mainly targeting Parramatta Grass and Groundsel Bush.

3. Letters have been sent out to landowners for new infestations of Salvinia, Giant Parramatta Grass and Groundsel Bush identified on their property.

4. Giant Parramatta Grass control with Taskforce on roadsides and reserves is now completed, with a few areas being treated with Roundup to complete the control program.

5. Council has received several phone calls relating to Weed Articles that have been published in the Town and Country Newspaper by Mid North Coast Weeds Advisory Committee. Many ratepayers have been enquiring about weeds and brochures available for identifying weeds.

6. Kempsey Shire Council provided \$10,000 this financial year for GPG control in urban areas with these control programs now complete. The following areas were treated: Kempsey, Crescent Head, Gladstone, Hat Head, Smithtown, Frederickton, South West Rocks, Stuarts Point, Willawarren, Bellbrook.

7. Bush Regeneration at Middle Head completed for this financial year. The amounts of Bitou and other weeds have been reduced with Acacia longifolia var sulphorea now thriving.

8. Groundsel Bush inspections were undertaken with National Parks(Cath Ireland and Mike Dodkin) at Stuarts Point, Clybucca and South West Rocks areas. A very large infestation was identified in National Parks in Clybucca. In this infestation it was found that there is previous damage to Groundsel Bush with a Tip and/or Stem Borer.

9. Weeds Officer has been preparing a weed presentation for groups to raise awareness for Noxious and Environmental weeds in the Kempsey Shire.

10. Inspections being carried out for Salvinia, Giant Parramatta Grass, Groundsel Bush, Water Hyacinth, Red Lantana, Blackberry, Riparian Vine Weeds and Mother Of Millions as well as other Noxious Weeds.

11. Weed Calendars have been an excellent tool to promote weeds awareness and have been in great demand by customers.

BUILDING SERVICES

Work completed last 4 weeks

- Ongoing maintenance to amenities.
- Aged Care Units: miscellaneous repairs.
- Kempsey Pool: Restoration of grassed area.
- Hat Head: Make safe beach observation deck.
- Macleay Water, Aldavilla House: External repairs and painting.
- Crescent Head: Repair ordinance fencing to Comara and Noongah Terrace.

Work proposed next 4 weeks

- Works Depot: Maintenance to gutters and down pipes (deferred pending funding).
- Works Depot: Slab and Skillion for Open Space & Recreation Shed.
- Gladstone Hall: Extensions for gallery (continuing).

- Lot 98 Akubra Place: commence alterations to accommodate separate tenancy agreements.
- KAP HQ Tozer Street: Internal improvements.
- Macleay Valley Community Care Centre: Construct timber deck and fire escape.

WATER SUPPLY

Normal operation and maintenance of Water Supply Pumping Stations and Treatment Plants continues.

Works Completed last 4 weeks

1. Crescent Head Water Treatment Plant fencing and upgrade - continuing.

Works Proposed for next 4 weeks

1. Install meters on all bore pumps - continuing.
2. Monitoring and testing of dam - continuing. Dam off due to algal bloom.
3. Sherwood Production Meter replacement - continuing.
4. Stuarts Point Sludge Trial / Removal - continuing.
5. Meter Replacement Program - continuing.
6. Tozer Street water main – continuing.

MONTHLY WATER CONSUMPTION

	February 2005 Kilotres
Kempsey Dam	0
Belgrave Falls	0
Bellbrook	1 116
Crescent Head	17 372
Hat Head	2 498
Sherwood - Lime Plant	249 605
South West Rocks	53 789
Stuarts Point	14 014
Willawarrin	796
Total Consumption	339 190

Kilotres to Financial Year to Date: 2 553 166kl

Applications for connection in February - 12

SEWERAGE

Normal operation and maintenance of sewage treatment plants and pumping stations continues.

Works Completed last 4 weeks

1. Handrails sludge lagoons - South West Rocks and South Kempsey - continuing.

Works Proposed for next 4 weeks

1. Sewerage Pump Stations Fall Prevention Systems - manufacture and install - continuing.

2. South West Rocks sewer rehabilitation - continuing.

3. Fence repairs, sewer installations and pump stations - continuing.

4. Infiltration repairs East and South Kempsey continuing.

5. Manhole Repair / Renewal Program SWR R1 and R2 catchment - continuing. SWR R3 catchment to commence.

6. West Kempsey Sewerage Treatment Works - Sludge Trial - continuing.

7. Repairs to sewer defects Bissett Street, East Kempsey – continuing.

8. Defect notices to property owners, Catchment K6, West Kempsey - continuing.

9. De-sludge lagoon, South West Rocks – continuing.

10. Commence sewer rehab K6 catchment.

WASTE SERVICES

Works Completed during last 4 weeks

1. Relocation of Crescent Head Recycling Station to more appropriate location.

2. February MidWaste meeting held at Coffs Harbour City Council.

3. Tenderers Meeting for Recyclable Processing Contract at Cairncross.
4. Ongoing Construction of landfill Cell.

Works proposed for next 4 weeks

1. Normal Operation and Maintenance.
2. March MidWaste Meeting at Hastings Council.
3. Clean Up Australia Day (March 6)

BATHS

Works completed during last 4 weeks

1. Normal operation and maintenance
2. Continued EPA Backwash Works at SWR, Gladstone and Crescent Head.
3. Investigations into incident at McElhone Memorial Pool

Work proposed for next 4 weeks

1. Normal Operation and Maintenance
2. Continued EPA Backwash Works at SWR, Gladstone and Crescent Head
3. Advertisement of South West Rocks and Gladstone Pool Leases

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

Nil

- *Policy or Statutory*

Nil

- *Director's Review*

As per report.

2005. 151 **RESOLVED:**

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

That the information be noted.

.....
K J Finnie
DIRECTOR SHIRE SERVICES



At this stage 2.27pm Councillor Hunt retired from the Chambers.

DIRECTOR CORPORATE SERVICES REPORT

DCS1	STATEMENT OF BANK BALANCES AS AT 28TH FEBRUARY 2005 FILE: * APC
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SUMMARY:

Reporting on the Statement of Bank Balances as at 31st December 2004.



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. 152 **RESOLVED:**

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

That the information be noted.

DCS2	STATEMENT OF INVESTMENTS AS AT 28TH FEBRUARY 2005 FILE: * APC
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SUMMARY:

Reporting on the Statement of Investments as at 31st January 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. 153 **RESOLVED:**

*Moved: Cl. Powell
Seconded: Cl. Green*

That the information be noted.

At this stage 2.30pm Councillor Hunt returned to the Chambers.

DCS3	SMITHTOWN MEDICAL CENTRE
FILE: LA12470	PJH (NRN) {Folio No. 292130}

SUMMARY:

To advise Council of the current status regarding the lease of Council's building at Smithtown for a Medical Centre.



Council may recall that at its meeting of 10th August 2004 it considered a request to assist with upgrading of the former Smithtown Baby Health Centre so that it could be leased for a medical clinic. Council resolved as follows: -

"That Council offer the building on a rent free basis for initially 2 years then reviewed, but Council not contribute any funding to the project and the applicant to be responsible for upgrading works.

That Council advise it will support the applicant in an application to the Federal Government for a grant under the Workforce Initiatives Program and that Council make representation to Luke Hartsuyker to support the project.

That Council offers support in the lodgement of any necessary development applications."

It is pleasing to advise that Council's offer was accepted and following completion of a number of internal works the medical centre is proposing to open for business on 14th March 2005. A lease agreement has been signed for the initial two (2) year rent free period.

The lessee, Ms Kylie El-Sheikh is the owner of the Warracknabeal Medical Centre in Victoria and also the South West Rocks Medical Clinic. A doctor has been sourced for the Smithtown Medical Centre by Ms El-Sheikh and will service the Centre for up to 5 days per week depending on the demand.

Ms El-Sheikh has advised that she had made contact with the office of Luke Hartsuyker MP regarding the grant but her practice was deemed ineligible. Support has been offered by Council to help publicise the opening and tidying of the area in vicinity of the Centre prior to the opening.

REPORT IMPLICATIONS:

▪ ***Environmental***

The proposed lease of the building presents no environmental implications. This building was previously used as a baby health clinic. The occupation will improve the visual amenity of the area through regular upkeep by the lessee.

▪ ***Social***

The medical centre will provide a health and social benefit to the residents of the lower Macleay area, particularly Smithtown and Gladstone areas who will have ready access to a Doctor without the additional travel to Kempsey or South West Rocks for this service.

▪ ***Economic (Financial)***

The opening of the Centre will provide employment for at least one (1) full time position in addition to the resident Doctor.

Council will not receive rental for the first two (2) years as agreed but can review the lease agreement after this initial term. Council will receive income from rates and water charges which are the responsibility of the lessee.

▪ ***Policy or Statutory***

Nil

▪ ***Director's Review***

The outcome is beneficial for our community and utilises a currently unused asset of Council.

Director Corporate Services Recommendation:

That the information be noted.

2005. 154 RESOLVED:

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

1. That the information be noted.
2. That Council make further representations to Mark Vaile MP to include Kempsey Shire within the Rural Doctors Network and Mr Luke Hartsuyker MP also be written to on this matter.

DCS4	REVIEW OF 355 COMMITTEES
FILE: *	PJH {Folio No. 292131}

SUMMARY:

To review the delegation of functions to various community committees under section 355 of the Local Government Act.



The Local Government Act (section 380) requires that Council review its delegations during the first 12 months of each term of office. The delegations to the Mayor and General Manager were reviewed at the April 2004 Council meeting. Council also delegates functions to a number of community committees and these are generally referred to as 355 committees.

Council needs to review these delegations and determine whether it wants to withdraw any of these delegations. Council may withdraw such delegations for say non-functioning or obsolete committees or where the function is no longer required.

These delegated functions are generally for functions Council would like to undertake itself but does not have the staff resources. The activities include maintenance of reserves, management of sporting venues such as tennis courts, cultural type facilities and advisory roles. These delegations have been used very successfully by Kempsey Shire Council over a number of years to harness the assistance of voluntary work from the community.

Current list of 355 committees

The following are the current 355 committees showing the activity category, what the delegation is for and the date of the delegation. The last full review was undertaken by Council on 14th May 2002.

	Committee	Delegation	Date of Delegation
1	Australia Day Committee	Organise Aust. Day Functions	14 Aug 1991
2	Macleay Valley Day Care Centre	Manage Parklands Cottage Respite Centre	28 Sep 1992
3	West Kempsey Neighbourhood Improvement Project Committee	Manager West Kempsey Neighbourhood Improvement Project	15 Dec 1998
4	Kempsey Country Music Heritage Week Committee	Organise Country Music Week Festival & Promote Country Music	7 Jun 1993
5	Kempsey District Silver Band	Provide a Town Band	14 Mar 1998
6	Macleay Valley Music Ensemble	Provide an Orchestral Ensemble	9 Nov 2004
7	Kempsey Singers Bandbox Theatre Committee	Manage Bandbox Theatre	14 Jun 1988
8	Kempsey Toy & Leisure Library	Manage Toy Library	11 Nov 1991
9	SWR Maritime Heritage Committee	Manage SWR Maritime Heritage Items	17 Dec 1996
10	Macleay River Historical Society	Manager Museum	14 Jun 1988
11	Kempsey Eisteddfod Society	Organise Kempsey Eisteddfod	6 Aug 1996
12	Kempsey Community Gallery Committee	Manage Community Gallery at Gladstone	11 May 2004
13	Wigay Education Park Management Committee	Manage Wigay Park	14 Jan 1991
14	Smithtown Riverside Park Committee	Planning of Riverside Park	23 May 1998
15	SWR Dune Care Group	Manage Dune Care Program	6 Jul 1992
16	Big Nobby Committee	Manage Dune Care Program	11 May 1999
17	Hat Head Dune Care Group	Manage Dune Care Program	6 Jul 1992
18	Grassy Head Dune Care Group	Manage Dune Care Program	14 Dec 2004
19	Big Hill Dune Care Group	Manage Dune Care Program	14 Dec 2004
20	Macleay Acid Sulphate Soil Local Action Group	Co-ordinate Acid Sulphate Soil Action & Research	15 Dec 1998
21	Clancy's Drain Floodgate Management Committee	Manage Clancy's Drain Floodgate	11 Jul 2000
22	Marriott's Drain Floodgate Management Committee	Manage Marriott's Drain Floodgate	8 Aug 2000
23	Scott's Drain Floodgate Management Committee	Manage Scott's Drain Floodgate	12 Nov 2002
24	Union Drain Floodgate Management Committee	Manage Union Drain Floodgate	12 Nov 2002
25	Birralee Hall Committee	Manage Public Hall	9 Oct 2001
26	Bellbrook Hall Committee	Manage Public Hall	14 May 2002

27	Crescent Head Hall Committee	Manage Public Hall	6 Jul 1992
28	Millbank Hall Committee	Manage Public Hall	6 Jul 1992
29	SWR Naval Reserve Cadet Hall	Manage Public Hall	3 Sep 1990
30	Stuarts Point Hall Committee	Manage Public Hall	8 May 1989
31	Sherwood Hall Committee	Manage Public Hall	17 Aug 1992
32	SWR School of Arts Hall Committee	Manage Public Hall	13 Jan 1998
33	Gladstone Youth & Community Hall Committee	Manage Public Hall	17 Dec 1996
34	Smithtown Hall Committee	Manage Public Hall	9 Jan 2001
35	Willawarrin Hall Committee	Manage Public Hall	12 Mar 2002
36	Frederickton Hall Committee	Manage Public Hall	12 Nov 2002
37	Athletic Eden Sports Association	Manage & Plan Recreation Facilities	1 May 1992
38	Crescent Head Sports Association	Manage & Plan Recreation Facilities	6 Jul 1992
39	Frederickton Sports Association	Manage & Plan Recreation Facilities	16 Oct 1989
40	Gladstone Sports Association	Manage & Plan Recreation Facilities	21 May 1990
41	Kalateenee Recreational Reserve Committee	Manage & Plan Recreation Facilities	28 Mar 1988
42	Kemp Street Sports Association	Manage & Plan Recreation Facilities	6 Oct 1989
43	Kempsey/Crescent Head Surf Club Gear Shed Committee	Manage & Plan Recreation Facilities	20 Jan 1992
44	Kempsey Junior Rugby League Committee	Manage Recreation Facilities	1 May 1992
45	Macleay Valley Rangers Soccer Club	Manage Recreation Facilities	14 Mar 1988
46	Melville High Sports & Entertainment Centre Committee	Management Entertainment Centre	20 Jan 1992
47	Smithtown Junior Rugby League Committee	Manage & Plan Recreation Facilities	14 Jun 1988
48	SWR Sports Association	Manage & Plan Recreation Facilities	21 May 1990
49	Stuarts Point Sports Association	Manage & Plan Recreation Facilities	6 Jul 1992
50	Upper Macleay Sports Association	Manage & Plan Recreation Facilities	16 Oct 1989
51	Verge Street Sports Association	Manage & Plan Recreation Facilities	16 Oct 1989
52	Frederickton Tennis Club	Manage Tennis Courts	3 Jul 1989
53	Gladstone Tennis Club	Manage Tennis Courts	25 Sep 1989
54	Hat Head Tennis Club	Manage Tennis Courts	20 Jan 1992
55	Smithtown Tennis Club	Manage Tennis Courts	20 Jan 1992
56	South Kempsey Tennis Club	Manage Tennis Courts	20 Jan 1992
57	Stuarts Point Tennis Club	Manage Tennis Courts	23 May 1998
58	Willawarrin Tennis Club	Manage Tennis Courts	13 Jul 1987
59	Kempsey Tennis Club	Manage Tennis Courts	20 Jan 1992
60	Bellbrook Tennis Club	Manage Tennis Courts	4 Apr 1995
61	Crescent Head Tidy Towns Committee	Manage Tidy Town Program	26 Oct 1987
62	Frederickton Tidy Town Committee	Manage Tidy Town Program	20 Jan 1992

THIS IS PAGE 100 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 8TH MARCH 2005.

.....
MAYOR

63	Trial Bay Volunteer Coastal Patrol	Manage Waterways Rescue Program	11 May 1999
64	KSC Rural Fire Service Executive Committee	Manage Rural Fire Service	11 Jul 2000
65	Kempsey Youth Centre Interim Committee	Manage Youth Activities until PCYC commences	11 Sep 2001
66	Airport Grounds Maintenance Committee	Maintain Airport Terminal & Grounds	9 Apr 2002
67	Upper Macleay Unlimited Committee	Promotion & Community Development of the Upper Macleay	8 Apr 2003

355 committees to be deleted

The relevant Directors responsible for these functions have reviewed the above list and the following 355 committees are recommended for deletion for the reasons stated.

No 8 - Kempsey Toy & Leisure Library - now managed by Council's Library Services

No 16 - Big Nobby Dune Group – no longer functioning

No 33 - Gladstone Youth & Community Hall Committee – replaced by newly formed Kempsey Community Gallery Committee (No 12)

No 52 - Frederickton Tennis Club - no longer functioning

No 55 - Smithtown Tennis Club - no longer functioning

No 63 - Trial Bay Volunteer Coastal Patrol - covered by SES

No 64 – KSC Rural Fire Service Executive Committee – superseded by formation of Twin River Zone

No 65 – Kempsey Youth Centre Interim Committee – superseded by PCYC commencing operations.

No 66 - Airport Grounds Maintenance Committee – no longer functioning

REPORT IMPLICATIONS:

- ***Environmental***

A number of the community committees undertake work to preserve the environment, particularly the dune care groups and floodgate management committees.

- ***Social***

The support of these committees creates in itself a community well being and Council plays a positive role in its support. Council also needs to be aware of its obligations to these volunteers in the areas of public risk and safety. A formal safety induction process for 355 committee members needs to be addressed to ensure the activities are undertaken in a way not to put at risk the volunteer or the public. This is a big task

but one that cannot be ignored, particularly in the number of volunteers involved with over 60 committees and Council has a duty of care to those volunteers.

▪ *Economic (Financial)*

As committees of Council, 355 committees are required to provide Council with audited copies of their financial statements each year.

The work undertaken by these community committees has unmeasured value which is hard to estimate unless Council undertook to fund these functions. Council may have to consider funding a person to undertake the OH&S training with the committees if existing Council staff cannot address this within a "reasonable" time.

As Council appointed committees the volunteers are covered under Council's personal accident and public liability insurance policies. Premiums are not greatly affected unless claims occur and there has been only one (1) in the last say 20 years. Council's insurance broker is nevertheless concerned that Council has the number of 355 committees it does compared to other Councils, however this could reflect the community spirit of the Kempsey Shire area.

▪ *Policy or Statutory*

Section 355 of the Act provides that a function of the Council may be exercised by a committee or delegate of the Council. Section 377 provides for the actual delegation of the function.

Council must review these delegations within 12 months of an election, therefore at least every four (4) years these delegations must be reviewed. The delegations remain in place until withdrawn by the Council.

Council's public liability insurer, Statewide Mutual, has requested that any application for appointment as a 355 committee be referred to them prior to Council resolving the appointment so that they can confirm liability cover. This has resulted from the past where other Councils have appointed 355 committees with functions totally unrelated to normal Council business when what is supposedly delegated under the Act is a function of the Council.

▪ *Director's Review*

Agree with report.

Director Corporate Services Recommendation:

That Council's delegations to various community committees under sections 355 / 377 of the Local Government Act as listed in the report be confirmed subject to the deletion of the following: -

- **Kempsey Toy & Leisure Library**
- **Big Nobby Dune Care Group**
- **Frederickton Tennis Club**
- **Smithtown Tennis Club**
- **Trial Bay Volunteer Coastal Patrol**
- **Gladstone Youth and Community Hall Committee**
- **KSC Rural Fire Service Executive Committee**
- **Kempsey Youth Centre Interim Committee**
- **Airport Grounds Maintenance Committee**

2005. 155 RESOLVED:

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

That the Director Corporate Services recommendation be adopted subject to the Gladstone Youth and Community Hall Committee be retained as a 355 Committee.

DCS5	REVIEW OF COMMITTEE EFFECTIVENESS
FILE: *	PJH {Folio No. 292133}

SUMMARY:

Reporting on the conduct of a six monthly review of the effectiveness of Council's committees.



Council at its meeting on 22 June 2004, when appointing community members to its various committees, resolved as follows: -

- 1 That a formal process of selection of members of committees be developed based on assessment of previous attendance, qualifications and areas of interest and expertise.
- 2 That the first meeting of all committees be held prior to the August Council meeting and incorporate development of aims and objectives, terms of reference and membership, timeframes and standing orders and that the first item of each meeting be

objectives of that committee and also an evaluation be conducted at the conclusion of each meeting.

3 That formal review of the effectiveness of committees be conducted six monthly.

To conduct the formal review under part 3 of the above resolution, a survey was prepared for each committee and distributed in early January. The survey sought information and comment from each committee in the following areas:-

Aims and objectives
Membership
Items on agenda for long periods
Evaluations of each meeting
Agenda format & minutes
Overall effectiveness rating
Meeting attendance

The survey information was sought from the Chairpersons & secretaries of the committees rather than the committees themselves as some committees do not meet on monthly basis.

The information returned in response to the survey questions has been compiled in the attached document at [\(Appendix C\)](#).

The meeting attendance lists provided with the surveys has been compiled in a separate document attached at [\(Appendix D\)](#).

Summary of Survey results

The survey results show that the majority of the committees have been assessed as having appropriate aims and objectives. Having these included in each agenda is seen of benefit in assisting the focus of the committees.

The majority of the committees have been assessed as effective. The survey shows a couple of committees that could be more effective and the Chairpersons in these instances should liaise with the appropriate Director on ways to improve the committee processes.

The attendance results will assist in the review of the committee membership which is to be undertaken each September. The next six monthly review can be reported to Council in August 2005 prior to the re-appointment of committee members at the September 2005 Council meeting.

Committee reporting process

It is felt appropriate in reviewing the committees to also clarify, for Councillors and committee members, the reporting process of these committees. The majority of these committees report to the Director of the relevant Department not to the full Council at a Council meeting. This means the recommendations from the committees need to be approved by the Director responsible. Where the Director determines that a particular recommendation needs Council approval e.g. allocation of extra funding, the Director will submit a report for Council's decision. Alternatively the Director may refer it back to the committee or reject a recommendation of a committee.

Council has previously determined that only the following committees are to report directly to Council: -

Works Committee (unless a quorum 7 members is present at meetings allowing the committee itself to determine matters)
Aboriginal Liaison Committee
Traffic Committee
Saleyards Committee
Caravan Park Committee

REPORT IMPLICATIONS:

▪ ***Environmental***

Council's committee system allows for particular committees to focus on the environmental areas of Council's responsibility.

▪ ***Social***

A number of Council's committees deal with the social areas, particularly the Community Service, Aboriginal Liaison and Kempsey Assistance Patrol committees.

▪ ***Economic (Financial)***

Each Committee cannot commit Council to expenditure outside that provided in the Council budget. The major hidden cost is the time of staff to service the committees and implement the recommendations. To review the effectiveness of each committee is important in the light of this factor.

▪ ***Policy or Statutory***

Council's policy C24:13 – Committee Meeting Arrangements, provides local standing orders or rules for the conduct of committee meetings for all committees that include members

who are not councillors. The policy covers preparing Standing Orders, declaring all positions vacant each four (4) years. Council has also resolved that a review of the membership shall occur each September in conjunction with the appointment of Councillor delegates.

▪ **Director's Review**

The review highlights the difficulties encountered in developing effective Council Committees in the area of community services. In the case of the Aboriginal Liaison Committee with 36 members, one-half of which have not attended any of the 4 meetings held, and, excluding Councillors and staff, the average meeting attendance is 1.56 persons.

The Community Services Committee comprises 12 members, of which 6 are Councillors and Staff. The 6 community members attended approximate 30% of the possible meetings.

2005. 156 **RESOLVED:**

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

1. That the information be noted.
2. That the chairpersons of the Community Services Committee and the Kempsey Assistance Patrol liaise with the Director Shire Services regarding the membership of their respective Committees.
3. That the next six monthly reviews of committees be submitted to the August 2005 Council meeting.

DCS6	FLEET MANAGEMENT
FILE: 151	MPM (NRN) {Folio No. 292135}

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 February 2005.

Plant No.	Description	Amount (GST excl)
	Nil Purchases	

The following items of plant have been auctioned / traded for the month of January.

Plant No.	Description	Amount (GST excl)
	Nil Sales	

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. 157 **RESOLVED:**

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

That the information be noted.

.....
G B Snape
DIRECTOR CORPORATE SERVICES

**DIRECTOR CORPORATE SERVICES
SUPPLEMENTARY REPORT**

DCS7	FLEET / PLANT PERFORMANCE
SUPP.	FILE: * GBS

SUMMARY:

Reporting on the performance of the general, water and waste services fleet operations for 2004 / 05 to date.



In July 2004 Council adopted the 2004 / 05 Fleet / Plant Business Plan. A requirement of the plan is that half yearly reports be provided to Council on the actual performance of fleet.

This report provides information on:

- i. Income and expenses for the year to date (28th February 2005) as compared to budget
- ii. Progress on implementation of the Fleet Replacement Program
- iii. Utilisation rates for major plant items
- iv. A comparison of scheduled to unscheduled maintenance (ie. preventative maintenance v breakdowns).

Income and Expenses

Financial statements showing income and expense items with comparisons of Original Budget, Revised Budget and Actual Y.T.D. (28th February 2005) in respect of General Fleet, Water Fleet and Waste Fleet are attached at [\(Appendix E\)](#).

In reviewing the actual performance against Budget it should be kept in mind that the 2005 / 06 Budget for Fleet provided for a major restructure as compared to previous years and in many instances little historical data was available to guide the formulation of 2005 / 06 Budget provisions.

The 2005 / 06 Budget provided for:

- The dissection of the former global Fleet Budget into separate budgets for fleet and workshop
- The operation of the workshop section as a commercial activity with jobs costed on standard charge out rates for labour
- Separate budgets for General Fleet, Waste Services Fleet and Water Services Fleet

General Fleet - income from hire is 5% (\$130,000) below budget, however, after allowing for the Christmas shutdown of works, it is estimated that the shortfall is in the vicinity of \$50,000. A detailed analysis of the charge out of Plant / Fleet will be undertaken over the next month with a view to recovering some of this shortfall.

Expenditure on operation and maintenance of Fleet / Plant items is running 9% (\$127,000) above budget. The rising cost of fuel in the last half of 2004 has resulted in fuel costs being approx. \$50,000 over budget Y.T.D. A memo from the Manager Fleet in relation to some items of Plant with significant maintenance expenditure is attached at [\(Appendix F\)](#).

In view of the Budget situation any further General Fleet / Plant replacement proposals for 2004 / 05 will be placed on hold.

Waste Fleet - income from hire charges is 6% (\$30,000) above Budget.

Operational expenses are 9% (\$38,000) over Budget Y.T.D. Council would be aware that the garbage collection vehicles are aged with resulting high maintenance and repair costs.

Tenders have been accepted for 2 new vehicles with delivery expected at the end of March.

Water Fleet - income and operational expenses are running close to Budget Y.T.D.

Fleet / Plant Replacement Program

Attached at [\(Appendix G\)](#) is a comparison of actual replacement against the original program in respect of:

- General Fleet / Plant
- Waste Services Fleet
- Water Services Fleet / Plant

Utilisation Rates

Attached at [\(Appendix H\)](#) is a Plant utilisation report for 30 items of major plant for the September and December quarters.

A target of 60% utilisation has been set for 2004 / 05. The actual utilisation rates achieved were 58% (1st Qtr) and 62% (2nd Qtr).

Scheduled and Unscheduled

An indicator of Fleet performance is the ratio of scheduled maintenance to unscheduled maintenance (breakdowns).

Firstly, it is an indicator of the effectiveness of the scheduled maintenance program in ensuring that Fleet / Plant items are well maintained so as to minimise the incidence of disruptive downtime. A

good scheduled maintenance program will not only cover the essential maintenance items, but will also identify potential problems and take appropriate corrective action before a "breakdown" occurs.

Secondly, where the ratio indicates a high level of unscheduled maintenance the consequences are high levels of downtime not only for the particular fleet item under repair but also downtime for any other fleet and staff resources used in conjunction with that item and ultimately non-performance of the works program.

The pie chart attached at [\(Appendix 1\)](#) shows scheduled maintenance at 69% (1st Qtr) and 74% (2nd Qtr).

Plant Hire Rates

The Fleet Section is presently undertaking a review of the procedures for hire of Fleet / Plant in conjunction with the establishment of revised hire charges for 2005 / 06. Under the current system staff are only "booking out" the hire of plant for the time used on a job rather than for the full time assigned to that job (and thus not available for other usage).

It is believed that this practice contributes to under utilisation of Fleet / Plant (items on site but not used) and is detrimental to Fleet Business Performance as no hire income is forthcoming for the time not used.

The Water Services Section has introduced the practice whereby Fleet / Plant items are hired out for a flat 38 hours per week whilst ever the item is assigned to a Gang or Section.

This system is being examined with a view to its introduction across all areas of Council.

To offset the cost of charging out for additional hours there will be a reduction in hourly hire rates.

The review will be finalised by the end of March 2005.

Small Plant

The Small Plant section has been disbanded with responsibility for the majority of small plant items (eg. chainsaws, power tools etc.) being handed over to the individual department users.

A small number of items (approx. 12) will be retained in a small plant "pool" controlled by the Store and available for "as needs" hire.

The Small Plant Superintendent has taken redundancy, as has the former Spray Painter / Panel Beater.

Business Plan

The Business Plan is in the process of being reviewed and updated for 2005 / 06. This includes the development of proposals for replacement of Fleet / Plant items.

The revised Plan will be submitted to Council's April Meeting and therefore available for consideration at the 2005 / 06 Draft Budget Meeting.

REPORT IMPLICATIONS

- *Environmental*

Nil

- *Social*

Nil

- *Economic*

The financial issues have been addressed in the body of this report.

- *Policy or Statutory*

Nil

- *Director's Comment*

As per report.

2005. 158 **RESOLVED:**

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

That the report on the performance of Fleet / Plant operations be noted for information.

.....
**G B Snape
DIRECTOR CORPORATE SERVICES**



GENERAL MANAGER'S REPORT

GM1 OUTSTANDING REPORTS / RESOLUTIONS

FILE: 149 AVB (NRN)

{Folio No. 292136}

SUMMARY:

Council's report on outstanding reports and resolutions.



Following is listed each Director's outstanding reports and resolutions up to and including 14th February 2005 meeting of Council.

OUTSTANDING REPORTS / RESOLUTIONS

Director Sustainable Development Services

23.6.2003 NOM2	That Council investigate options for introducing additional planning controls relating to development within the coastal zone, which is controlled by SEPP71. Such controls are to ensure: - a. That the principles of ecological sustainable development are considered. b. That any planning controls following the principles of ecological sustainable development should not unreasonably restrict economic growth.	
23.3.04 NOM1	That a report be submitted to Council in respect to the preparation of master environmental plans initially for all undeveloped land within coastal urban areas.	Progressing.
14.12.04 DSDS10 & NOM5	Pacific Highway upgrade Kempsey to Eungai - concept design flooding height raised only 20mm be accepted - note status report - seek involvement neighbouring councils to prepare regional highway service centre strategy - review Kempsey town centre Masterplan.	Contact made - report to March meeting.
14.12.04 DSDS6	Sutherland - 35 McIntyre St - residential flat building - 7 units -	Awaiting SEPP65 certification.

	DCP22 modifications - application approved subject to conditions.	
14.12.04 DSDS8	Ecologically sustainable development policy adopted - seek expression of interest from members of community wishing to join agenda 21 team - Clrs Bowell & Green elected as Council representatives.	Expressions of interest called - closing date 18.2.05 - report to Council March meeting.
14.12.04 M3	Mid North Coast Group Councils meeting 19 Nov. endorse recommendations re resource sharing - prepare submission re Mid North Coast Regional Development Boards green paper grouping jobs	Submission being prepared.

Director Shire Services

12.10.2004 DCCS7	Crown land assessment - advice received from Dept Lands - advise Dept Lands Council review matter Feb 05 - ask to commit in writing offer to contribute funding - Advise Minister.	Progressing.
9.12.2003 DE1	That the Director Engineering report on the possibility of Council running a trial of computerised floodgates.	Details being pursued.
22.6.2004 DE1	Horseshoe Bay Reserve Plan of Management - referred to workshop - adopt amended draft plan excluding those relating to future of caravan park - future C/P be subject to further negotiation with Dept. Lands	Negotiations with Dept. of Lands continuing.
10.8.2004 DCCS7	Donation SWR Rotary Club community project equivalent to DA fees paid approved - review following Dec accounting period.	To be reviewed after December 2004.
8.6.2004 NOM	Stuarts Point sewerage scheme - request Dept. Energy Utilities & Sustainability support Council progressing.	Process to identify preferred options in underway. Ranking report shows low priority for funding and DEUS being pursued. Community consultations to take place March 2005.
9.11.2004 DBE3	Sewer pricing 04/05 - pricing regime be put on public exhibition - proceed with consultation & education with customers. Report back to Council.	Liquid trade waste policy adopted by Council meeting 14.12.04. Advertising of proposed pricing

		regime to commence late January.
DBE3 SUPP	Kempsey Pool Infrastructure - Longer term planning investigates developing new aquatic facilities including heated 25 metre pool.	Planning to be done as time permits.
14.12.04 DSS3	Street lighting improvements & charges - Mid North Coast Group of Councils consider form street lighting technical committee	Letter to be sent prior to next quarterly meeting.
18.1.05 NOM1	Attractive approaches to town - RTA be approached for funding - First Ln to Fredo & South St to squash centre	Letter being drafted.
18.1.05 NOM2	Street cleaning gutters - comparative costs re: street cleaning compared with damage roads from overspill also environmental damage waterways - report for consideration in conjunction 05/06 draft budget be prepared.	Details being compiled.
18.1.05 DSS4	D Cannon 64 L/B Rd Kinchela Ck boundary adjustment request for assistance re: costs - advertise intention to provide interest free loan.	Details being compiled.
18.1.05 DSS3	Road names - Anderson Rd be accepted for road off Old Station Rd between Plover Ln and Verges Ck Rd - seek approval Geographical Names Board - Tattersalls Ln be further investigated and referred back to Historical Soc.	Letter being drafted.
14.12.04 M4	Health Services Kempsey Shire - meetings to develop partnership to protect and improve services - Council's Community Services Committee to develop health vision / strategy - arrange meeting with Mayor Hastings Council to suggest similar committee	Clr Bowell represented Mayor at meeting 2nd February with the Mayor of Hastings.
8.2.05 DSS2	Sewerage services Greenhill and Aldavilla – LPGP Technology be accepted as solution for portions of Greenhill – further report assess Sherwood Road by Grinder Pump Technology be prepared.	
8.2.05 D1	Scholarships Medical Sciences – Send appreciation letter Rotary Clubs K, West and SWR and IGA Supermarket and seek continuing support – make	

	annual commitment of \$5,000 – advise LGSA & LGA of success program.	
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Director Corporate Services

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General Manager

13.4.04 GM5	Road closures - interpretation of maintained road - text Dept. Lands interpretation of a constructed road by submitting application - challenge interpretation that requires proceeds of sale to be paid to Dept. Lands - advise LGSA, Country Mayors & Mid	Held meeting with LGSA. They are investigating options to be adopted on a state-wide basis.
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REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

- *Economic (Financial)*

Nil

- *Policy or Statutory*

Nil

- *General Manager's Review*

Nil

2005. 159 **RESOLVED:**

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

That the information be noted.

GM2	PUBLIC CONSULTATION	FILE: * AVB	{ Folio No. 292137 }
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SUMMARY:

THIS IS PAGE 115 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 8TH MARCH 2005.

.....
MAYOR

To provide a procedure that allows members of the public to address Council on any Council issue.



A report was presented to the Council meeting held on the 14 December 2004 ([Appendix A](#)). Council resolved: -

“That the General Manager seek feedback from other Councils on the Mid North Coast on the procedures they have in place regarding the public addressing Ordinary Council meetings”

Other Councils on the Mid North Coast allow the following: -

Bellingen Shire

- Residents are allowed to submit questions to Council in writing and are encouraged to submit the question in time for staff to prepare a response for the Council meeting. The resident is allowed to publicly ask the question at the Council meeting.

Coffs Harbour City

- Residents are allowed to address Council for five (5) minutes. There is an eight (8) speaker limit per meeting. Residents are limited to three (3) addresses each twelve (12) month period.

Gloucester Shire

- No procedures in place

Great Lakes Shire

- Residents are allowed to address Council for five (5) minutes. Addresses are limited to two (2) on any one subject.

Greater Taree City

- No procedures in place

Hastings Council

- Residents are allowed to speak for five (5) minutes. Addresses are limited to five (5) people on a first come basis.

Nambucca

- No procedures in place

Each Council does not allow resolutions as a result of the public addresses but the Mayor commits to a staff follow up.

If Council wishes to proceed with allowing the public to address Council on any topic the dot points in my report to the 14 December 2004 are still relevant. The second last dot point could be altered to

allow residents to speak on more than one subject but limited to five (5) minutes in total.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

- *Economic (Financial)*

Nil

- *Policy or Statutory*

Councils Code of Meeting Practice will need to be altered to include any procedures.

- *General Manager's Review*

As per report.

General Manager's Recommendation:

For Council's determination.

2005. 160 **RESOLVED:**

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

That the report be noted.

GM3

CONDUCT COMMITTEE

FILE: 254 AVB

{ Folio No. 292138 }

SUMMARY:

To appoint an independent person to the Conduct Committee.



Under the Code of Conduct (Incorporating the Model Code of Conduct requirements under the Local Government Act 1993) adopted by Council on the 8 February, Council is required to establish a Conduct

Committee that will consist of the Mayor, the General Manager and at least one person independent of Council. The independent representative should comprise Council's nominated legal advisor or other independent person of appropriate standing.

Council resolved to set up a Conduct Committee and invite Council's legal representatives to nominate a person to serve on the Conduct Committee. Council's solicitors, Howard Sheridan Cooney Harvey, have nominated Mrs Nerryl Doney to serve on the Committee.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

Nil

- ***Policy or Statutory***

The appointment of an independent person will comply with the requirements of the Code of Conduct.

2005. 161 **RESOLVED:**

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

That the Conduct Committee comprise: The Mayor, General Manager and Mrs Nerryl Doney, Solicitor.



At this stage, 3.15pm, Councillor McWilliam retired from the Chamber and apologised for non-attendance at the remainder of the Meeting.



GM4	MID NORTH COAST GROUP OF COUNCILS
FILE: 131	AVB (NRN) {Folio No. 292139}

SUMMARY:

To summarise the proceedings of the MIDGOC Meeting held on the 23 February 2005.



I attended the Mid North Coast Group of Council's meeting held at Hastings Council on Wednesday, 23 February. The meeting was addressed by Lloyd Kingham, Local Government Weed Facilitator, Department of Primary Industries who provided an overview of the recently published Noxious Weed Handbook which covers:-

- The Key Players in Noxious Weeds
- Role of the Noxious Weeds Advisory Committee
- Overview of the Noxious Weeds Act 1993
- Responsibility of Local Government and
- The role of the Weeds Officer

The following matters were considered at the meeting:-

- Kempsey Shire Councils motion to the 2004 LGA Conference, "That the Associations make representations to the Minister of Police to introduce heavier penalties for infringement of speed limits by drivers and owners of heavy vehicles" was supported and a letter will be forwarded to the Minister. The letter will also ask the Minister to support Local Area Commands undertaking blitz's and surveillance at night, that the problems not be addressed by positioning speed cameras in residential areas which in itself causes noise problems and for the Minister to address the issue of greater driver education.
- The Group supports Kempsey's effort to have the North Coast Tourist Regions name changed to the Mid North Coast Tourism Region and a letter is to be forwarded to North Coast Tourism. Letters will also be forwarded to local members of parliament asking for their support.
- Council's resolution requesting the State Government 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 has been deferred to the next meeting pending information from the Area Health Service as to the implications for the Mid North Coast.
- The Group saw no need to organise on a regional basis a LGA workshop on, "Effective and Fair Meeting Procedures".
- The Mid North Coast Area Disability Committee is to be requested to organise a workshop on, "Relationships with Local Government" with an invitation to member Councils to attend.

- An updated report on the Strategic Alliance [\(Appendix B\)](#). Councils are encouraged to provide ongoing funding of \$10,000 in 2005/06.
- It is suggested that funding of Film Mid North Coast should be withheld until further information is obtained on current operations.
- The Local Government Superannuation Board will be requested to reintroduce employer contributions to employee superannuation over a three (3) year basis.
- The next meeting is to be held in Kempsey on Wednesday, 1 June 2005.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

- *Economic (Financial)*

Nil

- *Policy or Statutory*

Nil

2005. 162 **RESOLVED:**

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

That the information be noted.

**GM5 CUSTOMER FIRST CENTRE
FILE: 398 AVB COPY: APC {Folio No. 292141}**

SUMMARY:

To outline to Council the resources needed in the 2004 / 05 year to establish a Customer First Centre.



As part of the restructure adopted by Council was a proposal to establish a Customer First Centre. The role of the Customer First Centre is to provide a one-stop service centre which will: -

- Enhance the image of Council by offering professional, consistent and friendly service to all customers
- Provide ease of access to Council's customers – in person, on the phone or via the website
- Build on the strengths of our departmental staff who are currently offering quality specialist services, advice and support to customers
- Significantly improve customer service by: -
 - ✓ Replacing the multiple counters currently in use
 - ✓ Integrating the cashier function into the counter enquiry process
 - ✓ Introducing a call centre, which will replace the existing switchboard and take all general telephone enquiries
 - ✓ Introducing a consistent system for active customer feedback on work order progress or customer requests

Staff will aim to answer the enquiries of customers at the first point of contact in the majority of cases. Ideally, we will work towards achieving an 80% resolution at first contact however, history tells us that this figure will only be achieved if: -

- ✓ Optimum staffing is in place
- ✓ Necessary systems are available and
- ✓ The organisation actively supports the Customer First Centre staff members by providing initial and ongoing training and the base information that allows them to answer, with confidence, the majority of enquiries.

In order to achieve the above the Customer First Staff need to be selected now and trained in all facets of Council's operations. They need to be multi-skilled and capable of answering enquiries relating to Rates, Health, Building, Town Planning, Engineering and other services. They need to be trained as cashiers. All staff, when the centre is opened will be required on rotation to handle face-to-face enquiries and to be a call centre operator. Training of staff will take approximately six (6) months. I advised at the last meeting of Council that alterations need to be made to the Civic Centre complex to accommodate the Customer First Centre and an architect has been engaged to draw up plans for Council's consideration.

As well as appointing staff to the positions, systems need to be developed now. Two important areas in this regard are the development of a Knowledge Management System and the development of on-line documentation. I alerted Council in my

Restructure Report to the fact that additional resources would be required this year to establish a Customer First Centre.

A Knowledge Management System is a computerised question and answer sheet. Information on all of Council's services needs to be prepared, indexed and cross-referenced. This allows a Customer Service Officer, when asked a question, to be able to access information on-screen regarding the question being asked and then, after reading the information (if necessary), answer the enquiry. Forms need to be developed on-line to encourage customers to deal with Council electronically rather than face-to-face. A face-to-face transaction is far more expensive than an electronic or telephone enquiry.

It is estimated that approximately sixty-nine (69) weeks work will be involved in developing the Knowledge Management System and on-line documentation, at a cost of \$54,500.00.

This work cannot be undertaken within existing resources and additional casuals will need to be employed. The Customer First Centre also requires the employment of one additional staff member as all the current duties cannot be effectively split. The cost of this employee for the remainder of the year is \$8,000.00.

I have examined the 2004 / 05 budget allocations and there are some areas that will not be fully expended in this year and could be reallocated. They are:-

Review Section 94 Plans	\$ 2,730.00	Balance of vote
DCP/Urban Rural Reviews	\$ 5,756.00	Balance of vote
Legal Expenses Development Control	\$ 5,000.00	Total Vote will Not be expended
Implementation Stormwater Management Plan	\$ 5,000.00	No expenditure to Date
Tourism Strategic Plan	\$17,600.00	Included in budget Twice
Computer Expenditure Elected Members	\$18,000.00	Balance not Required this year
Unpaved Footpaths Maintenance and Repair	\$ 4,000.00	Budget currently Underspent
Upper Macleay Picnic Area	\$ 1,000.00	No expenditure To date
Car Parking Maintenance	<u>\$ 4,000.00</u>	Budget currently Underspent
TOTAL	\$63,086.00	

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

The creation of a Customer First Centre will provide increased service levels for those visiting the Civic Centre and through increasing electronic payments and applications save travelling costs and time to customers.

- *Economic (Financial)*

If Council revotes the amounts outlined in the report there will be no adverse affect on working funds.

- *Policy or Statutory*

Nil

General Manager's Recommendation:

That Council revoke the amount of \$63,086.00 to fund the development of Customer First systems and forms and for the employment of one additional staff member.

MOVED:

*Moved: Cl. Green
Seconded: Cl. Hayes*

That the General Manager's Recommendation be adopted subject to the re-allocation of \$5,000 from Legal Expenses Development Control being replaced by re-allocations of \$3,000 from Playground Equipment and \$2,000 from Picnic Tables.

An Amendment was MOVED:

*Moved: Cl. Powell
Seconded: Cl. Saul*

That Council revoke the amount of \$63,086.00 to fund the development of Customer First systems and forms and that the employment of an additional staff member be deferred for consideration in 2005 / 06 budget.

The AMENDMENT was PUT to the Meeting and was LOST.

2005. 163 The MOTION was PUT to the MEETING and was CARRIED.

SUMMARY:

To consider membership of the National Sea Change Taskforce.



The Taskforce has been formed as a national body representing Councils in coastal areas in all Australian States. The principal objectives of the Taskforce are: -

- To support and advance the interests of coastal councils and their constituencies;
- To provide national leadership in addressing the impact of the sea change phenomenon;
- To work collaboratively with local State and Federal Governments to develop a coordinated approach to managing population and tourism growth in coastal areas.

The Taskforce has extended an invitation to Kempsey Shire to become a member. The cost of membership would be \$2,250 for the year ending 30 September 2005.

Council did consider membership in June 2004 but resolved to defer a decision until the cost of membership was known.

Since its formation the Taskforce has, undertaken a survey of 2004 federal election candidates, organised a Sea Change Conference and commenced a detailed research project into the Sea Change phenomenon and its effects with the Planning Research Centre at the University of Sydney. This research, which is estimated to cost approximately \$100,000 over three (3) years plus the possibility of additional funding through the Australian Research Council, aims to:

1. Identify the key social, economic, and environmental planning issues facing Sea Change communities in Australia, and current responses to these issues
2. Identify models of international and national best practice in planning to address these issues (at local and regional scales)
3. Develop a range of specific regional and local planning models suitable for application in Australian Sea Change communities

The results of this research, which will be of considerable value to coastal Councils facing the challenge of rapid population and tourism

growth, will be available to all Councils participating as members in the National Sea Change Taskforce. Additional research into the economic and social impact of the Sea Change phenomenon is also being planned.

The whole emphases of the Taskforce is to get a better financial deal from all levels of government for coastal Councils who are high growth areas but are not receiving the levels of funding made available to designated growth corridors in outer metropolitan areas.

The level of contribution is modest and Council could receive many advantages from belonging to the Taskforce.

REPORT IMPLICATIONS:

- ***Environmental***

Additional funding would allow for better environmental planning through the development and implementation of strategies.

- ***Social***

The provision of better public transport, health care, emergency services and education would enhance resident's well being.

- ***Economic (Financial)***

The cost of membership of the Taskforce is \$2,250.00

- ***Policy or Statutory***

Nil

2005. 164 **RESOLVED:**

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

That Council become a member of the National Sea Change Taskforce and the membership fee be funded from working funds.

GM7

**BUDGET WORKSHOP
FILE: 242 AVB**

{Folio No. 292143}

SUMMARY:

To determine the need to hold a workshop prior to the 2005 / 06 year budget deliberations.



The preparation of the five (5) year financial plan including the budget for the 2005/06 year is nearing completion.

Council has already fore warned that it wishes to increase expenditure on roads. If this is so there needs to be an examination on how this is going to affect other service levels, or whether there are alternative sources of finance available, and whether the 2004 / 05 program will be fully expended.

The discussion of these matters may best be undertaken at a workshop.

REPORT IMPLICATIONS:

- ***Environmental***

The workshop and budget meetings will determine the level of spending on environmental projects.

- ***Social***

The workshop and budget meetings will determine the level of spending on social programs.

- ***Economic (Financial)***

The workshop and budget meeting will determine the financial resources required to be levied to fund the 2005 / 06 budget.

- ***Policy or Statutory***

Nil

General Manager's Recommendation:

That Council determine whether it wishes to hold a workshop on the budget and if so the date of the workshop.

2005. 165 RESOLVED:

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

That Council hold a budget workshop at a date to be determined by Councillors.

2005. 166 RESOLVED:

Moved: Cl. Green
Seconded: Cl. Sowter

That the budget workshop be held on Wednesday 23rd March 2005.

GM8	WORKS PROGRAM
FILE: 153	AVB (NRN) {Folio No. 292145}

SUMMARY:

To outline progress of the capital works program for the 2004 / 05 year.



DESCRIPTION:

Attached [\(Appendix C\)](#) 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

2005. 167 **RESOLVED:**

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

That the information be noted.

.....
**A V Burgess
GENERAL MANAGER**



CARAVAN PARK COMMITTEE

**CARAVAN PARK COMMITTEE
FILE: 358 GBS (NRN)**

{ Folio No. 292146 }

10th February 2005

'SUBJECT TO ADOPTION BY COUNCIL'

REPORT OF THE MEETING OF THE CARAVAN PARK COMMITTEE HELD ON THURSDAY, 10th FEBRUARY 2005, IN THE HAT HEAD SURF CLUB, COMMENCING AT 9.30AM.

PRESENT

Councillors John Howell and Jim Gribbin, Steve Read and Bruce Snape.

Also in attendance was Jenny Kelly.

Councillor John Howell was nominated as acting Chairman.

1. APOLOGIES

RECOMMENDED

*Moved: S Read
Seconded: B Snape*

That the apologies submitted by Councillor J Hayes and Toni Shannon be accepted.

2. MINUTES OF PREVIOUS MEETING

RECOMMENDED

Moved: S Read

.....
MAYOR

Seconded: B Snape

That the Minutes of the meeting held 7th December 2004 be confirmed.

3. BUSINESS ARISING

3.1 Management Plans

RECOMMENDED

Moved: Councillor J Gribbin

Seconded: B Snape

That the Management Plan be adopted and submitted to the Department of Lands for endorsement, subject to a copy of previous Committee and Council resolutions in respect of the Management Plan for Hat Head being provided to Committee members.

3.2 Amenities Block – Hat Head

RECOMMENDED

Moved: Councillor J Gribbin

Seconded: S Read

That the Director Shire Services be requested to include in his report to Council on the Hat Head Sewerage System comments on the affect of constructing an additional Public Amenities Block on the North East corner of the Reserve together with other problems recently encountered throughout the Caravan Park.

3.3 Loan Application - \$120,000

Application yet to be made.

3.5 Status of Loans

RECOMMENDED

Moved: Councillor J Gribbin

Seconded: S Read

- i) That the information on loan commitments as at 31st January 2005 be noted.
- ii) That the information on outstanding loans not be required for each Committee meeting.

3.4 Security Crescent Head Caravan Park

RECOMMENDED

Moved: S Read

Seconded: Councillor J Gribbin

- i) That the status of investigations into the use of surveillance cameras be noted.

- ii) That in view of the limit at Crescent Head Park of 1 car site, the additional car fee be eliminated.

3.7 Crescent Head Stormwater Collection

RECOMMENDED

*Moved: Councillor J Gribbin
Seconded: B Snape*

That quotations for the provision of stormwater collection on the Golf Course boundary of the Park be referred to the next Committee meeting.

3.6 Meeting with Department Lands

Meeting held Monday, 31st January 2005. Discussion on future development of Grassy Head and Stuarts Point Parks affected by flooding issues. Department supportive of Killick Waters proposals but no funding available.

3.8 Hat Head Park – Cost of Sewer Connections

RECOMMENDED

*Moved: S Read
Seconded: B Snape*

That the siting of a Holiday Van precinct be determined in the redevelopment plans and when this is known cost estimates for connection to sewer be provided to Holiday Van owners.

4. DIRECTORS REPORTS

4.1 Mayoral Inspection Tour

RECOMMENDED

*Moved: B Snape
Seconded: Councillor J Gribbin*

- i) That the foreshore bank erosion at the Stuarts Point Park be referred to the Estuary Committee.
- ii) That the Contract Managers investigate the installation of a hand winch for small boats at Stuarts Point Park.
- iii) That the tree at the rear of the Caretakers residence at Grassy Head Park be kept under observation.
- iv) That a report be provided to the Committee on the need for additional amenities at Grassy Head Park in peak times.
- v) That the management of the area to the north of the Stuarts Point boat ramp be referred to the Director Shire Services.

4.2 Flood Study Interpretive Report

RECOMMENDED

Moved: Councillor J Gribbin

Seconded: S Read

That a further report be provided to the Committee on what Council's Flood Management Plan implies together with a compliance plan for each of Councils Holiday Parks.

5. STANDARD OF HOLIDAY VANS

RECOMMENDED

*Moved: Councillor J Bowell
Seconded: Councillor J Gribbin*

That the standard and condition of Holiday Vans be raised with the Contract Managers during the Quarterly management inspections, and a report be provided to the next Committee meeting.

6. GENERAL BUSINESS

6.1 Flooding in Parks

J Kelly reported on the recent incidents of flooding in the Parks as a result of heavy local rainfalls.

6.2 Stormwater at Crescent Head

RECOMMENDED

*Moved: B Snape
Seconded: S Read*

That the Director Shire Services be requested to provide a report on the apparent inability of the Crescent Head village stormwater system to cope high rainfall events with adverse consequences for the Crescent Head Holiday Park.

6.3 Siltation of Killick Creek

J Kelly reported on the many comments received during the summer holiday period regarding the siltation of Killick Creek and lack of tidal flushing.

7. EVALUATION OF MEETING

Nil

8. NEXT MEETING

To be scheduled.

9. CONCLUSION

There being no further business the meeting concluded at 11.25am.

2005. 168 RESOLVED:

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

That the report of the Caravan Park Committee meeting held Thursday 10th February 2005, be adopted.



SPECIAL MEETING OF SALEYARDS COMMITTEE

SPECIAL MEETING OF SALEYARDS COMMITTEE

FILE: 154

GBS (NRN)

{Folio No. * }

1st March 2005

"SUBJECT TO ADOPTION BY COUNCIL"

REPORT OF THE SPECIAL MEETING OF SALEYARDS COMMITTEE HELD AT COUNCIL CHAMBERS, CIVIC CENTRE, WEST KEMPSEY, ON TUESDAY, 1st MARCH 2005, COMMENCING AT 2.00PM.

PRESENT

Councillor B Sowter (Chairman), Councillor D Saul, Messrs R Bowen, R Swan, N Griffin, I Argue.

Also present were Councillor E Walker, W McGoldrick, R Clarke, R Browning and B Snape.

1. APOLOGIES

RECOMMENDATION

*Moved: Councillor D Saul
Seconded: N Griffin*

That the apology submitted by H Borger be accepted.

2. INFRASTRUCTURE REVIEW AND FEASIBILITY STUDY

Meeting Adjourned.

RECOMMENDATION

*Moved: Councillor D Saul
Seconded: R Bowen*

That the meeting be adjourned to allow discussion on the study to be carried out in a Workshop.

Meeting Resumed.

The following MOTION was moved and subsequently WITHDRAWN

"That Council be requested to provide an additional \$100,000pa for each of the next 5 years to address matters raised in the Saleyards feasibility study, particularly those relating to OH&S."

2.1 RECOMMENDATION

*Moved: Councillor D Saul
Seconded: R Bowen*

That Council make provision in the 2005/06 Budget for the provision of \$1M in loan funding to re-develop and upgrade Saleyards facilities to address OH&S, animal welfare, and other issues identified in the Saleyards feasibility study, and the repayment of such loan (approximately \$105,000pa) be met from General Revenue.

2.2 RECOMMENDATION

*Moved: N Griffin
Seconded: Councillor D Saul*

That a Sub-Committee comprising I Argue, B Tyson, A Griffin, R Bowen, R Browning and R Clarke be appointed to determine the redevelopment program for 2004/05, with the Sub-Committee to convene its first meeting at 8.00pm, Friday, 4th March 2005.

3. NEXT MEETING

To be determined.

4. CONCLUSION

There being no further business the meeting concluded at 4.25pm.

2005. 169 RESOLVED:

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

That the report of the Saleyards Committee Special Meeting held Tuesday 1st March 2005 be adopted subject to recommendation 2.1 being amended to read;

That Council give consideration to the provision in the 2005/06 Budget of \$1M in loan funding to re-develop and upgrade Saleyards facilities to address OH&S, animal welfare, and other issues identified in the Saleyards feasibility study, and the repayment of such loan (approximately \$105,000pa) be met from General Revenue.



LATE BUSINESS – URGENT TRAFFIC COMMITTEE MATTERS

2005. 170 RESOLVED:

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

That the following matters be dealt with at this meeting as they are deemed by the Mayor to be matters of urgency.

2005. 171 RESOLVED:

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

That approval be granted to the Lower Macleay RSL Sub Branch to conduct an ANZAC Day Street March in Gladstone, subject to satisfactory completion and submission of Council's Event Management documentation.

2005. 172 RESOLVED:

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

That approval be granted to the Trial Bay Triathlon Inc to conduct the Macleay River Marathon, subject to satisfactory completion and submission of Council's Event Management documentation.

2005. 173 RESOLVED:

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

That approval be granted to gazette Stuarts Point Road, Ocean Street, Marine Parade, Fishermans Reach Road and Serrata Lane from 9am to 3pm, excluding school holidays, from September to December for B-Double use.

2005. 174 RESOLVED:

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

1. That approval be granted to gazette Collombatti Road, from Great North Road to the Pacific Highway, for B-Double use.
2. That B-Double gazettal on Great North Road be revoked.



QUESTIONS WITHOUT NOTICE

Councillor J H Howell

- 1 What is the current position with the proposal to support the activities of H F Hand in Akubra Place?

Response: The General Manager advised that H F Hand are continuing to use Council land that they had been previously using for storage. The transfer to them of Council land to the north is proceeding. The Council land to the west is not wanted.

- 2 What is the present position with the Plan of Management concept for Mattys Flat?

Response: The Director Shire Services advised that there is no time frame for this at present.

- 3 What has been the community reaction to proposals for the Jerseyville Sewerage Scheme? Did Council receive a letter similar to the one published in the Macleay Argus on this issue?

Response: The Director Shire Services is not aware of a letter being received by Council.

- 4 Is the cost of the Council Christmas Party to be reviewed with the 2005/2006 budget?

Response: The cost of this will be considered with the 2005/2006 budget deliberations.

- 5 Is Council to receive a report concerning the premises at 296 River Street, Greenhill?

Response: The Director Sustainable Development Services will investigate the status of this matter.

- 6 What is the present position with outstanding fines and costs?

Response: The Director Sustainable Development Services will investigate.

- 7 What is the situation with the development along Belmore River road regarding filling?

Response: The Director Sustainable Development Services will investigate the status.

Councillor T Hunt

- 1 What actions have been taken to amend the signs at the McElhone Memorial Swimming Pool Complex?

Response: The Director Shire Services advised that the design and colours are being worked on.

Councillor R McWilliam

- 1 Can the speed limit on Gordon Young Drive be reviewed by the Traffic Committee with the view to increasing the speed limit by at least 10km per hour from 50 kph to at least 60kph or possibly 70kph?

Response: The Director Shire Services will raise at the Traffic Committee.

- 2 Due to the delay in tarring Point Plomer Road will we be doing a grading of the gravel road?

Response: The Director Shire Services advised that grading is planned for Wednesday 9th March and Mr Chris Dockrill, who had contacted Councillors recently about the road, will be advised of this proposed action.

- 3 Could the General Manager report to Council on what sort of savings if any are we achieving from resource sharing?

Response: The General Manager will provide a report.

- 4 Can the General Manager give an indication as to what the natural attrition rate of staff would be per annum if we decide to go down the path of resource sharing?

Response: The General Manager will provide a report.

- 5 Could the Director Shire Services look at cleaning out the stormwater drain under the bridge in Arthur Street, South West Rocks.

Response: The Director Shire Services will investigate.

- 6 Could the Director Shire Services look at the bushes overgrowing the pathway on Gordon Young Drive and also at the corner of Elizabeth and Gregory Streets, South West Rocks?

Response: The Director Shire Services will investigate.

- 7 Can the Director Shire Services advise if it is possible to have the growth of bushes overhanging Quarry Street either cut back or get the Bush Fire Service to do a burn back as this is crown land?

Response: The Director Shire Services will investigate.

- 8 Mr Dix of 19 Cook Drive, SWR has contacted Council regarding the trees overhanging his property. Can the Director Shire Services advise of what the outcome was?

Response: The Director Shire Services will check and advise.

Councillor E Walker

- 1 Would the Director Corporate Services advise on the costing of Council's Trade Waste services for the bulk collection and tendering process when compared to Boscar and J R Richards?

Response: The Director Corporate Services will investigate and provide a report.

Councillor B Sowter

- 1 Why is not Barnard Street, Gladstone getting mowed along the footpath and also the road edges at Greenhill?

Response: The Director Shire Services advised that Council's previous direction on this is that Council will not mow any residential footpath areas and slashing of the road edges will occur very irregularly.

- 2 What is the situation regarding the kitchen not being finished at the Gladstone Hall?

Response: The Director Shire Services will investigate and advise of the current status.

- 3 What is the situation with the Yarrahappinni Wetland?

Response: The Mayor advised that she will follow this up with the Yarrahappinni Wetland Trust.

Councillor D Saul

- 1 Would the Director Shire Services investigate the noxious weed infestation on Council controlled public reserve at the end of Sid Sutherland Lane at Seven Oaks?

Response: The Director Shire Services will investigate.

- 2 Would the Director Shire Services investigate the long grass affecting motorists visibility on the corner of Cannane and Belmore Streets, Smithtown?

Response: The Director Shire Services will investigate.

- 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?

Response: The Director Shire Services will investigate.

- 4 Does Council strictly follow procedure in regard to the companion animals act which states that no animal is to be destroyed before 7 days if not microchipped and 14 days if microchipped?

Response: The Director Sustainable Development Services will check on the procedures.

- 5 Who authorised the proposed Kempsey Croc-Fest on September 13-15 and will it come before Council for determination?

Response: The Director Shire Services advised that Council has already given approval for this.



MOTION FOR COMMITTEE

2005. 175 RESOLVED:

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

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.



GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	LEGAL MATTERS
FILE: 155	AVB (NRN) {Folio No. 292147}

SUMMARY:

THIS IS PAGE 138 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 8TH MARCH 2005.

.....
MAYOR

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. 176 **RECOMMENDED:**

Moved: Cl. Howell
Seconded: Cl. Walker

That the information be noted.

GM2

COUNCIL LAND IN ELBOW STREET

FILE: LA* AVB

{ Folio No. 292148 }

SUMMARY:

To advise Council of an interest in the purchase of Council land in Elbow Street.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

(Local Government Act 1993, section 10a (2) (c).

This report is submitted on a confidential basis as it contains information and matters of the following;

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.



2005. 177 **RECOMMENDED:**

Moved: Cl. Hunt
Seconded: Cl. Howell

1. **That Council receive a valuation of the land and the General Manager negotiates a possible sale based on that valuation and report back to Council.**

2. That if the sale takes place then the proceeds of the sale less the refund to Section 94 be used to finance additions / renovations at the Civic Centre.
3. That the General Manager report back to Council on options for sale of Council property.

.....
A V Burgess
GENERAL MANAGER



REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE

Upon resumption of Open Council, the following Report of the Committee of the Whole was submitted by the General Manager.



ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2005. 178 RESOLVED:

Moved: Cl. Bowell
Seconded: Cl. Sowter

That the foregoing recommendations of the Committee of the Whole, as reported by the General Manager, be adopted.



CONCLUSION:

There being no further business, the Meeting terminated at 4.39p.m.

