



KEMPSEY
Shire Council

MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 11th October 2005 commencing at 9.05am.

PRESENT:

Councillors J A C Hayes, (Mayor and Chairman), J H Howell, E A Green, J C Gribbin, T L Hunt, R H McWilliam, D F Saul, 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, Ken Woods; Minute Taker and Donna Pearson.



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 13TH SEPTEMBER 2005

2005. 729

RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Green

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated Tuesday 13th September 2005, be adopted.



MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 20TH SEPTEMBER 2005

2005. 730

RESOLVED:

Moved: Cl. Green
Seconded: Cl. McWilliam

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated Tuesday 20th September 2005, be adopted.



CONSIDERATION OF LATE REPORTS

THIS IS PAGE 1 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 11TH OCTOBER 2005.

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MAYOR

2005. 731

RESOLVED:

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

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



PUBLIC FORUM

- 1 - Ivor Gamlin addressed Council speaking against item DSDS2 Page G8
- 2 - Peter McGrath addressed Council speaking in favour of item DSDS2 Page G8
- 3 - Alison Hunt addressed Council speaking against item DSDS3 page G20
- 4 - Peter Dowsett addressed Council speaking against item DSS6 page H13
- 5 - Terrence Dunkley addressed Council speaking against item DSS7 page H15



**CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM
– Reports DSDS2, DSDS3, DSS6 and DSS7.**

2005. 732

RESOLVED:

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

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

DSDS2	YOUTH INFORMATION AND REFERRAL CENTRE AND YOUTH LEARNING CENTRE FILE: T6-05-96 GGL {Folio No. 304635}
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SUMMARY:

Reporting on an application to establish a Youth Information and Referral Centre and Youth Learning Centre (The Bunker) in the Chappel Park Youth Precinct for which objections have been received.



Applicant: Kempsey Shire Council
Subject Property: Part 8 and Part 10
Zone: 6 (a) Open Space "A" Zone

Background

Council adopted a report on 12th February 2004 to move youth services to the proposed youth precinct area of Chappel Park, due to an identified need in Council's Social Plan to provide mentoring and counselling for young people.

The application was lodged on 3rd March 2005 to use the former Baby Health Clinic building on Memorial Avenue, as a Youth Information and Referral Centre, and to use "The Bunker" under the swimming pool grandstand for passive youth programs such as numeracy, literacy, computer skills, living skills etc.

Council at its meeting of 8th March 2005, resolved that the Director of Shire Services find a more appropriate location. Notice was given of a Rescission Motion at Council's meeting of 12 April 2005 when it was resolved "That the matter of the Youth Information and Referral Service together with the activities proposed for the area below the Pool Grandstand be dealt with through the Development Application process".

At its meeting of 9th August 2005 Council resolved that this matter be listed for a Works Inspection. The Works Inspection was held on 26th September 2005 however the Works Inspection Committee did not have a quorum. This matter is now referred to Council for determination.

Description of Proposal

The proposal consists of using the former Mid North Coast Area Health Service (Baby Health Clinic) building for the Youth Information and Referral Centre and the area at the rear of the grandstand at Council's Memorial Swimming Pool known as "The Bunker" for youth education activities.

The Youth Information and Referral Centre is intended to provide family counselling and mediation onsite and referral for drug, alcohol and sexual health counselling, mental health services to established professionals who are not onsite. It will provide offices for a:

- Youth Support Worker for youth aged 12 to 17,
- REFS Reconnect Worker for 12-18 year olds,
- JPET Worker for 15 to 21 year olds
- Consulting room for visiting services eg. Centalink, Area Health.

The Centre will have an enquiry counter, however, there is no service provided on a "drop-in" basis.

The Bunker is intended to provide youth education programs such as numeracy and literacy, computer and living skills for youths.

Heads of Consideration

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

Kempsey Local Environment Plan 1987 (KLEP 1987)

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

The objectives of the 6 (a) (OPEN SPACE "A" ZONE) of the Kempsey Local Environment Plan are:

- (a) to identify publicly owned land that is used or is capable of being used for the purpose of active or passive recreation; and
- (b) to conserve and protect the visual and environmental qualities of foreshore reserves and encourage development compatible with the natural environment and landscape;
- (c) to encourage the development of public recreation in a manner which maximises the satisfaction of the community's diverse recreational needs; and
- (d) to enable development associated with, ancillary to, or supportive of uses compatible with those uses.

Clause 9 provides that the proposed development is prohibited unless Council is satisfied that the proposal is consistent with the objectives of the Zone. The proposal is considered to be compatible with and supportive of youth recreational activities in the area, thereby being consistent with objective (d).

Clause 18A provides that Council may consent to development of land within Zone 6(a) for community purposes if use of the land for that purpose is, in the opinion of Council, occasional, infrequent or subordinate to, but compatible with, the primary use of the land. The proposal is considered to be subordinate to, and compatible with, the primary use of the land being recreation and is for a community purpose and is therefore considered to be permissible with consent.

Car Parking

Youth Information and Referral Centre

The Centre will contain 3 offices, each with 1 service provider plus a consulting room available for a range of service providers but only 1 at a time. This could generate a demand for up to 4 off-street car parking spaces. Clients will be aged between 12-21, with most anticipated to be under 17. It is estimated this may still generate likely potential of a further 3 cars at any one time, giving a potential peak demand of 7 parking spaces.

The previous use of this building as the Baby Health Clinic is estimated to have generated a demand for 3 parking spaces, giving net increase demand of 4 spaces.

Youth Learning Centre

This will provide for classes of up to 10 youths, plus an instructor. These courses are for 16-24 year olds who are unemployed. Car ownership is likely to be low, however, a peak parking demand for this activity may be 6 spaces.

This gives a total increased demand of both facilities of 10 spaces.

Parking Availability

Parking is available at kerbside in Memorial Avenue and Forth Street adjoining the park. This could reasonably be utilised for the 4 additional spaces estimated to be required for the Youth Information and Referral Centre. However, during summer months, this may cause conflict with parking demand for the pool. Council has no parking surveys of peak demand in this area to determine the availability of kerbside parking. The applicant states that on street parking does not extend past the Youth Information and Referral Centre Building even during peak usage of the pool, however, this cannot be substantiated.

In relation to the Youth Learning Centre, it may be feasible to formalise use of the hard standing area to the east of the skate park for the provision of parking. This area is about 85 metres from "The Bunker" and with line marking, edge treatment and footpath construction, could easily accommodate 6 spaces estimated to be required, if necessary.

The application indicates that the target groups that will attend both centres have very low car ownership rates, and that parking demand is not likely to be as high as estimated.

Whilst the pattern of car usage by attendees is uncertain, the maximum number generated by the development could result in traffic conflict if realised.

It is proposed to require the provision of 10 off-street parking spaces as a condition of consent, however, that this provision should be deferred for 6 months to allow the applicant to undertake parking surveys during operation of the centres over the peak parking demand period. Following this, and depending on the outcome of the surveys, the applicant may either submit details on the means of providing parking or justify that the use does not generate this level of demand.

Given the intended user group it is considered reasonable to require provision of a bicycle parking facility.

Flood Risk Management Policy

The subject premises are located in the Kempsey Local Floodway No.1 under clause 6.2.1 of Council's Flood Risk Management Policy.

Clause 6.2.1 (b) of the Flood Risk Management Policy states that extensions will be permitted where they do not increase the floor area more than 10% of the existing floor area as at 25 February 1980. Open verandahs, patios and the like, will not be include in the 10% calculation.

The proposed Youth Referral Centre building additions include a deck, a disabled access ramp and partial internal modifications. The proposed works are not included in the 10% calculations and as such no increase in floor space will result from the modifications. The proposed use of The Bunker requires no additional external building works, no additional floor space or basic alterations to the structure that would obstruct to the flow of floodwater.

Building Code of Australia

The application has been assessed in accordance with the requirements of the Building Code of Australia and conditions 17 to 20 have been included in the recommendation.

A wall will need to be constructed within "The Bunker" to separate the area of the floor which is less than 2.4 metres in height, together with alterations to the doors. Fire safety measures will need to be installed in the building (portable fire extinguishers).

Cumulative Impact on Amenity

The potential increase in traffic and noise may lead to some loss of amenity, 'peace and quiet' and be of inconvenience for some residents in the area. By only allowing the proposal to operate during business hours and by imposing conditions of consent specifically relating to the management of the centres, the enjoyment and lifestyle of surrounding

residents should not be detrimentally affected by the proposed development.

Applicant Submission

The applicant states that the area in central Kempsey lends itself to the placement of a Youth Information Referral Centre with the facilities that are currently available in the Chappel Park precinct. According to the applicant, since 1998 the area has been recognised as a youth precinct with facilities such as the swimming pool and skate park.

Planning Comment

Council has been developing a Social Plan over a period of years to address identified key issues for community well being. The needs of youth, particularly the provision of mentoring and counselling, has been identified as a key action. The establishment of a youth centre to improve co-ordination of services for young people is considered a desirable community service. Location of such a facility is a critical factor. Chappel Park provides a central location which already provides for other youth activities, including the skate park, swimming pool, venue for Youth Week and Battle of the Bands etc.

While there are many perceived impacts to neighbours, provided the facility is well managed and operates within reasonable hours, it is considered impacts can be minimised and there be no significant affect on the amenity of the neighbourhood.

The Information and Referral Centre is to be required to be attended primarily by pre-arrangement and appointment only and is to be conditioned accordingly. While occasional attendance without appointment may occur, the nature of the centre will not generate many such visits. The Youth Activity Centre is to be attended only by youths who are enrolled in a training course, with a maximum class size of 10 to be held at one time.

Parking demand for the use during peak periods may cause impacts. The applicant will either need to provide off-street parking, or demonstrate that demand can be catered for during peak periods at kerbside.

Public Exhibition

Adjoining property owners were notified of the proposal in accordance with Council's Advertising Policy. Council received seven (7) objections including a signed petition with two hundred fifty eight (258) signatures objecting to the proposal. One (1) submission supporting the proposal was received that included ten (10) letters in support of the proposed development. A copy of each submission is attached [\(Appendix B\)](#) and can be summarised as follows:

Objection	Planning Comment
1 Memorial Avenue is very congested. Parking is an issue when the swimming pool is open and especially when swimming carnivals are on.	1 See "Carparking".
2 What are the hours of operation of the Youth Referral Centre?	2 No operation hours have been indicated by the applicant, however a condition of consent is proposed to restrict operation hours between 9-5 Monday to Friday. This has been discussed with Council's Community Services Section who are agreeable to such a condition.
3 Can the residents be assured that it will not increase crime in the area as was the case at Gloucester where the centre has been closed down because of problems in the neighbourhood.	3 There is no evidence to suggest that crime will be associated by the proposed development. As the land is owned by Council, if crime became a significant issue, then Council, as landlord, could ensure the use ceased.
4 The skatepark has created problems for residents eg. needles, antisocial behaviour, noise and kids being bashed.	4 Whilst such activities are likely to be more prevalent at night, during daytime hours when the centres are permitted to operate, greater supervision would reduce potential anti-social activities.
5 What effects will the proposal have on the swimming pool?	5 No significant effects are anticipated. Access to the bunker is external to the swimming pool complex.
6 The Development Application is contrary to Council's Flood Policy.	6 The proposal complies with Council's Flood Risk Management Policy. (See "Flood Risk Management Policy")
7 The Development Application should go to the Heritage	7 The existing building is not listed as a heritage building

	Consultant for his opinion as a change of use.		under KLEP 1987.
8	The proposal is not consistent with the 6(a) zoning objectives in the LEP which prohibits the proposal.	8	The proposal is considered to be permissible under Clause 18A of Kempsey Local Environmental Plan 1987 (See KLEP 1987).
9	Why wasn't their community consultation that the baby centre lease was to be terminated?	9	Council has no policy requiring consultation in respect to leasing matters which are an administrative function.
10	All residents of Memorial Avenue and surrounding streets will face constant harassment as a result of the proposed development.	10	The purpose of the Youth Centre is to encourage youth to be responsible and receive mentoring and counselling. Consequently it is expected that the proposal will not result in impacts to residents.
11	The proper place for any public service centre catering for counselling for drugs, alcohol, mental health, sexual health etc is not in a residential but clinical environment such as hospital, doctors surgery or business allocated areas.	11	The site has been chosen as a result of extensive consultation with the providers of community services, all of which support the proposed location.
12	There has been problems with similar centres in Kempsey.	12	See above comment
13	Does the Centre operate after hours during the week and on weekends?	13	It is proposed to limit hours of operation 9am to 5pm weekdays.
14	The proposal will attract additional litter in the park which is already neglected.	14	This is a matter for management and maintenance of the Park.
15	Petition – The Baby Health Clinic has been used for the past 50 years and was built for that purpose for the	15	The proposal has been advertised in accordance with Council's Notification Policy. It is for Council to determine

community and the community were not consulted about the change of use.	whether the proposed use is appropriate.
16 The residents feel the counselling of youth with mental health, drug and alcohol abuse and sexual problems should not be in the vicinity of so many small children using the swimming pool complex.	16 The proposed development is supported by a range of community service providers. The uses are considered to be adequately separated.
Support	Planning Comment
1 The submission includes letters from youth agencies which support the proposed development as it will provide a centrally located, accessible, youth friendly point of entry to welfare services for young people and their families.	1 Noted.

REPORT IMPLICATIONS:

- **Environmental**

There are no significant environmental impacts from the proposed development.

- **Social**

The Youth Referral and Information Centre and The Bunker will provide a social benefit to youth in the Shire as well as forming partnerships with neighbouring Shires. The proposal has the potential to educate youths on issues such as health, education as well as providing counselling.

- **Economic (Financial)**

The Youth Referral and Information Centre and The Bunker has received \$70,000 funding from the Premiers Department and a further \$41,000 from other State Government sources.

- **Policy or Statutory**

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

MOVED:

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

A That the Youth Information and Referral Centre and Youth Learning Centre be approved 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 and detailed submission accompanying the application, as modified by any conditions of this consent.**
- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.**
- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.**
- 5 The building is not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.**
- 6 All building work must be carried out in accordance with the provisions of the Building Code of Australia.**
- 7 Access to the site for deliveries is to be confined to between 7.00 am and 5.00 pm Monday to Friday. In this regard, a sign clearly indicating same is to be displayed at the entry to the development. Details, including location of signage, are to be provided with the plans for the required Construction Certificate.**
- 8 The hours of construction works are to be confined to 7.00 a.m. to 5.00 p.m., Monday to Friday.**

9 All loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property.

10 The applicant to provide off-street parking for 10 spaces that includes one (1) disabled car park.

Compliance with condition 10 shall be deferred for 6 months from the date of consent, after which the applicant is to submit details of how off-street parking is to be provided, for approval. If required, the parking area is to be constructed and operational within 2 months of notice being given.

11 The hours of operation of the Youth Information and Referral Centre and Youth Learning Centre are to be restricted between 9.00am and 5.00pm Monday to Friday.

12 Attendance at the Youth Information and Referral Centre is to be primarily by appointment only and this is to be clearly signposted at the entry door to the building.

13 All attendance at the Youth Learning Centre (The Bunker) is to be pre-arranged enrolment in an approved course, with a maximum class size of 10 persons, and only one class is to operate at any one time.

14 The Centre is not to be used for dispensing of any drugs.

15 Provision of a bike rack adjacent to the Youth Learning Centre prior to commencement of the use.

16 Compliance with the Building Code of Australia.

All building work must be carried out in accordance with the requirements of the (BCA). A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

17 Submit plans and specifications of the "bunker" building with the Construction Certificate.

18 A schedule of the fire safety measures which are to be installed in the building is to be submitted with the

required Construction Certificate for approval together with the minimum Standard of Performance as identified in Clause 80B and C of the Environmental Planning Assessment Regulation 1994.

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

19 The construction of exits must comply with Section D Clause D2.19, D2.20 and D2.21 of the Building Code of Australia.

B That the applicant be advised that Council may reconsider the need for off-street parking if it can be demonstrated that the use does not create the level of demand estimated and that there is adequate kerbside parking available for the use, during peak parking demand periods associated with the public swimming pool.

C That all persons making individual submissions be notified of Council's decision.

An Amendment was MOVED:

Moved: Cl. McWilliam

Seconded: Cl. Hayes

That the Youth Information and Referral Centre be approved separate from the Youth Learning Centre and the matter to be reviewed after 12 months.

The AMENDMENT was PUT to the Meeting and was LOST.

2005. 733

The MOTION was PUT to the MEETING and was LOST.

DSDS3	PROPOSED DWELLING AND SHED – SANDY CREEK ROAD, KEMPSEY FILE: T6-05-182 TJN {Folio No. 304637}
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SUMMARY:

Reporting that Council has received an application to erect a dwelling adjacent to land identified for rezoning for industrial development.



Applicant: C Mobbs
Subject Property: Lot 151 DP 752417
Sandy Creek Road, South Kempsey

Zone: 1(d) Rural Investigation.

Description of Proposal

The proposal involves the construction of a dwelling and shed approximately 100 metres from land being investigated for an industrial rezoning. [\(Appendix C\)](#)

Background

The application was lodged on 26th April 2005. Following initial assessment, it was referred to the Development Assessment Group on 10th May 2005 as it was adjacent land being considered for industrial zoning, and is in fact within the identified investigation area for industrial zoning.

A meeting was subsequently held with the applicant on 23rd May 2005 whereby it was explained that Council wished to ensure the viability of any future industrial area was not compromised by constraints imposed by adjoining residences. The applicant was requested to relocate the house to a site as far as practical from the adjoining potential industrial zone, which the applicant indicated they would consider. An alternative location was identified about 300 metres south west of the initial dwelling-site. The applicant was asked to provide Council with a written estimate of additional costs associated with locating the house at the alternative site.

On 30th May 2005, the applicant provided verbal advice that additional costs would be possibly \$1000-\$2000, and that they had commissioned a consultant to prepare a revised Bushfire Threat Assessment for the alternative dwelling site.

The revised Bushfire Threat Assessment was submitted on 10th June 2005. [\(Appendix D\) - \(showing proposed dwelling location\)](#)

On 20th June 2005 a further meeting was held whereby the applicant stated that the additional costs would be \$15,000 - \$20,000, and that the adjoining landowner wishing to carry out the industrial development should "buy them out".

Following this meeting, the applicant requested that the application be considered based on the original location for the dwelling-house.

The application was reported to Council at its meeting of 12th July 2005, where Council resolved:

"That the matter be listed for a Works Inspection and copies of the relevant certificates issued to Mr Mobbs in respect of the land be provided to Councillors prior to the Works Inspection".

Following the meeting, the applicant requested the application be deferred pending discussions in relation to the cost of relocating the house in accordance with the recommendation to Council. The applicant has now advised that he wishes the application considered with the house located as originally proposed.

Heads of Consideration

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

The proposal is not considered to be contrary to the North Coast Regional Environmental Plan 1988 (NCREP 1988).

Kempsey Local Environmental Plan 1987 (KLEP 1987)

The subject land is zoned 1(d) (Rural(Investigation)D Zone) under the provisions of this plan. The objectives of this zone are: -

- (a) To provide for future expansion of Kempsey Shire's Population.*
- (b) To ensure that such land is not subject to excessive capital investment; and*
- (c) To enable a thorough investigation of land prior to release for development.*

The proposal is considered contrary to the zone objectives as the location of the dwelling may sterilise planned urban expansion of Kempsey.

The land has been identified for rezoning to Industrial in the Kempsey and South West Rocks Industrial Land Review prepared by Environmental Resource Management and adopted by Council on 9th November 2004. In addition to this, the land is to be addressed in a Local Environmental Study for the rezoning of land identified in application T5-81 [\(Appendix E\)](#).

One of the criteria for identifying the area was the lack of dwellings in the area. [\(Appendix F\)](#)

By placing the dwelling 100 metres from the boundary, a large area of future industrially zoned land could essentially be sterilised as any development would be required to be undertaken in accordance with the Industrial Noise Policy. This would include the provision of buffer zones. Included in the Industrial Land Review is provided a list of recommended buffer distances for a range of industry types [\(Appendix G\)](#).

In order to minimise future impacts on the dwelling, and to maximize the amount of adjoining land available for industrial development, the

dwelling should be located as far as practically possible from the lots eastern and northern boundary. An alternative location has been identified on the site, which was the subject of a revised bushfire hazard assessment. However, the applicant has advised he is not preferred to relocate the house.

REPORT IMPLICATIONS:

- ***Environmental***

Environmental impacts can be reasonably managed as indicated by the submitted reports for on-site effluent disposal and bushfire hazard assessment.

- ***Social***

Erection of a new dwelling within a potential future industrial area may lead to future land use conflicts.

- ***Economic (Financial)***

Erection of a new dwelling house in the proposed location will potentially limit the available land for development for industrial purposes. The residential land investigation area was specifically chosen due to the absence of existing dwelling houses. Approval may effect future economic development of the Shire.

- ***Policy or Statutory***

The proposal is considered to be contrary to Council's Industrial Land Strategy, and is contrary to the zone objectives for Zone 1(d).

Director Sustainable Development Services Recommendation:

That the application be refused for the following reasons:

- 1 Proposed location of the dwelling is contrary to the objectives of the 1(d) zoning of the land.**
- 2 The subject land is within the proposed investigation area for the provision of industrial land to serve the needs of Kempsey Shire's population.**
- 3 Approval of the dwelling would render a substantial area of potential future industrial land unable to be used for such a purpose due to the need to separate industrial development from dwelling-houses.**

4 Approval of the dwelling-house is likely to prevent the economic development of adjoining land for a broad range of industrial land uses.

MOVED:

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

That the application be approved.

An Amendment was MOVED:

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

That this matter be deferred to the next meeting to allow further negotiations between the parties involved, in relation to the road.

2005. 734

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

At this stage 10.48a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.10a.m. all present at the adjournment were in attendance.

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DSS6

KAWANA LANE, BARRAGANYATTI

FILE: R.KAWANA LN NJT

{Folio No. 304668}

SUMMARY:

Reporting on a request to maintain Kawana Lane, Barraganyatti.

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Council has received a letter from Mr Peter Dowsett requesting that consideration be given to Council taking over maintenance of Kawana Lane, Barraganyatti. A copy of the letter is attached ([Appendix A](#)).

Kawana Lane is a Dedicated Public Road that presently is not maintained by Council. The road provides access to residences and businesses.

The road was initially constructed by RZM as apart of the development of a Titanium Minerals Mine. Once mining ceased, regular maintenance of the road also ceased. The conditions of the development did not state that Council would take over maintenance of the road, only that the road should be maintained by RZM and left in a state suitable for residents.

Council considered funding some minor roadworks in Kawana Lane as part of a report on Minor Roads at its meeting on 14th June 2005 and resolved to expend \$2,000 subject to 50% contribution from the

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MAYOR

landholders. Landholders at that stage were not willing to contribute any funds, so no maintenance was carried out.

The cost of upgrading of the road should be at the expense of the applicants. The estimated cost to construct the road to Council's minimum standard is \$51,500.

If Council were to consider taking over the road, then consideration would need to be given to budget for the future ongoing costs. It is estimated that ongoing annual maintenance costs for unsealed roads (allowing for future gravel resheeting and maintenance grading) is \$3,500 per km. The total life cycle cost for 1.2km is \$4,200 per annum.

Council has 3 options:

1. Council take over maintenance of Kawana Lane.
2. Residents bring the road to a satisfactory standard, prior to taking over the full maintenance of Kawana Lane.
3. Do nothing.

Residents have not been willing to contribute to the cost when Minor Roads funding was available.

It is recommended that Kawana Lane not be added to Council's maintained length of roads, as it does not meet Council's current minimum road standards and funding provided by Council is not sufficient to maintain the current road infrastructure let alone take on more.

REPORT IMPLICATIONS:

- ***Environmental Implications***

There are no environmental implications from the following recommendation.

- ***Social Implications***

The social implications from the following recommendation are that the residents do not have a maintained road for access to their properties.

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

There are no financial implications from the following recommendation.

- ***Policy or Statutory Implications***

There are no policy or statutory implications.

▪ *Director's Review*

Council needs to determine if it can financially support any extension of the maintained road network and the ongoing commitment. Council is urged to support the recommendation.

Director Shire Services Recommendation

That Kawana Lane not be added to Council's maintained length of roads.

2005. 735 **RESOLVED:**

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

That this matter be listed for a works inspection.

**DSS7 JERSEYVILLE SEWERAGE SCHEME
FILE: 148 SLM (NRN) COPY: APC {Folio No. 304670}**

SUMMARY:

Reporting on the progress of the Jerseyville sewerage system.



At the Council meeting of 13th September 2005 Council resolved to temporarily suspend the installation of a low-pressure grinder pump (LPGP) system until further public consultation was completed.

A public meeting was held Wednesday 28th September at the CWA Hall at South West Rocks. This meeting was attended by Keith Finnie (Director), Sharon McLanders, Councillor Gribbin and Councillor McWilliam and 22 Jerseyville property owners. A number of issues were raised:

- Majority were saying that the pump station is already there, why not just go ahead with the normal gravity system? The Director confirmed that the LPGP was cheaper and overcame the environmental issues.
- Council only wants the LPGP system as it is cheaper for Council.
- Council has referred to the LPGP system as a trial. What guarantees do the Jerseyville residents have that it will operate well and be repaired when required? The Director confirmed either system would be maintained by Council.
- One resident said he has a letter from Andrew Stoner saying he will support getting a subsidy for sewerage – The Director spoke about the issue for getting any subsidy for Jerseyville.

- What is included in connection cost? – The Director advised all items covered for LPGP system.
- What is the difference in maintenance costs to the residents for LPGP and gravity? – The Director advised nil.
- Ownership of units and why an easement required if Council owns pumps etc? - Initial investigations and discussions with other Councils revealed that most prefer to leave ownership with the property owners due to the pump chamber and electrical box being connected to the residence. It also allowed ease of relocation for the property owner in the case of building extensions.
- Part payment of fees and if there was any interest? - Previous sewerage backlog areas have had signed agreements for property debt loans which are signed by the property owner. The document states the cost, a maximum payment period (quarterly over 5 years), the interest payable (interest rate for Council's loan) and that the loan is attached to the property and will be recovered if transferred ownership.
- Could the previous unconnected sewer rates be taken off the total connection fee?
- Would Council consider dropping connection fee all together?
- KSC Parkland (where pump station was installed) was totally destroyed with over 30 trees being cut.
- No discussions were held with residents prior to pump station being installed.
- How will the LPGP system operate in floods? The Director advised that either system would be similarly impacted by floods.
- Is the sewerage issue the only thing stopping development in Jerseyville? – The Director advised that this is not the case, the major issue would be flooding.
- When is any sewerage system expected to be installed when accepted? – Anticipated commencement date is March April 2006.

The residents of Jerseyville also supplied a survey from the area detailing the preferred option. 21 properties were included with 19 agreeing to some sort of sewerage system being installed. From these 19, only 3 preferred the LPGP system.

Following the meeting, a number of residents remained to discuss further the possibility of removing or reducing the costs. The impression from these discussions was that if they were not disadvantaged more than any other resident in Kempsey Shire due to the costs, they would agree to the LPGP system.

REPORT IMPLICATIONS:

- ***Environmental***

Due to the location of Jerseyville adjacent to the Macleay River, the existing septic tank systems are polluting the groundwater,

which is just below the surface. This in turn is most likely to affect the adjacent river water quality, both from groundwater and surface water flows.

Acid sulphate soils have also been discovered only 0.8m below the surface.

Lot sizes are such that the required absorption trenching for septic systems cannot be provided.

The LPGP system has pipe work which is considerably shallower to install than normal gravity systems, so there will be less environmental issues. Therefore the LPGP system is the preferred system for Jerseyville.

- *Social*

The landowners have been advised that the existing on-site disposal system should be upgraded to a system that has less environmental impacts. Public consultation has resulted in a split response from the local residents on which system is preferred.

The major issue appears to be the cost to the property owner in addition to the normal sewerage charge. Ideas such as reducing the connection fee and removing the \$100/year maintenance fee were brought forward by the residents. For the number of properties involved, the level of concern and amount recovered, the removal of the maintenance fee seems justifiable.

- *Economic (Financial)*

The current budget for the scheme is \$400,000, with approximately \$250,000 remaining to complete the project.

The estimated cost of LPGP sewer is estimated to be \$10,000 per lot. Council has accepted the proposal to charge an upfront installation fee of \$2,000 per lot but this could be increased to \$2,500 or \$3,000 per lot to reduce the burden to Council. This is seen as replacing the usual subsidy provided by the State.

No State Government subsidy is available to such areas.

- *Policy or Statutory*

None

- *Director's Review*

Council is urged to determine this matter and adopt the recommendations.

Director Shire Services Recommendation

1. That the concept of installing a LPGP sewerage system for Jerseyville be confirmed.
2. That the ownership of the E-ONE system inside the property be by the property owner, with a maintenance agreement with Council regarding Council access and servicing requirements.
3. That the cost for the LPGP maintenance agreement be removed from Council's Fees and Charges.
4. That the installation fee be set at \$2,500 per lot.

2005. 736 **RESOLVED:**

*Moved: Cl. Bowell
Seconded: Cl. McWilliam*

That this matter be deferred until the November Council meeting or earlier and a report be submitted detailing the correct costing of the systems.



ADOPTION OF AGENDA ORDER OF BUSINESS

2005. 737 **RESOLVED:**

*Moved: Cl. Green
Seconded: Cl. Gribbin*

That the Agenda Order of Business be adopted.



NOTICE OF MOTION

NOM1	CROCFEST 2005	{ Folio No. 304629 }
	FILE: 689 KJF	

I hereby give notice that I intend to move the following motion at the Ordinary meeting of Kempsey Shire council to be held on Tuesday 11th October 2005.

.....
MAYOR

- "1. That Council Apply to the Croc Fest Organisation to hold a Croc Fest in Kempsey in 2006.**
- 2. That Council advise the following of our wish to hold CrocFest in 2006;**
 - a. Board of Indigenous Festivals of Australia**
 - b. Director General Premiers Department**
 - c. Department of Aboriginal Affairs**
 - d. The Honourable John Howard MP Prime Minister Parliament House Canberra"**

.....
COUNCILLOR E A GREEN

Rationale:

The Croc Fest held in September 2005 was very successful and recognised as the biggest event of this kind ever held in Australia both in terms of participating children and the number of activities undertaken. It also injected more than \$220,000 into the Kempsey Shire.

A preliminary report from the Croc Fest organisation is attached as [Appendix A](#) (to be supplied by CrocFest first week in October). However not many people really understood what CrocFest was about and have expressed an interest in attending when next held in Kempsey. We need to advise the organisers as early as possible of our interest for 2006.

The following information was provided to Manager Community / Lifestyle Guy Whelan from Kempsey Police in relation to CrocFest being held in Kempsey.

- (1) Violence and anti social behaviour actually dropped during this period.
- (2) Police resources were not overloaded during the period.
- (3) Participants were generally well behaved.
- (4) Any comments about unruly, anti social behavior is unfounded.
- (5) Police have statistics to support their claims of a relatively trouble free period.

2005. 738 RESOLVED:

*Moved: Cl. Green
 Seconded: Cl. Gribbin*

- 1. That Council Apply to the Croc Fest Organisation to hold a Croc Fest in Kempsey in 2006.**
- 2. That Council advise the following of our wish to hold CrocFest in 2006;**
 - a. Board of Indigenous Festivals of Australia**
 - b. Director General Premiers Department**

.....
MAYOR

- c. Department of Aboriginal Affairs
- d. The Honourable John Howard MP Prime Minister
Parliament House Canberra.

NOM2	MONTHLY FINANCIAL SUMMARY	
	FILE: 563 AVB (NRN)	{Folio No. 304630}

I hereby give notice that I intend to move the following motion at the Ordinary meeting of Kempsey Shire council to be held on Tuesday 11th October 2005.

"That a report be submitted to each Ordinary Meeting of Kempsey Shire council of costs incurred for the previous month by the General Manager, Directors, Mayor and all Councillors while administering their duties for Council."

.....
COUNCILLOR J C GRIBBIN

NOTES

This information was available from the monthly cheque warrant, which has now been cancelled. These costs are available to Councillors and ratepayers under the Local Government Act and also the Freedom of Information Act.

MOVED:

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

That a report be submitted to each Ordinary Meeting of Kempsey Shire council of costs incurred for the previous month by the General Manager, Directors, Mayor and all Councillors while administering their duties for Council.

The MOTION was PUT to the Meeting and was LOST.

NOM3	COUNCIL FUNCTIONS ATTENDED	
	FILE: * AVB (NRN)	{Folio No. 304631}

I hereby give notice that I intend to move the following motion at the Ordinary meeting of Kempsey Shire council to be held on Tuesday 11th October 2005.

THIS IS PAGE 24 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 11TH OCTOBER 2005.

.....
MAYOR

"That a list of meetings and functions attended the previous month by the General Manager, Directors, Mayor and councillors be listed in the agenda of each Monthly Ordinary General Meeting of Kempsey Shire Council stating who attended and reasons why."

.....
COUNCILLOR J C GRIBBIN

MOVED:

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

That a list of meetings and functions attended the previous month by the General Manager and Mayor be listed in the agenda of each Monthly Ordinary General Meeting of Kempsey Shire Council stating who attended and reasons why.

The MOTION was PUT to the Meeting and was LOST.

RESCISSION MOTION

RM1	CARAVAN PARK COMMITTEE FILE: 358 GBS (NRN)	{ Folio No. 304632 }
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Notice is hereby given that we intend to move the following Rescission Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday 11th October 2005.

That resolution number 2005.668 from the Ordinary Meeting held Tuesday 13th September 2005, as printed below;

"That the Caravan Parks Committee be dissolved as the Department of Lands has accepted the Management Plans for the Caravan Parks."

be rescinded.

.....
COUNCILLOR D F SAUL

.....
COUNCILLOR E R WALKER

.....
COUNCILLOR J C GRIBBIN

THIS IS PAGE 25 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 11TH OCTOBER 2005.

.....
MAYOR

In the event of this Rescission Motion being successful it is intended to move the following Motion.

That the Caravan Park committee be reinstated with an additional four community members being one from each area of the Caravan Parks location.

REASONS

- a) There is still approximately \$1.4 million to be spent on the parks and this money if spent should be with the input of a Caravan Park committee.
- b) If the Caravan Parks are to be put to tender it should be with the involvement of local committees.
- c) The Saleyards who spend approximately \$250,000 each year have a seven member committee with five community members.
- d) It will be perceived by the local communities that this Council could have a hidden agenda for the Caravan Parks if this committee is not reinstated.
- e) Mr B Snape recommended at the meeting of the Caravan Park committee 30th August 2005 that ratepayers should be on this committee as a recommendation from Workshop 2 held 5th August 2005 with Dr Martin from the Latrobe University.

MOVED:

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

That resolution number 2005.668 from the Ordinary Meeting held Tuesday 13th September 2005, as printed below;

"That the Caravan Parks Committee be dissolved as the Department of Lands has accepted the Management Plans for the Caravan Parks."

be rescinded.

The MOTION was PUT to the Meeting and was LOST.

RM2

**WORKS COMMITTEE
FILE: 335 AVB (NRN)**

{Folio No. 304633}

Notice is hereby given that we intend to move the following Rescission Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday 11th October 2005.

That resolution number 2005.664 from the Ordinary Meeting held Tuesday 13th September 2005, as printed below;

"That a Works Committee comprising the full Council be appointed for the purpose of carrying out inspections of any matters affecting the functions of Council, and that the Works Committee has delegated authority to determine matters provided that the quorum for any meeting of seven (7) members is present, and that Works Committee meetings and inspections be held on a needs basis as determined by Council or the Mayor."

be rescinded.

.....
COUNCILLOR J A C HAYES

.....
COUNCILLOR R McWILLIAM

.....
COUNCILLOR T L HUNT

In the event of this Rescission Motion being successful I intend to move the following Motion.

That a Works Committee comprising the full Council be appointed for the purpose of carrying out inspections of any matters affecting the functions of the Council, and that the Works Committee has delegated authority to determine matters provided that the quorum for any meeting of five (5) Councillors is present, and that the Works Committee meetings and inspections be held on a needs basis as determined by Council or the Mayor.

At the last meeting of the Works Committee 20th September 2005, one Councillor was absent on Council business, one Councillor reported in ill and another was absent. This left only six (6) Councillors and it was decided to undertake the inspection but the meeting was unable to resolve the matters as the quorum of seven (7) was not present.

As at ordinary meetings a quorum of five (5) is prescribed, I put forward this motion to allow a similar quorum to act upon any items listed for such a meeting.

THIS IS PAGE 27 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 11TH OCTOBER 2005.

.....
MAYOR

MOVED:

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

That resolution number 2005.664 from the Ordinary Meeting held Tuesday 13th September 2005, as printed below;

"That a Works Committee comprising the full Council be appointed for the purpose of carrying out inspections of any matters affecting the functions of Council, and that the Works Committee has delegated authority to determine matters provided that the quorum for any meeting of seven (7) members is present, and that Works Committee meetings and inspections be held on a needs basis as determined by Council or the Mayor."

be rescinded.

Councillor Gribbin recorded his vote against the foregoing Resolution.

2005. 740 **RESOLVED:**

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

That a Works Committee comprising the full Council be appointed for the purpose of carrying out inspections of any matters affecting the functions of the Council, and that the Works Committee has delegated authority to determine matters provided that the quorum for any meeting of five (5) Councillors is present, and that the Works Committee meetings and inspections be held on a needs basis as determined by Council or the Mayor.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

DSDS1	SUBDIVISION OF LOTS B AND C DP399906 OFF CROADS ESPLANADE, SMITHTOWN FILE: T6-05-117 AJC {Folio No. 304634}
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This report should be read in conjunction with Confidential Information only Report DSDS1.

SUMMARY:

THIS IS PAGE 28 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 11TH OCTOBER 2005.

.....
MAYOR

Reporting on an objection pursuant to the provisions of State Environmental Planning Policy No. 1 to a development standard that would prohibit the proposed subdivision.



Applicant: Dutton Engineering Excellence Pty Ltd
Subject Property: Lots B & C DP399906, Nos. 2 & 4 Croads Esplanade, Smithtown
Owners: R & S Walker and M & S Rodwell
Zone: 2(v) Village

Background

At the Ordinary meeting of Council held on the 9 August 2005 Council resolved: -

1. *That this matter be subject to a Works Inspection and site profiles be provided at the inspection.*
2. *That the Director Sustainable Development Services report back to the next meeting of Council on suitable conditions of approval should this development be approved.*

In accordance with resolution 2, a report was submitted to Council at its meeting of 13th September 2005 with suitable conditions if Council were to approve the application. Council resolved to note the information pending Council's works inspection.

A Works Committee Inspection was carried out on 20th September 2005, however, a quorum was not present and the matter is now referred to Council for determination.

Proposal

The proposal is to create one (1) additional allotment from the two existing allotments having an area of approximately 720m². The two existing allotments will each have a modified area of 750 m² and 770m² respectively.

A plan showing the subdivision proposal is attached to this report [\(Appendix A\)](#).

The subject properties are located at 2 & 4 Croads Esplanade, Smithtown.

This proposal does not comply with the development standard contained in Clause 12(1)(a)&(c) of Kempsey Local Environmental Plan 1987 and the applicant has submitted an objection under SEPP 1 to the development standard.

In response to Council's resolution point 2 of the 9 August 2005 the following draft conditions are provided should Council resolve to approve this development based upon not filling the lots: -

General

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development Plan marked *"PROPOSED SUBDIVISION OF LOTS B & C DP399906, CROADS ESPLANADE SMITHTOWN"* and as modified by any conditions of this consent.
- 2 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.
- 3 Two days prior to commencing work Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
- 4 A suitable restriction as to user is to be applied over the title of proposed lot 3 prohibiting vehicular access off the Smithtown Road frontage of this proposed allotment.

The restriction is to be clearly marked on the plan of subdivision. Kempsey Shire Council is to be named on the restriction as the sole party to modify and/or withdraw this restriction.
- 5 Submission of a suitable restriction as to user over the title of all the lots in this subdivision restricting all proposed dwellings to a flood planning level of 5.00 metres on A.H.D., in accordance with Council's Flood Risk Management Policy.

The restriction is to be clearly marked on the plan of subdivision. Kempsey Shire Council is to be named on the restriction as the sole party to modify and/or withdraw this restriction.
- 6 Applicant is to submit with the final plan of subdivision copies of any instruments under Section 88B or E of the Conveyancing Act 1919 relevant to any restrictive covenants, assessments or rights

of way created by or affected by this subdivision prior to the issue of the Subdivision Certificate.

- 7 Submission of an application for Subdivision Certificate pursuant to Section 4A of the Environmental Planning and Assessment Act 1979, which authorises the registration of the plan of subdivision.

Public Utilities

- 8 The applicant shall make satisfactory arrangements with Telstra Australia for the provision of underground telephone plant to each lot. A letter from Telstra stating that satisfactory arrangements have been made for the provision of underground telephone plant is to be lodged with Council prior to issue of the Subdivision Certificate.
- 9 The applicant is to make satisfactory arrangements with Country Energy for the supply of electricity to each lot. A letter from Country Energy stating that satisfactory arrangements have been made for the provision of underground electricity supply to this development is to be lodged with Council prior to issue of the Subdivision Certificate.
- 10 Any necessary alterations to or relocations of public utility services to be carried out at no cost to Council.

Contributions

- 11 The applicant is to pay a contribution towards Outdoor Recreation for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Subdivision Certificate, at the rate prevailing at that time. The current rate is \$490 per additional dwelling unit, i.e. \$490 x 1 E.T = \$490 total for 2005/2006. (Indexed)
- 12 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of the Subdivision Certificate.
- 13 You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with: -

- (a) Payment of a contribution towards district water supply at the rate of \$1,256 per equivalent tenement, i.e \$1,256 x 1 E.T = \$1,256 total for 2005/2006. (Indexed)
- (b) Relocate and extend the existing town sewer main to the side boundaries in a 3metres wide easement to serve all the lots in the proposed development the proposed development, at full cost to the applicant. Detailed plans are to be submitted for approval prior to the issue of the Construction Certificate.
- (c) Relocate and or extend all existing internal sewer pipes such that they are wholly contained within the proposed new allotment boundaries. Details are to be submitted for approval prior to the issue of the Construction Certificate.

Information to be submitted with the Construction Certificate

- 14 Detailed Engineering Plans providing for civil engineering works associated with this development in strict compliance with Council's Development Control Plan No 36 *Engineering Guidelines for Subdivision and Development*.

Roads

- 15 Prior to release of the Subdivision Certificate, provision of a concrete footpath along the full frontage of all the proposed lots in Croads Esplanade linking the existing concrete footpaths in Main Street and from Smithtown Bridge in accordance with Section D1.16(5) of Development Control Plan No 36.
- 16 Prior to release of the Subdivision Certificate, provision of functional vehicular access to all proposed lots (including existing lots). The three existing gutter bridges servicing the existing allotments are to be removed and vehicle access reconstruction in accordance with the provisions of *DCP 36 Engineering Guidelines for Subdivision and Development*.
- 17 No trees to be lopped or removed except in accordance with Council's Policy on Tree Preservation, and with the written consent of Council.
- 18 Details of the method(s) to be employed by the appointed Civil Contractor to dispose of cleared vegetation shall be lodged with Council for approval prior to Council issuing the Construction Certificate. **Council will not accept burning off of fallen materials onsite as a means of disposal.**

- 19 The existing concrete footpath is to be adjusted for level to allow for the future construction of a vehicle access using the standard contained in *DCP 36 Engineering Guidelines for Subdivision and Development* and not a gutter bridge.
- 20 Prior to release of the Subdivision Certificate the applicant is to restore, replace, reconstruct any damage caused to urban road pavements, surfaces or street furniture on the haulage route(s) used for the construction of the subdivision.

Haulage routes for the importation of materials are to be agreed to by the Director of Engineering prior to issuing of the required Construction Certificate.

Inspections

- 21 The following inspections are required to be made and a minimum of 48 hours notice is necessary where requesting an inspection. Appointments will be made in accordance with the inspection program for the area. Where inspections are carried out by an accredited certifier other than Council, compliance certificates will be required following each inspection and forwarded immediately to The Principal Certifier.

Note: Accounts will be forwarded for inspections that are required and/or undertaken in addition to those inspections for which a pre-payment has been made.

Inspections required:

- (a) The inspections for the required civil engineering works are listed in Section 6.3 of Council's Engineering Guidelines for Subdivision and Development (DCP 36) and must be undertaken prior to the appointed contractor proceeding to the next stage of the construction.
- (b) Council is to inspect all Telstra and CountryEnergy cables where they cross existing and or new Council sewer or water mains prior to the contractor backfilling the trench.

REPORT IMPLICATIONS:

- ***Environmental***

The proposed development will not generate any adverse environmental impacts.

- ***Social***

This development will place increased population in a flood prone area, creating an additional load on emergency services and the cost associated with emotional, mental and physical health of the residents during and after flood events.

Council should consider the cumulative impact of similar development in this locality as part of its Lower Macleay Floodplain Management Plan in order to effectively manage the risk on a strategic basis.

- *Economic (Financial)*

The new property owner will experience the economic and or financial impacts and any loss will depend upon the size of any flood event. For example minor flooding of the new allotment may damage fencing, garden sheds and or require general clearing of debris external to the dwelling. The new property owner will likely experience loss of wages, sales and or production as a consequence.

However, should this development proposal encourage similar developments the cumulative impacts will be significant. Therefore council should ensure that a strategic approach is applied to management of the Lower Macleay Floodplain.

- *Department of Infrastructure Planning and Natural Resources*

Council's attention is drawn to the report to Council on 9th August 2005 in relation to rezoning of land in Gladstone. The Department Infrastructure Planning and Natural Resources advised that it is inappropriate to continually use SEPP 1 to vary the provisions of Clause 12 of the Kempsey LEP 1987, which precludes subdivision of land within the floodplain.

2005. 741 **RESOLVED:**

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

That the application for subdivision of Lots B and C DP 399906, Croads Esplanade, Smithtown, into 3 lots be refused for the following reasons:

- A** The proposal is contrary to Clause 12(1)(c) of Kempsey Local Environmental Plan 1987 as none of the 3 proposed lots include any land outside the limit of the 1 in 100 year flood.
- B** The applicant's objection to the standard under State Environmental Planning Policy has not demonstrated that

the standard is unreasonable or unnecessary in the circumstances, as the standard prevents cumulative impacts of additional houses being a risk during flood events.

- C The proposal would set a precedent that could lead to significant cumulative impacts, particularly for the additional load on emergency services in a major flood event.

Councillor Sowter recorded his vote against the foregoing Resolution.

DSDS2	YOUTH INFORMATION AND REFERRAL CENTRE AND YOUTH LEARNING CENTRE FILE: T6-05-96 GGL {Folio No. 304635}
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The following item was dealt with immediately following PUBLIC FORUM.

DSDS3	PROPOSED DWELLING AND SHED – SANDY CREEK ROAD, KEMPSEY FILE: T6-05-182 TJN {Folio No. 304637}
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The following item was dealt with immediately following PUBLIC FORUM.

DSDS4	SUBDIVISION OF LOT 21 DP 615960 MARYS BAY ROAD, EUROKA FILE: S15-89-59 AJC (NRN) {Folio No 304643}
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SUMMARY:

Reporting on a condition of a development consent requiring an existing crown road to be upgraded to Council standard and dedicated as public road.



Applicant: Mr J DeBoer
Subject Property: Lot 21 DP615960 Marys Bay Road, Euroka

Background

Council on the 5th December 1989 issued a conditional development approval for the subdivision of the subject allotment into seven (7) rural residential allotments, including construction of Marys Bay Road which was a Crown Road Reserve.

Council issued a Construction Certificate on the 6 August 1991 to construct that part of Marys Bay Road fronting the lots in the proposed subdivision. The subdivision certificates were issued over a long period of time from the 6 August 1992 to 3 November 1999. This civil work associated with this development was completed on the 3 July 1992.

The section of Marys Bay Road south of Gowings Hill Road was never transferred from the Crown to Council.

Proposal

Condition 3 of the original development consent required the crown road servicing the proposed allotments to be dedicated as public road.

The proposal is to transfer the existing relevant part of the Crown Road to Council, as shown on the sketch attached. [\(Appendix H\)](#) It will become a dedicated public road vested in Council, pursuant to the provisions of Section 151 of the Roads Act 1993.

Council will be required to endorse the application to transfer the Crown Road and where necessary affix its seal to the relevant documents.

There will be no cost to Council involved in the transfer.

REPORT IMPLICATIONS:

- ***Environmental***

There will be no environmental implications.

- ***Social***

There will be no change and this section of Marys Bay Road will continue to provide a social benefit.

- ***Economic (Financial)***

Council currently maintains this section of Marys Bay Road and there will be no cost to Council involved in the transfer.

- *Policy or Statutory*

Only Council can apply for the transfer under the provisions of the Roads Act 1993.

2005. 742 **RESOLVED:**

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

- 1 Council support the transfer process in accordance with condition 3 of the development consent issued on the 5 December 1989.
- 2 Where required the General Manager/Mayor endorse the application and any associated documents, including affixing of Council's seal.

DIRECTOR SHIRE SERVICES REPORT

DSS1	APPLICATION FOR PUBLIC GATE AND GRID – FIVE DAY CREEK ROAD, COMARA FILE: 27 (297491) NJT {Folio No. 304647}
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SUMMARY:

Reporting on an application to erect a Public Gate and Grid on Five Day Creek Road, Comara.



An application has been received from Mr Paul Lawrence to erect a Public Gate and Grid on Five Day Creek Road on the boundary of Lot 1 and Lot 12, DP752427, Comara.

The application was advertised and objections have been received from 3 people.

The objections relate to:

- Too many gates and grids on Five Day Creek Road (16 in 20kms) – Most properties are not fenced. Council at this stage is not forcing property owners to fence either side of road reserve.
- Existing grids are poorly constructed and maintained, leading to increase in maintenance costs, especially suspension due to poorly maintained grids. Minor repairs may be warranted on some grids.
- Difficulty in transporting stock.
- Majority of existing grids have been in place for many years.

THIS IS PAGE 37 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 11TH OCTOBER 2005.

.....
MAYOR

The position of the gate and grid was inspected and found to be in a safe location, consistent with site distances that exist along the road.

REPORT IMPLICATIONS:

▪ *Environmental Implications*

There are no environmental implications from the following recommendation.

▪ *Social Implications*

The social implications from the following recommendation is that some property owners will feel inconvenienced.

▪ *Economic (Financial) Implications*

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

• *Policy Or Statutory Implications*

This proposal has been advertised as required by the Roads Act and in accord with Council Policy.

Council's policy is in the process of being reviewed.

▪ *Director's Review*

There appears to be no justification for Council to deny this application in this rural area and Council is asked to adopt the Recommendation.

2005. 743 **RESOLVED:**

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

That the application to erect a Public Gate and Grid on Five Day Creek Road on the boundary of Lot 1 and Lot 12, DP752427, Comara, be approved.

DSS2	FLOODPLAIN MANAGEMENT PROGRAM
FILE: 656 APV COPY: APC	{Folio No. 304649}

SUMMARY:

THIS IS PAGE 38 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 11TH OCTOBER 2005.

.....
MAYOR

Reporting on the grant offer for Kempsey's Floodplain Management Program under the 2:1 subsidy component for 2005 / 2006.



Council at its meeting on 9th August 2005 resolved to accept the offer of financial assistance under the 1:1 maintenance component of the Floodplain Management Program for 2005/2006.

Council has now received advice from Hon. Ian McDonald, MLC, Minister for Natural Resources, Minister for Mineral Resources, Minister for Primary Industries of financial assistance in the amount of \$330,000 for its Floodplain Management Program for 2005/2006 under the 2:1 subsidy component.

Details of the offer of assistance are shown in the following table:

Description	PROGRAM	COUNCIL BUDGET	GRANT OFFERED	COUNCIL FUNDS REQUIRED FOR GRANT	TOTAL PROJECT FUNDS
Bank Protection	2:1	60,000	40,000	20,000	60,000
Floodgate Structure Replacement	2:1	225,000	150,000	75,000	225,000
Water Quality Monitoring	2:1	60,000	50,000	25,000	75,000
Floodgate Adjustments	2:1	85,000	50,000	25,000	75,000
Macleay River Management Study	2:1	45,000	20,000	10,000	30,000
Smithtown Gladstone Levee Concept Study	2:1		20,000	10,000	30,000
Floodway Clearance	2:1	100,000	-	-	-
TOTAL		575,000	330,000	165,000	495,000

As can be seen from the above table, the offers for 2005/2006 are generally in line with Council's budget and the proposals as submitted to DIPNR.

Council will recall that there was a reduction in the grant offer for the 2004/2005 program as a result of the State Government's April 2004 mini-budget. The reduced funding in 2004/2005 is offset by an increase in offers for the 2005/2006 program.

No advice has yet been received regarding the Floodway Voluntary Purchase Project under the Regional Flood Mitigation Program. The full amount of the budget allocated for this project is unlikely to be required, as funding offers from previous years have not yet been expended.

Under the Macleay River Management Study project, it is proposed that, in 2005/2006, the Kempsey Flood Study would be completed and work would commence on the Management Study and Plan for the Kempsey Urban Area.

The Lower Macleay Floodplain Management Plan identified the need to provide greater flood protection to the villages on the floodplain. The villages of Smithtown and Gladstone have approximately 125 and 100 dwellings respectively that are flooded above the floor in a 1% flood and the current levees only offer protection up to approximately the 1 in 5 year flood level. The Lower Macleay Floodplain Study carried out a preliminary analysis of levees for these villages and recommended that Council proceed with a concept design for ring levees. When the concept design is completed, Council would then decide whether to proceed to detailed design and construction or to adopt alternative methods. The grant offer provides funding for this levee concept study.

Should Council wish to take up the offer, acceptance in accordance with the Conditions for Financial Assistance under the Floodplain Management Program needs to be confirmed within 45 days.

REPORT IMPLICATIONS:

▪ ***Social/Environmental Implications***

All items in the proposed program are considered important in achieving the aims of the Lower Macleay Floodplain Management Plan.

The maintenance of the Flood Mitigation infrastructure will ensure that the flood mitigation system is operational at all times. The operation of the Flood Mitigation infrastructure in accordance with the Floodplain Management Plan will minimise the effect of flooding on development – an objective of Council's Management Plan for 2005/2006.

▪ ***Economic (Financial)***

The financial implication of the following recommendation would be a contribution from Council of \$165,000. Funding is provided within Council's 2005/2006 budget to match the grant offer.

▪ ***Policy or Statutory***

There are no Policy or Statutory Implications from this report.

▪ *Director's Review*

Council is urged to support the recommendation.

2005. 744 **RESOLVED:**

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

That the offer of financial assistance in the amount of \$330,000 for the 2:1 component of the Floodplain Management Program for 2005/2006 be accepted in accordance with the Conditions for Financial Assistance under the Floodplain Management Program.

DSS3	MACLEAY VALLEY EMERGENCY RISK MANAGEMENT STUDY
FILE: 293 MKF COPY: APC	{Folio No. 304650}

SUMMARY:

Reporting on application for grant funding under the Natural Disaster Mitigation Programme.



In mid 2001 the Council of Australian Governments (COAG) commissioned a review of Australia's approach in dealing with natural disasters – mitigation to guard against disasters, response during a disaster event, and post disaster relief and recovery. The review was carried out by a High Level Group (HLG) of officials representing Commonwealth, State, and Territory Governments and the Australian Local Government Association.

The review identified the strengths and weaknesses of our current arrangements for managing natural disasters.

The HLG concluded that current arrangements could be improved to ensure that Australia has a world-class national framework for natural disaster management – thus achieving safer, more sustainable communities, and reduced risk, damage and losses.

Central to the new approach is a systematic and widespread national process of disaster risk assessments and, most importantly, a fundamental shift in focus towards cost effective, evidence based disaster

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mitigation. This represents an historic move beyond disaster response and reaction, towards anticipation and mitigation.

In December 2003 COAG gave in principle approval to the report from the review, which included some 66 recommendations. A copy of the recommendations is available from Shire Services.

In brief, of the 66 recommendations, of particular importance to Kempsey Shire Council (KSC) are the following:

Recommendation 4

That all levels of government commit to a five-year reform package.

Recommendation 5

Where Local Government powers exist, Local Governments also have responsibilities, in partnership with States and Territories, to contribute to the safety and well being of their communities.

Recommendation 6

All three levels of government agree to implement a five-year Disaster Mitigation Package.

Recommendation 8

That cost sharing for each programme under the Disaster Mitigation Australia Package normally be on the basis of a maximum one third Commonwealth, at least matched by States and Territories, with the balance of project funds contributed by Local Governments or other local bodies.

Recommendation 45

That the Natural Disaster Relief Arrangements (NDRA) be amended to provide a more effective incentive for Local Governments to undertake disaster mitigation, by imposing a deduction of 10 per cent in available disaster relief assistance for any Local Governments not having disaster mitigation strategies in place and being implemented for their area by December 2005.

Recommendation 50 1(d)

Local Governments should continue to be reimbursed for disaster damage and costs above threshold levels, except that where disaster mitigation strategies are not in place and being implemented by December 2005

there should be a deduction of 10 per cent in disaster relief assistance available to the Local Government.

The Australian Government announced in the 2003-2004 Budget that it would provide funding for a new mitigation package, including a new mitigation programme, the Natural Disaster Mitigation Programme (NDMP).

Kempsey Shire Council has been successful in securing funding under the NDMP to undertake the Macleay Valley Emergency Risk Management Study. The project's estimated value is \$40,000.00 to be shared jointly by Commonwealth, State and Local Government authorities.

Formal notification has been received from the Minister for Emergency Services, Mr Tony Kelly and is dated 15th September 2005. The offer must be accepted within 60 days of the date thereof.

The agreement is for the amount of \$26,666.00 to be funded jointly by the State and Commonwealth Governments, with a required contribution of \$13,334.00 from Council.

REPORT IMPLICATIONS:

- ***Environmental***

The Study will identify risks to the environment and provide a trigger to review plans and processes for the environment. In addition treatment strategies will be considered to reduce the impacts of natural disaster events where practicable but also review recovery and rehabilitation plans.

- ***Social***

The study will assist in building closer relationships between the community and the various emergency services, government and non-government organisations. The study will also assess the vulnerability of the various communities and therefore allow strategies to be developed and put in place to increase their awareness and subsequently their resilience.

- ***Economic (Financial)***

The economic implications are that Council is required to contribute the amount of \$13,334.00 to undertake the study. No funds have been provided in the 2005/06 Budget and it will be recommended that the vote be provided from Working Funds.

In the event that Council does not undertake this study Council is at risk of receiving reduced funding under the NDMP in the event of a natural disaster.

▪ *Policy or Statutory*

Kempsey Shire Council has a statutory obligation to undertake the study.

▪ *Director's Review*

Council is urged to support the Recommendation.

Director Shire Services Recommendation:

That the offer of funding be accepted and that \$13,334.00 be allocated from Working Funds.

2005. 745 **RESOLVED:**

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

That the offer of funding be accepted and that \$13,334.00 be investigated by the General Manager to source alternate funding and in the event that alternate funding is not available the amount be allocated from Working Funds.

DSS4	CRESCENT HEAD SWIMMING POOL
FILE: *	WJL COPY: APC {Folio No. 304666}

SUMMARY:

Reporting on the proposed heating of the Crescent Head Swimming Pool.



A proposal has been submitted by RM JK and ML Marchment outlining a request to provide heating to the Crescent Head Swimming Pool. They are also asking for a lease of 10 years to be negotiated.

The lease arrangement at Crescent Head Pool during the 2004/05 season has worked extremely well. A further ten-year lease arrangement would make their contribution of \$10,000 towards heating the pool a secure investment in the future. The present term of lease is 3 years, concluding the end of the 2007/08 swim season.

The lessees would like to take the opportunity over the next ten years to increase the community benefit provided by the Crescent Head Pool

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complex. This benefit could be increased by the proposal to heat the pool.

The lessees are prepared to coordinate the installation of the heat pumps at no additional management cost to Council.

Since being installed at the Crescent Head Swimming Pool, the solar blankets have brought positive comment and response from pool patrons. These covers have been instrumental in giving a higher than average water temperature, particularly at the beginning and end of the season. It is requested that this project is taken one step further with the proposal to purchase and install two 50KW heat pumps that would complete and ensure a comprehensive heating system for the next 15 years or more.

The benefit of heating the pool includes:

- Increased patronage
- Increased comfort for patrons
- Increased swim season for therapeutic needs of patrons
- Extension of the regular swim season
- An aquatic programme for 9 months of the year
- Use by gym patrons all year round
- Capacity for use by Kempsey patrons who may otherwise travel to Port Macquarie
- Second stage mobility programs for injuries, aged and infirm clients.

It is anticipated that with the installation of the heat pumps, an additional 3 months of swimming and aquatic activity will be possible.

Two options have been proposed to fund the installation of the heat pumps, estimated at \$34,700.

Option 1

Lessee to provide \$10,000

Council to contribute balance: \$24,700 (Possibly funded through Section 94 contributions for Recreation).

Option 2

Lessee to fully fund project (\$34,700) with council to pay back over 5 years

With the installation of the pumps, consideration will need to be given to the increased expenditure that will be required to provide an extended swim season using the heat pumps. Estimates of increased costs include:

- Heating costs for the months required average out to approximately \$600 per month dependant on prevailing weather conditions.

	\$2,400	
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- Additional chlorine at \$700 per month **\$2,100**
- Annual maintenance costs **\$185**

At present, \$15,000 per annum is allocated to the Maintenance and Repair vote for the general running of the pool. This total has been decreasing over the past 3 years:

2002/03 budget	\$22,000
2003/04 budget	\$21,000
2004/05 budget	\$17,000
2005/06 budget	\$15,000

Whilst some of this reduction can be attributed to the change in management structure, the adopted operating budgets make no provision for any unforeseen events.

REPORT IMPLICATIONS:

- ***Environmental***

The heat pump being considered utilises solar energy in the ambient air and can produce up to 5 kW of heat energy for each 1 kW input, therefore requiring considerably less energy than other technologies to heat the same amount of water. Typical annual energy costs are between 50% and 80% of other technologies.

- ***Social***

The heating of Crescent Head swimming pool will have many social benefits as discussed in the body of this report, least of all extending the availability of the pool to at least 9 months of the year.

- ***Economic (Financial)***

Net Capital cost to Council would be \$24,700, with funding possibly coming from Section 94 funds for Recreation. Some \$98,000 is currently available in Section 94 funds for Recreation at Crescent Head.

Some additional operational costs will be incurred but a \$5,000 increase in budget allocation for 2006/07 and future years should be enough to address this increase.

- ***Policy or Statutory***

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

▪ *Director's Review*

Council and the community will reap the benefits of this new facility and council is encouraged to support the Recommendation.

Director Shire Services Recommendation

1. That the proposal by the Lessees of Crescent Head pool to install heat pumps be accepted and that Council's contribution of \$24,700 be sourced from Section 94 funds for Recreation.
2. That the current lease agreement for the Crescent Head Pool be renegotiated to extend the term to ten (10) years (ie. until 2015 / 2016).
3. That consideration be given to increasing the vote for Maintenance and Repair for Crescent Head Pool with the 2006 / 07 Budget deliberations.

This item was WITHDRAWN at the request of the Director.

DSS5	SOUTH WEST ROCKS SWIMMING POOL
FILE: 753 WJL	COPY: APC {Folio No. 304667}

SUMMARY:

Reporting on the construction of an amenities block at the South West Rocks Swimming Pool.



The results of the pool survey conducted in 2004 identified that one of the concerns from the community was the lack of public privies and change rooms within the South West Rocks swimming pool.

An amenities block is situated outside the perimeter of the pool complex. Pool patrons are required to leave the grounds to use these and, in the case of parents with more than one child, remove all the children from the pool to escort a child to the toilets.

The South West Rocks Country Club is also looking at upgrading their pro-shop and kiosk area to include a demountable building and amenities block. It was with this in mind that a design which addressed both the requirements of the golf club and the swimming pool was developed.

Negotiations with the South West Rocks Country Club have resulted in plans and designs being provided to Council and the necessary approvals currently being sought.

The block will consist of male and female toilets that can be accessed by golf club patrons only and on the other side, male, female and disabled toilets that will only be accessible from within the pool grounds.

Negotiations with the architect have seen an inclusion of a shower in the disabled toilet area. This area will then serve as both a family change room as well as disabled facilities. This provision of a family change area is in line with Royal Life Saving Society guidelines.

It is felt that Council should be fully supportive of the construction of a shared amenities block with the golf club due to the cost sharing benefits and also that the majority of the works will be managed by the Country Club, reducing the need for Council to provide resources.

It is envisaged that the building will be completed prior to the summer school holidays, ensuring that for the majority of the season, patrons can use the facility.

REPORT IMPLICATIONS:

- ***Environmental***

The construction of an amenities block at the pool will ensure that all waste is treated responsibly and with regard for the local environment. Having a new amenities block located inside the pool complex, will decrease the chances of patrons relieving themselves in the pool.

- ***Social***

The provision of an amenities block at the pool will provide safe and hygienic facilities for pool patrons. Showers and change facilities will be provided and available for use by all.

- ***Economic (Financial)***

It is estimated that Council contribution will be in the order of \$65,000. Section 94 funds for Recreation could be made available to fund Council's contribution as some \$540,000 is available.

- *Policy or Statutory*

There are no policy or statutory considerations.

- *Director's Review*

Provision of this amenities block within the South West Rocks pool area will address a number of social concerns and the foresight of the South West Rocks Country Club in including this in their proposals is commendable. Council is urged to support the Recommendation.

2005. 746 **RESOLVED:**

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

That the construction of the shared amenities block at South West Rocks Swimming Pool be supported and funded from Section 94 funds for Recreation.

DSS6 KAWANA LANE, BARRAGANYATTI
FILE: R.KAWANA LN NJT {Folio No. 304668}

The following item was dealt with immediately following PUBLIC FORUM.

DSS7 JERSEYVILLE SEWERAGE SCHEME
FILE: 148 SLM (NRN) COPY: APC {Folio No. 304670}

The following item was dealt with immediately following PUBLIC FORUM.

**DSS8 DEVELOPMENT SERVICING PLANS FOR WATER
AND SEWERAGE**
FILE: 253 JNW (NRN) {Folio No. 304671}

SUMMARY:

Reporting on the Development Servicing Plans (DSPs) prepared for water supply and sewerage.



Developer charges are up-front charges levied to recover part of the infrastructure costs incurred in servicing new developments or redevelopments. Developer charges serve two related functions:

- They provide a source of funding for infrastructure required for new urban development.
- They provide signals regarding the cost of urban development and thus encourage less costly forms and areas of development.

Development creates a demand for services and it is therefore equitable that new development pays a contribution towards the capital cost of infrastructure and headworks required to meet that demand. Developer charges are based on user-pays principles. The fundamental principle of the net present value methodology used to calculate the charges is that the investment in assets for servicing a development area is fully recovered from the development.

Council's power to levy developer charges for water supply and sewerage derives from section 64 of the *Local Government Act 1993* by means of a cross-reference to sections 305 and 307 of the *Water Management Act 2000*. (Council may levy developer charges for stormwater either under the above, or under section 94 of the *Environmental Planning and Assessment Act 1979*)

The following table summarises the developer charges currently being levied in Kempsey Shire and the proposed full-cost reflective developer charges calculated as part of the preparation of the DSPs.

Developer Charge	Typical developer charge (2004/05 \$/ET)	Proposed Developer Charge (2005/06 \$/ET)
Water Supply	2,940	7,468
Sewerage	4,530	6,300

The proposed increase in the developer charge for water supply is significant. This indicates that Council has not been recovering the full costs of service provision for new development. The proposed increase in the developer charge for sewerage is less significant.

The proposed developer charges are the maximum that may be levied by Council. Before the proposed charges can be implemented, Council must publicly display the draft DSPs. Copies of the DSPs have been circulated to Councillors prior to the meeting.

BACKGROUND

The Developer Charges calculation is based on the Net Present Value (NPV) approach in accordance with guidelines issued by DLWC (now the

Department of Energy, Utilities and Sustainability (DEUS)). This approach is consistent with the methodology adopted by the Independent Pricing and Regulatory Tribunal (IPART) for the NSW metropolitan water utilities. The fundamental principle of the NPV approach is that the investment in assets for serving a development area is fully recovered from the development. The investment is recovered partly through up-front charges (i.e. developer charges) and partly through annual bills received from the development in the next 30 years.

- i.e. Developer Charge = Capital Charge (cost of providing the assets) – Reduction Amount (cost recovered through annual bills).
- Reduction amount = present value (PV) of the income from annual bills in excess of the cost of operation, maintenance and administration (OMA).

CAPITAL CHARGE

The capital cost includes the cost of existing and future assets required, or likely to be required, to provide services to a development area. The capital cost per equivalent tenement (ET) is the value of the relevant assets divided by the capacity of these assets (in ETs).

Relevant assets exclude reticulation assets. Capital costs for relevant assets have been drawn from Council's existing asset register and from the Capital Works Programs (CWP) developed for both water and sewerage as part of the Integrated Water Cycle Management Strategy (IWCMS).

Typically, the capacity of an asset would not be fully utilised until some time after construction of the asset. The Return on Investment (ROI), also known as a holding charge, is based on the cost of early investment, and recovery of the cost over time. An ROI factor has been applied to each of the assets included in the capital charge.

The capital charge is calculated for each service area, which is generally defined as an area served by a separate water supply system or sewerage treatment works. However, to reduce the number of DSPs, the capital charges for Kempsey Shire have been agglomerated.

REDUCTION AMOUNT

The NPV of Annual Charges method has been adopted for calculation of the Reduction Amount. In the long term, developer charges should cover the capital charge for serving a development area less the net present value of net income from annual charges for the development area. The reduction amount represents the NPV of net income (income less recurrent expenditure) from the development. The 30 year financial plans of both the

water supply and sewerage businesses of Kempsey Shire were used to calculate appropriate reduction amounts.

REPORT IMPLICATIONS:

▪ ***Environmental***

Income derived from full cost-reflective developer charges will assist in implementing the requirements of new development captured in the capital works program for water and sewer adopted as part of the IWCMS. The IWCMS delivers environmental benefits including:

- *Demand management, reducing water extractions from the environment, through the provision of shower retrofits, public education, and business audits; and,*
- *Improved effluent management to assist in meeting license requirements for sewerage facilities in the Shire.*
- *Provision of high quality, environmentally sustainable services to new development.*

▪ ***Social***

The DSPs will ensure the cost of new infrastructure is being paid for equitably as developer charges are calculated on user-pays principles.

Levying charges lower than the proposed full cost recovery charges will mean that provision of services to new development is subsidised by existing customers.

▪ ***Economic (Financial)***

The operation of the water supply and sewerage services is funded by two main income streams.

- *Developer charges; and*
- *Annual bills.*

To sustainably provide water and sewerage services into the future, Kempsey must ensure the full-cost of service provision is recovered from those that use the services. The adoption of full-cost reflective developer charges contributes towards the financially sustainable provision of these services.

▪ ***Policy or Statutory***

The preparation of DSPs is a requirement of the Department of Energy, Utilities, and Sustainability (DEUS) Best-Practice Management of Water Supply and Sewerage Guidelines. Any NSW

Local Water Utility (LWU), which includes Kempsey Shire Council, wishing to pay a dividend from the surplus of its water supply and sewerage businesses, or gain access to NSW government funding, must demonstrate best practice management through compliance with the guidelines.

These DSPs have been prepared in accordance with the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater (December 2002) issued by the Minister for Land and Water Conservation (now Minister for Energy and Utilities), pursuant to section 306 (3) of the Water Management Act 2000.

▪ *Director's Comment*

As advised to Council at the workshop in early May, there was a need to review these charges. Council's consultants have done a comprehensive job on this project and presented Council with workable and substantiated plans. Council is urged to adopt the Recommendation.

2005. 747 **RESOLVED:**

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

That the draft Macleay Water Water Supply Services Development Servicing Plan and draft Macleay Water Sewerage Services Development Servicing Plan be put on public exhibition for a period of 30 working days and that relevant parties be notified of the exhibition.

DSS9	HORSESHOE BAY RESERVE
FILE: 505 KLB (NRN)	{ Folio No. 304673 }

SUMMARY:

Reporting on the Draft Plan of Management for Horseshoe Bay Reserve.



Council, at its meeting of 10 May 2005, resolved:

"1. That consideration of the Horseshoe Bay Plan of Management document be deferred until Councillors have had an opportunity to have input into the Plan."

Councillors were provided with amended plans and documents on 18 May 2005, for comment.

Amended documents and drawings were forwarded to the Department of Lands on 18 May 2005 for comment.

Two responses were received. The Department of Lands response was favourable and noted that one other cabin precinct comprising ten cabins was also expected to revert to open space.

One Councillor commented to the effect that the same cabin precinct be removed with an additional two precincts comprising 12 cabins noted for removal. Three existing or proposed buildings were also opposed.

The South West Rocks & District Chamber of Commerce & Industry Inc has expressed strong opposition to the closing of the caravan park in a letter received in March 2005.

The Draft Plan of Management including the May 2005 amendments generally accords with the principles of Crown Land Management while addressing the demands upon the Reserve and Caravan Park as an economic driver for the town of South west Rocks and as a source of management funding.

REPORT IMPLICATIONS:

- ***Environmental***

The amended draft plan recognises the important natural, cultural and visual values of the Horseshoe Bay Reserve and observes environmental protection principles. It provides a framework for developing sustainable management practices for these resources.

- ***Social***

The changes to the caravan park section may have a social impact on tourists in the future. No details have been provided from the Caravan Park Managers and the Chamber on these perceived impacts.

It is anticipated that the adoption of a Plan of Management will increase the social value of the reserve to the community by optimising public access and use of the reserve over time.

- ***Economic (Financial)***

There will be an economic impact on the business operation of the caravan park but with staged implementation the reduced income stream should be redressed by the replacement of caravan sites with permanent cabins.

- *Policy or Statutory*

The general principles of Crown Land management require environmental protection principles to be observed and natural resources to be conserved wherever possible. Public use, access and multiple use of Crown land is to be encouraged, and crown land is to be used and managed sustainably.

- *Director's Review*

The public need the opportunity to view this plan and provide comment to Council.

Council is urged to support the recommendation.

2005. 748 **RESOLVED:**

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

That the amended Draft Plan of Management document for Horseshoe Bay Reserve be placed on public exhibition for comment by the public for 28 days.

**DSS10 AFFIXING OF COUNCIL'S SEAL – FIVE DAY CREEK ROAD
FILE: R FIVE DAY CK CAS (NRN) {Folio No. 304676}**

SUMMARY:

Reporting on the need for Council to affix its seal to documents.



The Local Government (Meetings) Regulation requires Council to authorise the affixing of the Council seal to any document. The resolution of Council must specifically refer to the document.

Council is to authorise the affixing of Council's seal to the transfer document in relation to the closing and transfer of parts of road being Lot 17 DP 1072838, Lot 1 DP 1077959 and Lot 2 DP 1077959 to Mr Percy White and Mrs Carol White.

Council has previously approved the affixing of Council's seal to the road realignment relating to this land.

REPORT IMPLICATIONS:

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▪ *Environmental*

There are no environmental impacts from the following recommendation.

▪ *Social*

There are no social implications from the following recommendation.

▪ *Economic (Financial)*

There are no financial implications from the following recommendation.

▪ *Policy or Statutory*

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

▪ *Director's Review*

Council is asked to support this recommendation.

2005. 749 **RESOLVED:**

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

That Council's seal be affixed to the Transfer of the relevant closed roads sections to Mr Percy White and Mrs Carol White.



PRESENTATION

Suicide Safety Network (Central Coast) – presenters Craig Willis and Eric Trezise.



At this stage 1.13p.m. the Meeting adjourned for Luncheon and upon resumption at 2.05p.m. all present at the adjournment were in attendance.



DIRECTOR SHIRE SERVICES SUPPLEMENTARY REPORT

DSS12	MATTYS FLAT BOATSHED LICENSE
SUPP.	FILE: LA4098 APV {Folio No. *}

SUMMARY:

Reporting on the current situation regarding the Licence of the Boatshed at Matty's Flat, New Entrance.



As reported to Council at its meeting on 13th September 2005, the Department of Lands has offered Council a Licence for the operation of the Boatshed. A copy of that report is attached ([Appendix B](#)). The Department has indicated that the Licence will be offered only for the short-term, with the Department in the longer term releasing the site by way of competitive tendering.

Council at its meeting resolved:

"That Council prioritise this matter for discussions with the Minister on 29th September and that the Director Shire Services be asked to advance the Plan of Management for Mattys Flat".

On 30th September 2005, Mayor Cr J Hayes, Cr R McWilliam and Director Shire Services K Finnie met with Minister Kelly and Director General Warwick Watkins regarding several issues including the Mattys Flat Boatshed licence. The Minister indicated that the government was seeking to provide a service to the community as well as attracting a commercial return for the community at the Boatshed at Mattys Flat. No undertaking was given by the Minister in regard to the term of the interim licence offered to Council. The Director General has agreed to visit the area and discuss options in November.

The Department have indicated in their letter of offer to Council that the Licence would be of sufficient term for Council to amortise the cost of remedial works. Subsequent discussions with staff from the Department of Lands suggest that the Department may consider a lease period of up to say 2 years.

As previously reported, because of safety issues that currently exist, work to the value of an estimated \$19,500 would need to be undertaken immediately before operation of the Boatshed could recommence. The Department of Lands has indicated they would be willing to offer the 'Caretaker' Licence to Council with no annual lease fee. Council may

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recoup some of its costs during the Licence period, or else it would be reimbursed by the Department for capital costs if unsuccessful in the long-term competitive tendering process. With no guarantee that Council would be successful in obtaining the long-term lease, Council could be required to undertake immediate necessary repairs, call for expressions of interest to operate the Boatshed and supervise the licensee. This would require Council to outlay between \$10,000 and \$15,000 (with this being recouped at a later date) and expending considerable management staff resources.

Whilst Council is keen to ensure the operation of the boatshed is recommenced in a timely manner so as to provide improved services to the local community and to tourism generally, it is unknown whether Council can offset the administration costs and provide any financial return until Expressions of Interest are received.

Neither the Minister nor the Department seem willing to offer Council a long term Licence to operate the Mattys Flat Boatshed, without calling for competitive tenders. In view of this, it is recommended that Council leave the licensing of the boatshed with the Department of Lands who could call Expressions of Interest themselves for a 'Caretaker' Lease in the interim until the long-term competitive tendering process is finalised.

REPORT IMPLICATIONS:

- ***Environmental***

There are no environmental implications from this report.

- ***Social***

The Boatshed at Mattys Flat provides an essential service to the local community and to the tourist industry by facilitating recreational boating and fishing. Any disruption will have major impacts on both and may impact detrimentally on businesses working out of the facility.

- ***Economic (Financial)***

If Council resolved to accept the offer of the 'Caretaker' Licence for the Boatshed, Council would need to expend between \$10,000 and \$15,000 of capital expenditure, presumably from Working Funds, which would likely not be recouped for 12 - 24 months. In addition considerable staff resources would also be directed from Council's approved work plan to address the issues.

- ***Policy or Statutory***

There are no Policy or Statutory implications, as any works would comply with both Council Policy and Statutory requirements.

- *Director's Review*

Whilst by taking up the Licence Council would be ensuring the continuation of the service, this would come at a capital cost that may not be recovered for some time, together with a cost in management staff time.

Director Shire Services Recommendation

That negotiations continue with the Department of Lands.

2005. 750 **RESOLVED:**

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

That Council advise the Department of Lands it is not interested in a 2 year lease but welcomes the opportunity to discuss the future of Mattys Flat in conjunction with the Draft Plan of Management.

DIRECTOR CORPORATE SERVICES REPORT

DCS1	STATEMENT OF BANK BALANCES AS AT 30th SEPTEMBER 2005 FILE: * APC
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SUMMARY:

Reporting on the Statement of Bank Balances as at 30th September 2005.



A statement of balances is shown at [\(Appendix A\)](#).

REPORT IMPLICATIONS:

- *Environmental*

Nil.

- *Social*

Nil.

- *Economic (Financial)*

Nil.

- *Policy or Statutory*

Nil.

- *Director's Review*

Information noted as per report.

2005. 751 **RESOLVED:**

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

That the information be noted.

DCS2	STATEMENT OF INVESTMENTS AS AT 30th SEPTEMBER 2005 FILE: * APC
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SUMMARY:

Reporting on the Statement of Investments as at 30th September 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*

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MAYOR

Nil.

- *Director's Review*

Information noted.

2005. 752 **RESOLVED:**

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

That the information be noted.

DCS3	COUNCIL MEETING DATES
FILE: 335	PJH (NRN) {Folio No. 304679}

SUMMARY:

Reporting on proposed schedule of meeting dates for Ordinary Council meetings up to September 2006.



Following Council's decision to continue to hold its Ordinary Council meetings on the second Tuesday of each month, the following schedule of meeting dates has been prepared. Council had previously deferred the November meeting by one (1) week due a clash with the National General Assembly of Local Government being held in Canberra from 7-10 November 2005.

Tuesday	15 th November 2005
Tuesday	13 th December 2005
Tuesday	10 th January 2006
Tuesday	14 th February 2006
Tuesday	14 th March 2006
Tuesday	11 th April 2006
Tuesday	9 th May 2006
Tuesday	13 th June 2006
Tuesday	11 th July 2006
Tuesday	8 th August 2006
Tuesday	12 th September 2006

The dates of particular meetings may be changed by Council resolution if the need arises.

REPORT IMPLICATIONS:

- *Environmental*

THIS IS PAGE 61 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 11TH OCTOBER 2005.

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MAYOR

Nil

- *Social*

Council's meetings are held on a set day each month which assists officers and the public get familiar with when the meetings are held. The public are encouraged to attend through advertising of these Council meetings.

- *Economic (Financial)*

Costs incurred in the running of meetings are travelling allowances paid to Councillors, catering costs and staff time to attend.

The 2005-2006 allocation for catering is \$19,000 and for Councillors travelling to Council & committee meetings is \$33,500, with both of these funded from revenue.

- *Policy or Statutory*

Section 365 of the Local Government Act requires Council to hold at least 10 Council meetings a year, each time in a different month. This Council in the last year (October to September) held 12 Ordinary meetings and 10 Extra-ordinary meetings.

- *Director's Review*

Nil.

2005. 753 **RESOLVED:**

*Moved: Cl. Green
Seconded: Cl. Gribbin*

That the schedule of Council meeting dates as set out in the Directors Report be confirmed.

DCS4	FLEET MANAGEMENT		
	FILE: 151	MPM (NRN)	{Folio No. 304682}

SUMMARY:

Reporting on Kempsey Shire Council Sedan Changeover Cost Comparisons



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MAYOR

A number of people within Council (and Councillors) have asked Fleet Management about the change-over policy of vehicles, as some believe a zero dollar change over can be achieved if replaced at 15,000k.

This document is an analysis of change-over costs, running expenses and whole of life costings for vehicles sold at 15k, 30k, 40k, 60k and 80k.

Overview

The capital replacement cost is calculated on a Holden executive at today's Government Purchase Price.

Whole of life costings are made up of operating expenses and capital replacement.

There are 27 cars within our fleet eligible for this analysis, station wagons were omitted.

The data has been taken from Local and Sydney Auction Houses and Council's own data.

For the purpose of this analysis the associated expenses with change-over have been calculated with vehicle operating expenses ie accidents, detailing, registration, change-over service etc. By continually analysing the car market significant savings can be made to Council in regards to whole of life costings of vehicles.

Our current scheduled changeover is at 40k and after analysis it is identified that a changeover at 80k is more financially economical for Council.

Other Councils who sell at 15k may only take into consideration capital replacement, which on many occasions would appear to be a good result, however this is not a true indication of all expenses involved with turning over vehicles.

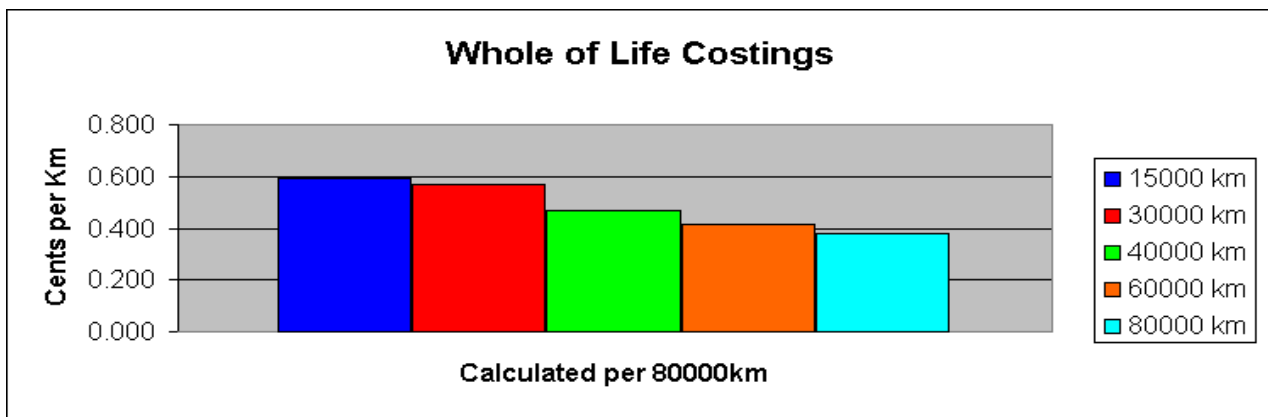
When a new model is released ie VY Holden, the old model does suffer some monetary damage at auction. We may need to look at replacing some vehicles before model changes. Holden have a model change the middle of next year.

Over the past two years the auction price for vehicles has generally dropped ie an executive sold in 2002 with 80000 would sell for \$20500, the same aged car sold today would bring \$17500 to \$18000. This drop has occurred throughout all ages of vehicles.

Whole of Life Costs Comparisons	15000 km	30000	40000 km	60000 km	80000 km
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		km			
Whole of Life Costings 80000 km	\$47,294	\$45,457	\$37,634	\$33,063	\$30,412
Whole of Life Costings Total Cost Cent Per Km (80000km)	\$0.591	\$0.568	\$0.470	\$0.413	\$0.380
	Worst Case				Best Case

By converting to a policy of 15k from even our existing scheduled change over of 40k would add an expense of \$9660 over 80k or 2.5 years per vehicle. We currently change over at various points due to financial restraints in the fleet budget but as is indicated best case is at 80k.

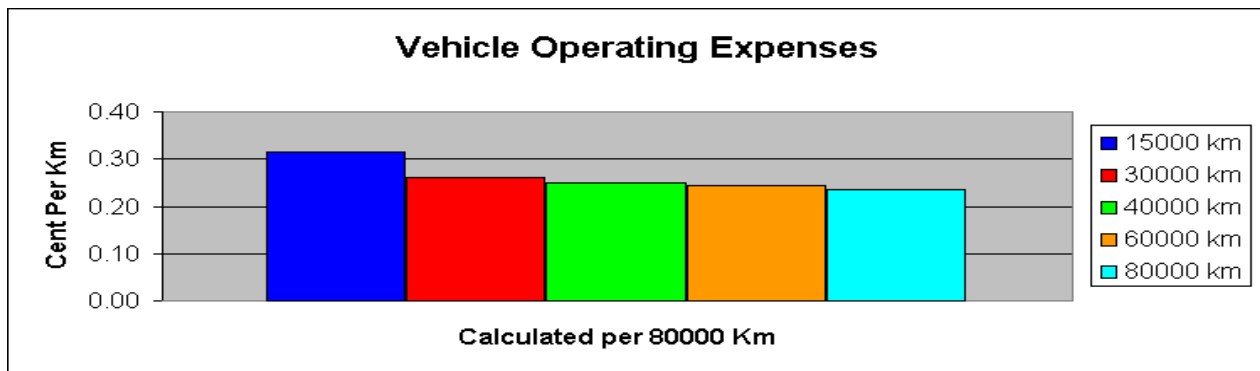


Operating Expense Comparison					
	15000 km	30000 km	40000 km	60000 km	80000 km
Total Operating Expense	\$25,189	\$20,969	\$20,065	\$19,438	\$18,775
Total Operating Expense Cent Per Km	\$0.315	\$0.262	\$0.251	\$0.243	\$0.235
	Worst Case				Best Case

A policy of 80k is the most financially economical case.

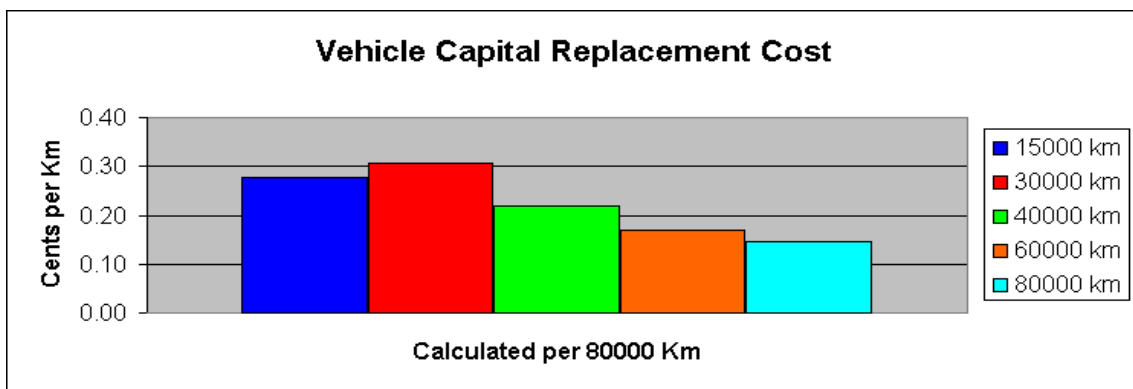
A policy of 80k is the most financially economical case.

The worst case is 15k due to change-over costs. The difference would represent an increase of \$6414 over 80k or 2.5 years.



Capital Cost Comparison					
	15000 km	30000 km	40000 km	60000 km	80000 km
Capital Cost (Actual Average)	\$22,104	\$24,488	\$17,569	\$13,625	\$11,637
Capital Cost Cent Per Km	\$0.276	\$0.306	\$0.220	\$0.170	\$0.145
		Worst Case			Best Case

The best case scenario is 80k which shows a changeover cost of \$11,637. The worst case is at 30k, this could be attributed to the age of the vehicle/km on vehicle or low demand for 30k vehicles.



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*

A former Plant Committee recommendation (of 7th March 2003), adopted by Council was that "the Director Business Enterprise utilise variable disposal methods in an endeavour to achieve the best overall results for Council."

As circumstances within the vehicle industry are volatile it is important that Council adopts a flexible approach.

At the current time the changeover of sedans at 80,000km would be in the best interests of Council.

2005. 754 **RESOLVED:**

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

That the replacement of Council's vehicle fleet be determined by Council's Director Corporate Services, taking into account whole of life cost comparisons and the overall best interests of Council.

DCS5	ALTERNATIVE FUELS		
	FILE: 151	MPM (NRN)	{ Folio No. 304686 }

SUMMARY:

Reporting on alternative fuels for council fleet.



At Council's last meeting, 13th September 2005, it was resolved that further information be sought on alternative fuels for council's sedan fleet. An initial report was submitted and detailed cost benefits of changing from 6 cylinder petrol driven sedans to 4 cylinder diesel driven sedans. The report is attached at **(Appendix C)** and should be read in conjunction with this report.

Research was carried out on a number of alternate fuel supply opportunities for existing council sedan fleet with further information on new technology ULP/Electric hybrid vehicles.

Ethanol ULP mix (E10)

E10 is a mix of 10% ethanol and 90% ULP and at this stage not widely available, particularly in regional areas. Currently E10 is similar in cost as standard ULP and also shows an approximate increase in fuel consumption of approximately 2.8%. It is expected apart from the environmental savings from using ethanol blends that the future cost of E10 will realise an approximate saving of 6% against standard ULP.

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Based on current data, should E10 become available a recommendation to use this alternate fuel would be put forward.

Liquid Petroleum Gas (LPG)

More commonly available than E10 in NSW, although in some regional areas still not available, South West Rocks would be an example in the Kempsey Shire. Greenhouse ratings are average due to the higher fuel consumption compared to similar ULP driven vehicle which in turn does not necessarily make them a more friendly fuel derivative.

On average LPG is significantly cheaper fuel to purchase, currently approximately 0.55 cents per litre and if calculated using as a test case Ford Falcon with the fuel consumption rate approximately 16 litres per 100 kms, does sound attractive, but with increased capital outlay at time of purchase (\$4,000.00) and a reduction in resale of approx 15% compared to the ULP alternative, does not present more cost effective than the 4 cylinder diesel sedan as previously reported on.

ULP Electric Hybrid

There are currently 2 hybrid vehicles available in Australia at present with the more widely known being the Toyota Prius. Without a doubt the Toyota Prius is the most environmentally friendly vehicle in today's market with a Green Fleet Vehicle rating of 17.5/20 and Council's currently participating in trials of this vehicle should be commended, but it does come at a price as is shown below;

- Initial capital cost increase of approximately \$9,000.00 over Commodore, Falcon, Golf
- With an increase in capital cost comes an increase in FBT liability (*FBT is calculated as a percentage of capital cost p/a*)
- Fuel consumption rate based on data from the local supplier in Port Macquarie is approximately 5 lts/100kms (similar to that of the VW Golf Diesel)

It must be remembered that the vehicle combines both electric power and a petrol driven engine and when used away from city driving or with air conditioning running continuously, the petrol engine will run more frequent, reflecting why we see the increase in the fuel consumption from what is advertised (4.1lts/100kms)

- Inability to fit tow bars
- Significant loss at time of resale, though this expected to be short term with increased sales and market acceptance.
Current resale only shows an approximate 57% return at time of resale with 40,000 kms compared to the current 70% return with Holden Commodore ULP.

Fuel Consumption/Clean Car Benchmark Comparison Table

Table 1

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Make	Fuel Consumption litres/100kms	Fuel Type	Fuel Cost per Litre	Fuel Cost based on 40K	Clean Car Benchmark Rating
Holden Commodore	11.1	ULP	\$1.38	\$6127	9.5/20
Holden Commodore (expected costs)	11.41	E10 10%Ethanol/90%ULP mix	\$1.29	\$5887	No data available (expect environmental savings)
Ford Falcon LPG	16.0	LPG	0.55c	\$3520	11/20
VW Golf	5.5	Diesel	\$1.33	\$2926	14/20
Toyota Prius	5.0	ULP/Electric	\$1.38	\$2760	17.5/20

Conclusion:

A number of considerations should be taken into account when assessing best outcomes for Council and these are highlighted in the previous report (13th September 2005), with the two key issues presently being;

Financial – Whole of Life Cost, which incorporates both capital cost and operational and Fuel Costs and

Environmental – CO2 emissions and Air Pollutants.

The assessment process when determining the most beneficial outcome for not only Council but also the environment will weigh up such things as fuel cost, fuel consumption, operational costs, capital cost, changeover costs and environmental and based on the evidence provided above and in the previous report, there appears at this stage to be limited financial or environmental benefit in a move to LPG.

Extra capital cost in the case of the LPG alternate, reduced resale and the requirement to run vehicles anywhere from 18 months to 3 years, depending on annual usage, before negating the increased purchase cost, still shows the previously recommended 4 cylinder diesels presenting the best value option for Council.

The Toyota Prius, although not currently an option, presents a different set of scenarios with significant environmental benefits. With the current climate of high fuel prices and community concern over the environment we may well see a situation where the market for these second hand hybrid vehicles does develop and in that case these may well be an option for Council in the future.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

- *Economic (Financial)*

As per the report

- *Policy or Statutory*

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

- *Director's Review*

As discussed in the previous report Council should adopt a flexible approach in respect of its vehicle fleet so as to be able to optimise the conditions which exist at any given point in time.

2005. 755 **RESOLVED:**

*Moved: Cl. McWilliam
Seconded: Cl. Gribbin*

That Council through negotiation and consideration of the requirements of staff and job use, where appropriate purchase four cylinder Diesel passenger vehicles in preference to the existing practice of purchasing 6 cylinder petrol sedans.

DCS6	APPLICATION FOR HALF-DAY HOLIDAYS IN 2006
FILE: 742 PJH	{Folio No. 304687}

SUMMARY:

Reporting on applications made to Council for two half-day holidays in Kempsey Shire in 2006.



Council has received two (2) applications for half-day public holidays in 2006 being:-

- Wednesday 26th April 2006 – from Central North Coast National Agricultural Society Ltd for Kempsey Show

- Wednesday 3rd May 2006 – from Kempsey Race Club for Kempsey Cup.

Council has given notice to the public through advertising over the past three (3) weeks and has written to the local Chambers of Commerce.

To the date of preparing this report no submissions have been received with submissions closing 30th September 2005. Council will be advised if any late submissions are received prior to the meeting.

Should Council resolve to approve these proposed half-day holidays, the Director General NSW Department of Industrial Relations must be notified in writing by mid November to allow for gazettal and advertising of the dates in the Government Gazette in December 2005.

Council practice in past years has been to also place the following advertisement in the weeks leading up to these holidays to clarify the requirements on local business houses: -

"Local public holidays are gazetted under the Banks and Bank Holidays Act of 1912. This Act requires that banks are closed on local public holidays. An appointed local holiday under the Act benefits employees who have an industrial award, agreement or contract of employment which confers a right of paid absence (or penalty rates in lieu) on the local public holiday. In absence of such express coverage within an applicable industrial instrument, the conferring of the benefit of a local public holiday to employees is entirely within the discretion of the individual employers."

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

These events are significant social events for the Kempsey Shire area and also attract visitors to the area.

- ***Economic (Financial)***

The implication for Council directly is that wages and salaries for Council staff to be allocated two half-day public holidays in the vicinity of \$44,000. The businesses of the Shire would have a similar implication.

The implication for the community generally and the organisations concerned is the economic benefit of many people who would otherwise be at work, being able to attend the events.

▪ *Policy or Statutory*

The half-day holidays, once Council has agreed to support them must be gazetted by the Minister.

▪ *Director's Review*

As per report.

2005. 756 **RESOLVED:**

*Moved: Cl. Bowell
Seconded: Cl. McWilliam*

That Council make application to the Director General NSW Department of Industrial Relations for two (2) half-day holidays in the Kempsey Shire in 2006, being 26th April and 3rd May 2006.

DCS7	APPOINTMENT OF COUNCIL'S SOLICITORS
FILE: 746	PJH {Folio No. 304688}

SUMMARY:

Reporting of the appointment of Council's solicitors.



Council's practice is to appoint its solicitors on a 12 month basis in September or October.

Council in September 2004 authorised the General Manager to negotiate with Howard Sheridan Cooney Harvey and subsequently they were re-appointed.

Howard Sheridan Cooney Harvey have adequately served Council over the last fifteen (15) years and have again sought re-appointment. The conditions of appointment in this time have always been that they are to advise Council of any conflicts of interest with clients and that Council can then determine its alternative representation.

Their fee structure proposed is \$250.00 plus GST per hour for general advices. This rate is below their normal commercial rate. This is an increase from \$240.00 plus GST for the past year.

Howard Sheridan Cooney Harvey, are the largest local law firm, have gained much local government expertise in the time with Council and their re-appointment is recommended. Where expert Barristers are required these are normally sourced by the appointed solicitor in consultation with Council.

While the appointed firm will handle the majority of Council's legal matters, it is not exclusive as it does not include public liability cases or debt recovery as Council's appointed insurer or debt recovery firm prefer to use law firms specialising in these areas and Council has concurred with this arrangement.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

- *Economic (Financial)*

Council's legal costs are funded from its allocations for legal expenses. These allocations are separated into Admin legal expenses, development control, and rates recovery legal expenses. The budgets for 2005-2006 are:-

Admin \$30,000

Development Control \$40,800

Rates Recovery \$31,000

- *Policy or Statutory*

Council does not have a policy on its appointment of solicitors. The practice of this Council is for the appointment of solicitors to be referred to Council each year and the appointment made for 12 months. Should Council make an appointment for a longer term, it may have to invite tenders.

- *Director's Review*

Council paid Howard Sheridan Cooney Harvey a total of \$74,936 in the past year. The recommendation is supported.

Director Corporate Services Recommendation

That Howard Sheridan Cooney Harvey be re-appointed as Council's Solicitors for the next 12 months.

MOVED:

*Moved: Cl. Sowter
Seconded: Cl. Hayes*

That the Directors recommendation be adopted with the addition of;

That any legal work not undertaken by appointed solicitors be given to Marsdens and or Donovan Oates and Hanaford.

An Amendment was MOVED:

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

That expressions of interest be called for Council's solicitors and legal work.

The AMENDMENT was PUT to the Meeting and was LOST.

2005. 757 The MOTION was PUT to the MEETING and was CARRIED.

DCS8	REQUEST FOR CONTRIBUTION TO LEGAL COSTS
FILE: 200 PJH	{Folio No. 304689}

SUMMARY:

Reporting on a request from the Local Government & Shires Association for contributions to legal costs.



The Local Government and Shires Association has written to the Councils of New South Wales regarding the High Court matter of NSW Councils v Telstra/Optus and section 611 charges.

The matter determined by the High Court was whether Councils could impose charges under section 611 of the Local Government Act where carriers such as Telstra and Optus use Council property.

The brief history of this case was that the matter started in the Land and Environment Court in 1997 but was referred to the Federal Court. Justice Wilcox of the Federal Court delivered judgement in favour on the NSW Councils on 21 December 2000. The full Federal Court then upheld an appeal by Telstra and Optus. The High Court granted NSW Councils leave to appeal on 14 February 2003. The High Court heard the matter in

October 2003 and handed down its judgement in April 2004 with a 6 to 1 decision in favour of Telstra and Optus.

The letter from the LGSA is reproduced as follows for the information of Council: -

Dear Mr Burgess,

Section 611 Telstra/Optus High Court matter

As you would be aware the Councils of New South Wales were unsuccessful in their High Court legal attempt to require Telstra and Optus to pay for the use of Council property by way of Section 611 of the Local Government Act 1993.

The legal costs of Telstra and Optus have had to be met by the 12 councils that were named as representing the councils of New South Wales. The costs of the matter were approximately \$1.2 million.

As all New South Wales councils originally agreed that the matter was being run for the benefit of all councils, your council is requested to assist by forwarding \$7,945 (free of GST) to the Associations which is your council's contribution to these legal costs. The proceeds will then be forwarded to the 12 named councils to defray their costs.

If you have any questions regarding this matter please do not hesitate to contact the Association's Legal Officer Frank Loveridge.

Yours sincerely

Bill Gillooly AM
Secretary General"

Previous requests for legal costs supported

Normal practice is for this Council to support requests for assistance where the Association has deemed the case significant for Local Government. Kempsey Shire Council has received such support in the past from other Councils with a case it ran in the 1997 in the matter Kempsey Shire Council v Lawrence.

The contribution asked for is worked out on the formula used to calculate our membership contribution to the Local Government and Shires Association. While the total contribution would appear high by comparison of past cases, with 12 councils involved it equates to us contributing \$662.08 to each of the 12 councils. The 12 Councils involved were Hurstville, Kogarah, Leichhardt, Parramatta, Penrith, Randwick, Hornsby, Drummoyne, Burwood, Concord, Strathfield and Warringah.

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The contribution of \$7,945 would be taken from the Admin Legal Expenses budget, which has a total allocation for 2005-2006 of \$30,000, with expenditure to date of \$3,322.

It is agreed that a victory in the High Court would have provided a benefit to all Councils and support is recommended. A provision for such a charge was included in Council's fees and charges since the 2004-2005 year awaiting the High Court decision.

REPORT IMPLICATIONS:

▪ *Environmental*

Nil

▪ *Social*

Nil

▪ *Economic (Financial)*

As stated above the funds will be paid from the allocation for Admin Legal Expenses. Depending of the number of legal matters arising in the 2005-2006 year, this budget may be exceeded which would reduce Council's working funds balance. At this stage it would appear that the budget for Admin Legal costs may be able to cover this contribution.

▪ *Policy or Statutory*

Council is not legally obligated to provide these contributions, although it has supported the principle of this case.

▪ *Director's Review*

The recommendation is supported.

2005. 758 **RESOLVED:**

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

That Council agree to contribute to the legal costs incurred by the New South Wales Councils in the High Court matter of NSW Councils versus Telstra and Optus and forward the amount requested by the Local Government and Shires Association.

DCS9 GOODS AND SERVICES TAX

SUMMARY:

Reporting on the Department of Local Government requirements in respect of Council's Goods and Services Tax (GST) compliance.



The Department of Local Government has advised Council's of changes in respect of the Departments requirements for certification of GST compliance by Council's

A copy of the Departments circular is attached as [\(Appendix D\)](#).

Since 2000 Council has been required to submit to the Department annually, a GST Audit Review Report. Council has engaged its auditors Price Waterhouse Coopers to prepare the report; the cost last year was \$3,750.

The Department now require Council to supply a certificate confirming that:

- Voluntary GST has been paid by the Council
- Council's management systems enable the management of Council's GST liability and recoupment of GST input tax credits
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Council has complied with the requirements of the GST legislation including the submission of monthly Business Activity Statements during the 2004/05-year and no matters have been raised by the Taxation Office.

REPORT IMPLICATIONS:**▪ *Environmental***

Nil.

▪ *Social*

Nil.

▪ *Economic (Financial)*

The cost of the GST Audit report (approximately \$4,000) will be met from existing Budget allocations.

- *Policy or Statutory*

Nil.

- *Director's Review*

As per report.

2005. 759 **RESOLVED:**

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

That Council provide a Goods and Services Tax Certificate certifying compliance with the requirements of the GST Legislation for the 2004 / 05 year.

DCS10	FINANCIAL STATEMENTS FOR THE TWELVE (12) MONTHS TO 30 JUNE 2005
FILE: 321 APC	{ Folio No. 304691 }

SUMMARY:

Reporting on the requirements in relation to the preparation and audit of the Financial Statements to 30th June 2005.



Council's Financial Statements for the twelve (12) months to 30th June 2005 have been completed.

The Local Government Act 1993 requires that in respect of its Financial Statement, Council must by resolution prepare a statement indicating: -

1. Whether or not the Council's annual financial reports have been drawn up in accordance with: -
 - the Local Government Act and the regulations; and
 - the Local Government Code of Accounting Practice and Financial Reporting; and
 - the Local Government Asset Accounting Manual; and
 - the Australian Accounting Standards; and
2. Whether or not those reports present fairly the Council's financial position and operating result for the year; and

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- 3 Whether or not those reports accord with the Council's accounting and other records; and
- 4 Whether or not the signatories know of anything that would make those reports false or misleading in any way.

Council's financial reports have been prepared in accordance with the above requirements.

The Local Government Act provides that Council's financial reports must be prepared and audited within four months after the end of the year, ie by 31st October. Council's auditors will conduct the audit in the week commencing 10 October 2005.

Attached at [\(Appendix E\)](#) are copies of the Statement of Financial Performance and Financial Position for the year ended 30 June 2005.

Water assets totalling \$2,601m not previously recognised in Council's accounts have been written on, the adjusting entry is shown in the Statement of Financial Performance. Sewer assets to the value of \$4,480m were recognised in the previous year.

The Auditor's will provide a presentation to Council upon completion of the audit.

REPORT IMPLICATIONS:

- ***Environmental***

Nil.

- ***Social***

Nil.

- ***Economic (Financial)***

There are no financial implications arising from the following recommendation.

- ***Policy or Statutory***

The Statement complies with statutory guidelines provided under the Local Government Act.

- ***Director's Review***

As per report.

2005. 760 **RESOLVED:**

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

That pursuant to Section 413(2)(c) of the Local Government Act 1993 Council declare that in its opinion:-

- a) the financial reports fairly represent the financial position of Kempsey Shire Council as at 30 June 2005; and**
- b) the financial reports have been prepared in accordance with the requirements of the Local Government Act 1993, the Local Government Regulations 1993, the Local Government Code of Accounting Practice and Financial Reporting, the Local Government Asset Accounting Manual and the Australian Accounting Standards; and**
- c) the financial reports are in accord with Council's accounting and other records; and**
- d) Council in not aware at this time of any circumstances, which would render any particulars included in the financial report to be misleading or inaccurate.**

DCS11	FLEET MANAGEMENT - ANNUAL REVIEW REPORT
SUPP.	FILE: 151 MPM

SUMMARY:

Reporting on the 6 monthly review of the Kempsey Fleet Management Business Plan, year ending June 30th 2005.



An operational plan introduced some years ago indicated that the Kempsey Fleet Management Unit would report to Council monthly, six monthly and annually. The monthly report was to detail fleet items purchased and disposed of for the previous month, this is currently the present practice. Six monthly reports were to detail;

- 1. Fleet replacement program estimates against actuals.
- 2. Utilisation trends.
- 3. Availability rates (downtime).
- 4. Business Plan action review.
- 5. Proposed hire rates for the next financial year.

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MAYOR

The annual report was to address many of the items above including a number of others as detailed below;

1. Fleet replacement program estimates against actuals.
2. Utilisation comparisons against previous years.
3. Availability rates (downtime).
4. Written Down Value (WDV).
5. Business Plan action review.
6. Reporting on the long-term fleet replacement program (currently 8 year).

Fleet traditionally has provided Council information on the various operational aspects on fleet performance and with a change in the fleet management team is now intending to provide these performance indicators more in line with industry best practice using tried and tested Key Performance Indicators (KPI's).

1. Fleet Replacement Program – Estimates against Actuals

Comparison of the actual net Fleet purchases against the original 2004/05 Budget provisions plus Contributions shows: -

	Budget/Contributions	Actual	Diff
General Fleet	\$683,426	\$667,121	(S) \$16,305
Water Fleet	\$420,000	\$390,154	(S) \$29,846
Waste Services Fleet	\$650,000	\$500,097	(S) \$149,903

In General Fleet the replacement of the following items have been deferred to 2005/06 –

- i) Loader – Cat 916 (V1673)
- ii) Toyota Dyna Dual Cab (V1737)
- iii) Hydraulic Hammer – Excavator Attachment (V1563)
- iv) Sedan – Ford (V2106)

Council previously agreed to vary the replacement program, to include the purchase of the Backhoe (V1120). Attached as **(Appendix F)**

2. Utilisation (KPI)

Utilisation refers to the annual usage of a particular item of fleet and is generally measured in engine hours or kilometres travelled.

Past practice within Council was to measure booked out hours for **utilisation reports** and this is provided at **(Appendix G)**, however in the case of an item of plant sitting idle for a number of weeks, but on hire, only means the fleet department budget remains healthy at the expense of the rest of the organisation, in other words high depreciation and low utilisation, and not very cost effective.

As stated above good performance indicators rely on the actual hours and or kilometres of particular items of plant measured against industry benchmarks and it should be noted that not all fleet will have similar benchmarks, for example the industry benchmark for an Excavator is 800hrs, Bobcat 500hrs, Medium commercial truck 15,000kms, Front end loader 700hrs and so on. These benchmark standards were sourced from Uniqco International who in partnership with the Institute of Public Works Engineers Australia (IPWEA) have surveyed over 160 government organisations to set the industry benchmarks.

Kempsey's fleet department is currently working on a project which will in time measure our own performance against these industry benchmarks in a more automated fashion with Council's I.T operating system. At this stage reports are being run monthly with some fine tuning still required and it is expected that by 2005/06 actual utilisation against industry standard will form part of Council's performance management outcomes.

The key to driving improved performance of Council fleet is the provision of information and it is expected that along with the actual utilisation indicators and other performance tools and strategies the days of having fleet *"just in case we need it"* will disappear.

Attached as **(Appendix H)** is the latest utilisation report (actual hours used) based on industry benchmarks per item of plant, for perusal and information

3. Availability (Downtime KPI)

This is often called the hidden cost of fleet management. In many cases downtime is substantial and can greatly affect productivity.

Downtime is a major factor in every decision when establishing long-term fleet replacement programs and optimum changeover timeframes. Downtime costs not only comprise the cost of the machine, but also include the cost of idle skilled labour, inconvenience costs, and idle capital investment.

An example of a recent case of a grader breaking down at start time on a construction project, there were a number of staff as well as plant that were affected by the breakdown.

Carrying out comprehensive assessments of plant downtime enables informed decisions to be made on optimum replacement times for plant when developing long term plant replacement programs and clearly demonstrates that if we are to ensure service delivery is achieved on

time and at the lowest cost Council will be required to adopt and follow, at minimum, a 8 year plant replacement program.

It must be said that at times when the plant reserve looks financially healthy there is an urge to raid the replacement reserve to fund other capital projects when there are shortfalls.

The fleet department from the start of the 2005/06 year has as one of its KPI's, Fleet Availability, with a current benchmark set at 96% availability. The reporting for the previous 2004/05 year was initiated from April 2005, a copy is attached as **(Appendix I)**.

4. Written Down Value (WDV KPI)

Part of Fleet Management role in the financial management of the fleet is to maintain the value (Written Down Value) of the Council's investment in the fleet. Long term we should be spending as much on capital replacement as the annual depreciation. This will ensure the WDV is maintained. Expenditure should not always meet the level of depreciation where it requires or leads to premature replacement of fleet. Attached as **(Appendix J)**

5. Business Plan action review

Fleet provided in the 2004/05 Fleet Management Business Plan an action plan for Fleet Management planning, Fleet Strategies, Environmental Management planning, OH&S planning and Financial planning, both the 6 monthly report and annual report requires fleet to provide a review of outcomes. Attached as **(Appendix K)** is the action plan for the various areas of operation with comments on outcomes

6. 8 year Fleet Replacement Program

Attached at **(Appendix L)** is Council's 8 year replacement program, highlighted are the items of fleet, which due to budgetary constraints were overlooked for replacement for the 2005/06. As reported at Council's meeting 12th April 2005, the 2005/06 general fleet replacement 8 year program was proposed at a changeover value of \$2,906,700. At that time the draft fleet replacement budget was \$1,016,253 which meant the replacement budget had a \$1,890,447 short fall, to replace the proposed 2005/06 8 year replacement program. Accordingly, a replacement program for 2005/06 that met the draft replacement budget was developed.

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

Director Corporate Services Recommendation

That the Annual Review Report for Fleet Management be adopted.

2005. 761 RESOLVED:

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

That the Annual Review Report for Fleet Management be adopted and that the Director and staff be thanked for the comprehensive report.

GENERAL MANAGERS REPORT

GM1	QUARTERLY REPORT ON IMPLEMENTATION OF 2005 - 2006 MANAGEMENT PLAN FILE: 339 JCC (NRN) {Folio No. 304692}
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SUMMARY:

Reporting on the implementation of Council's 2005 / 2006 Management Plan.



DESCRIPTION

The Local Government Act 1993 requires that a report be submitted to Council within two (2) months of the end of each

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quarter as to the extent to which the performance targets set by the Management Plan have been achieved during that quarter.

Attached at [Appendix A](#) is a report on the achievements in respect to Council's Targets / Performance Measures for the quarter ended 30th September 2005.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

- *Economic (Financial)*

Nil

- *Policy or Statutory*

Nil

- *General Manager's Review*

Nil

2005. 762 **RESOLVED:**

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

That the achievement of performance targets set by the 2005 / 2006 Management Plan for the period to the end of the September 2005 quarter be noted.



LOCAL TRAFFIC COMMITTEE

17 August 2005

SUBJECT TO ADOPTION BY COUNCIL

MINUTES OF THE MEETING OF THE LOCAL TRAFFIC COMMITTEE HELD ON WEDNESDAY, 17 AUGUST 2005, IN THE ELBOW STREET MEETING ROOM COMMENCING AT 9:00 AM.

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PRESENT:

Mayor Councillor Janet Hayes, Sergeant Paul Dilley - **Kempsey Police**,
Graham Carthew – **Roads & Traffic Authority**, Rod Dale - **Andrew
Stoner's Representative**, Keith Finnie, Neil Thomson

AGENDA

APOLOGIES

Mark Thompson – Road Safety Officer

PREVIOUS MINUTES

2.1 The minutes of the meeting of 2 June 2005 were referred to Council's meeting of 14 June 2005 and adopted.

RECOMMENDATION

That the information be noted.

BUSINESS ARISING

GENERAL BUSINESS

4.1 Trial Bay Triathlon

Ref: P12-21 (278945)

RECOMMENDATION

That approval be granted to the Trial Bay Triathlon Committee to stage the Trial Bay Triathlon on Saturday 19th and Sunday 20th February 2005, subject to obtaining:

Police concurrence.
Appropriate insurance

4.2 Parking Problems In Lanes Lane, Kempsey (IGA Carpark)

Ref: 59 (299469)

RECOMMENDATION

That Lanes Lane be signposted with a street name sign.
That a double unbroken barrier centreline be painted in Lanes Lane, as well as all entrances to the carpark.
That 'No Stopping' signs be erected both sides of Lanes Lane to the boundary of 'Action' Supermarket

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That 'Loading Zone' signs be erected from the end of 'No Stopping' zone to the end of the lane.
That the entrances to Stuart Street West Carpark be changed from one-way to two-way

4.3 Parents With Prams Car Parking In Kempsey CBD
Ref: 188 (295914)

RECOMMENDATION

That no action to be taken at this stage.

Intersection McIntyre St, Memorial St/Sturt St Swr

RECOMMENDATION

That priority is given to McIntyre Street, South West Rocks at the intersection of Memorial St/Sturt St and that advance advisory signage be placed in the side streets.

Plummers Lane, Jerseyville
Ref 59

RECOMMENDATION

That no action to be taken until the revised RTA Speed Zoning Guidelines are adopted.

Bellbrook School Pedestrian Crossing

RECOMMENDATION

That the existing school pedestrian crossing be relocated further to the east to line up with the school gate and away from vehicular access to the shops.

Road Safety Officer Report

RECOMMENDATION

That the information be noted, and the Road Safety Officer be commended for his activities since his appointment.

OTHER BUSINESS

5.1 Linemarking - Frederickton

The RTA has advised that adjustments will be made to the edge lines in Frederickton.

RECOMMENDATION

That the information be noted.

Smith Street, Kempsey

The RTA has advised that the 'No Stopping' zone on the western side of Smith Street at the intersection of Forth Street will be extended southwards to provide improved traffic movement.

RECOMMENDATION

That the information be noted.

Truck Parking

The Police will continue to target trucks parked illegally in urban areas.

RECOMMENDATION

That the information be noted.

New Police Officer in Bellbrook

A new Police Officer commenced duties in Bellbrook 16/8/05.

RECOMMENDATION

That the information be noted.

Kempsey Army Depot Reunion

A group of Kempsey ex-service Army Reservists are holding a reunion and Memorial Service at the Cenotaph in East Kempsey on Sunday 2 October 2005, commencing at 10.00am.

RECOMMENDATION

That approval be granted to utilise the section of Lord Street adjacent to the War Memorial Park for the Kempsey Army Depot Reunion Memorial Service on Sunday 2 October 2005.

Cycleway – Kempsey to Frederickton

Requests have been received regarding the provision of a cycleway from Frederickton to Kempsey adjacent to the Pacific Highway.

RECOMMENDATION

That options for the location of a cycleway be explored.

NEXT MEETING

Next meeting is scheduled for Wednesday 5 October 2005

2005. 763 **RESOLVED:**

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

That the report of the Local Traffic Committee meeting held Wednesday 17th August 2005 be adopted.



WORKS INSPECTION

20th September 2005

REPORT OF THE WORKS INSPECTION HELD ON MONDAY 20TH SEPTEMBER 2005 COMMENCING FROM THE CIVIC CENTRE, CORNER ELBOW AND TOZER STREETS, WEST KEMPSEY, COMMENCING 9.20AM.

PRESENT:

Councillors J A C Hayes (Mayor and Chairperson), Councillors J H Howell, E A Green, T L Hunt, R H McWilliam and B R Sowter.

Also in attendance were Director Sustainable Development Services, R B Pitt (Minute Taker) and Director Shire Services, K J Finnie.

APOLOGIES:

Councillor D F Saul & J C Gribbin.



1	SUBDIVISION OF LOTS B AND C DP399906 OFF CROADS ESPLANADE, SMITHTOWN FILE: T6-05-117 AJC
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RECOMMENDED:

That the application for subdivision of Lots B and C DP399906, Croads Lane, Esplanade, Smithtown, into 3 lots be refused for the following reasons:

- A The proposal is contrary to Clause 12(1)(c) of Kempsey Local Environmental Plan 1987 as none of the 3 proposed lots include any land outside the limit of the 1 in 100 year flood.
- B The applicant's objection to the standard under State Environmental Planning Policy has not demonstrated that the standard is unreasonable or unnecessary in the circumstances, as the standard prevents cumulative impacts of additional houses being a risk during flood events.
- C The proposal would set a precedent that could lead to significant cumulative impacts, particularly for the additional load on emergency services in a major flood event.

RESOLVED:

There being insufficient councillors to form a quorum, the matter was deferred for consideration at Councils Ordinary Meeting of 11th October 2005.

2	YOUTH CENTRE AND REFERRAL CENTRE AND YOUTH LEARNING CENTRE, MEMORIAL AVE, KEMPSEY FILE: T6-05-96 GGL
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RECOMMENDED:

- A That the Youth Information and Referral Centre and Youth Learning Centre be approved 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 and detailed submission accompanying the application, as modified by any conditions of this consent.
 - 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying

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

- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.
- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 5 The building is not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.
- 6 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 7 Access to the site for deliveries is to be confined to between 7.00 am and 5.00 pm Monday to Friday. In this regard, a sign clearly indicating same is to be displayed at the entry to the development. Details, including location of signage, are to be provided with the plans for the required Construction Certificate.
- 8 The hours of construction works are to be confined to 7.00 a.m. to 5.00 p.m., Monday to Friday.
- 9 All loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property.
- 10 The applicant to provide off-street parking for 10 spaces that includes one (1) disabled car park.

Compliance with condition 10 shall be deferred for 6 months from the date of consent, after which the applicant is to submit details of how off-street parking is to be provided, for approval. If required, the parking area is to be constructed and operational within 2 months of notice being given.
- 11 The hours of operation of the Youth Information and Referral Centre and Youth Learning Centre are to be restricted between 9.00am and 5.00pm Monday to Friday.

- 12 Attendance at the Youth Information and Referral Centre is to be primarily by appointment only and this is to be clearly signposted at the entry door to the building.
- 13 All attendance at the Youth Learning Centre (The Bunker) is to be pre-arranged enrolment in an approved course, with a maximum class size of 10 persons, and only one class is to operate at any one time.
- 14 The Centre is not to be used for dispensing of any drugs.
- 15 Provision of a bike rack adjacent to the Youth Learning Centre prior to commencement of the use.
- 16 Compliance with the Building Code of Australia.
- All building work must be carried out in accordance with the requirements of the (BCA). A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.
- 17 Submit plans and specifications of the "bunker" building with the Construction Certificate.
- 18 A schedule of the fire safety measures which are to be installed in the building is to be submitted with the required Construction Certificate for approval together with the minimum Standard of Performance as identified in Clause 80B and C of the Environmental Planning Assessment Regulation 1994.
- Detailed plans of each measure prepared by a suitably qualified person are to be submitted for approval with the required Construction Certificate.
- 19 The construction of exits must comply with Section D Clause D2.19, D2.20 and D2.21 of the Building Code of Australia.
- B That the applicant be advised that Council may reconsider the need for off-street parking if it can be demonstrated that the use does not create the level of demand estimated and that there is adequate kerbside

parking available for the use, during peak parking demand periods associated with the public swimming pool.

- C That all persons making individual submissions be notified of Council's decision.

RESOLVED

There being insufficient councillors to form a quorum, the matter was deferred for consideration at Councils Ordinary Meeting of 11th October 2005.

There being no further business, the meeting concluded at 12.00pm.

2005. 764 **RESOLVED:**

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

That the report of the Works Inspection held 20th September 2005 be adopted.



LOCAL TRAFFIC COMMITTEE

5th October 2005

SUBJECT TO ADOPTION BY COUNCIL

MINUTES OF THE MEETING OF THE LOCAL TRAFFIC COMMITTEE OF THE COUNCIL OF THE SHIRE OF KEMPSEY HELD ON WEDNESDAY, 5th OCTOBER 2005, COMMENCING AT 9:00 AM.

PRESENT:

Mayor Councillor Janet Hayes, Rod Dale – Andrew Stoner's Representative, Keith Finnie, Neil Thomson, Mark Thompson.

APOLOGIES

Sgt Paul Dilley, Graham Carthew.

2. PREVIOUS MINUTES

The minutes of the meeting of 17th August 2005, have not yet been adopted by Council. They will be referred to Council's meeting on 11th October 2005.

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RECOMMENDATION

That the information be noted.

BUSINESS ARISING

Nil.

4. GENERAL BUSINESS

**4.1 Queen's Baton Relay
Ref: 430**

RECOMMENDATION

That approval be granted to the Committee to stage the Queen's Baton Relay on Sunday, 29th January 2006, subject to:

Police concurrence.
Pacific Highway Occupancy Licence from the RTA.
Appropriate insurance cover.

**4.2 Crescent Head Road 80km Speed Zone Approaching Seventh Day Adventist School
Ref: 34 (302646)**

RECOMMENDATION

That the RTA be requested to include this area in their speed zone review.

**4.3 Heavy Vehicle Restrictions In Gill And Macleay Streets, Kempsey
Ref:**

RECOMMENDATION

That the RTA be asked to review traffic movement and control at the Gill Street/Lord Street intersection.

**Stuart Street No Standing Zone
Ref**

RECOMMENDATION

That the "No standing" signage in Stuart Street, be extended 60m to the west.

**Parking Times In Bus Zones At St Josephs School West Kempsey
Ref: 326 (302772)**

RECOMMENDATION

That the existing parking restrictions be policed.

**Gladstone School 40kph Zone Extended Into Barnard Street
Ref: 34 (303854)**

RECOMMENDATION

That this matter be referred to the RTA for inclusion in their School Zone review.

**Kemp Street Sporting Fields Parking Near Gladstone Street
Underpass
Ref:**

RECOMMENDATION

That an offset centre line be marked in Kemp Street, to provide a parking lane on the western side, and that guideposts be placed on the eastern side of the road near the intersection of Gladstone Street, to prevent parking.

ROAD SAFETY OFFICER REPORT

Reporting on the activities of Council's Road Safety Officer.

	ISSUE/STRATEGY	ACTIVITIES	ACTION	STATUS
Sept 2005	Speeding	All schools except Willawarrin and Bellbrook covered with SAM	Utilise SAM in 40km/h school zones in the Kempsey LGA	Ongoing placement at School Zones and Child Construction Zones – printouts being forwarded to the Police.
Sept 2005	Strategic Plan	Development of Kempsey Council Road Safety Strategic Plan.2005-2008	IPWEA grant application completed	\$8000 grant received – work initiated.

Sept 2005	Youth Road Safety	Graduated Licensing Scheme (GLS) FREE Workshops	Workshops booked for November	Funded by RTA \$1600
		Bike Helmet Rewards Program Bike week feature	Designed and implemented program Police rewarded children for wearing helmets	Ongoing school Holidays \$1500 Funded by RTA \$500 Sponsorship from McDonalds Ongoing events with PCYC \$2500 RTA sponsorship
		Lions Club Defensive Driver Program	Conducted at airport very positive feedback. 50 participants plus 30 volunteers	Evaluation of course and planning 2 nd course
		Crocfest Celebrate Macleay	Educational exhibit at crocfest for 3 days Exhibited at Racecourse	Evaluating surveys handed out to each class. 200 safety packs for children given out.
August 2005	Senior Road Safety	Scooter Safety	Developed and funded safe scooter resources for libraries. TV and print media coverage	Hire rates from libraries
August-Sept 2005	Drink Driving	Implement Nightrider in December '05 and January '06	Co-ordinate project. Funded by Ministry of Transport TV and print media	Co-ordinate RSO Taree, Hastings, Coffs Harbour Councils to introduce a late night bus service \$12,000 granted

		Alcoliser	coverage RSO to provide Drink driving information and alcoliser at Major events in Kempsey including drug and alcohol free events.	Alcoliser's serviced and rotated through venues, including special events such as trucking festival and golf pro am.
February-Aug 2005	Road Safety for Aboriginals	Aboriginal Licensing Project	Designed and implemented a Joint program with Wesley United Employment, Booregen Djungan College, RTA and State Debt Recovery Office	Ongoing 110 participants 40% regained license 15% obtained license 1 st time, 10% have received direct employment outcomes Now received funding from Ministry of Transport \$5,500
Sept		Crocfest Week	Stall/display	
Aug-Sept	Engineering	Parking Sign Audit	Commence auditing signs and report	Completed
		Correspondence		
June 2005	Crash Statistics	Kempsey Accident Profile 2000-2005	Create Accident Profile for the Kempsey LGA	Commenced
February to September	Kempsey Road safety Action Plan 2005- 2006	Joint Road Safety programs with Hastings and Coffs Harbour City Council RSO's	Programs to be implemented in the 2005/06 financial year- Drink driving Speed Fatigue Seatbelts Youth Seniors Early childhood Aboriginal Road Safety	Road Safety Action Plan

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			Motor cycle and bicycle roads safety Review Council's Liquor Licensing Policies Investigate the implementation of the "Good Sports" Program Roundabout Education	
September 2005		Bike Week Project TV and print coverage	Aldavilla School and PCYC "Get on your Bike Event" Organise and coordinate event	\$2,500 received RTA

RECOMMENDATION

That the information be noted

2. That the Staysafe Committee be contacted regarding scooters, gophers and motorised toy vehicles, seeking some form of registration and regulation for the protection of users, pedestrians and road users.

5. OTHER BUSINESS

Bus Interchange – MR198 – signs in place.

**Natureland Classic Motor Cycle Rally
4-6 November 2005**

RECOMMENDATION

That approval be granted to stage the Natureland Classic Motor Cycle Rally on 5 November 2005.

**3. NOM 5 Belgrave Street Off Ramp
Ref: 59**

2005.675 RESOLVED:

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

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"That the Traffic Committee be again requested to erect an appropriate sign on the Belgrave Street off ramp of the Kempsey Traffic Bridge requesting drivers of vehicles not to block the ramp when being delayed by the traffic lights."

RECOMMENDATION

That the issue of the intersection of Smith Street and Belgrave Street be raised again with the RTA.

4. NOM 11 Speed Limit on Plummers Lane

File: 34

2005.680 RESOLVED:

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

"That Council approach the traffic committee to have the speed limit reduced from 100km/hr to 80km/hr for the first 1.4km of road on Plummers Lane from both the eastern and western ends."

RECOMMENDATION

That the RTA be requested to include this area in their speed zone review.

5. Nicholson Street/West Street, South Kempsey

File:

RECOMMENDATION

That No Stopping signs be erected in West Street, south from Nicholson Street, for 60m.

Event Management

Ref:

RECOMMENDATION

That a time line for recurrent annual events be prepared to allow timely processing of Traffic Management Plans.

NEXT MEETING

The next meeting is scheduled for Wednesday, 23rd November 2005.

2005. 765 RESOLVED:

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

That the report of the Local Traffic Committee meeting held Wednesday 5th October 2005 be adopted.

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CONCLUSION:

There being no further business, the Meeting terminated at 2.50 p.m.

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