



KEMPSEY  
Shire Council

## MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 14th February 2006 commencing at 8.10am.

### PRESENT:

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

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



### DECLARATIONS OF INTEREST

Councillor Green declared an interest in the item DSS7, Recycling Collection Tender, for the reason that she is friends with the Norton family mentioned in the report.



### CONSIDERATION OF CONFIDENTIAL REPORTS

2006. 13

RESOLVED:

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

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



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

2006. 14

RESOLVED:

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

**That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 13<sup>th</sup> December 2005 be adopted.**



**PUBLIC FORUM**

- 1 - Mr Wayne Turner addressed Council regarding item DSS21 Jerseyville Sewerage Scheme.
- 2 - Mr Kevin Hill addressed Council regarding items MM2 and DSS3 Horseshoe Bay Draft Plan of Management.
- 3 - Mr Maurie Fuller addressed Council regarding item DSDS12 Kempsey Macleay Off Road Club.
- 4 - Mr Rod Channells addressed Council regarding item DSDS6 Request to Rezone Land from Zone No.1(A3) to Zone No.1(c).
- 5 - Mr Peter Hadlow addressed Council regarding two items DSS16 Development Servicing Plans for Water and Sewerage and DCS7 (Page J14) Rating – Aggregation of Certain Parcels of Land in Subdivisions.
- 6 - Mr Peter Clarke addressed Council regarding item NOM11 – Additions to Water Supply.



**CONSIDERATION OF LATE REPORTS**

**2006. 15 RESOLVED:** *Moved: Cl. Sowter  
Seconded: Cl. Walker*

**That the late reports be considered in conjunction with the relevant Directors reports.**



**CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports DSS21, MM2, DSS3, DSDS12, DSDS6, DSS16, DCS7 and NOM11.**

**2006. 16 RESOLVED:** *Moved: Cl. Sowter  
Seconded: Cl. Green*

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

**DSS21**

**JERSEYVILLE SEWERAGE SCHEME**

**FILE: 148 SLM**

**{Folio No. 312283}**

**SUMMARY:**

Reporting on the progress of the Jerseyville sewerage system.



**DESCRIPTION:**

At the Council meeting of 15 November 2005 Council resolved to temporarily defer the installation of a sewerage system until the residents are informed of the increased upfront costs for installing a gravity system instead of the proposed LPGP system. A copy of the previous report is attached at [Appendix F](#).

A letter was sent to the 25 residents, which are able to be serviced by a gravity sewerage system, stating Council's cost of \$3,750. They are also required to pay the costs for their private plumbing. Following this, Council received 10 replies with 9 of these agreeing to pay the proposed costs. Due to the response from the residents, the gravity system is suggested as the system to be installed.

It should still be noted that the gravity system is not considered to be the best option for the village of Jerseyville. Although costs seem similar for the construction of a gravity system and a LPGP system, the overall life cycle costs indicate that the gravity system would actually cost approximately \$114,000 more over 30 years. This does not include the extra costs required for augmenting the sewerage treatment plant or other pump stations which are affected. The construction of a gravity system will also be more difficult due to the area being developed, the depth of the mains, the high water table and acid sulphate soils found in the area. It could also result in environmental issues in the future due to exfiltration through the pipework joints.

A copy of a Triple Bottom Line assessment of both systems is attached at [Appendix G](#).

Construction is planned for April, May June this year and it is anticipated that the project will be tendered out due to other project commitments for that period.

**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 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.*

- **Economic (Financial)**

*The current budget for the scheme is \$400,000, with approximately \$250,000 remaining to complete the project. All LPGP items which have already been purchased can be used for another proposed LPGP project, therefore recovering approximately \$150,000 to purchase the materials for the gravity system.*

*The gravity system is the more expensive to install and is more expensive to operate.*

- **Policy or Statutory**

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

- **Director's Review**

*Council was previously advised to support the LPGP sewerage system for Jerseyville because it would expose Council and the community to less risk in regards to construction costs and environmental issues. However, 9 out of 10 responses prefer*

*gravity sewer, with 15 residents not responding. A decision is required of Council to allow the project to move forward.*

**Director Shire Services Recommendation:**

- 1 That the installation of the gravity sewerage system be approved.
- 2 That the installation fee for the Council section of the gravity system be set at \$3,750 per lot.
- 3 That the properties which cannot be connected to the proposed gravity system be refunded all previously paid sewerage rate costs.
- 4 That tenders be called for the construction of the gravity sewerage system.

2006. 17 RESOLVED:

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

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 and that the repayments be made over a five year period.

Councillor McWilliam recorded his vote against the foregoing Resolution.

MM2	HORSESHOE BAY DRAFT PLAN OF MANAGEMENT
FILE: 505 JACH	{Folio No. 312229}

**SUMMARY:**

To ensure that consideration is given to submissions received prior to a decision being made on the Horseshoe Bay draft Plan of Management.



## **DESCRIPTION:**

As part of the exhibition process for the Horseshoe Bay Reserve draft Plan of Management a public meeting was held at the South West Rocks CWA Hall on the 18 January.

The meeting was very well attended by not only local residents but also users of the caravan park located within the reserve. In respect of the options relating to the caravan park the overwhelming view of those that attended the meeting was that the caravan park should be allowed to continue in its present form after the expiration of the current lease.

The purpose of exhibiting the Plan is to allow all those who are interested the opportunity to comment on the proposals. **The caravan park of course is only one aspect of the draft Plan of Management.** All submissions received should be considered and this process is currently underway by the Director of Shire Services.

As there is large scale support for the retention of the caravan park in its current format, the Director should make recommendations to Council on what new improvements should be included in the Plan of Management.

## **REPORT IMPLICATIONS:**

- ***Environmental***

***Nil***

- ***Social***

***Nil***

- ***Economic (Financial)***

***Nil***

- ***Policy or Statutory***

***Nil***

## **Mayoral Recommendation:**

**That the Director of Shire Services, when reporting on the submissions received as a result of the exhibition of the draft Horseshoe Bay Plan of Management, provide recommendations for improvements to the caravan park that DO NOT substantially alter the spirit of the current design.**

1. That the Director of Shire Services, when reporting on the submissions received as a result of the exhibition of the draft Horseshoe Bay Plan of Management, provide recommendations for improvements to the caravan park that DO NOT substantially alter the spirit of the current design.
2. That it be noted that the Mayor advises that the Minister has been made aware of the strength of the opposition to the proposed changes to the area at Horseshoe Bay.
3. That the Department of Lands be requested to review the proposal of a possible timetable for the removal of the caravan park at Horseshoe Bay Reserve as indicated by letter dated 20 May 2004 i.e.;
  - a. that part of the park occupied by sites immediately north of Livingstone Street be programmed for removal upon completion of the current management lease in January 2009.
  - b. the remainder of the foreshore occupied by the park to be progressively returned to public open space over the following 5 years.
4. That it be recommended to the Department of Lands the function of Horseshoe Bay Reserve subject of a lease as a Caravan Park, be continued for a further ten (10) years from 31 January 2009 with an option of an additional ten (10) years at the discretion of Council, be the subject of a new lease arrangement.
5. That the proceeds received by Council from the lease agreement be allocated to the implementation of the program of works identified within the Plan of Management for overall foreshore precincts.

Councillor Gribbin recorded his vote against the foregoing resolution.

NOM9	HORSESHOE BAY RESERVE FILE: 505 KJF	{Folio No. 312239}
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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, 14<sup>th</sup> February 2006.

***"That Council advises the Department of Lands that it would not be economically viable to remove caravan sites from Horseshoe Bay Reserve and that we do not wish to add additional cabins or to return camping / caravans areas to public use".***

.....  
**COUNCILLOR J GRIBBIN**

**NOTES:**

- Sunday Telegraph 15<sup>th</sup> January, reported the Minister for Tourism, Sport and Recreation, Sandra Nori stating \$520million in accommodation revenue was recorded in the September Quarter. NSW Caravan Parks recording the highest takings for all Caravan Parks for that Quarter.
- The Caravan Industry is the largest booming industry in Australia.
- It was brought to the attention of the Public Meeting held 18<sup>th</sup> January by a leading South West Rocks Real Estate representative that during the winter months there are units and cottages in South West Rocks with a vacancy rate of up to 75% and that South West Rocks is at present over accommodated.
- The attendance of the Public Meeting by over 250 people and the submissions of approximately 1000 letters from around Australia and locally against the removal of the Caravans and camping sites.

2006. 19    **RESOLVED:**

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

**That Council advises the Department of Lands that it would not be economically viable to remove caravan sites from Horseshoe Bay Reserve and that we do not wish to add additional cabins or to return camping / caravans areas to public use.**

<b>DSS3</b>	<b>HORSESHOE BAY RESERVE DRAFT PLAN OF MANAGEMENT</b>
<b>FILE: 505 KLB (NRN)</b>	<b>{Folio No. 312265}</b>

**SUMMARY:**

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THIS IS PAGE 8 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH FEBRUARY 2006.

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**MAYOR**

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



**DESCRIPTION:**

On 12 October 2005 Council resolved to place the Draft Plan of Management on public exhibition, calling for submissions.

On 8 November 2005 the amended plan went on exhibition at the Kempsey Shire Council Civic Centre, SWR Library, KSC Library and the Internet for a period of 28 days. Submissions were to be received up until Monday 5 December 2005 and a public meeting was to be held on Wednesday 18 January 2006.

Due to the lack of response by 5 December 2005, on 6 December 2005 it was decided to extend the exhibition period to 20 January 2006.

Ten advertisements were placed between 7 November 2005 and 16 January 2006, in the Macleay Argus, Macleay Valley Happynings, and the Mayoral column. Eight advertisements (from 22 November 2005) included details of the public meeting. A media release was made on 14 December 2005 advising of the extension of time for submissions and the public meeting.

On 18 January 2006 the public meeting was held at the CWA Hall at SWR. With three hundred and twenty six people signing the attendance sheets.

As at 30 January 2006 one thousand, one hundred and seventy three (1,173) submissions have been received regarding the future of the Caravan Park. Nine hundred and thirty seven (937) submissions were received at the public meeting. One of these supported the draft Plan of Management.

It should be noted that most of the submissions received at the public meeting were photocopies of one or both of two different survey forms and some were copies of letters already sent in to Council and registered. The correct number of individual submissions will be known when all the documents are registered and acknowledged. To date one hundred and thirty seven (137) submissions have been acknowledged to one hundred and twenty five (125) addresses.

Some time needs to be allowed for analysing the content of these submissions and including them in a further report to Council. The majority of submissions clearly support the retention of caravan and camping sites, are unsupportive of installing cabins and do not comment on other aspects of that part of the Plan. A small number of submissions

comment in detail on various aspects of that section of the Plan dealing with the future of the Caravan Park.

**REPORT IMPLICATIONS:**

- *Environmental*

*The Draft Plan of Management addresses landscaping issues and generally aims to improve the broader environment on the Reserve.*

- *Social*

*The proposed changes to the Caravan Park have a social impact on tourists and local users of the Caravan Park. The public response to the Draft Plan of Management is a clear indication of the significance of this impact and the importance of allowing adequate time to study the submissions.*

- *Economic (Financial)*

*It is felt that the Plan of Management needs to make provision for sufficient income producing activities to cover the maintenance cost of the Reserve.*

- *Policy or Statutory*

*Council has a statutory obligation, under both the Local Government Act and the Crown Lands Act, to prepare a Plan of Management of the Horseshoe Bay Reserve.*

- *Director's Review*

*A thorough review of all submissions will take some time to complete but is an essential phase of this project.*

2006. 20 RESOLVED:

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

That the information be noted.

DSDS12	KEMPSEY MACLEAY OFF ROAD CLUB INC. FILE: T6-05-608 GGL {Folio No. 312261}
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**SUMMARY:**

Reporting that Council has received a development application to stage an off road racing event to be held over two days annually for 8 (eight) years, for which objections have been received.



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

### **Background**

Council previously approved development application T6-05-12 in April 2005 to stage a single off road racing event over one weekend on the subject land.

A condition of development consent T5-06-12 required Council officers to attend the event on both days to ensure compliance of development consent conditions. This also included monitoring environmental impacts such as dust and noise. A noise report was carried out by Environmental Resource Management (ERM). Monitoring by Council officers and the noise report demonstrated that the event operated in accordance with the relevant Guidelines. A post site inspection revealed that the circuit area had been rejuvenated by seeding grass. No evidence of soil erosion was present as a result of the off road racing event. **Note:** it should be noted that as wet conditions were experienced leading up to the previous meeting, dust was not an issue and spectator numbers were relatively low, thereby not fully testing the adequacy of the facility.

In this current proposal the Kempsey Macleay Off Road Club Inc. have indicated that the event will be held over two (2) days for one weekend annually. The applicant seeks an eight (8) year development approval. The date of the event is scheduled for 2006 is 8 and 9 July, however this is subject to weather conditions.

It is proposed to use the existing circuit that was previously approved by Council. [\(Appendix M\)](#).

It proposed to hold the event in accordance with the Confederation of Australian Motor Sport (CAMS) Ltd. Event Public Risk Insurance is part of the CAMS Permit Authority to the amount of \$100,000,00.

### **Heads of Consideration**

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental

Planning and Assessment Act 1979 with the following matters to be of particular relevance to the proposal:

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

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

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

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

It is considered that an annual event, controlled in accordance with a management plan, would be consistent with the objectives of the rural zone.

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

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

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

DIPNR advice that it proposes to grant a Part 3A Permit subject to conditions, which Council must include in any consent. [\(Appendix N\)](#)

**Access, Transport and Traffic**

Access to the event will be via Dungay Creek Road. Dungay Creek Road from the end of bitumen surface at the intersection of Clarkes Road to the site is a gravel road at an average width of 5m.

The applicant has indicated that the total number of vehicles associated with the participants and crews would be approximately 100 and it is anticipated that 50 spectator vehicles would attend the event with the capacity to cater for 100 off road spectator parking spaces. It was estimated that 100 spectators visited the event each day in 2005. Given the wet conditions previously experienced and increased awareness of

the event, the potential for an increase in traffic congestion over the weekend of the event exists.

It is considered that contributions for the upgrading of Dungay Creek Road should be payable. Council may consider an agreement for either payment of a road contribution or request the applicant to have the unsealed section of the road regraded by Council at the applicant's expense post event.

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

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

## **Noise**

The proposal has the potential to impact on a number of adjoining dwellings by reason of noise. Given EPA criteria which allow considerable noise to be generated by infrequent motor sports events, and the separation of the track to the next nearest residence (approximately 275 metres), it is considered reasonable to require noise monitoring of the event to be undertaken. Monitoring undertaken at the previous event demonstrated compliance.

Whilst no complaint was received by Council, it is considered reasonable to have a condition of consent requiring acoustic monitoring of all events. Additionally, restricting the use of the track including practice to the nominated weekend with use of the track on event days to be restricted from 9am to 5pm Saturday and 8.30am to 5pm Sunday is considered reasonable.

## **Air and Microclimate**

Council should be aware that the previous event was held following inclement weather conditions with minimal dust impacts resulting from the event. However, the proposal has the potential to result in dust pollution should weather conditions at the time of the event be dry. It is considered reasonable that the applicant provide a water cart or similar dust suppression mechanisms to prevent excessive dust from becoming airborne through vehicle use. Dust management should also be undertaken along the entire length of unsealed section of Dungay Creek

Road from the intersection of Clarkes Road to the furthest vehicle access point to the site, from 7am of the Saturday to 7pm on the Sunday of the event. Dust should be suppressed in any location where any dwelling is within 400m of the racetrack should weather conditions warrant it. The management of dust suppression will be required to be in accordance with the Protection of the Environment Operations Act.

### **Cumulative Impact on Amenity**

Whilst the proposal has the potential of causing traffic congestion, noise and dust emission, Council received no complaints during or post event in July 2005. A condition of consent should require adjoining residents to be informed in writing of the weekend the event is to take place at least four (4) weeks in advance.

### **Public Exhibition**

Adjoining property owners were notified of the proposal in accordance with Council's Advertising Policy. Council received three (3) objections marked confidential to the proposal, which can be summarised as follows:

<b>Objection</b>	<b>Planning Comment</b>
1 The objector opposes the activity on the grounds of environmental impact, access, safety and image.	1 The applicant via an environmental management plan proposes environmental safe guards for the protection of the environment and for race participants and spectators.
2 There will be significant erosion and degradation of the land.	2 Compliance with the strict conditions of the Part 3A Permit to be issued by Department Planning should be required.  Council should impose a condition of consent to have the land rehabilitated so that any disturbed surfaces (race track, car park and marshalling area etc.) will need to be seeded and stabilised after completion of the event. Refer to Planning Comment 1.
3 There is a lack of adequate fencing to contain livestock.	3 Livestock in the area may intrude on the event. Details of

		the stock containment area, including fencing should be required as a condition of consent.
4	There is potential for noise pollution.	4 Refer to 'Noise' comments and conditions of Consent.
5	Public liability if a spectator is injured on our property.	5 The event will be covered by a \$10,000,000 public liability insurance.
6	Restricted access to property owners during the event.	Refer to access transport and traffic comments and condition of consent.
7	Damage to flora and fauna.	7 As the proposed race track uses existing trails and open paddocks and no trees are to be felled, it is considered that obtainment of a Part 3A Permit and compliance with appropriate conditions of Consent would result in no significant impact to flora and fauna. There is no evidence to suggest that any long-term disturbance to any threatened fauna is likely.
8	Pollution of water from oil spills.	8 It is possible that mechanical failure may cause an oil spill. A condition of consent should be imposed to require the applicant to make facilities to clean up oil spills should a spill occur.

## Conclusion

As evidenced in the Heads of Consideration above, there are a number of issues and potential impacts associated with the proposed off-road racing event. It is recommended to only grant consent to a single annual event for a period of two (2) years only. This will enable monitoring of impacts to determine the ability of the organisers to control potential impacts.

Whilst the applicant demonstrated compliance when staging its previous event in 2005, it is considered reasonable to require the applicant to continue with a Plan of Management for the event with the applicant

required to implement each condition of Consent and outline contingencies in the event of any hazard, incident or emergency.

Upon obtainment of, and compliance with a Part 3(A) Permit under the Rivers and Foreshores Improvement Act 1948, a permit under the Confederation of Australian Motor Sport Ltd, approval from the Department of Sport and Recreation and appropriate Conditions of Consent from Council, including an Environmental Management Plan, it is considered that the proposed development could be held in a safe and sustainable manner with manageable impacts on surrounding residents.

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

**REPORT IMPLICATIONS:**

- ***Environmental***

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

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

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

***Noise monitoring should continue to be required.***

- ***Social***

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

- ***Economic (Financial)***

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

- ***Policy or Statutory***

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

- **Director's Comment**

*The event previously approved by Council was held in accordance with conditions of consent and within DEC noise guidelines without any complaints received.*

*However, as stated, the wet weather leading up to the event negated any potential dust problems and spectator numbers were likely reduced.*

*In order to ensure that proposed dust suppression and traffic control measures are adequate, it is recommended that consent be issued for two (2) years, after which time an application for additional events could be made, contingent upon compliance with conditions and control of potential impacts in worst case conditions.*

**Director Sustainable Development Services Recommendation:**

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

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 This consent is valid for a two (2) year period only from the date of consent. No events may be carried out after this consent has ceased without separate development consent being obtained.**
- 3 The applicant is to provide written advice to Council of the nominated date of the event not less than three (3) months prior to the nominated date.**
- 4 A detailed Plan of Management (in a single document) is required to be provided to Council not less than 3 months prior to the nominated dates of the events incorporating the means of complying with all conditions of consent. The Plan of Management is to include the approved 3A Permit from the Department**

of Natural Resources. The event shall not proceed unless Council has given written confirmation that all conditions of consent have been adequately addressed.

- 5 Monitoring of the event is to be carried out by a suitably qualified acoustic consultant at the closest affected residence in accordance with the Department of Environment and Conservation (Environment Protection Authority Guidelines) and relevant legislation.
- 6 A report is to be forwarded to Council indicating the results of the monitoring within twenty-eight (28) days after the staging of the event.
- 7 The applicant is to provide a minimum of ten (10) portable toilets onsite for the event. All effluent is required to be disposed off-site at an approved facility. The required Plan of Management should provide for the placement of toilets in all spectator and competitor locations.
- 8 Any premises or vehicle that is to be used for the transportation, preparation, storage and / or sale of food is to be designed, constructed and equipped in compliance with the Food Act 2003 and Council's Standards for Temporary Food Premises, complete details of which are to be submitted for approval prior to the event. The applicant is advised to confer with Council's Environmental Services Department concerning these requirements prior to the preparation of detailed plans.
- 9 No overnight camping or night-time entertainment is permitted on the subject land.
- 10 The applicant is to make adequate provision for the collection and removal of waste rubbish / litter from the site. Details of the means for compliance are to be included in the required Plan of Management.
- 11 All disturbed soils are to be levelled and re-seeded immediately following the event and no trees are to be felled or loped. Details of the means for compliance are to be included in the required Plan of Management.
- 12 Sediment control devices are required to be installed on the access points to and from Dungay Creek Road.

Details of the means for compliance are to be included in the required Plan of Management.

- 13 All spectator vehicles are to be confined to the parking spaces provided and no parking is permitted on, or immediately adjacent to Dungay Creek Road. Details of the means for compliance are to be included in the required Plan of Management.
- 14 The applicant is to consult with Councils Engineering Department at least three (3) months prior to staging of the event so that appropriate signage for Dungay Creek Road, spectator and car parking areas can be arranged.
- 15 The event race times are to be restricted to between the hours of 9am to 5pm Saturday and 8.30am to 5pm Sunday of the nominated weekend.
- 16 No practice is to be carried out prior to / after the date of the designated event.
- 17 All residents immediately adjoining the subject land are to be given written notice of the nominated date of the approved event at least four (4) weeks prior to staging of the event.
- 18 The applicant is to give written notice to the Local Rural Fire Service of the location and date of the approved event at least four (4) weeks prior to the staging of the event.
- 19 The applicant is to provide water carts or similar dust suppression mechanisms along the entire unsealed section of Dungay Creek Road to the furthest vehicle access point to the site and provide similar measures to all sections of the race track within 400 metres of any dwellings. Details of the means for compliance are to be included in the required Plan of Management.
- 20 To prevent excessive weed dispersal, competition vehicle use is to be restricted to the designated racetrack and 'pit area'. Where possible, weeds are to be managed in all trafficable areas by means of slashing, spraying and / or similar.
- 21 The applicant is to provide equipment and facilities suitable for the containment and clean-up of any petroleum products that are spilt. Details of the

means for compliance are to be included in the required Plan of Management.

- 22 All spectators are to be confined to the designated spectator area. Details of the means for compliance are to be included in the required Plan of Management.
- 23 In the event of any emergency requiring access through / on the subject land all racing is to cease until such access has been obtained. Details of the means for compliance are to be included in the required Plan of Management.
- 24 The applicant is to pay a contribution towards upgrading / maintenance of Dungay Creek road in accordance with Council's Section 94 Plan for Rural Roads. The contribution is to be paid prior to commencement of the event or within thirty (30) days of this consent being issued whichever occurs first. The current rate is \$230.10, based on one event per year for 2 years.

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

- 25 Details of the means of controlling stock within the property, including stock numbers, watering, feeding and fencing are to be provided to Council within 3 months of the nominated dates of the events.
- 26 The applicant shall pay a fee of \$500 to Council to allow for monitoring of the event by Council staff prior to the staging of each event.

#### **Conditions imposed by DNR**

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

- A copy of Council's development consent including all conditions of approval;
  - Plans and / or other documentation (2 copies) that satisfy the DNR General Terms of Approval and recommendations, which are, included in Council's consent conditions.
- 29 Work is to be carried out in accordance with drawings and any management plans required by these conditions and approved by DNR that will accompany the 3A permit.
- 30 Any Part 3A permit issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance provisions, have been satisfactorily completed in accordance with the permit conditions. Any application for renewal will be lodged at least 1 month prior to the permit expiry date.
- 31 Work shall not cause damage to, or increase erosion of, the streambed or banks. The permit holder shall carry out any instructions given by DNR with a view to preventing degradation of the streambed or banks.
- 32 Any vegetation or other material removed from the area of works shall be utilised as part of any rehabilitation and prevented from being swept back into the stream during a flood.
- 33 All works proposed must be designed, constructed and operated so they do not cause erosion or sedimentation and to minimise adverse impacts on aquatic and riparian environments.
- 34 Erosion and sediment control measures are required to be implemented prior to any off road event or commencement of track works, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the river system. These measures are to be in accordance with best management practices as outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").
- 35 The excavation of soil / spoil and its removal is the responsibility of the permit holder and the owner or occupier of the land.

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

#### **Stream Crossings**

- 44 All stream crossing designs must be sensitive to the ecological functions and geomorphic character of the stream by providing adequate protection for aquatic fauna and minimising erosion.

- 45 Bank full creek flows and floodplain flows are not to be inhibited in any way.
- 46 Crossings should not cause scour or erosion to the streambed or banks in any storm events.
- 47 A management strategy is to be prepared for each crossing by suitably qualified persons, in consultation with, and with the approval of DNR prior to the issue of the Part 3A Permit.

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

**MOVED:**

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

**That the Director's recommendation be adopted with the following amendments:**

**Condition 2 being amended to 5 years;**

**Condition 5 being amended to read;**

- 5 Monitoring of the event is to be carried out at the closest affected residence in accordance with the Department of Environment and Conservation (Environment Protection Authority Guidelines) and relevant legislation.**

**An Amendment was MOVED:**

*Moved: Cl. Powell  
Seconded: Cl. Gribbin*

**That the Director's recommendation be adopted with condition 5 being amended to read;**

- 5 Monitoring of the event is to be carried out at the closest affected residence in accordance with the Department of Environment and Conservation (Environment Protection Authority Guidelines) and relevant legislation.**

**2006. 21 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.**

<b>DSDS6</b>	<b>REQUEST TO REZONE LAND FROM ZONE NO. 1(A3) TO ZONE NO. 1(C)</b>
	<b>FILE: T5-93 GGL {Folio No. 312252}</b>

## SUMMARY:

Reporting Council has received a request [\(Appendix G\)](#) to rezone land from Zone No. 1(A1) RURAL "A3" AGRICULTURAL PROTECTION ZONE) to Zone No. 1 (C) (Rural (SMALL HOLDINGS "C" ZONE) for the purpose of a thirty six (36) lot rural subdivision that is contrary to Council's Rural Residential Land Release Strategy.



**Applicant:** Mr R Channells  
**Subject Property:** Lot 7 DP 255922 145 OLD STATION ROAD EAST  
KEMPSEY  
**Zone:** 1 (A3) RURAL A3 ZONE

### Background

Council received an application in February 2004 to rezone the subject land at Old Station Road, East Kempsey totalling 46.5ha from 1(a3) Rural to 1(c) Rural Small Holdings.

At that time, research indicated that under Councils current Rural Residential Land Release Strategy there was at least 10 years supply of land already zoned for rural residential development.

In March 2004 Council wrote to the Department of Planning advising that Council had received numerous enquiries to rezone land for residential purposes, seeking their advice as to whether they would support any rezonings.

The Department of Planning advised that 'land for future residential purposes will need to be included in Council's Rural Land Release Strategy to conform to the provisions of clause 20 of the North Coast Regional Environmental Plan'. Under these provisions, supply should not exceed 5 years.

Based on the recommendation of Council's Land Release Taskforce Committee Council, at its meeting of 10th August 2004, resolved:

*'That until the Interim Rural Residential Land Release Strategy is completed, consideration of subdivision of this nature be deferred so as to achieve the optimum result for the shire and the community'*

In September 2004 Council advised the applicant of Councils decision and of the review of the Rural Residential Release Strategy currently being undertaken and that until such time the strategy has been completed, the rezoning application will be deferred.

The owner has now lodged a further request for the rezoning to proceed prior to completion of the review of the Rural Residential Release Strategy.

### **North Coast Regional Environmental Plan (NCREP)**

Clause 20 (4) of the NCREP states that a Rural Land Release Strategy is to be based on the average number of allotments needed annually to meet genuine demand for rural residential and small holding development. Additionally, Clause 20 (5) of the NCREP specifies that the annual number of allotments needed to meet such demand over any period is not to exceed 130 percent of the average number of building approvals granted for the erection of dwelling approvals in the past five (5) years. Council's current Rural Residential Land Release Strategy indicates that there is currently sufficient land to meet demand for approximately 10 years.

### **Rural Residential Land Release Strategy**

Council's Rural Residential Land Release Strategy (1990) identifies supply and demand based on population predictions and dwelling approvals on allotments zoned 1(c).

A review of the Rural Residential Release Strategy has commenced. This process is anticipated to consider locality based demand and supply as there is a perception that the current supply is not where the demand is. There is also the ability to discount land from the supply based on constraints (e.g. flora and fauna, bushfire hazard, flooding etc.) and also discount land that current owners indicate are not intending to develop in the next 5 years.

#### ***Report Implications:***

- ***Environmental***

***Rezoning of land for rural residential development outside of an identified release strategy prevents strategic consideration of broader environmental sustainability issues, and is likely to result in undesirable environmental impacts.***

- ***Social***

***Rezoning of land for rural residential development outside of an adopted strategy prevents strategic provision of social services, is likely to result in undesirable impacts.***

- ***Economic (Financial)***

*Rezoning of land outside of an adopted strategy may give rise to demands for services and infrastructure that has not been planned, costed or recoument measures in place.*

- **Policy or Statutory**

*The proposed rezoning is contrary to the North Coast REP, Council's Rural Residential Release Strategy, and the recommendation of Councils Land release Taskforce Committee.*

**Director's Comment**

*This project is competing for Councils limited resources with a large range of important strategic planning projects. In recognition of the relative importance of these projects, at its meeting of 13 September 2005, Council resolved to allocate this project a medium priority.*

*On this basis, it is expected that a draft revised strategy would not be ready for public exhibition until at least late 2006 with Department of Planning approval hopefully by mid 2007 at which time the application should be further considered.*

*Note: There is no guarantee that the applicants land will meet the requirements of the revised strategy which will not be known until Council has considered and adopted the revised strategy and agreement with the Department of Planning has been reached.*

**Director Sustainable Development Services Recommendation:**

That Council reaffirm its decision of 10 August 2004 and re-advise the applicant that Council will defer any application to rezone the land to 1(c) until such time a review of the Rural Residential Land Release Strategy has been completed.

2006. 22 RESOLVED: *Moved: Cl. Bowell  
Seconded: Cl. Saul*

That this matter be referred to the Department of Planning for consideration.

2006. 23 RESOLVED: *Moved: Cl. Bowell  
Seconded: Cl. Walker*

That Council resolve to prepare a draft local environmental plan to rezone the land from 1(A3) to 1(C).

**SUMMARY:**

Reporting on the Development Servicing Plans (DSP's) prepared for water supply and sewerage

**DESCRIPTION:**

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

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 DSP's.

<b>Developer Charge</b>	<b>Typical developer Charge (2004/05 \$/ET)</b>	<b>Proposed Developer Charge (2005/06 \$/ET)</b>
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. Both 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 DSP's for a period of 30 working days. The exhibition was approved by Council resolution 2005.747 and undertaken in the period 31 October to 9 December of 2005. In accordance with statutory requirements, notification of the draft DSP's exhibition was sent via post to the Urban Development Industry and Association (UDIA); the Housing Industry Association (HIA); to all who applied for applicable development approval in the six months prior to exhibition (84 in total); and to four additional consultants / developers who were not otherwise contacted. One submission was received and a list of the issues raised in the sole submission and Macleay Water's response is included at [Appendix D](#).

In late January, two local developers / consultants expressed concerns in verbal and written a submission to Macleay Water. The concerns and a response to each are listed below.

<b>Developer Comments</b>	<b>Council Comment</b>
Commencement date of DSP's	The commencement date would be varied to match Council's resolution
Retrospective Developer Charges and impact on current consents	It is intended that the new contribution amounts would apply to new and existing consents. This is not an unusual protocol. It is possible to give a 'grace' period where existing consents could pay up-front to 'beat the increase'. It is also possible to phase in the new charges over a maximum of a 3-year period.
Is the simplification to one Developer Charge for water and one for sewerage reflective of servicing costs / demands?	This is allowable where the requirements of the DEUS Guidelines are met. Agglomeration lessens the potential to ostracize part(s) of a Shire from development. This agglomeration already occurs for water / sewer user charges.
Typical developer charges are not reflective of the cost increase	'Typical' is not an average or a hi-lo range. It is an indication of what the 'typical' development lot within the Shire would be charged
Shire-wide developer charges are full-cost reflective	This is correct and necessary in the absence of grants for capital works that serve new development. The developer charges could be subsidized if water / sewer user prices were increased.
New charges apply to residential buildings and dual occupancies, not just subdivisions	This is correct; there has been no change from the current practice.
The increases will halt development in Kempsey and severely impact coastal growth.	Development is unlikely to be halted. It is likely that financially unsustainable development will be deferred until it is more viable.

**REPORT IMPLICATIONS:**

▪ ***Environmental***

***Income derived from full cost-reflective developer charges will assist in implementing the requirements of new development. These requirements were identified as part of the capital works***

*programme 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 DSP's 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 through higher water and sewerage user charges. Phasing in charges will also create a cross subsidy for a potential 3 year period.*

▪ **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, Council 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.*

*Council has the option of phasing-in developer charges over a maximum period of 3 years. This option is available where new Developer Charges are significantly greater than those presently levied. However, the financial impact would need to be carefully considered against the recently adopted Macleay Water Integrated Water Cycle Management Strategy (IWCMS) and Strategic Business Plans (SBP's).*

▪ **Policy or Statutory**

*The preparation of DSP's 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) 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 DSP's 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 Shire Services Recommendation:**

- 1 That the draft Macleay Water DSP and draft Macleay Water Sewerage DSP be adopted.
- 2 That the commencement dates of these DSP's be May 1, 2006.

2006. 24 RESOLVED:

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

That this matter be deferred until the March Ordinary Meeting so as to further consider the economic impacts of a possible 3 year phase in plus the effects of consolidation.

DCS7	RATING – AGGREGATION OF CERTAIN PARCELS OF LAND IN SUBDIVISIONS FILE: * WMS {Folio No. 312297}
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Reporting on a request to re-instate Council Policy C21.16 – “Aggregation of certain parcels of land in Subdivisions”.



**DESCRIPTION:**

A copy of the request from Hadlow Design Services is attached [\(Appendix C\)](#).

Council adopted the original policy on 6 September 1994 which enabled land parcels within a subdivision to be amalgamated upon a single rate notice irrespective if the lots were adjoining. The policy provided developers with relief from multiple base charges in respect of the

general rate and water and sewer unoccupied base charges, where they applied.

The Policy was initiated in response to several complaints received from developers that the practice of Council to rate each land parcel separately, if not adjoining, was unreasonable bearing in mind the fees and contributions paid to Council.

This policy was abandoned on 9th March 2004, a copy of the Council report is attached [\(Appendix D\)](#).

Hadlow Design Services in their letter requesting reinstatement of the former Council policy note the following in support of their application:

- Real estate market is sluggish resulting in developers holding on to land for a longer period with a resultant increased rate liability.
- Lots in a subdivision in their undeveloped state place no demand on Council services, such services initially having been provided by the developer.
- Option to stage the release of lots results in higher costs to the developer.

### **Relevant Statutes**

The Local Government Act 1993, (Section 531B) provides that Council may aggregate land parcels for rating purposes, if council is of the opinion that the levying of a charge:

- (a) would apply unfairly, and
- (b) could cause hardship to a person who is liable to the charge in respect of two or more separate parcels of land.

Valuation of Land Act, (sections 26 and 27B (5)) provides that a developer may apply to the Valuer General to have the land amalgamated for rating purposes, provided the land parcels are adjoining. The Valuer General has the discretion to amalgamate land parcels for rating purposes,

The Valuation of Land Act, Division 3, section 14T provides relief to developers from the increases in land value by way of allowances for development expenditure incurred in subdividing land. The allowances are deducted from the land value, and the reduced land value is used for rating purposes. The allowances are only applicable to the developer and lapse on sale or improvement works. There is no relief for the service charges relating to water, sewer and vacant garbage.

It is noted that neighbouring Councils rate land separately in accordance with the values provided by the Valuer General and do not have policies allowing for the aggregation of lots within subdivisions. Port Macquarie

Hastings Council is the exception, with a policy which allows aggregation of adjoining lots in the same Deposit Plan, still owned by the Developer, and for a maximum of 2 rating years.

Based upon current data it is estimated that some 129 lots would be subject to amalgamation should the previous policy be re- instated. The majority of these lots are serviced by water, sewerage and garbage networks, the resultant reduction in rate income from base rates and charges would be approximately \$870.00 per lot i.e. \$110,490.

The lost income from amalgamation of these lots would be recouped via increased rates and charges on the remaining ratepayer base.

**REPORT IMPLICATIONS:**

- ***Environmental***

***Nil***

- ***Social***

***Nil***

- ***Economic (Financial)***

***Reinstatement of the former Policy would be cost neutral to Council however it would result in an increase in rates and charges to be borne by the majority of Council's ratepayers.***

- ***Policy or Statutory***

***A decision to reinstate the former Policy "Aggregation of Land within Subdivisions" would also require a review of Council's rating structure for the 2006/07 year.***

- ***Director's Review***

***Nil***

**Director Corporate Services Recommendation:**

- 1. Council continues to rate lots based upon valuation advices provided by the Office of the Valuer General.**
- 2. Hadlow Design Services be advised of the existing provisions within the Valuation of Land Act by which application maybe made to amalgamate adjoining vacant lands.**

**2006. 25**

**RESOLVED:**

***Moved: Cl. Hunt***

*Seconded: Cl. Sowter*

That Council implement to a rating system allowing the aggregation of lots in the same Deposit Plan, owned by the original developer, subject to a maximum period of two rating years.

<b>NOM11</b>	<b>ADDITIONS TO WATER SUPPLY</b>	
	<b>FILE: 351 KJF</b>	<b>{Folio No. 312241}</b>

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 14<sup>th</sup> February 2005.

*"That Kempsey Shire Council do not add or permit to be added or cause to be added to any public water supply within the Kempsey Shire, arsenic, lead, cadmium or mercury, or any substance or substances contaminated with, or containing arsenic, lead, mercury or cadmium where such contents exceeds zero."*

.....  
**COUNCILLOR J C GRIBBIN**

REASONS:

The following motion is submitted for the Combined Ratepayers Group. This group asks that this matter be voted on at the Ordinary Meeting of Council on 14th February 2006 in public meeting witnessed by public gallery and the votes of individual Councillors to be recorded.

The Ratepayers Groups ask that this motion be not deferred or amended.

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

**That Kempsey Shire Council do not add or permit to be added or cause to be added to any public water supply within the Kempsey Shire, arsenic, lead, cadmium or mercury, or any substance or substances contaminated with, or containing arsenic, lead, mercury or cadmium where such contents exceeds zero.**

**An Amendment was MOVED:** *Moved: Cl. Hayes*  
*Seconded: Cl. McWilliam*

**That this matter be referred to the NSW Department of Health and the National Health and Medical Research Council, who sets**

the Australian Drinking Water Guidelines, for comment together with the notes provided by Mr Peter Clarke.

2006. 26 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.



At this stage 10.27a.m the Mayor made a presentation of the 2006 Medical Scholarships awarded to Marie McQuade and Sarah McMullen-Roach.



At this stage 10.30a.m the Meeting adjourned for Morning Tea and upon resumption at 10.54a.m all present at the adjournment were in attendance.



#### ADOPTION OF AGENDA ORDER OF BUSINESS

2006. 27 RESOLVED: *Moved: Cl. Hayes*  
*Seconded: Cl. Green*

That the confidential section of the meeting be brought forward and dealt with immediately after the lunch adjournment.

2006. 28 RESOLVED: *Moved: Cl. Howell*  
*Seconded: Cl. Green*

That items MM1, NOM8 and DSS12 be brought forward and dealt with in conjunction, and that items NOM1 and GM4 be dealt with in conjunction.



2006. 29 RESOLVED: *Moved: Cl. Howell*  
*Seconded: Cl. Green*

That the remaining Agenda Order of Business be adopted.



#### MAYORAL REPORT

MM1	PACIFIC HIGHWAY TASKFORCE
FILE: 118 JACH	{Folio No. 312228}

## **SUMMARY:**

To report the outcomes of the meeting of the taskforce to formally establish an action group to lobby for the upgrading of Pacific Highway.



## **DESCRIPTION:**

I attended the inaugural meeting of the Pacific Highway Taskforce in Sydney on the 25<sup>th</sup> November 2005. The minutes of that meeting are attached at [Appendix A](#).

The following matters would be of interest to councillors:

1. The taskforce has resolved that membership shall consist of mayors of council's that support the upgrading of the Pacific Highway to a dual carriageway standard within ten years, as well as the NRMA.
2. A total of 16 council's are either on, or close to, the Pacific Highway, with an additional 10 council's indirectly affected. The footprint of the Taskforce is therefore nominally the local council regions of Northern Rivers, Mid North Coast and Hunter Council's. The footprint therefore covers over one million residents of New South Wales.
3. The meeting agreed that the purpose of the Taskforce was to lobby the State and Federal Governments to devise a mechanism for funding the upgrade and to make it happen within ten years.
4. The meeting duly formed an executive, with membership and elected representatives as follows:
  - Chair – Cr Ernie Bennet – Mayor of Kyogle / President of NOROC.
  - Southern Representative – Cr Robert Drew, Mayor of Port Macquarie.
  - Mid-region Representative – Cr Keith Rhoades, Mayor of Coffs Harbour City Council.
  - Northern Representative – Cr Phillip Silver, Mayor of Ballina.
  - NRMA – Mr Alan Evans, President
  - NRMA – Ms Wendy Machin – Board member

The NRMA has agreed to support the establishment of a secretariat for the taskforce to an amount of \$20,000 – an amount that Council's on the taskforce are seeking to match. Council is being asked to contribute \$2,000.

Funds of the taskforce will be used to campaign at a Local, State and National level, media education, lobbying efforts both in Sydney and Canberra and producing such materials, reports and submissions necessary to get this important issue in front of the ministers and the bureaucracy.

**REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*Nil*

- *Economic (Financial)*

*There is no provision for a contribution in the budget. Funds would need to come from working funds*

- *Policy or Statutory*

*Nil*

2006. 30 RESOLVED: *Moved: Cl. Bowell  
Seconded: Cl. Hunt*

That Council contributes \$2,000 to the Pacific Highway Taskforce secretariat.

<b>NOM8</b>	<b>PROPOSED HIGHWAY TOLL</b>
<b>FILE: 579 AVB</b>	<b>{Folio No. 312238}</b>

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, 14<sup>th</sup> February 2006.

*"That the State Government of NSW be requested to provide an assurance that in the event the Pacific Highway is upgraded by means of a Tollway, those sections of the current highway which are to be retained as an alternate means of travel, do not become the responsibility of Local Government for maintenance and repair".*

.....  
COUNCILLOR J H BOWELL

2006. 31 RESOLVED: *Moved: Cl. Bowell  
Seconded: Cl. Saul*

**That the State Government of NSW and the Federal Government be requested to provide an assurance that in the event the Pacific Highway is upgraded by means of a Tollway, those sections of the current highway which are to be retained as an alternative means of travel, do not become the responsibility of Local Government for maintenance and repair.**

<b>DSS12</b>	<b>GENERAL PURPOSE STANDING COMMITTEE No.4</b>
<b>FILE: 178 NJT (NRN)</b>	<b>{Folio No. 312274}</b>

**SUMMARY:**

Reporting on the Interim Report of NSW Legislative Council General Purpose Standing Committee No 4.



**DESCRIPTION:**

Council has received an Interim Report of NSW Legislative Council General Purpose Standing Committee No 4, "PACIFIC HIGHWAY UPGRADES – Ewingsdale – Tintenbar and Ballina – Woodburn".

On the 5 October 2005 Council was advised that the Committee resolved to undertake an additional Inquiry into the Coffs Harbour Region.

Council at its meeting on 12 July 2005 resolved:

***That the State Government be requested to hold an inquiry into Pacific Highway upgrades within the area – Port Macquarie to Woolgoolga with similar terms of reference to that of the General Purpose Standing Committee No 4.***

***That Hastings, Nambucca, Bellingen and Coffs Harbour Councils be invited to support the proposal.***

***That the members of State Parliament, Messrs Rob Oakeshott, Andrew Stoner and Andrew Fraser be requested to support the proposal."***

***That the NRMA Motoring and Services Division be requested to advise:-***

- a) the Terms of Reference, and***
- b) the representation from Local Government, in respect to the Better Roads Panel established to cover the Mid North Coast Region.***

***That this matter be raised at the next Mid North Coast Group of Council's meeting and the State and Federal Members be invited to attend this meeting and the Mayor of Coffs Harbour Keith Rhoades be asked to approach the State Minister for Roads to attend.***

Letters were sent to parliamentary representatives, The Staysafe Committee, NRMA, MIDGOC, and two submissions were made to the NSW Legislative Council General Purpose Standing Committee No 4. Replies were received to the letters and submissions were acknowledged.

The Interim Report has not extended the inquiry to include the area from Port Macquarie to Coffs Harbour. The only mention is made of Kempsey's submission is an acknowledgement of the two submissions in Appendix 4 of the document.

The report will be tabled at the Council meeting.

***REPORT IMPLICATIONS:***

▪ ***Environmental Implications***

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

▪ ***Social Implications***

***There are no social implications from the report.***

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

▪ ***There are no financial implications from the report.***

▪ ***Policy or Statutory Implications***

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

▪ ***Director's Review***

***As per the report.***

2006. 32

RESOLVED:

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

That the information be noted.

MM2	HORSESHOE BAY DRAFT PLAN OF MANAGEMENT
FILE: 505 JACH	{ Folio No. 312229 }

This Report was dealt with following Public Forum.

<b>MM3</b>	<b>GENERAL MANAGER'S PERFORMANCE REVIEW FILE: S10-13 JACH (NRN) {Folio No. 312230}</b>
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**SUMMARY:**

Advising Council that a quarterly performance review of the General Manager was held on 7 February 2006.



**DESCRIPTION:**

The General Manager's Performance Review Committee, comprising Councillors Green and Hunt, myself and Mr Peter Garven carried out a quarterly performance review of the General Manager for the quarter ending 31 December 2005. The meeting was also attended by the Deputy Mayor, Clr Brian Sowter.

The Outcomes and Outputs report submitted by the General Manager to the Committee is outlined in [Appendix B](#)

The report on the Shire Services Department has been referred to the Council meeting to be held on the 14 February 2006.

The outcome of the review was that the Committee report to Council that the General Manager's performance for the period under review is satisfactory and encourage him to strengthen the internal reporting system.

**REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*Nil*

- *Economic (Financial)*

*Nil*

- *Policy or Statutory*

*Nil*

2006. 33

**RESOLVED:**

*Moved: Cl. Hunt*

*Seconded: Cl. McWilliam*

That the information be noted.

## MAYORAL SUPPLEMENTARY REPORT

MM4 SUPP.	PROVISION OF SEWERAGE / EFFLUENT DISPOSAL – SHERWOOD ROAD FILE: 223 JACH {Folio No. 312344}
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### SUMMARY:

To consider matters relating to the Provision of Sewerage to properties at Sherwood Road, Aldavilla in the vicinity of Ponds Way.



### DESCRIPTION:

The following recommendations are submitted to Council as a result of a meeting held with a delegation from the residents of Sherwood Road in the vicinity of Ponds Way.

### REPORT IMPLICATIONS:

- *Environmental*

*Nil*

- *Social*

*Nil*

- *Economic (Financial)*

*Nil*

- *Policy or Statutory*

*Nil*

2006. 34 RESOLVED:

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

1. That Council defer further action in relation to non-compliant onsite sewerage management systems on the properties fronting Sherwood Road adjoining the northern boundary of Lot1 DP1077218 and Lot2 DP1077218 for at least 2 months.

2. That Council's Director of Shire Services prepare a report for the Ordinary Meeting of Council for Tuesday 11 April, 2006 detailing available options for sewerage / effluent disposal together with full costings for the above properties.

## NOTICE OF MOTION

**NOM12006 / 07 DRAFT BUDGET**

**FILE: 447 AVB**

**{Folio No. 312231}**

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, 14<sup>th</sup> February 2006.

***"That provision be made within the 2006 / 07 Draft Budget of funding of at least \$100,000 for consideration to allow Strategic Planning initiatives to meet the challenge of developing appropriate responses to coastal urbanisation"***

.....  
**COUNCILLOR J H BOWELL**

NOTE:

Whilst State Planning and related legislation is underway to address the Sea Change and Coastal Growth it is essential that local planning initiatives are undertaken.

The recent report – Meeting the Sea Change Challenge highlights broader implementation requirements, in particular, the ways in which national and state governments can support local council's in developing appropriate responses to coastal urbanisation. These include

- Enhancing existing sources of funding for local government initiatives, to include a specific coastal
- Ensuring that State planning and related legislation supports local planning initiatives.

**2006. 35 RESOLVED:**

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

**That consideration be given to the provision within the 2006 / 07 Draft Budget of funding of at least \$100,000 to allow Strategic Planning initiatives to meet the challenge of developing appropriate responses to coastal urbanisation.**

**SUMMARY:**

Reporting on the National Seachange Taskforce Conference.

**DESCRIPTION:**

As Councillors are aware, Kempsey is a member of the National Seachange Taskforce Conference and at the time of making the decision to join the Taskforce, attention was drawn to the likelihood of attending forums etc., to allow appropriate participation in the Taskforce.

The first National Seachange Taskforce (NSCT) conference is being held in Port Douglas. The conference will run from 4 - 5 April with a workshop on 6 April.

The conference is titled "Sea Change 2006: Meeting the Coastal Challenge" and is aimed at presenting innovative strategies to address the environmental, social and economic impact of population growth in coastal areas.

Full conference program details will be available shortly, but preliminary advice is that speakers at the conference will include the Queensland Premier – Peter Beattie; Jim Lloyd – Federal Minister for Local Government, Territories and Roads; Ian Campbell – Federal Minister for Environment and Heritage; Warren Truss – Federal Minister for Transport and Regional Services; Professor Ed Blakely and Dr Nicole Gurrans from the University of Sydney's Planning Research Centre on best practice models.

As indicated at the time of deciding to join the Taskforce, the main benefits of being part of the Taskforce are:-

- ✓ The opportunity to exchange information and ideas with coastal councils experiencing similar challenges;
- ✓ The opportunity to share the costs of ground breaking research into sea change issues;
- ✓ Being part of an advocacy program that has placed sea change well and truly on the political agenda and has initiated a collaborative approach between state, territory and Federal governments to address the issue.

Participation in the conference would assist in addressing some of the influences identified in the Strategic Alignment, 2020 Vision, including:-

- Effect of demographic changes

- Extended responsibilities for local government
- Lifestyle choices
- Growing demands for transport and access to infrastructure
- Growth potential and capacity

Attendance at the conference will assist in realising these benefits in addition to exploring the existing strategies.

The Mayor is an executive member of the Taskforce representing NSW. An executive meeting is to be held in conjunction with the conference. The Taskforce will pay a contribution towards her traveling costs.

***REPORT IMPLICATIONS:***

- ***Environmental***

***Nil***

- ***Social***

***Nil***

- ***Economic (Financial)***

***Attendance at the conference will incur a registration cost of \$495.00 per member at the early bird rate together with costs associated with travel and accommodation etc.***

- ***Policy or Statutory***

***Nil***

- ***General Manager's Review***

***Nil***

**General Manager's Recommendation:**

1. That Council be represented at the conference by the Mayor, Councillor Janet Hayes.
2. Council determine whether it wishes to be represented at the conference by other Councillors.

2006. 36 RESOLVED:

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

**That Council be represented at the conference by the Mayor, Councillor Janet Hayes.**



At Council's meeting on 13<sup>th</sup> December 2005 the general manager wrote – "Committees whose minutes are not submitted to Council have delegated authority".

In 1998 Council adopted changes to its committees whereby reports of advisory committee's would go to the appropriate Director rather than to Council.

Each Committee has objectives eg. Kempsey Masterplan Implementation Committee's objective is – "To co-ordinate the implementation of the recommendations of the Kempsey Masterplan and advise Council of the requirements and outcomes".

As committees are exercising functions of Council delegated to them, Council has an obligation to know what these committees are doing.

The general powers of council's Directors refers to any resolution, minute, report or policy which has been passed or adopted by the council, however there doesn't appear to be any record of a council resolution granting delegated authority to any Director to act under delegated authority on a recommendation of a committee.

**2006. 38 RESOLVED:**

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

**That a report be submitted to Council clarifying the role of Committees, particularly in respect to Section 377 (General power of the Council to delegate) Local Government Act 1993.**

<b>NOM4</b>	<b>LINEMARKING – POINT PLOMER ROAD CRESCENT HEAD</b>
	<b>FILE: R.Point Plome KJF {Folio No. 312234}</b>

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, 14<sup>th</sup> February 2006.

***"That a report be submitted to Council on the 14<sup>th</sup> March 2006, in respect to the provision of centre line marking of the bitumen surface sections of the Point Plomer Road, Crescent Head"***

.....  
**COUNCILLOR J H BOWELL**

NOTE:

The two sections sealed in 2005 contain a number of changes in direction and although there is a 60km/ph speed limit there are dangers involved without the appropriate linemarking.

2006. 39 RESOLVED:

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

That the Director Shire Services take action to line-mark the bitumen surface sections of the Point Plomer Road, Crescent Head.

<b>NOM5</b>	<b>MEMBERSHIP FEES</b>	<b>{Folio No. 312235}</b>
	<b>FILE: 447 AVB</b>	

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, 14<sup>th</sup> February 2006.

*"That in consideration of the 2006 / 2007 Draft Budget the costs associated with membership and / or attendance at the:*

- *Country Mayors Association of NSW*
- *Local Government Association of NSW and*
- *National General Assembly*

*be reviewed"*

.....  
COUNCILLOR J H BOWELL

2006. 40 RESOLVED:

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

That in consideration of the 2006 / 2007 Draft Budget the costs associated with membership and / or attendance at the:

- **Country Mayors Association of NSW**
- **Local Government Association of NSW and**
- **National General Assembly**

be reviewed.

<b>NOM6</b>	<b>REOPENING OF CLYDE ST MALL</b>	<b>{Folio No. 312236}</b>
	<b>FILE: 447 CC: 494 KJF</b>	

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, 14<sup>th</sup> February 2006.

1. *"That funding be included within the Draft 2006/2007 budget for:*

- a) *consideration for the re-opening of Clyde St to single lane traffic between Belgrave and Savages Lane and*
  - b) *the installation of a CCTV system within the mall*
2. *That Council promotes the concept through the various consultation and communication means available to advise the community”.*

.....  
**COUNCILLOR J H BOWELL**

**NOTES:**

The concept of the re-opening of the Clyde St mall has been on the agenda of the Kempsey Masterplan Implementation committee for some time and the review of the action plan on 22<sup>nd</sup> November 2005 included “Clyde St options – Defer pending Coles DA update next meeting. Obtain Coffs Harbour and Port Stephens before/after assessment.

In addition to Coffs Harbour and Port Stephens there is evidence of successful reopening of pedestrian malls to traffic at Parramatta and Wollongong.

The installation of CCTV systems assist in the reduction of crime and anti-social behaviour. (Surveillance is one of the four principals of crime prevention through Environmental design) Any decision in respect to this matter is of significant importance to the community and therefore is a responsibility of Council.

**2006. 41 RESOLVED:**

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

**That the reopening of Clyde Street Mall be referred to the Kempsey Masterplan Committee.**

**NOM7 HEAVY VEHICLE SERVICE CENTRE  
 FILE: 651 AVB {Folio No. 312237}**

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, 14<sup>th</sup> February 2006.

*“That a report be submitted to Council in March 2006 in respect to the required planning for the provision of a Heavy Vehicle Service Centre and Freight Inermodal Transport Terminal to service the trucking industry within Kempsey Shire”.*

.....  
**COUNCILLOR J H BOWELL**

**NOTES:**

In 2004 a report on a Draft Strategy for the Pacific Highway was prepared and recommended that planning for the trucking industry and associated activities should commence and the opportunity to service this industry in the future should not be lost because appropriate access has not been considered and provided.

In August 2005 a submission was prepared for the NRMA Better Roads Panel with reference to the central location of Kempsey between Sydney and Brisbane which makes it ideal for this type of activity.

Such a centre in Kempsey Shire would not only bring many economic benefits and facilitate the movement of freight to and from the region.

The proposal for the rezoning of land on the eastern side of the Pacific Highway in the vicinity of the interchange provides the ideal location and every effort should be made to encourage the development of this facility within Kempsey Shire. It is noted that with the announcement of the proposed upgrade of the Pacific Highway between Port Macquarie and Kempsey the Mayor of Hastings / Port Macquarie Council referred to the possible location for a Heavy Vehicle Service Centre.

**2006. 42 RESOLVED:** *Moved: Cl. Bowell  
Seconded: Cl. Hunt*

**That a report be submitted to Council in respect to the required planning for the provision of a Heavy Vehicle Service Centre and Freight Intermodal Transport Terminal to service the trucking industry within Kempsey Shire.**

<b>NOM8</b>	<b>PROPOSED HIGHWAY TOLL</b>	
	<b>FILE: 579 AVB</b>	<b>{Folio No. 312238}</b>

**This item was dealt with earlier in the Meeting in conjunction with item MM1.**

<b>NOM9</b>	<b>HORSESHOE BAY RESERVE</b>	
	<b>FILE: 505 KJF</b>	<b>{Folio No. 312239}</b>

**This item was dealt with immediately following PUBLIC FORUM.**

<b>NOM10</b>	<b>COUNCILLOR NUMBERS</b>	
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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 14<sup>th</sup> February 2005.

***"That Council consider applying to the Minister for Local Government for a reduction in the number of Councillors.***

***That Council give 21 days public notice of its proposal and seek submissions from the public and the proposal and any submissions be considered by Council at its meeting on 11<sup>th</sup> April 2006."***

.....  
COUNCILLOR B R SOWTER

NOTE:

The Local Government Amendment Act 2005 allows Councils a one-off opportunity to resolve to apply to the Minister for approval to reduce the number of Councillors without holding a constitutional referendum. This opportunity will cease on 30<sup>th</sup> June 2006 and while this Council rejected a similar motion at its September 2005 meeting, the benefits should be considered again by Council before this opportunity passes.

**MOVED:**

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

**That Council consider applying to the Minister for Local Government for a reduction in the number of Councillors.**

**That Council give 21 days public notice of its proposal and seek submissions from the public and the proposal and any submissions be considered by Council at its meeting on 11<sup>th</sup> April 2006.**

**The MOTION was PUT to the Meeting and was LOST.**

**NOM11 ADDITIONS TO WATER SUPPLY**

**FILE: 351 KJF**

**{Folio No. 312241}**

**This item was dealt with immediately following PUBLIC FORUM.**

**NOM12 QUESTIONS WITHOUT NOTICE**

**FILE: 149 AVB**

**{Folio No. 312243}**

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 14<sup>th</sup> February 2005.

***"That Kempsey Shire Council reinstate 'Questions without Notice' to Council's meeting agenda. The intent of 'Questions without Notice' should remain just that - questions without notice."***

.....  
**COUNCILLOR J C GRIBBIN**

REASONS:

- Councillors have Councillor Information Request sheets for asking questions to Senior Management.
- Without 'Questions without Notice' Councillors cannot debate with Council important questions put to them by the public.

That 'Questions without Notice' was removed at an Extraordinary Meeting held on 20th September. I believe this meeting to be illegal as the matter was not an Agenda Item and was not a matter of great urgency as implied by our Mayor, Clr Janet Hayes, and should have been presented at an Ordinary Council Meeting.

**2006. 43    RESOLVED:** ***Moved: Cl. Gribbin***  
***Seconded: Cl. McWilliam***

**That Kempsey Shire Council reinstate 'Questions without Notice' to Council's meeting agenda. The intent of 'Questions without Notice' should remain just that - questions without notice with a limit of 3 questions per Councillor.**

## **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

<b>DSDS1</b>	<b>POINT PLOMER LOCAL ENVIRONMENTAL PLAN KEMPSEY LOCAL ENVIRONMENTAL PLAN 1987 (AMENDMENT NO.89) FILE: T5-89 TJN (NRN)                      {Folio No. 312245}</b>
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### **SUMMARY:**

Reporting that the Point Plomer Local Environmental Plan (KLEP 1987 Amendment 89) has been gazetted.



## **Background**

**August 2003** – Council resolved to investigate preparation of a draft LEP to protect the special values of the Plomer Road Area.

**November 2003** – A community consultation committee was appointed to make recommendations on the draft LEP and a subsequent report was prepared.

**April 2004** – Council considered the findings and recommendations of this report and resolved to prepare a draft LEP.

**February 2005** – Draft LEP finalised.

**March/April 2005** – Draft LEP was publicly exhibited.

**10 May 2005** – Council considered submissions made during the exhibition period, as well as proposed changes. Council resolved to adopt the LEP and submit it to the Department for Gazettal.

Following this resolution the matter was referred to the Department of Planning on 19 May 2005.

The LEP was subsequently gazetted in New South Wales Government Gazette No 7 of 13 January 2006. [\(Appendix A\)](#)

## **REPORT IMPLICATIONS**

- ***Environmental***

***The draft LEP will provide greater protection of the environmental values of the area.***

- ***Social***

***The LEP will provide protection of the character, visual amenity and landscape values of the area. Cumulative impacts of development will be reduced by the LEP.***

- ***Economic***

***The Plomer Road area provides a unique tourist experience. It is considered that the area should maintain its appeal to a niche tourism market as this is a preferred economic strategy, particularly given the sensitive nature of the area.***

- ***Policy or Statutory***

***Special controls over development in the Plomer Road area are now in force. All applications for development must now consider these controls.***

2006. 44 RESOLVED:

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

That the information be noted.

<b>DSDS2</b>	<b>MID NORTH COAST FARMLAND MAPPING PROJECT</b>
	<b>FILE: 719 DNM (NRN) {Folio No. 312247}</b>

#### **SUMMARY:**

The Northern Rivers Catchment Management Authority has contracted the Department of Planning (DoP), Department of Natural Resources (DNR) and Department of Primary Industries (DPI), with DoP as co-ordinator, to map good quality agricultural land on the Mid North Coast.

The mapping of high quality agricultural land will assist the DoP in protecting good agricultural land from urban and rural residential development.



#### **Background**

Agriculture is an important industry on the north coast. Increasing urban and rural residential development has eroded the availability of agricultural land, resulting in negative social and economic impacts and conflicts between farming and non-farming communities.

The Northern Rivers Farmland Protection Project (2005) has been completed as a matter of priority.

An important recommendation in the Northern Rivers Farmland Protection Project (2005) is that the farmland maps be used as a strategic settlement tool rather than an agricultural resource tool. The maps in the Northern Rivers Farmland Protection Project (2005) will show areas where urban and rural residential development should not be targeted. The subdivision, development and use of rural land will still remain under Councils Local Environmental Plans (LEP).

#### **Purpose**

The purpose of the project is to map good quality agricultural land on the Mid North Coast, to protect important farmland from urban and rural residential development.

#### **The Project**

Soil landscape mapping prepared by the former Department of Land and Water Conservation will form the base data for the study. Councils and farming groups from Clarence Valley in the north to Port- Macquarie –

Hastings in the south, will be required to provide local knowledge on soil types and landscapes and progress on local strategic planning projects.

The project will form part of the Mid North Coast Regional Strategy that is planned to commence early in 2006.

### **The Project Team**

The project team comprises of representatives from the DoP, Grafton, DNR and DPI, with specialists in planning, soil survey, agriculture and natural resources. Farmers' reference groups in the Clarence, Coffs-Bellingen-Nambucca area and Macleay-Hastings will provide important local knowledge, whilst staff at Councils throughout the Mid North Coast will provide information on local strategic planning projects.

### **Time Frames**

Work on the project has already started with staff attending an information session at Macksville on 28 November 2005. Preliminary mapping will be completed at the end of April 2006, with a preliminary report and recommendations completed in August 2006. The final maps and report are expected at the end of March 2007.

### **REPORT IMPLICATIONS:**

- ***Environmental***

***The project will contribute to strategic planning of the Shire, which is anticipated to result in better environmental outcomes.***

- ***Social***

***It is anticipated that a regional approach to strategic land use planning will have community benefits.***

- ***Economic (Financial)***

***The project aims to protect quality agricultural land which will have a positive economic effect on the farming industry. However, there may be impacts on the ability to develop farmland for other land uses.***

- ***Policy or Statutory***

***It is anticipated that the project will result in a requirement for Council to have due consideration to protecting identified quality farming land.***

### **Director Sustainable Development Services Recommendation:**

**That Council note the report.**

2006. 45 RESOLVED:

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

That the information be noted.

DSDS3	KEMPSEY SHIRE COUNCIL LOCAL ENVIRONMENTAL PLAN – STANDARD LOCAL ENVIRONMENTAL PLAN (LEP) FILE: RZ-O6-03 GAN {Folio No. 312248}
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#### SUMMARY:

Reporting that the NSW Department of Planning's (DoP) recent planning reforms require each local government area within NSW to create an LEP in accordance with the Standard LEP template released by the DoP. This draft standard LEP is required to be prepared by March 2007 for finalisation by March 2008.

In accordance with Section 54 of the *Environmental Planning and Assessment Act 1979* this report recommends Council resolve to commence preparation of the Draft LEP for the entire local government area in accordance with the Standard LEP template.



#### Background

The State Government considers that the planning system introduced in 1979 is in urgent need of an overhaul. The planning reforms released in 2005 are aimed at actioning this overhaul, and contain several major implications for the NSW Planning System.

One of these implications is the introduction of a standard LEP template for all Local Government Areas in NSW. The standard LEP template has been produced in order to streamline the NSW planning system; making it easier to do business and achieve better community outcomes.

The objective of this template is to create consistency in planning instruments across NSW.

There are no statutory requirements for Council to undertake Strategic Planning in producing the new LEP, however several projects at varying stages of development are being undertaken. These projects may be incorporated into the strategic planning process for the development of the Standard LEP, and include:

Vegetation Mapping;  
Residential Release Strategy;  
Rural Residential Release Strategy; and  
Kempsey Settlement Strategy;

Council has received funding from DoP to assist finalising the ongoing strategic projects and preparation of the standard template.

As part of the memorandum of understanding for this funding, the project requires a Section 65 Certificate to enable public exhibition of the new LEP, to be issued by the DoP in March 2007. Council is required to finalise the new LEP by March 2008.

### **Funding**

To assist in the preparation of the Kempsey LEP in accordance with the Standard Template and the other related projects Council has received (round 3) Planning Reform Funding from the DoP of \$75000.

Council is contributing approximately \$64,000 to this project, inclusive of funding made available for the Vegetation Mapping currently being undertaken. The Catchment Management Authority is contributing \$16,000 towards vegetation mapping.

### **Working Group**

A condition of the funding by the DoP is that Council form a working group to assist in the preparation of the LEP. This working group is required to contain a representative from DoP, it should also contain representatives from other relevant government departments, Councils Strategic Planning Group and other staff as required.

### **Community Education**

To keep the community informed, it is proposed hold a community information session prior to finalising the draft LEP. This forum will be advertised and key stakeholders, community groups will be notified.

### **Planning Reforms and Development Control Plans (DCP)**

Another of the major implications of Planning Reforms is the requirement for a single DCP to apply to each individual land parcel. The state government has indicated that all existing DCP's will remain valid until such time that new ones are created or existing ones are amended after the 30 April 2006.

After 30 April 2006 any DCP created or amended must be the only DCP applying to the land affected. If Council does not ensure that this occurs then all DCP's applying to a site will become void.

There are a number of ways of achieving a single DCP per site.

- The first is to amalgamate all existing DCP's. The amalgamated DCP may simply contain separate chapters on development controls previously contained within existing DCP's (covering issues such as

car parking; exempt and complying development; residential development etc).

- The second would be to prepare DCP's for individual precincts or zonings.
- The third would be a hybrid of the first 2 options with some precinct based DCP's and a generic DCP for the remainder of the Shire.

A future report to Council will be made with the preferred option.

**REPORT IMPLICATIONS:**

- ***Environmental***

***In association with other projects currently being undertaken, such as the vegetation mapping, the new LEP will give opportunities to identify areas of significant environmental value and provide them with appropriate level of protection / conservation.***

- ***Social***

***The preparation of the new LEP in accordance with the Standard Template will provide greater certainty to business and the community in regards to land use.***

- ***Economic (Financial)***

***As discussed above funding has been made available to Council from other organisations and Council is contributing the overall project to assist in the preparation of the LEP.***

***The standard LEP should make the development process more streamlined and efficient and thus cost effective for development across the state.***

- ***Policy or Statutory***

***It is a statutory requirement for Council to prepare an LEP in accordance with the Standard Template. In accordance with Section 54 of the Environmental Planning and Assessment Act 1979, and in order to commence the preparation of the draft LEP, Council must resolve to prepare the draft LEP and then notify the DoP of this decision.***

***Under Section 62 of the Environmental Planning and Assessment Act 1979 Council is required to consult with other public authorities and neighbouring Councils in regards to the preparation of the Draft LEP.***

*The preparation of the new LEP will produce a statutory planning document that will be consistent with LEP's in all NSW Local Government Areas.*

*Because part of the Shire is within the coastal zone, the Coastal Policy requires a Local Environmental Study to be prepared to support the LEP. It will be necessary to obtain the Department of Planning's requirements for the content of the Local Environmental Study.*

2006. 46 RESOLVED:

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

1. That Council, in accordance with section 54 of the Environmental Planning and Assessment Act 1979 prepare a draft Local Environmental Plan for the entire Kempsey Shire Local Government Area. This Local Environmental Plan to be prepared pursuant to the Standard LEP Template format.
2. That Council seek the Department of Planning's requirements for the Local Environmental Study to support the standard LEP.
3. That Council establish a Standard LEP Working Group and invite representatives from the following organisations to participate;
  - Department of Planning;
  - Department of Natural Resources;
  - Catchment Management Authority;
  - Department of Environment and Conservation.
4. That a community information session be held during the preparation process, prior to finalising the Draft LEP.

DSDS4

COMMUNITY BASED HERITAGE STUDY

FILE: 138 APB

{Folio No. 312250}

#### SUMMARY:

Reporting that Council at its meeting of 13 December 2005 resolved that the report of the draft Heritage Study be deferred for a period of two months to allow further consideration by Councillors. [\(Appendix B\)](#)

The purpose of the Report is to seek Councils endorsement of the Community Based Heritage Study for public exhibition purposes.



#### Background

Council resolved in August 2002 to fund the preparation of a community based heritage study, using a dollar for dollar matching grant from the NSW Heritage Office. The Macleay River Historical Society (MRHS) was appointed to undertake the study in October 2002.

The MRHS undertook preparation of a Thematic History of the Shire, and a series of community heritage meetings were held at South West Rocks, Frederickton, Stuarts Point, Willawarrin, Crescent Head and Kempsey during May 2003.

The Draft Thematic History was presented to Council's Heritage Committee in mid 2004. The NSW Heritage Office offered additional funding to extend the study to include preparation of recommendations for additional heritage items to be identified. Council resolved at its meeting of 9 November 2004 to match the \$5000 offered by the NSW Heritage Office to enable the further stage of the Heritage Study to be completed.

The draft Heritage Study, including recommendations for additional heritage items to be identified, was provided to the Heritage Committee in June 2005. The document was reviewed, with a number of recommendations made for finalising the draft study prior to presentation to Council. This required substantial additional work by the MRHS which was substantially completed when considered at the next Heritage Committee meeting held on 27 October 2005. It was resolved by the Committee to proceed with the Heritage Study in its current form, and to acknowledge that there will be a need for ongoing review as information and knowledge increases on the existence of additional heritage items.

## **Content of Heritage Study**

### **Part 1 – Overview and Recommendations** [\(Appendix C\)](#)

This document provides a brief overview of the study, and a series of recommendations for the protection, management and promotion of heritage, a summary list of heritage items recommended for protection measures, items currently listed recommended for removal, and recommended new conservation areas.

The study recommends 142 new items be listed for protection under Kempsey Local Environmental Plan 1987, 9 conservation areas be listed in the LEP, and DCPs be prepared for a further 7 conservation areas.

### **Part 2 – Thematic History**

This document provides a history of the Shire commencing with the Dunghutti people, but primarily documenting European settlement from early exploration in the early 1800s, through pastoralism, agriculture, forestry, establishment of towns and villages, transport and communication and tourism and leisure.

### **Part 3 – State Heritage Inventory Register**

This document provides a detailed description of each heritage item within the Shire together with the reasons for heritage listing. This document is about 600 pages, compiled by the MVHS. Due to the size of this document and the extent of effort required, each item has been documented as best as possible from the information available. However, this information will continue to accumulate over time, and the register will be updated accordingly.

#### **Proposal**

It is proposed to:

- 1 Advise the NSW Heritage Office of completion of the draft Community Based Heritage Study.
- 2 Exhibit the Draft Heritage Study for public comment.
- 3 During exhibition, conduct community information sessions at a number of locations in the Shire.
- 4 Require all applications received for items identified in the Heritage Study for protection to be referred to Council's Heritage Advisor for comment.
- 5 Include advice in any 149(5) certificates issued for properties identified in the Heritage Study, that the property has been identified as being of heritage value.

#### **Process**

A letter has been forwarded to all owners of individual items recommended for listing detailing the process, including advice as to the benefits.

Following public exhibition and community information sessions, all submissions will be reviewed by the Heritage Committee, which will provide a recommendation to Council on how to proceed with the range of recommendations in the Study.

A key recommendation is expected to be preparation of a draft LEP to add the recommended heritage items to the current list of protected items. These new items would then be formally protected and subject to heritage assessment for any application to demolish, extend or alter. The item would also become eligible for grant funding for restoration works, and also benefit from the heritage incentive provisions, which provides that a heritage item may be used for any land use, subject to consent, if this will enable restoration and conservation of the item.

#### **Submissions received**

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In December 2005, Council sent out 142 letters to owners of properties that were identified as items of potential heritage value in the draft Heritage Study. To date, Council has received nine (9) letters and numerous phone calls from property owners requesting their properties not be included in the draft heritage study [\(Appendix D\)](#). Conversely, two (2) letters have been received requesting their properties are included should the draft heritage study proceed [\(Appendix E\)](#).

It should be noted that this report simply proposes to publicly exhibit a draft study. Public exhibition will allow the broader community to have input into the study. Following public exhibition, all submissions will be reported to Council, and only then will a decision be made to proceed or not with adding any new heritage items for protection under Kempsey Local Environmental Plan 1987.

#### **REPORT IMPLICATIONS:**

- ***Environmental***

***The protection, management and provision of heritage provides for desirable environmental outcomes for the community.***

- ***Social***

***The protection of heritage items will provide links to local heritage values, provide identity to localities, villages and towns and contribute to the amenity of places.***

- ***Economic (Financial)***

***Implementation of all of the recommendations in the Heritage Study will be subject to priorities in Councils future Management Plans. Grant funding will be sourced at every opportunity to assist Council activities to protect, manage and promote heritage.***

- ***Policy or Statutory***

***Council Policy provides for the public exhibition and holding of a community meeting in relation to the draft Study.***

- ***Director's Comment***

***The draft study represents the results of a community-based approach to identify items considered worthy of consideration for some form of protection.***

***Exhibition of the draft study will not result in any item being listed for protection.***

*Listing can only occur through the preparation of a draft LEP.*

*Following exhibition of the draft study a report will be prepared for Councils consideration recommending items for listing in any draft LEP, including consideration of any submissions received.*

*Council may decide to remove any items it considers are inappropriate for listing or to add items prior to a further exhibition of the draft LEP.*

*Following exhibition of the draft LEP a further report will be submitted to Council recommending items to be included in the LEP for the Ministers approval, including consideration of submissions received.*

*At this stage Council would again have the opportunity to delete any item from the LEP.*

**Director Sustainable Development Services Recommendation:**

- 1 That the Draft Kempsey Community Based Heritage Study be publicly exhibited.**
- 2 That a copy of the draft Study be forwarded to the Heritage Office.**
- 3 That during public exhibition, a series of community information sessions be held in key locations.**
- 4 As an interim measure, any application received in relation to an item identified in the Draft Heritage Study be referred to Council's Heritage Advisor for comment.**
- 5 That Council provide advice on 149(5) Certificates that properties listed in the Draft Heritage are of potential heritage value and that any application will be assessed accordingly.**
- 6 That all submissions be reported to Council, to determine whether or not to amend Kempsey Local Environmental Plan 1987, to add any new items of environmental heritage.**

**MOVED:**

*Moved: Cl. McWilliam  
Seconded: Cl. Powell*

- 1. That the Director Sustainable Development Services Recommendation be adopted and upon receipt of submissions Council hold a workshop to discuss each individual item.**

2. That those owners who have requested that their properties not be included in the draft Heritage Study, that these particular properties not be included in any public exhibition.

At this stage, Councillor Hunt moved a procedural motion, that the motion be put and the procedural motion was put to the meeting and was carried.

The MOTION was put to the meeting and was LOST.

2006. 47 RESOLVED:

*Moved: Cl. Hayes  
Seconded: Cl. Walker*

That the Director's recommendation be adopted and after the period of exhibition Council hold a workshop to discuss each individual item and Council write to those who have requested to have their properties removed from the Study to explain the overall process to be followed.

Councillors Bowell and McWilliam recorded their votes against the foregoing resolution.

<b>DSDS5</b>	<b>PROPOSED REZONING – 153 MACLEAY STREET, FREDERICKTON DRAFT KEMPSEY LOCAL ENVIRONMENTAL PLAN 1987 (AMENDMENT No.101) FILE: T5-101 DNM {Folio No. 312251}</b>
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#### **SUMMARY:**

Reporting that Council has received an application to rezone land at 153 Macleay Street, Frederickton to facilitate residential development.



**Applicant:** DEX Consulting  
**Owners:** N & P K Boyd  
**Subject Property:** Lot 9, DP745274, Macleay Street, Frederickton  
**Zone:** Rural 1(a3) Agricultural Protection

#### **Background**

Council has received an application to rezone the subject land from Zone Rural 1(a3) to Zone 2(v). [\(Appendix F\)](#)

The rezoning will allow the subsequent construction of a dwelling on the land which is prohibited under the current zoning as the land does not enjoy a dwelling entitlement. The subject land is vacant with access from Macleay Street.

An open stormwater drain that drains the Cyrus Saul Circuit residential area flows through the adjoining lot to the east.

Approval has recently been granted for the construction of a dwelling to the east of the open drain. An existing house is located to the west of the land.

### **Relevant Planning Policies**

#### **North Coast Regional Environmental Plan**

Clause 38 of the North Coast Regional Environmental Plan requires a draft environmental plan to be consistent with an urban land release strategy, with preference being given to urban growth on land that adjoins other land already being used for urban purposes. This land is not identified in Council's Residential Land Release Strategy as the site is infill development located within Frederickton, adjoining an existing urban development.

#### **Flood Risk Management Policy**

Council's Flood Risk Management Policy requires existing urban zoned areas to not be extended into flood prone land and development in urban residential areas being restricted to a single dwelling or non residential development. The site is not situated in a 1:100 year flood area, but is affected by local overland flows.

A preliminary hydraulic assessment prepared by the applicant identifies the site as being located above flood levels.

A preliminary assessment of the potential stormwater impacts confirms that only a small portion of the site is affected, with most of the site suitable for the construction of a dwelling.

#### ***REPORT IMPLICATIONS:***

- ***Environmental***

***No significant environmentally sensitive areas are affected by the rezoning.***

- ***Social***

***The proposed rezoning and subsequent construction of a dwelling will provide accommodation in the area.***

- ***Economic (Financial)***

***No significant economic impacts. It is anticipated costs for preparation of the draft LEP will be covered by the rezoning fee paid by the applicant.***

- *Policy or Statutory*

**Section 54 of the Environmental Planning & Assessment Act considerations:**

- *The draft LEP does not raise issues of State or Regional significance.*
- *Consultation with RTA will occur prior to public exhibition.*
- *No environmental study is considered necessary.*

*This is an additional Strategic Planning Project not included in the Council adopted program. Consequently, progress of the draft LEP will depend on available resources, and other priorities.*

2006. 48 RESOLVED:

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

That Council in accordance with Section 54 of the Environmental Planning & Assessment Act, prepare a draft Local Environmental Plan to rezone Lot 9 DP 745274 Macleay Street Frederickton from Rural 1(a3) to Residential 2(v).

DSDS6	REQUEST TO REZONE LAND FROM ZONE NO. 1(A3) TO ZONE NO. 1(C) FILE: T5-93 GGL {Folio No. 312252}
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This item was dealt with immediately following PUBLIC FORUM.

DSDS7	HAT HEAD SURF LIFE SAVING CLUB – PROPOSED DEVELOPMENT FEE FILE: T6-05-17 GAN {Folio No. 312255}
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**SUMMARY:**

Reporting that Hat Head Surf Life Saving Club has lodged a development application with Council for a new beach access and car park. As a non-profitable organisation the Surf Club is requesting that the application fees be refunded.



**Applicant:** Hat Head Surf Life Saving Club  
**Subject Property:** LA 8288 and Reserve no. 2100600  
**Zone:** 2(v) & 7(f1)

## **Proposal**

The Hat Head Surf Life Saving Club has lodged a development application with Council for a new beach access and car park in the vicinity of the Surf Club.

The project is aimed at providing better access and parking for persons of the local and tourist community.

As a non-profitable organisation the Surf Club has requested that Council refund the application fees paid on 13 January 2005. The requested fees to be refunded total \$470.00

Under the Donation and Subsidies Policy C21:7, Council may consider subsidies for Not for Profit organisations through extraordinary process.

### ***Report Implications:***

- ***Environmental***

***Nil***

- ***Social***

***The proposed development has positive social outcomes.***

- ***Economic (Financial)***

***Fees required to be paid for processing of a development application will be lost.***

- ***Policy or Statutory***

***Council Policy C21:7 provides for Council to consider requests to make donations to non profit organisations. There is no Policy to vary or waive Development Application fees. If Council wishes to support this request then it would be necessary to make a donation to the Hat Head Surf Life Saving Club equal to the Development Application fees paid.***

**Director Sustainable Development Services Recommendation:**

**For Council's determination.**

2006. 49

**RESOLVED:**

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

**That Council make a donation of \$470 to Hat Head Surf Life Saving Club.**

DSDS8

SEASCAPE GROVE RESIDENTIAL ESTATE, SOUTH  
WEST ROCKS  
CONVERSION PART CROWN ROAD TO DEDICATED  
ROAD

FILE: T6-03-593 AJC

{Folio No. 312258}

## SUMMARY:

Reporting on a Council standard requiring the existing crown road to be dedicated as public road.



**Applicant:** King and Campbell Pty Ltd  
**Owners:** Mr B E & Mrs M E Walls  
**Subject Property:** Lot 21 DP1071657, off Belle O'Conner Street,  
South West Rocks  
**Zone:** 2(a) (Residential "A" Zone)

## Background

Council, on the 16 February 2004, issued a conditional development approval for the subdivision of the subject allotment into twenty three (23) residential allotments.

The applicant's Surveyor has brought to Council's attention that the small section of Belle O'Connor Street displayed on the plan attached to this report as [\(Appendix H\)](#) is currently Crown Road. Council's Development Control Plan 36 *Engineering Guidelines for Subdivision and Development* requires all subdivision developments to be serviced by a dedicated public road.

## Proposal

The proposal before Council is to organise the transfer of the existing relevant part of the crown road required by this development to Council from the Crown and so 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.

## REPORT IMPLICATIONS:

- ***Environmental***

***The proposed development will not generate any adverse environmental impacts.***

- ***Social***

***There will be no adverse social impacts from this proposal.***

- *Economic (Financial)*

*There will be economic benefits through associated development and resulting employment.*

*There will be no financial implications for Council arising from this development proposal, as all costs associated with this proposal will be met by the applicant.*

2006. 50 RESOLVED:

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

1. Council support the transfer process at full cost to the development.
2. Where required the General Manager / Mayor endorse the application and any associated documents, including affixing of Council's seal.

DSDS9	REMOVAL OF 88B INSTRUMENT LOT1 DP1078833 No.2B LINDSAY NOONAN DRIVE, SOUTH WEST ROCKS FILE: T6-04-331 DC1 {Folio No. 312259}
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**SUMMARY:**

Reporting on a proposal to extinguish an 88B Instrument created in DP1078833 which restricted the type of dwelling that could be constructed on the land.



**Applicant:** Dominic Peter Levido  
**Subject Property:** Lot 1 DP1078833 No 2B Lindsay Noonan Drive,  
South West Rocks

**Proposal**

The proposal is to release an existing Restriction as to User which was created to allow subdivision to proceed prior to the dual occupancy buildings being constructed.

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

**Discussion**

The 88B Restriction as to User was provided as the applicant wanted to complete the Subdivision phase of a dual occupancy subdivision before

completion of construction of the dwellings. The standard practice that Council adopts in such circumstances is to place a restriction on the title stating that any dwellings constructed must be as per the approved plans.

The dwelling on the land has been completed and a final occupation certificate has been issued, so accordingly, the restriction has now ceased to have any effect on the land.

The owner of the land requested a release of the restriction on the land.

**REPORT IMPLICATIONS:**

- ***Environmental***

***There will be no adverse environmental impacts from the proposed change in restriction as to user.***

- ***Social***

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

- ***Economic (Financial)***

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

- ***Policy or Statutory***

***The development has been completed in accordance with the restriction and there is now no need to retain it.***

2006. 51 RESOLVED:

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

That Council's seal be affixed to the withdrawal application associated with the 88B Instrument for Restriction No 1 in copy folio identifier 1/1078833.

<b>DSDS10</b>	<b>PROPOSED CARPORT LOT6 DP22488 No 29 SEAVIEW STREET, SOUTH WEST ROCKS FILE: T6-05-553, LA5803 JGR {Folio No.312260}</b>
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**SUMMARY:**

Reporting that Council has received an application to build an open carport which does not meet Councils minimum front building alignment requirement and for which an objection has been received.



**Applicant:** Picton Bros Improvements  
**Subject Property:** 29 Seaview Street, South West Rocks  
**Zone:** Residential 2 (B1)

### Description of Proposal

To construct a metal open double carport 4.6m x 5.7m in front of the existing garage at .0m/.366m front boundary setback. [\(Appendix I\)](#)

### Site

The site contains an existing split level dwelling and double garage constructed in 1995. The proposed carport is to be situated in front of the existing double garage with a zero to .366m setback to the front boundary, this constitutes a significant encroachment on Councils building alignment which will allow an open carport to extend to 1.5m into the front building alignment.

The side boundary setback is proposed at 900mm, which complies.

### Heads of Consideration

The proposal has been assessed having regard for the Heads of Consideration as identified under Section 79C91) of the Environmental Planning & Assessment Act 1979 with the following matters deemed to be of particular relevance: -

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

### Notification

The proposal was notified in accordance with Councils Policy and (1) objection has been received.

The objection is summarised below with comments, the full objection forms part of the appendices. [\(Appendix J\)](#)

Objection		Planning Comment	
1	The proposed structure is at a reduced building alignment not in keeping with the streetscape.	1	There are no immediate encroachments within building alignment precedents in close proximity to the proposal.
2	The proposed carport may represent a hazard to pedestrians especially school children attending the nearby	2	The situation with existing vegetation and a narrow road reserve approximately 2m it is considered that a traffic hazard

school.

| may exist. [\(Appendix K\)](#)

The owner has submitted a letter to Council, providing reasons for the request to the variation to Councils building alignment. The issues raised and comments are summarised below, the letter forms part of the appendices. [\(Appendix L\)](#)

- The proposed carport will not visually impair or interfere with traffic on Seaview Street.
- The carport is constructed from high quality materials which will enhance the appearance of our dwelling.
- There are no alternate positions for our cars, and it will provide protection for our cars.

### **Conclusion**

Having considered all the relevant matters under Section 79(c) of the Environmental Planning & Assessment Act 1979, in approving the application Council could set a precedent in the area. The application for the carport is:

- Contrary to Councils Building Alignments Policy.
- The narrow road reserve creates potential hazards to pedestrians and traffic alike.
- There are no immediate encroachments near the proposal.
- The proposed carport would be visually prominent.
- A double garage exists on the property, which meets Councils requirements for covered carparking and off street parking requirements.

### **REPORT IMPLICATIONS:**

- ***Environmental***

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

- ***Social***

***That for the period of construction, the development will provide employment for local tradespeople and others employed in the building industry.***

- ***Economic (Financial)***

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

- **Policy or Statutory**

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

2006. 52 RESOLVED:

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

- A. That the applicant be invited to withdraw Development Application T6-05-553 for a carport at 29 Seaview Street, South West Rocks.
- B. That unless the application is withdrawn within fourteen (14) days that consent T6-05-553 be refused for the following reasons:
  - 1. The Application is contrary to Councils Building Alignment Policy.
  - 2. Seaview Street is narrow and could create potential hazards to pedestrians and traffic.
  - 3. Proposed carport if erected would not enhance the streetscape of the area.
  - 4. The proposed carport would be visually prominent.
- C. That the objector be informed of Councils decision.

**DSDS11**

**BUILDING AND DEVELOPMENT**

**SUMMARY:**

Reporting that the following applications have been approved.



**Council Report on Local Development Applications**

Reporting that the following applications have been approved

2003/LD-00493 REV0121 VERGE STREET KEMPSEY  
DWELLING ADDITION & CAR PORT

Owner: WHEELER N & M  
Builder: 0

2003/LD-00496 REV0135 BELGRAVE STREET KEMPSEY  
ADDITIONS TO COMMERCIAL BUILDING  
Owner: DEER INVESTMENTS PTY LTD  
Builder: 0

2004/LD-00222 REV0111 COCHRANE STREET WEST KEMPSEY  
MODIFICATION OF EXISTING APPROVAL FOR STORAGE  
SHED & CARETAKERS RESIDENCE  
Owner: BORGERVILLE CONCRETE SERVICES PTY LTD

2004/LD-00480 REV0219 SEAVIEW STREET SOUTH WEST ROCKS  
DUAL OCCUPANCY & TORRENS TITLE  
Owner: PEARSON M & S AND AKHURST N  
Builder: 2

2005/LD-00145 REV0238 QUEEN STREET SOUTH KEMPSEY  
SUBDIVIDE LOT C INTO 5 LOTS  
Owner: BROWN A & DUTTON M  
Builder: 5

2005/LD-00210 103 KAWANA LANE BARRAGANYATTI  
DWELLING ADDITIONS  
Owner: WILLIAMS C & S

2005/LD-00236 REV0147-51 SOUTH STREET SOUTH KEMPSEY  
4 LOT SUBDIVISION  
Owner: PEARSON P  
Builder: 4

2005/LD-00274 Lot 10 DPDP997372 OLD STATION ROAD  
VERGES CREEK  
SUBDIVISION - 38 LOTS & RESIDUE  
Owner: NOTLEY PK, GJ & KD  
Builder: 38

2005/LD-00378 54 VERGES CREEK ROAD VERGES CREEK  
SUBDIVISION-DUMMY FILE MODIFICATION OF S15-97-36  
Owner: LIDDELOW

2005/LD-00436 19 KINCHELA STREET GLADSTONE  
DWELLING ADDITIONS  
Owner: SPITERI A  
Builder: 0

2005/LD-00461 4 IRONBARK CRESCENT YARRAVEL  
RELOCATE DWELLING & DWELLING ADDITIONS  
Owner: GOULD R P  
Builder: 0

- 2005/LD-00471 REV0139 SAULS LANE BARRAGANYATTI  
SHED  
Owner: WINMILL AK & ANDREWS CE  
Builder: 0
- 2005/LD-00489 REV01103 KAWANA LANE BARRAGANYATTI  
SWIMMING POOL & SPA  
Owner: WILLIAMS C & S  
Builder: 0
- 2005/LD-00494 30 OCEAN STREET SOUTH WEST ROCKS  
DWELLING ADDITIONS  
Owner: DEDERER A & K
- 2005/LD-00519 Lot C/PARK BAY STREET HAT HEAD  
REPLACE EXISTING UNFORMED ROADS IN THE PARK  
WITH BITUMEN ROADS AND KERB & GUTTER  
Owner: KEMPSEY SHIRE COUNCIL
- 2005/LD-00579 REV017 PISCES PLACE SOUTH WEST ROCKS  
ERECT A PATIO COVER TO REAR OF EXISTING  
RESIDENTIAL DWELLING  
Owner: MCLANDERS, S & COLE, ML  
Builder: 0
- 2005/LD-00584 9 GEOFFREY O'HEA STREET WEST KEMPSEY  
DWELLING ADDITIONS  
Owner: CHAPMAN D & MORRIS J  
Builder: 0
- 2005/LD-00586 7 ELIZABETH STREET SOUTH WEST ROCKS  
DWELLING ADDITIONS  
Owner: SLACK-SMITH M  
Builder: 0
- 2005/LD-00587 Lot 8 PT DPDP752422 HOUSE NO 8 BELLBROOK  
DWELLING  
Owner: THUNGUTTI LOCAL ABORIGINAL LAND  
COUNCIL  
Builder: 0
- 2005/LD-00592 Lot 11 DPDP1003894 PHILLIP DRIVE  
SOUTH WEST ROCKS  
REPLACEMENT & EXTENSION SECURITY FENCE  
AROUND ZONE ELECTRICITY SUBSTATION SITE  
Owner: COUNTRY ENERGY (KEN WELSH)  
Builder: 0
- 2005/LD-00600 24 CLYDE STREET KEMPSEY  
ALFRESCO DINING  
Owner: ROBERTS S & D

2005/LD-00601 7-13 BELGRAVE STREET KEMPSEY  
ALFRESCO DINING  
Owner: KESBY LOUIS  
Builder: 0

2005/LD-00603 22 SALMON CIRCUIT SOUTH WEST ROCKS  
DWELLING ADDITIONS- GLASSED ENCLOSURE  
Owner: McMILLEN J B & D E  
Builder: 0

2005/LD-00605 15 CHAPMAN STREET FREDERICKTON  
DWELLING  
Owner: MINNS A

2005/LD-00606 28 BUNYA PINE COURT WEST KEMPSEY  
DWELLING  
Owner: PICKER S

2006/LD-00002 10-12 VERGE STREET KEMPSEY  
BUILDING RENOVATIONS AND PART CHANGE OF USE  
Owner:

2006/LD-00005 4 FRANCIS HARRIS CLOSE SOUTH WEST ROCKS  
DWELLING ADDITION  
Owner: NEEDS P & T

2006/LD-00006 47 POLWOOD STREET WEST KEMPSEY  
SHED  
Owner: DOWLING J

2006/LD-00009 79 MULBURY PLACE EUROKA  
INGROUND POOL  
Owner: BARSBY P & P  
Builder: 0

2006/LD-00014 Lot 2 DPDP1024250 ROCKY ROAD COLLOMBATTI  
SHED  
Owner: GROVE P  
Builder: 0

2006/LD-00015 57 BROUGHTON STREET WEST KEMPSEY  
CARPORT  
Owner: PICTON BROS IMPROVEMENTS  
Builder: 0

2006/LD-00019 28 BETTS STREET EAST KEMPSEY  
DWELLING ADDITIONS - PERGOLA  
Owner: PRESTON S & A  
Builder: 0

2006/LD-00023 15 NORTH STREET WEST KEMPSEY

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PATIO COVER  
Owner: MR R J GUYER  
Builder: 0

2006/LD-00024 10 GOORIE PLACE SOUTH WEST ROCKS  
GLASSED ENCLOSURE ON EXISTING DECK  
Owner: MR M W HEINZEL  
Builder: 0

2006/LD-00027 2A AUSTIN STREET SOUTH WEST ROCKS  
SWIMMING POOL  
Owner: MS L MONK  
Builder: 0

2006/LD-00028 8 CARRI STREET SOUTH KEMPSEY  
GARAGE & CARPORT  
Owner: MRS N E HONESS  
Builder: 0

#### Summary

Type	No	Value
Local Development Application	36	1838368

For the financial year to date there have been 347 applications together with 50 modifications approved, with 73.3% approved within 30 days. The 347 application include 379 sub-applications with a value of \$24,649,908.

As at 3 Feb 2006 212 applications are in the office awaiting a determination.

The number of applications in excess of 40 days is 105 and the range of days is 41 to 2220.

The reasons for the matters outstanding are: -

DR	DA Requirements	1
FD	Further Details Req	65
IA	Incomplete Application	28
OA	Other Agencies	7
XX	No Reason Given	4

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

Reporting that the following applications have been approved

2005/CB-00174 103 KAWANA LANE BARRAGANYATTI  
DWELLING ADDITIONS  
Owner: WILLIAMS C & S

2005/CB-00300 26 VERGE STREET KEMPSEY  
WORKSHOP, RETAIL PREMISES, CARPARKING  
Owner:

- 2005/CB-00362 19 KINCHELA STREET GLADSTONE  
DWELLING ADDITIONS  
Owner: SPITERI A
- 2005/CB-00387 4 IRONBARK CRESCENT YARRAVEL  
RELOCATE DWELLING & DWELLING ADDITIONS  
Owner: GOULD R P
- 2005/CB-00418 30 OCEAN STREET SOUTH WEST ROCKS  
DWELLING ADDITIONS  
Owner:
- 2005/CB-00448 7 RIPPON PLACE SOUTH WEST ROCKS  
DUAL OCCUPANCY & SUBDIVISION  
Owner: REMERRA PTY LTD
- 2005/CB-00478 1 MAIN STREET CRESCENT HEAD  
STRATA SUBDIVISION & 4 UNITS  
Owner: ANDERSON A & L
- 2005/CB-00501 9 GEOFFREY O'HEA STREET WEST KEMPSEY  
DWELLING ADDITIONS  
Owner: CHAPMAN D & MORRIS J
- 2005/CB-00503 7 ELIZABETH STREET SOUTH WEST ROCKS  
DWELLING ADDITIONS  
Owner: SLACK-SMITH M
- 2005/CB-00510 22 SALMON CIRCUIT SOUTH WEST ROCKS  
DWELLING ADDITIONS- GLASSED ENCLOSURE  
Owner: McMILLEN J B & D E
- 2005/CB-00512 15 CHAPMAN STREET FREDERICKTON  
DWELLING  
Owner: MINNS A
- 2005/CB-00514 28 BUNYA PINE COURT WEST KEMPSEY  
DWELLING  
Owner: PICKER S
- 2006/CB-00002 10-12 VERGE STREET KEMPSEY  
BUILDING RENOVATIONS AND PART CHANGE OF USE  
Owner:
- 2006/CB-00004 47 POLWOOD STREET WEST KEMPSEY  
SHED  
Owner: DOWLING J
- 2006/CB-00005 79 MULBURY PLACE EUROKA  
INGROUND POOL  
Owner: BARSBY P & P

2006/CB-00009 57 BROUGHTON STREET WEST KEMPSEY  
CARPORT  
Owner: PICTON BROS IMPROVEMENTS

2006/CB-00010 Lot 2 DPDP1024250 ROCKY ROAD COLLOMBATTI  
SHED  
Owner: GROVE P

2006/CB-00012 28 BETTS STREET EAST KEMPSEY  
DWELLING ADDITIONS - PERGOLA  
Owner: PRESTON S & A

2006/CB-00015 15 NORTH STREET WEST KEMPSEY  
PATIO COVER  
Owner: MR R J GUYER

2006/CB-00016 10 GOORIE PLACE SOUTH WEST ROCKS  
GLASSED ENCLOSURE ON EXISTING DECK  
Owner: MR M W HEINZEL

2006/CB-00018 2A AUSTIN STREET SOUTH WEST ROCKS  
SWIMMING POOL  
Owner: MS L MONK

2006/CB-00020 8 CARRI STREET SOUTH KEMPSEY  
GARAGE & CARPORT  
Owner: MRS N E HONESS

#### Summary

Type	No
Construction Certificate Building	22

For the financial year to date there has been 273 applications with 77.3% approved within 30 days.

As at 3 Feb 2006 221 applications are in the office awaiting a determination.

The number of applications in excess of 40 days is 50 and the range of days is 41 to 2612.

The reasons for the matters outstanding are: -

BL	Builders Licence Requirements	1
DA	DA Approval Required	3
DR	DA Requirements	4
FD	Further Details Req	31
IA	Incomplete Application	4
OA	Other Agencies	2
RC	Refer Council	1
XX	No Reason Given	4

**REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*Nil*

- *Economic (Financial)*

*Nil*

- *Policy or Statutory*

*Nil*

- *Director's Review*

*Nil*

2006. 53 RESOLVED:

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

That the information be noted.

<b>DSDS12</b>	<b>KEMPSEY MACLEAY OFF ROAD CLUB INC.</b>
<b>FILE: T6-05-608 GGL</b>	<b>{Folio No. 312261}</b>

This item was dealt with immediately following PUBLIC FORUM.

<b>DSDS13</b>	<b>ECONOMIC DEVELOPMENT 6 MONTH REPORT – JULY 2005 - DECEMBER 2005</b>
<b>FILE: 584 KEO (NRN)</b>	<b>{Folio No. 312262}</b>

**SUMMARY:**

This report documents progress against the Economic Development Manager's Workplan and the Kempsey Shire Council Economic Development Plan 2004 -2007.



**DESCRIPTION**

Report on progress against the Kempsey Shire Council Economic Development Plan 2004 – 2007.

Tables presented below document progress against the Kempsey Shire Council Economic Development 2004-2007 directly against Strategic Initiatives given in the Strategic Plan.

## **Kempsey Shire Economic Development Plan Strategic Initiatives**

### **Industry Sectors**

#### **Strategy Initiative 1 – Promote the light manufacturing sector to achieve growth**

<b>Implementation Tasks</b>	<b>Responsibilities</b>	<b>Progress</b>
Identify current light manufacturing businesses and develop a database of businesses, contacts and activities	MDAP Office	<ul style="list-style-type: none"> <li>• Business database established.</li> <li>• Contact lists developed and utilised</li> <li>• Business engagement and participation with Council activities, Sept, Oct, Nov 05</li> <li>• Training courses hosted Sept 05</li> </ul>
Identify current "cluster relationships" and potential cluster requirements	MDAP Office	<ul style="list-style-type: none"> <li>• Clusters identified               <ul style="list-style-type: none"> <li>○ Aged Care</li> <li>○ Timber products &amp; processing</li> <li>○ Agricultural / horticultural</li> </ul> </li> <li>• Workshops to be scheduled Mar 06</li> </ul>
Undertake skills audit – are skilled personnel available. Investigate skills audit for Mid North Coast undertaken by DSRD and TAFE and proposed action plans. Also AHCACC Labour Market Survey.	MDAP Office / DSRD / MNCRDB / TAFE	<ul style="list-style-type: none"> <li>• First regional "growing jobs" workshop to be held 20<sup>th</sup> January 2006. Collaborative effort with MNCRDB &amp; ACC.</li> </ul>
Targeted promotion of industry sector and area's attributes, media, trade shows, regional expo's in accordance with	MDAP Office with support other Councils	<ul style="list-style-type: none"> <li>• Local firms encouraged to participate in "World Class" project ( MNCRDB), firms to be promoted</li> </ul>

priorities.		<ul style="list-style-type: none"> <li>○ Freddo Pies</li> <li>○ Akubra</li> <li>○ AST</li> <li>○ Australian Architectural Hardwoods</li> <li>○ Baker &amp; Co</li> <li>● Local Firms featured in the KSC Industry Prospectus.</li> <li>● Regional expo of "World Class" firms to be held at SWR 19<sup>th</sup> May 2006. Opening by Federal Trade Minister.</li> <li>● Radio media program presented by 2MC – target markets identified – rural QLD, Newcastle</li> </ul>
Approach existing industry to, discuss business plans to provide strategic approach	MDAP Office / Committee	<ul style="list-style-type: none"> <li>● Ongoing</li> </ul>
Information flyer on "Invest Macleay Valley Coast"	MDAP Office	<ul style="list-style-type: none"> <li>● Completed</li> <li>● Industry prospectus completed</li> </ul>
Develop industry networks	MDAP Office / Committee	<ul style="list-style-type: none"> <li>● Homebased business network identified (training courses hosted)</li> <li>● E-business network identified (training courses hosted)</li> <li>● Women in Business network active</li> <li>● Industry cluster networking to be developed 1<sup>st</sup> quarter 2006</li> </ul>

## Strategy Initiative 2: Attract and develop the Freight / Transport Industry Sector

Implementation Tasks	Task Owner	Resources
Identify strategic land sites / locations for	MDAP office / Planning	<ul style="list-style-type: none"> <li>● Land sites identified – Industrial land</li> </ul>

<p>industry sector growth (Frederickton, SWR, South Kempsey)</p>	<p>Section/ land holders</p>	<p>strategy, awaiting Vegetation Studies to progress land rezoning- study expected Feb 2006</p> <ul style="list-style-type: none"> <li>• RTA delays with industrial land rezoning alleviated Dec 2005, industrial land rezoning to be progressed 2006.</li> <li>• SWR not suitable for further industrial land rezoning.</li> <li>• Issues with residential development and flooding for industrial land in Frederickton.</li> </ul>
<p>Host "inspection day" for transport companies</p>	<p>MDAP office / Committee</p>	<ul style="list-style-type: none"> <li>• Allocated lower priority pending land availability.</li> </ul>
<p>Network with existing local transport companies, identify requirements and current usage</p>	<p>MDAP office / Committee</p>	<ul style="list-style-type: none"> <li>• Preliminary discussions with local firms, additional land requirements.</li> <li>• Industry sector issues with larger firms and cost efficiencies for local businesses.</li> <li>• Local depot for transport / truck storage required Council resources not available to develop a site, could potentially be integrated with service centre / transport depot at South Kempsey.</li> <li>• Industrial land availability an issue to progress activity.</li> </ul>
<p>Lobby State and Federal Transport services, industry representatives / local</p>	<p>MDAP/Strategic Planning Group/ Councillors</p>	<ul style="list-style-type: none"> <li>• State and Federal transport organisations contacted and</li> </ul>

association for transport sector development and opportunities		<p>aware of KSC strategic location</p> <ul style="list-style-type: none"> <li>Industrial land availability and issue – timeframes required &amp; infrastructure service delivery</li> </ul>
Develop promotional material – identifying key components required by the transport industry met by Kempsey Shire	MDAP Office / Committee	<ul style="list-style-type: none"> <li>Allocated lower priority industrial land</li> <li>Truck storage depot required</li> <li>Potential to develop value added services such as quarantine facilities. Local firm liaising with QS.</li> </ul>
Develop a database of NSW / QLD based transport firms. Identify large retailer transport services i.e. Coles, Woolworths	MDAP office	<ul style="list-style-type: none"> <li>Preliminary details collected.</li> </ul>
Investigate centralised distribution / dry good storage activities and requirements	MDAP Office	<ul style="list-style-type: none"> <li>Allocated lower priority – awaiting industrial land availability</li> </ul>
Audit current transport services and assets	MDAP office	<ul style="list-style-type: none"> <li>Preliminary details collected heavy transport services identified</li> </ul>
Liaise with airport committee on potential uses for airport facilities	MDAP Office	<ul style="list-style-type: none"> <li>Consultants contacted for focus workshop on industrial uses of the airport.</li> <li>Workshops to be held March 2006 with key stake holders</li> </ul>
Identify transport gaps, requirements including public transport	MDAP Office	<ul style="list-style-type: none"> <li>Public transport gaps identified – impacts on youth in particular for ongoing employment opportunities.</li> <li>Input into MNCRDB issues and planned</li> </ul>

		regional strategic plan.
Research/analyse regional transport plan, including rail and road infrastructure services	MDAP Office/Planning Section	<ul style="list-style-type: none"> <li>Dept. of Planning about to initiate regional strategic plan inclusive of transport issues. KSC participation expected to be initiated 1<sup>st</sup> quarter 2006.</li> </ul>
Investigate road improvements / upgrades to tablelands	MDAP Office	<ul style="list-style-type: none"> <li>Long term project. Oxley Highway identified as preferred route. Ongoing.</li> </ul>
Analyse KSC Infrastructure Plan – integrate with Industrial Land Strategy – Investment ready	MDAP Office / Strategic Planning Group	<ul style="list-style-type: none"> <li>Addressed by the internal strategic planning group.</li> </ul>
Pursue motorway services / interchange facilities – bypass options. Lobby RTA. Develop a By Pass strategy	MDAP Office / Strategic Planning Group	<ul style="list-style-type: none"> <li>RTA aware of KSC service centre and interchange activities. Meeting to be established with RTA planners to progress.</li> <li>Preferred location for interchange service centre is the Western Side of the planned interchange, current industrial land rezoning being progressed is east of the interchange, further negotiations with land holders and RTA is required. Further discussions expected Feb/Mar 2006.</li> </ul>

### Strategy Initiative 3: Assess the feasibility of an alternative fuel source industry within the Kempsey Shire

Implementation	Task Owner	Resources
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<b>Tasks</b>		
Consult with DSRD, mid North Coast Regional Development Board, DOTARS, on fit with government direction for the region, approach and funding sources. Potential for regional LGA support.	MDAP Office/ Committee	<ul style="list-style-type: none"> <li>• Not applicable 2005/2006 financial year</li> <li>• Not pursued as a current project</li> <li>• Scheduled for consideration 2006/07</li> </ul>
Assess other competitors to regional industry. – What other areas are doing.	MDAP Office	<ul style="list-style-type: none"> <li>• Scheduled for consideration 2006/07</li> </ul>
Develop a EOI for appropriately skilled consultants to undertake study	MDAP Office, KSC senior management	<ul style="list-style-type: none"> <li>• Scheduled for consideration 2006/07</li> </ul>
Prepare requirements for study	MDAP Office	<ul style="list-style-type: none"> <li>• Scheduled for consideration 2006/07</li> </ul>
Review study outcomes	MDAP Office / Committee	<ul style="list-style-type: none"> <li>• Scheduled for consideration 2006/07</li> </ul>
Assess barriers from existing fuel companies.	MDAP Office / Inclusion in Study	<ul style="list-style-type: none"> <li>• Scheduled for consideration 2006/07</li> </ul>
Develop implementation plan if required. (Funding may be required)	MDAP Office / Committee	<ul style="list-style-type: none"> <li>• Scheduled for consideration 2006/07</li> </ul>

#### **Strategy Initiative 4: Industrial Land Availability**

<b>Implementation Tasks</b>	<b>Task Owner</b>	<b>Resources</b>
Develop database of all industrial land	MDAP Office	Completed
Implement Industrial land Strategy and LEP Revision	Planning Section	<ul style="list-style-type: none"> <li>• Vegetation study zone 1 Industrial land strategy due Feb 2006.</li> <li>• Financial resources from KSC required.</li> </ul>
Ensure appropriate land mix (size, variety)	Planning Section	<ul style="list-style-type: none"> <li>• Strategic land use program in place.</li> <li>• Review of commercial space requirements</li> </ul>

		underway
Identify appropriate uses for land area (Industry size), "cluster opportunities"	MDAP Office/ Planning Section	<ul style="list-style-type: none"> <li>• Industrial land strategy implementation</li> <li>• Transport industry requires 10-20ha of land for development</li> <li>• Liaison with existing land holders ongoing</li> </ul>
Work with Council – streamline processes and develop "investment ready" approach	MDAP Office / Planning Section	<ul style="list-style-type: none"> <li>• Processes being reviewed.</li> <li>• Investment ready approach ready pending land availability</li> <li>• Feedback to council on new policy development impacting investment. Eg. Section 64 funds</li> </ul>
Advertise land availability (print media, TV, Radio)	MDAP Office	<ul style="list-style-type: none"> <li>• Dependant on industrial land availability</li> </ul>

### **Strategy Initiative 5: Enhance Business Environment within the Community**

<b>Implementation Tasks</b>	<b>Task Owner</b>	<b>Resources</b>
Ensure Council Support for the Economic Development Plan	MDAP office	<ul style="list-style-type: none"> <li>• Strategic Group formed</li> <li>• Council participation in Councillor tour of industrial estate</li> <li>• Dinner evening hosted by MDAP, attended by Councillors</li> <li>• Plan circulated with strategic team</li> </ul>
Identify industry leaders and gain support for the economic plan and strategies	MDAP Office / Committee / KSC	<ul style="list-style-type: none"> <li>• Presentations made to: <ul style="list-style-type: none"> <li>○ Kempsey Chamber of Commerce</li> <li>○ Crescent Head</li> </ul> </li> </ul>

		<p>Chamber of Commerce</p> <ul style="list-style-type: none"> <li>o West Kempsey Rotary</li> <li>o ACC Board</li> <li>o Kempsey Rate Payers</li> <li>o Top business leaders identified and communicated with on a regular basis</li> </ul>
Creative Industries Development e.g. indigenous industries	MDAP Office / Community Services Section	<ul style="list-style-type: none"> <li>• Working with Film MNC to develop screen media group in the Macleay.</li> <li>• Development of Arts and Gallery Trail to be completed May 2006</li> <li>• Actively seeking indigenous participation – arts in Riverside Festival</li> </ul>
<p>Enhance Communications and marketing</p> <ul style="list-style-type: none"> <li>• Business Newsletters</li> <li>• Forums</li> <li>• Public Relations</li> <li>• Media Releases</li> <li>• Visual images</li> <li>• Consistent branding</li> </ul>	MDAP Office	<ul style="list-style-type: none"> <li>• 3 - Business training and information exchange forums held</li> <li>• Press releases / media where applicable</li> </ul>
Establish Business Networks	MDAP / KSC	<ul style="list-style-type: none"> <li>• Actively participating in Chambers of commerce functions and promotions.</li> <li>• Actively working with Women's Business Network</li> <li>• Home based business network identified.</li> <li>• Strategic partnerships with</li> </ul>

		ETC established to further strengthen networks.
Identify and address education / training needs. Identify gaps in business skills & develop appropriate training.	MDAP Office / NCIT	<ul style="list-style-type: none"> <li>• Working with MNCRDB and ACC on "Growing Jobs" project.</li> <li>• Regional approach to skills shortage identification – input into NCI TAFE</li> </ul>
Identify and present / communicate with key community stakeholders – (groups, networks, individuals, Councillors)	MDAP Office / Committee	<ul style="list-style-type: none"> <li>• Presentations to: <ul style="list-style-type: none"> <li>○ West Kempsey Rotary</li> <li>○ ACC Board</li> <li>○ View Club</li> <li>○ Ratepayers</li> <li>○ Youth Council</li> <li>○ Businesses ( Macleay Valley)</li> <li>○ Chambers of Commerce</li> <li>○ Hosted training courses</li> <li>○ Dinner hosted</li> <li>○ 742 emails distributed to local businesses.</li> </ul> </li> </ul>
Field days, visit to businesses	KSC GM / Councillors/ MDAP/DSRD/MNC RDB	<ul style="list-style-type: none"> <li>• Councillor manufacturing tour conducted.</li> <li>• 38 meetings held with local businesses</li> </ul>
Establish a broader consultative forum for business community – advertise public meeting	MDAP Office	<ul style="list-style-type: none"> <li>• To be scheduled</li> </ul>
Support Kempsey Town Marketing Plan	MDAP Office	<ul style="list-style-type: none"> <li>• Working with the Kempsey Chamber of Commerce in plan implementation.</li> <li>• Shopping in Kempsey campaign – press and radio over December / January arranged and funded.</li> </ul>

**Strategy Initiative 6: Identify and develop uses for the floodplain**

<b>Implementation Tasks</b>	<b>Task Owner</b>	<b>Resources</b>
Analyse Flood Plain Management Plan	MDAP Office	<ul style="list-style-type: none"> <li>Awaiting plan update from Shire Services</li> </ul>
Identify opportunities for farm diversification (alternative crops / land uses)	MDAP office / DSRD/MNCRDB	<ul style="list-style-type: none"> <li>Bio fuel / tree plantation opportunities advertised – Bio Energy (WA Firm)</li> </ul>
Integrate opportunities with Alternative Fuel Study	MDAP office / DSRD/MNCRDB	<ul style="list-style-type: none"> <li>See bio -fuel</li> </ul>
Audit existing land uses	MDAP office / Planning Section	<ul style="list-style-type: none"> <li>Land use strategy to be developed.</li> <li>Dept. of Planning Soil mapping project underway</li> </ul>
Identify land potential land uses and flood management requirements	MDAP Office / Strategic Group	<ul style="list-style-type: none"> <li>Awaiting flood study</li> </ul>
Market flood plains as an asset, not hindrance – demonstrate uses to land holders	MDAP office / Strategic Group	<ul style="list-style-type: none"> <li>Awaiting flood study and soil mapping</li> </ul>

**Strategy Initiative 7: Develop a “positive attitude” within the Kempsey Shire**

<b>Implementation Tasks</b>	<b>Task Owner</b>	<b>Resources</b>
Publicise good news stories	MDAP office / Committee/ KSC	<ul style="list-style-type: none"> <li>Ongoing, Argus / publicity officer advised of events and good news stories. Several articles published.</li> <li>Town &amp; Country rural press insert actively promoting local agribusiness.</li> </ul>
Promote economic indicators	MDAP office	<ul style="list-style-type: none"> <li>Economic indicators available, updated where available</li> </ul>
Work with KSC Community Services /	MDAP Office	<ul style="list-style-type: none"> <li>Input into community</li> </ul>

KSC Publicity Manager to communicate with the community -		newsletter Feb 2006 <ul style="list-style-type: none"> <li>• Work directly with the publicity officer and Argus when appropriate</li> </ul>
Develop posters / visual positive images of the Shire	MDAP Office	<ul style="list-style-type: none"> <li>• No progress</li> </ul>

**REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*Social capital and community development are prerequisites for economic development. Ongoing focus on community development and education opportunities will support economic development projects. Pride in the Shire and general community well being are aspects that require focus and support to remediate social concerns.*

- *Economic (Financial)*

*Financial resources need to be allocated to strategic planning projects 2006/2007 to ensure progress is achieved on employment (industrial) land rezoning and strategic land use projects.*

*Financial resources are allocated to Kempsey Town Centre Master Plan for public art, civic improvements (not capital works) and beautification projects. It is imperative that the town of Kempsey is retained as the commercial / retail centre of the Macleay Valley.*

- *Policy or Statutory*

*Nil*

- *Director's Review*

2006. 54 RESOLVED:

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

That the information be noted.

# DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES SUPPLEMENTARY REPORT

<b>DSDS14 SUPP.</b>	<b>TOWN CENTRE MASTERPLAN IMPLEMENTATION COMMITTEE DRAFT DCP: PUBLIC EXHIBITION FILE: 494 RBP {Folio No. 312345}</b>
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## SUMMARY:

Reporting on a proposal to publicly exhibit a draft Development Control Plan for design guidelines for development in the Kempsey Town Centre including Smith Street, Belgrave Street and Elbow Street.



## Background

Council undertook preparation of the Kempsey Town Centre Masterplan in 1997. Following adoption of the Masterplan, the Kempsey Town Centre Masterplan Committee was appointed to oversee its implementation. In March 2005, the Committee resolved to prepare a draft Development Control Plan to guide development in the Masterplan area. Following preparation of design guidelines by Councils Heritage Advisor, David Boram, a draft Development Control Plan was prepared.

The draft DCP was considered by the Committee at its meeting of 9<sup>th</sup> February 2006, where it was resolved to:

- Request that a late report be submitted to this Council Meeting to enable public exhibition of the draft DCP
- That all owners of property affected be notified
- That the Chamber of Commerce be provided a copy for comment at their next meeting, and that a Council staff member attend
- That local consultants be advised of exhibition of the draft DCP
- That MDAP be invited to comment

## Content of Development Control Plan

The draft Development Control Plan provides guidelines for development, redevelopment and restoration works of properties in the Town Centre and in particular fronting Smith Street, Belgrave Street and Elbow Street. The intention is to retain and enhance the historical and architectural style of the Kempsey CBD and West Kempsey, to build upon the town's character.

General controls relate to the façade of buildings above awning level, including shape and detail of window openings, surface treatment and skyline design. The Development Control Plan provides recommended colours. Setbacks are generally nil, unless adjoining buildings are

identified heritage items which have a front setback. Awnings with verandah posts, are encouraged. Signs are generally limited to below awning level. Applications are to be prepared in consultation with Councils Heritage Advisor.

***Report Implications:***

- ***Environmental***

The Development Control Plan will assist in achieving development in the Town Centre consistent with the heritage theme.

- ***Social***

The enhancement of the Town Centre as a place to visit and shop will provide social benefits to the community.

**Economic (Financial)**

*Enhancement of the Town Centre will encourage greater economic activity in the Town Centre.*

*The Masterplan Implementation Committee is also considering recommending Council provide financial incentives to encourage landowners to undertake works in accordance with the guidelines. However, this will be subject to a separate report to Council, following investigation and consideration of options.*

- ***Policy or Statutory***

*The Development Control Plan is required to be exhibited for a minimum of twenty eight (28) days. Under recent changes to the planning legislation, the DCP will need to be adopted before 30 April 2006. Otherwise, it will need await incorporation of all Councils Development Control Plans so that no more than one DCP applies to any parcel of land.*

2006. 55

RESOLVED:

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

- A. That Council endorse Draft Kempsey Town Centre Development Control Plan for public exhibition.
- B. That Council write to all landowners affected to advise of the exhibition of the draft Development Control Plan.
- C. That the Kempsey Chamber of Commerce be provided with a copy of the Development Control Plan for comment at the next meeting, and that a Council staff member attend.

- D. That local consultants be advised of the exhibition of the draft Development Control Plan.
- E. That MDAP be invited to comment of the draft Development Control Plan.

## **DIRECTOR SHIRE SERVICES REPORT**

<b>DSS1</b>	<b>HAT HEAD SEWERAGE</b>	<b>FILE: 217 PA (NRN)</b>	<b>{Folio No. 312263}</b>
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### **SUMMARY:**

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



### **DESCRIPTION:**

This report updates the previous reports regarding the operation and maintenance of the Hat Head Sewerage Scheme.

#### **Sewerage Treatment Plant**

Process Engineer, Brian Lam, from United Kilpatrick Green (UKG) is providing direct on-site support to operators and the Sewerage Treatment plant. The focus of the current Process Proving Period from November to January is to demonstrate that all identified plant, operational and equipment problems affecting licence effluent quality have been rectified during the Christmas peak loading period. Brian Lam is still onsite.

Hunter Water Australia had also been engaged to carry out an independent audit of the Sewerage Treatment Plant's Operation and the report was received on the 9 December 2005.

#### **Outstanding items that need to be addressed**

- A comprehensive outstanding items list has been prepared and a meeting with the Department of Commerce, UKG and Council is scheduled for 7 February 2006 to discuss handover.

#### **Sewerage Pumping Station**

One pot failure resulted in low vacuum in the system, but no major failures over the holiday period. A noise consultant has been engaged to look at the Pump Station building.

On the 17 January 2006 an independent audit was undertaken by "Flygt" for life cycle costing on the transfer pumps and a report is yet to be received.

### **EPA Licence Compliance**

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

	<b>O &amp; G</b>	<b>PH</b>	<b>TN</b>	<b>TP</b>	<b>F Coli</b>	<b>NH3-N</b>	<b>TSS</b>	<b>BOD</b>
<b>28.12.2005</b>	<2	7.0	8.09	0.16	-	1.64	1	-
<b>11.1.2006</b>	<2	7.3	8.52	0.25	0	0.89	1	<2
<b>100% ILE</b>	6	6.5-8.5	20	1	600	5	30	20

Results for compliance sampling taken on the 28 December 2005 and 11 January 2006 indicate the plant is still responding favourably to the new method of operation and resulting in no compliance failures for December and early January.

### **REPORT IMPLICATIONS**

- ***Environmental Implications***

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

- ***Social Implications***

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

***Sustainable Development Services have been asked to pursue unconnected properties.***

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

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

- ***Policy or Statutory Implications***

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

- ***Director's Review***

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

2006. 56 RESOLVED:

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

**That the information be noted.**

<b>DSS2</b>	<b>NOXIOUS WEEDS AMENDMENT ACT 2005</b>
<b>FILE: 150 GWE</b>	<b>{Folio No. 312264}</b>

**SUMMARY:**

Reporting on the Noxious Weeds Amendment Act 2005



**DESCRIPTION:**

The purpose of this report is to advise Council of the amendments to the Noxious Weeds Act and to recommend the necessary procedural changes to Council Notices, the Noxious Weeds Policy and to seek the appropriate delegation from Council.

Advice has been received from the State Weed Control Co-ordinator, NSW Department of Primary Industries, Mr Syd Lisle, of the changes to the Noxious Weeds Act 1993 (the Act) that will affect the way in which councils manage noxious weeds. As part of the process of implementing the changes, the NSW Department of Primary Industries has been conducting a series of workshops around the State. Council's Weeds Officer and the Open Space and Recreation Co-ordinator, as well as the Mid North Coast Weeds Advisory Committee's Regional Weeds Management Officer, attended the workshops.

The main changes relate to authorisations, delegations and procedures under the Act, required to ensure that any actions taken by Weeds Officers are supported by the legislation.

Summaries of these changes are as follows:

- 1 Under Section 50 of the Act, an "inspector" (Weeds Officer) must be able to provide, if asked, a Certificate of Authority, in a form approved by the Director-General of the NSW Department of Primary Industries and signed by the General Manager. This enables a Weeds Officer to be an inspector under the Act and exercise their powers and functions. Being an authorised inspector under the Local Government Act does not automatically mean that the officer is an authorised inspector under the Act. This must be a specific Noxious Weeds Act authorisation.
- 2 In most cases, notices under the Act can only be given by the "local control authority", that is, only the Council can give the notices. Under Section 68 of the Act, a local control authority

may delegate authority to sign and service a Section 18 Notice (or other notices) requiring owners or occupiers of land to control noxious weeds or for other purposes. If Council wishes to have any staff member, including the General Manager, senior staff or Weeds Officer, sign notices on behalf of Council, the authority must be officially delegated, by a resolution of Council recorded in Council Minutes. Again, this delegation must be specific to the Noxious Weeds Act 1993. The power to delegate this function cannot be delegated.

- 3 Upon commencement of the Noxious Weeds Amendment Act under Section 18A of the Act, a local control authority must give prior notice of the intention to give a Section 18 Notice. The person given the notice then has the right to make a submission to the local control authority about the proposed notice.

A defined process needs to exist within the local control authority allowing consideration of such submissions before the commencement of the amendments.

With respect to clause 1 above Council has not had in place an appropriate "Certificate of Authority" for its noxious weeds staff. A Certificate of Authority has been prepared with advice from **Department of Primary Industries and copy is attached at [Appendix A](#)**.

Under clause 3 above, Council will now be required to put in place procedures similar to those under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1993 when issuing a notice of intention to give an order and a mechanism for hearing any submissions. The procedures are in the process of being developed in conjunction with the Mid North Coast Weeds Advisory Committee.

Council's Noxious Weeds Policy has been updated and amended to include the provisions of the Noxious Weeds Amendment Act. A copy of the proposed amended policy is attached [Appendix B](#) for Council's information.

In addition to the legal requirements there are a number of other changes that relate to weed control planning, community education, inspections and service of notices. This reflects a shift from being enforcement based function to that of an objective / outcome based function.

There has also been a change in the way in which weeds are declared noxious. In summary there will be 5 classes of weeds, based on their level of presence and impact, being:

- Class 1 – State Prohibited Weeds
- Class 2 – Regionally Prohibited Weeds
- Class 3 – Regionally Controlled Weeds
- Class 4 – Locally Controlled Weeds

Class 5 – Restricted Plants

**REPORT IMPLICATIONS:**

- ***Environmental***

*The environmental implications of this report are steps to minimise the effects of noxious and environmental weeds on the natural environment.*

- ***Social***

*The social implications of this report are the obligations of landowners to control the spread of noxious weeds and the change in focus from enforcement to outcomes.*

- ***Economic (Financial)***

*There are no budgetary implications in adopting the recommendations of this report.*

- ***Policy or Statutory***

*Council's Noxious Weeds Policy has been updated and amended to incorporate the new provisions.*

*The procedures for dealing with submissions in respect of such notice, as required by the Noxious Weeds Amendment Act 2005, are being developed and will be reported further.*

- ***Director's Review***

*Council needs to take the recommended action to ensure compliance with the new Act.*

2006. 57 RESOLVED:

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

- 1 That the changes to the Noxious Weeds Act 1993 and the Noxious Weeds Amendment Act 2005 be noted.
- 2 That the power to sign and serve Section 18 Notices (or other notices) requiring owners or occupiers of land to control noxious weeds as provided for under the provisions of the Noxious Weeds Act 1993 and the Noxious Weeds Amendment Act 2005, be delegated to the Director Shire Services.
- 3 That the attached "Certificate of Authority" be accepted and signed by the General Manager.

<b>DSS3</b>	<b>HORSESHOE BAY RESERVE DRAFT PLAN OF MANAGEMENT</b>	<b>{Folio No. 312265}</b>
	<b>FILE: 505 KLB (NRN)</b>	

This item was dealt with immediately following PUBLIC FORUM.

<b>DSS4</b>	<b>MEDICAL SCIENCE SCHOLARSHIPS</b>	<b>{Folio No. 312266}</b>
	<b>FILE: 46 GRW (NRN)</b>	

**SUMMARY:**

Reporting on the 2006 Kempsey Medical Science Scholarships.



**DESCRIPTION:**

On 23 January 2006, formal interviews were held with five (5) applicants in order to determine the winners of the 2006 Kempsey Medical Science Scholarships.

The five applicants and their chosen fields of study were:

Marie McQuade	Nursing
Bridget Plunkett	Exercise Science and Nutrition
Sarah McMullen-Roach	Nutrition and Dietetics
Heather Tang	Nursing
Sarah Hauville	Medical Radiation Sciences

After careful consideration the interview team selected Sarah McMullen-Roach and Marie McQuade as the two successful applicants for this year's Kempsey Medical Science Scholarships.

Each applicant will receive \$6,500.00 to assist with the payment of fees, textbooks and accommodation. This year's two successful applicants will be introduced to Councillors and guests at the Council meeting on 14 February 2006. The official award ceremony will take place soon after.

The two winners of the 2005 award, Nichole Ring and Martine Cox were both successful in passing their first year of University studies. Written confirmation of their 2<sup>nd</sup> Semester results have yet to be received.

**REPORT IMPLICATIONS:**

- ***Environmental***

***There are no environmental implication***

- ***Social***

*The Social impactions of this report are that the Kempsey Medical Science Scholarships Program will continue to benefit the local community by assisting talented students in their first year of university studies. It is hoped that as a result of this generosity and support the students will return to the valley to work as trained professionals.*

- *Economic (Financial)*

*Kempsey Shire Council contributes \$10,000 annually to the Medical Sciences Scholarship, with contributions from the district Rotary Clubs of Kempsey, Kempsey West, South West Rocks and the Macleay Cooperative.*

- *Policy or Statutory*

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

- *Director's Review*

*As per the report.*

2006. 58 RESOLVED:

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

That the information be noted.

DSS5	KEMPSEY ASSISTANCE PATROL FILE: 558 GRW (NRN) {Folio No. 312267}
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**SUMMARY:**

Reporting on the decision to delay the review of the Kempsey Assistance Patrol scheduled for 28 December 2005.



**DESCRIPTION:**

At its meeting of 13 December 2005, Council resolved to review of the operations of the Kempsey Assistance Patrol (KAP) in order that the issue could be considered by Council at its February 2006 meeting.

Clr Hunt and the Manager of Community and Lifestyle Services made tentative arrangements to conduct the review over the period commencing 28 to 30 December 2005.

On the 21 December 2005 the KAP Coordinator was informed that the CDEP Manager had approved leave for all CDEP employees employed via the KAP project. This effectively meant that all employees would be on leave commencing 21 December 2005 to 1 February 2006.

In previous years CDEP employees employed via the KAP Project took annual leave in two shifts, effectively leaving a skeleton crew operating over the Christmas New-Year period.

The KAP Coordinator advised that the decision to allow CDEP staff to take leave over this period had been made without consultation. The KAP Coordinator then went on annual leave as a result of her inability to find suitable replacements to operate the service over this period.

It is anticipated that the KAP Service will resume on the 1 February 2006 when some of the CDEP staff returned from leave.

At this stage it is envisaged that the review of the KAP service will take place in mid February 2006, with a report presented to Council at its March meeting.

***REPORT IMPLICATIONS:***

- ***Environmental***

***There are no environmental implications***

- ***Social***

***It was expected that there would be an upsurge of anti social behaviour over the Christmas New Year period as a result of the KAP service temporarily ceasing operations. At the first meeting of the Crime Prevention Working Group held in January 2006, Police confirmed that there was no increase in anti social behaviour over this period.***

***However, the service was not available to assist its target audience, youth at risk.***

- ***Economic (Financial)***

***It is hoped that the review of the KAP service scheduled for February 2006, will identify the value of the service measured in terms of financial inputs against social gains.***

- ***Policy or Statutory***

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

- ***Director's Review***

*Communication channels with CDEP workers will be reinforced to ensure greater lead time for leave arrangements in future.*

2006. 59 RESOLVED:

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

That the information be noted.

<b>DSS6</b>	<b>SEWERAGE CHARGES</b>	
	<b>FILE: 171 TAK</b>	<b>{Folio No. 312268}</b>

**SUMMARY:**

Reporting on a request to review the new sewerage pricing impacts upon Australian Red Cross, Kempsey Branch.



**DESCRIPTION:**

Marcia Cheers, President of Kempsey branch of Australian Red Cross has requested that Council review the classification of their property at 144 Belgrave Street, Kempsey, from 'Sewer Non Profit', under the previous sewerage levy charging in 04/05 to 'Sewer Non-residential' under the current Sewerage Pricing structure implemented this financial year. The current pricing format has significantly burdened this non-residential customer by approximately 370% from a flat rate of \$124 to \$589 (inclusive of sewer usage component based on 04/05 figures).

As a recognised charity Red Cross is not rateable for the ordinary rate.

The previous 04/05 Sewerage Non Profit levy for charitable organisations was not across the board but granted upon application, being a quarter charge. As such, the increase faced by the Red Cross is very individual and rare.

Under the new Best Practise two-part sewer pricing structure adopted by Council, 20 June 2005, all non-residential properties are uniformly charged on meter size. No standardised reductions, on either access or usage components, were identified within the policy. To introduce such individual concessions into this charging format would not be in line with the basis of the best practice pricing regime.

Red Cross is well recognised for its focus in vital humanitarian work and the Red Cross Association perform an important role within our local community. Council is requested to grant a one-off donation to Red Cross Kempsey Branch of \$450.000 under Council Policy No.C21:7, Clause 3.1.2. This amount reduces the increase borne by the

organisation in the initial year of the sewerage pricing and permits budgeting for the following year by Red Cross.

The grant is requested on the basis of:

- Significant individual increase;
- Achieving best practice pricing;
- Permitting time for Red Cross to budget for the increase.

***REPORT IMPLICATIONS:***

- ***Environmental***

***Nil.***

- ***Social***

***A financial donation from Council will assist the customer to continue with the current level of humanitarian work.***

- ***Economic (Financial)***

***This non-residential customer faces a large increase in sewerage charges compared to previous years. A donation from Council will greatly assist this financial year and allow budget considerations for the future years.***

***The Donations vote has a current balance of \$2,300, but further requests will come following recent advertising.***

- ***Policy or Statutory***

***This request falls under current Donations, Grants and Subsidies Council Policy No: C21:7.***

- ***Director's Review***

***Council is urged to support the recommendation.***

2006. 60 RESOLVED:

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

**That Council donate an amount of \$450.00 to the Australian Red Cross Kempsey Branch as a one-off assistance to the change in sewerage pricing and in recognition of the role performed by this organisation within our local community.**

**Councillor Green declared an interest in the following item DSS7 for the reason that she is friends with the Norton family mentioned in the report, and retired from the Chambers.**

**SUMMARY:**

Reporting on the tender received for the collection of recyclables in Kempsey Shire in conjunction with Port Macquarie Hastings Council.

**DESCRIPTION:**

Tenders were called for the provision of a kerbside recyclables collection service for Kempsey Shire Council. The specification for the Tender was developed in conjunction with Port Macquarie Hastings Council and allowed tenderers to tender for a joint submission for both Councils as a whole (Parts A & B) or separately for either Council (Part A and/or Part B).

Only one tender was received for the provision of this service. (Any costing disclosures relating to this Tender would confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Local Govt Act 1993, Section 10a (2)(c)). The tenderer lodged a compliant tender for Part A, Part B and Parts A & B. It was anticipated that, through the collaborative tendering services, there would be a cost benefit to both Councils by this method of collective tendering.

A tender evaluation meeting was held in Port Macquarie on 25 October 2005, with representatives of both Councils and the consultant who had developed the specification for services. Tenders were assessed on "conformity to the documentation" and "value for money" (the most cost effective offer determined by considering all price and non-price factors relevant to the proposed Contract).

These factors included:

- Tender price
- Experience and Capacity
- Environmental Performance
- Physical Resources
- Customer Service Experience and Capacity
- Management and Human Resources
- Contract Program and Methodology
- Occupational Health and Safety

After assessing the only tender received, there was no pricing benefit to either Council if Kempsey Shire Council appointed the Tenderer jointly as per Parts A & B of the specification, as both the individual and joint prices for Port Macquarie and Kempsey were identical.

The tendered price submitted for Kempsey Shire was greater than anticipated and would exceed the budget allocated by Council for the kerbside recycling program. The officers of the evaluation team from Kempsey Shire Council decided not to recommend the appointment of the tenderer in either capacity of joint venture or single contract for Kempsey Shire. Port Macquarie Hastings Council has made their own recommendation for Part A of the tender.

Also, Nortons Recyclers indicated an interest in the tender but had missed the advertising, as the tender was only advertised by Port Macquarie Hastings Council in the Sydney Morning Herald and not in any local press as required.

#### **REPORT IMPLICATIONS:**

- ***Environmental***

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

- ***Social***

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

- ***Economic (Financial)***

***The submitted tender price for the provision of kerbside recycling from the only tenderer exceeds the budget allocation of Council.***

***As there was only one tender received, Council has the option of not accepting the Tender and to:***

- (a) re-tender;***
- (b) to negotiate with all reputable contractors; or***
- (c) choose to provide the service using its own resources.***

*A review of the options for using in-house resources is underway.*

- ***Policy or Statutory***

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

- ***Director's Review***

*The issue of recycling collection and transfer to Cairncross needs to be determined as soon as possible to allow acquisition of vehicles and materials. Council is asked to support the recommendation.*

2006. 61

**RESOLVED:**

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

- 1 That the tender submitted for kerbside recycling not be accepted.
- 2 That the kerbside recyclables collection service within Kempsey Shire be re-tendered.
- 3 That the tenderer be notified of Council's decision.

Councillor Green returned to the Chamber.

**DSS8**

**LGSA TOURISM CONFERENCE 2006**

**FILE: 19 GRW**

**{Folio No. 312270}**

**SUMMARY:**

Reporting on the LGSA Tourism Conference 2006.



**DESCRIPTION:**

From the 29 to 31 March 2006 Penrith City Council, in partnership with Tourism New South Wales, will be hosting the LGSA Tourism Conference 2006 – Destination NSW, Sustaining Local Government Tourism.

The conference will include subjects such as:

- Future directions – Tourism Industry Bodies,
- Economic Development and Sustainability,
- Niche Tourism Markets,
- Event Management and Community Development,

- Marketing and Public Relations and
- Tourism Planning and Impacts.

As the Macleay Valley Coast has a major input into Tourism Services the attendance at the conference by elected representatives would be advantageous. It is therefore recommended that the Mayor and one (1) other Councillor attend this conference.

**REPORT IMPLICATIONS:**

- ***Environmental***

*The creation of sustainable tourism issues and eco-tourism areas is a niche market that this conference will address.*

- ***Social***

*Increased tourist numbers will have significant impact on the social makeup of destinations within the Shire. The conference will address sustainability and community development aspects of this trend.*

- ***Economic (Financial)***

*Should a decision be made to attend this conference the cost per Councillor would be \$785.00 per person. This figure includes registration, accommodation and meals.*

*Travel to and from the venue would be an additional \$200 if travelling by road and \$582.00 per person if travelling by air.*

- ***Policy or Statutory***

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

- ***General Manager's or Director's Review***

*Tourism within the Shire is a major industry and Councillors are encouraged to attend this Conference to ensure awareness of current issues.*

**Director Shire Services Recommendation:**

**That there be Kempsey Shire Council / Macleay Valley Coast Councillor representation at the LGSA Tourism Conference 2006.**

2006. 62 **RESOLVED:**

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

**That Councillor McWilliam represent the Mayor at the LGSA Tourism Conference 2006.**

**SUMMARY:**

Reporting on a request for funds for signage.

**DESCRIPTION:**

Brian Stokes, Executive Officer / Marketing Manager North Coast NSW Tourism Inc., has sought a contribution of \$2,500.00 to enable an upgrade of Gateway Visitor Information Centre signage.

As part of its marketing campaigns the Board of North Coast NSW Tourism has been discussing the need to upgrade the Gateway Visitor Information Centre signage across the region. These are the large blue signs on the main arterial routes depicting the region and the approaching Visitor Information Centres.

The upgrade is required due to a resolution by North Coast NSW Tourism's Member Councils to revise the naming of the tourism region to the Mid North Coast NSW. As the resolution occurred at the North Coast NSW Tourism 2005 AGM in October 2005, the upgrade was not reflected in their initial Business Plan and Budget.

Of the six existing signs throughout the region three will require replacing and the remaining three existing signs will require minor structural change. An additional two signs are to be erected to reflect the inclusion of Nambucca Heads and Bellingen Shire Visitor Information Centres onto the signs following recent accreditation.

The RTA has offered to co-manage the design, production and installation of signage and has committed \$19,900 towards the project. North Coast NSW Tourism is seeking an equal contribution of \$2,500.00 from each of the eight Member Councils in order to erect the new signage.

**REPORT IMPLICATIONS:**

- ***Environmental***

***There are no environmental considerations.***

- ***Social***

***The signage forms a region-wide network promoting the Mid North Coast as a whole and is a key marketing and communications tool in servicing the millions of visitors who travel to and across the region.***

- *Economic (Financial)*

*Funds are available in the Tourism Promotions Budget should Council decide to allocate funds for the upgrade of Gateway Visitor Information Centre signage.*

- *Policy or Statutory*

*There are no policy or statutory implications.*

- *Director's Review*

*It is important that signage across the region is consistent and Council is urged to adopt the recommendation.*

2006. 63 RESOLVED:

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

**That the allocation of \$2,500.00 for the upgrade of Gateway Visitor Information Centre signage be approved.**

**At this stage 12.38pm Councillor Bowell retired from the Chambers.**

**DSS10**

**SES ANNUAL REPORT**

**FILE: 79 MKF (NRN)**

**{Folio No. 312272}**

**SUMMARY:**

Reporting on the State Emergency Service Annual Report.



**DESCRIPTION:**

Council has received the Annual Report of the State Emergency Service (SES) for the financial year 2004–2005 and they have asked that the information be brought to the attention of Council.

SES has indicated that for the next three years their priorities will continue to be:

- To work with Councils to improve awareness of the community about how to protect themselves and their property from the effects of floods and storms.
- To work with Councils, where required, to upgrade the facilities and vehicles of the SES units.

- To work with Councils on Floodplain Risk Management Committees to assist in the development and implementation of a floodplain risk management plan for the Council area.
- Further upgrade our flood intelligence so that we may provide timely and accurate information to communities threatened by floods.
- Continue to improve the response capabilities of all SES units by providing:
  - Competency based training to nationally endorsed standards for all major skills;
  - Enhance communications and callout systems; and
  - Increased general support to SES units.
- To further improve the SES capability in Information Management to ensure we use modern technology to better exchange information within the Service and to provide a speedier response to the community.
- Continue to improve the public profile of the SES by working closely with local media, Councils and communities, and utilising our network of SES trained community liaison officers.

The full Annual Report has been provided on CD and is available from Shire Services for anyone who wishes to view it in full. The report is also available from the SES Website [www.ses.nsw.gov.au](http://www.ses.nsw.gov.au).

**REPORT IMPLICATIONS:**

▪ ***Environmental***

***Nil***

▪ ***Social***

***SES volunteers help their communities cope with emergencies. More than 10,000 volunteers give up their time in over 230 locations throughout NSW to assist their communities during floods, storms and other emergencies.***

▪ ***Economic (Financial)***

***Nil***

▪ ***Policy or Statutory***

***Nil***

▪ ***Directors Review***

*The SES, through its volunteers, provide a vital service in times of crises and Councillors are encouraged to review the Annual Report and to make themselves aware of the Local SES members and their capabilities.*

2006. 64 RESOLVED:

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

That the information be noted.

DSS11	MAINTENANCE GRADING OF UNSEALED RURAL ROADS
FILE: *	GAW (NRN) {Folio No. 312273}

**SUMMARY:**

Reporting on the mid year review of Maintenance Grading of Unsealed Roads within the Shire.



**DESCRIPTION:**

Council maintains 1021 km of Local Roads of which 436 km are sealed roads and 585 km (163 roads) of unsealed roads, as shown in the 2005–2010 Transport Infrastructure Strategic Plan. As stated in the Strategic Plan it is desirable to grade heavily trafficked roads three (3) times per annum and medium trafficked roads twice (2) per annum with Point Plomer Road being graded five (5) times per annum with associated maintenance works being carried out in conjunction with the grading. This would be achievable if a substantial budget of \$1.4 million was attached to the program. The 2005–06 budget for Unsealed Rural Roads Maintenance for Kempsey Shire Council is \$855,000.00 which allows for grading of unsealed roads once per year, spot re-sheeting of gravel in failed pavement areas and basic maintenance of the network. The approved budget has been divided into three categories:

- 1) maintenance grading - \$380,500.00;
- 2) gravel patching (spot resheeting) - \$200,000.00; and
- 3) general maintenance - \$274,500.00.

At the time of writing this report, 60% of the financial year has passed and the figures below are based on this figure. (10% of this time is the Christmas break where no grading was undertaken to any road within the Shire.). The year to date costs for Unsealed Rural Roads is:

\$210,730.00 (55.4% expenditure) for maintenance grading;

\$175,395.00 (88% expenditure) for gravel patching (spot resheeting); and

\$181,980.00 (66.3% expenditure) for general maintenance;

totalling \$581,158.00 or 68% expenditure of the approved budget.

The General Maintenance split is higher than normal for this time of the year, and can be attributed to the severe storms that Kempsey experienced late in 2005. A significant amount of damage, as in fallen trees, deep ruts in the gravel pavement, blocked drainage systems and fallen rocks occurred to the unsealed road network in the western part of the Shire.

A total of 62 roads have been graded within this period leaving 101 roads to be graded within the third and fourth quarters of the financial year. The 62 roads total 292 km of unsealed roads that have been graded within these two quarters. A break up of the 62 roads shows that 54 roads (248kms) have been graded once as per the maintenance schedule, 7 roads (20kms) have been graded twice and one road (5kms) has been graded three times. The additional gradings were due to storm damage during the second quarter and requests to grade roads. The remaining 101 roads to be graded in the third and fourth quarters equates to 293 km of road.

The average cost to grade an unsealed road this financial year is \$850.00 per km whilst spot re-sheeting with gravel is at an average of \$3,987.00 per km. To complete the maintenance grading program consisting of 293kms, a total budget of \$249,050.00 will be required. To achieve this result within the remaining budget of \$273,842.00, a number of factors need to be considered for the next two quarters:

- If the road network should deteriorate due to severe weather conditions is forced Council to re-grade roads due to safety issues, a number of roads remaining within the program will not be graded due to a shortfall within the budget.
- Community complaints and other outside influences intervene in the delivery of the program by having previously graded roads re-graded and will force a number of roads to be removed from the remaining program for this year.
- No spot re-sheeting with gravel will be undertaken on the remaining roads within the Maintenance Grading Program. Roads that are remaining on the program will be graded by the grading crews to the best grading practices allowable but it must be noted that this will not satisfy all persons affected.
- Routine maintenance activities, such as storm water management, site distance clearing or benching on corners, tree maintenance and general works will only be undertaken in areas of high risk.

The areas of the Shire that have been graded within the first and second quarter of the current financial year are shown in the Kempsey Shire Rural Road Map provided to Councillors [Appendix H](#). These areas in the western section of the Shire are W1, W3, W4 with the crew currently in W5. The eastern section of the Shire areas that have been graded are E1, E5, E6, E7, E8, with area E2 currently being graded. The remaining five areas in the eastern and western sections of the Shire will be completed in the following two quarters of the 2005-06 financial year.

**REPORT IMPLICATIONS:**

▪ ***Environmental***

*There are no environmental implications from this report.*

▪ ***Social***

*The social implications from this report are that access to some properties may become potholed and rough if they cannot be maintained as per the program leading to increasing complaints from the residents.*

▪ ***Economic (Financial)***

*The financial implications from this report are that with 60% of the financial year passed, gravel road maintenance expenditure is nearly 10% in advance. Should unsettled weather continue into February, March and April, the maintenance budget will not be sufficient to cater for the normal level of maintenance.*

▪ ***Policy or Statutory***

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

▪ ***Director's Review***

*A combination of increasing costs, including overheads and plant charges, and unsettled weather mean normal community maintenance requirements are becoming more difficult to achieve.*

2006. 65 RESOLVED:

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

That the information be noted.

At this stage 12.41pm Councillor Bowell returned to the Chambers.

**DSS12****GENERAL PURPOSE STANDING COMMITTEE No.4****FILE: 178 NJT (NRN)****{Folio No. 312274}**

This report was dealt with earlier in the Meeting immediately after item NOM8.

**DSS13****STURT STREET, SOUTH WEST ROCKS****FILE: R.Sturt St MGR {Folio No. 312275}****SUMMARY:**

Reporting on the construction project for the kerb and gutter construction in Sturt Street, McIntyre Street to Pacific Street, South West Rocks.

**DESCRIPTION:**

Sturt Street was previously a split road, with a lower one-way road and a higher two-way road. The scope of the work was to reconstruct the road into a single two-way road with kerb and gutter on both sides. The length of the reconstruction could not be shortened as it needed to cover the total length between the upper and lower road arrangement. The work involved the installation of stormwater pipes and associated pits, relocation of power poles, substantial earthworks and reinstatement of driveway accesses.

The estimate to carry out the works using Council's day labour staff was \$115,500 not including contingencies. The budget for the works was \$122,800.

The work has been substantially completed with one driveway yet to be reinstated. This driveway is to be reinstated by a private contractor as it was constructed as a stamped coloured driveway by the same contractor.

The estimated final expenditure for the project is \$188,500, an over expenditure of \$65,700.

Following is a summary of the over expenditure:

<b>Activity</b>	<b>Estimate</b>	<b>Budget</b>	<b>Expend- iture</b>	<b>Comments</b>
Adjustment of Services	\$9,000	\$24,700	\$24,700	Services conflicted with proposed works. Additional works required onsite.
Earthworks	\$9,000	\$9,500	\$30,000	Additional

<b>Activity</b>	<b>Estimate</b>	<b>Budget</b>	<b>Expend- iture</b>	<b>Comments</b>
				material and time required due to sandy subbase, rain delays and removal of "soft spots".
Driveway/ Footpath Reinforce- ment	\$16,700	\$17,700	\$33,900	Additional work required to provide adequate access.

The drainage works for this project commenced on 26 September 2005. The road construction crew commenced on 7 November 2005. During the earthworks and pavement works there were afternoon storms experienced almost every day for a four (4) week period. Rainfall records show that a total of 152 mm of rain fell at the Smokey Cape Lighthouse weather station from 13 October 2005 to 6 November 2005. This weather delayed the project for at least four (4) weeks and increased production costs greatly.

This rain resulted in a number of "soft spots" forming in the pavement requiring additional work to repair meaning that additional earthworks had to occur to construct a solid base to build the road on, as the in situ sand base would not carry the construction traffic during the wet weather. It is estimated that the increased costs due to wet weather is \$35,300. The works could not have stopped at this stage as the road had been ripped up and it was not considered safe or practical to leave in that state.

The extent of driveway construction, to suit individual properties, particularly on the lower eastern side of the road was only identified on site. Each access had to be reviewed to ensure the residents could safely access their properties.

***REPORT IMPLICATIONS:***

- ***Environmental***

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

- ***Social***

***The social implications from this report is a better and safer road to travel on in this area.***

- ***Economic (Financial)***

*The over-expenditure can best be met by utilizing Roads to Recovery funds allocated to the pavement rehabilitation in Paragon Avenue, between Gregory Street and Mitchell Street.*

*This project can be deferred until next financial year, utilizing \$35,000 from Roads to Recovery funds and the remainder from the Town Improvement Program for the 06/07 year.*

*These adjustments can be made in the Quarterly Budget Review and Council is asked to endorse the adjustments.*

▪ *Policy or Statutory*

*This report is in accord with Council Policy C21:20.*

▪ *Director's Review*

*This matter was verbally brought to Council's notice at the December meeting, but costs for the project were not to hand.*

**Director Shire Services Recommendation:**

That the over expenditure on the Sturt Street project be accepted and covered by funds drawn from the Roads to Recovery Program.

2006. 66 RESOLVED:

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

That the Director Shire Services Recommendation be adopted subject to the funds being drawn from allocations for the Roads to Recovery Program at South West Rocks.

DSS14	ROAD TO HUNGRY HILL, HAT HEAD
FILE: 263 MGR (NRN)	{Folio No. 312276}

**SUMMARY:**

Reporting on the results of enquiries with Coffs Harbour City Council (CHCC) and the National Parks and Wildlife Service (NPWS) with regard to the maintenance of the road to Hungry Head at Hat Head.



**DESCRIPTION:**

A report [Appendix C](#) was submitted to Council at its meeting of 13 September 2005 where it was resolved:

- 1 "That the information be noted.
- 2 That Council make enquires with Coffs Harbour City Council regarding the establishment of a Regional Park north of Coffs Harbour."

Council staff spoke with Coffs Harbour City Council staff who advised that there was a "State" park that incorporated two (2) Caravan Parks operated by Coffs Harbour City Council. They advised that the access road to these caravan parks was funded from caravan park income and council funds.

NPWS was contacted and they advised that a Regional Park had a different status to the standard park. The Regional Park allows more activities to occur within the park, eg the walking of dogs, horse riding and four wheel driving through certain sections of the park. Generally there is more latitude with what the public can do.

On the matter of funding road maintenance there is no difference between the different park status. NPWS advised that they cannot spend money off the reserve. It is the Minister's decision to allow any variation to this.

NPWS advised that they are aware of only one (1) precedence where this has occurred and this is in the Coolah Tops National Park where \$50,000 was spent on road maintenance and construction. They advised that such expenditure would be unlikely to occur in this area.

***REPORT IMPLICATIONS:***

▪ ***Environmental***

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

▪ ***Social***

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

▪ ***Economic (Financial)***

***The financial implications from this report are that Council would be unlikely to receive funding from NPWS for the road to Hungry Head.***

▪ ***Policy or Statutory***

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

▪ ***Director's Review***

***Discussions are continuing with NPWS with respect to the land used for road access to Hungry Head.***

2006. 67 RESOLVED:

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

**That the information be noted.**

<b>DSS15</b>	<b>FLOODPLAIN MANAGEMENT PROGRAM 2006 / 2007</b>
<b>FILE: FM500 APV</b>	<b>{Folio No. 312277}</b>

**SUMMARY:**

Reporting on proposed projects for submission to Department of Natural Resources for the 2006 / 2007 Floodplain Management Program.



**DESCRIPTION:**

Council has been invited to submit projects by 24<sup>th</sup> February 2006 to the Department of Natural Resources for consideration for financial assistance in 2006 / 2007 under the Floodplain Management program.

Council's Flood Mitigation infrastructure has been assessed, at current values, at \$62M, with a written down value of \$43.5M. Using a depreciation rate of only 1%, \$620,000 should either be set aside or expended annually on maintaining the flood mitigation infrastructure. The infrastructure includes 181 floodgated structures with 352 floodgates, 48 timber farm bridges, 37km of rock bank protection, 35km of earth levees and 147km of drains.

Much of the infrastructure that was constructed during the 1960's and 1970's is ageing and urgent restoration work is now required to prevent any future catastrophic failures of floodgate structures, levees or riverbanks. It is critical, therefore, that funding for this program be at least maintained at current levels and the following proposals have been based on that premise.

As previously reported to Council, funding for the Floodplain Management Program in 2004 / 2005 was reduced by \$93,333 as a result of the State Government's mini-budget in April 2004. Council's contribution from loan funds, being repaid under the Environmental Levy, was also reduced proportionally. Funding offers in 2005 / 2006 were increased to offset the reduction and it is anticipated that funding offers for 2006 / 2007 will also be increased to offset the reduction in 2004 / 2005. The proposals outlined below have been developed on that basis.

Funding under the Floodplain Management Program is provided under the following categories:

- 1) Ongoing Subsidised Studies (1:1:1)
- 2) Ongoing Subsidised Works
  - A) Commonwealth and State assisted Program (1:1:1)
  - B) State Assisted Program (2:1)
- 3) New Studies
- 4) New Works
- 5) Maintenance Program (1:1)

The following proposals are submitted for consideration:

**1) Ongoing Subsidised Studies (1:1:1)**

*i) Lower Macleay Floodplain Management Study*

**Stage 4B and 4C - Kempsey**

Council has engaged Webb McKeown and Associates for Stage 4B (Kempsey Flood Study) of the Lower Macleay Floodplain Management Plan to determine the existing flood behaviour in the Kempsey Urban Area and to assess the strategic development options in the floodways in the Kempsey CBD. Following on from the Flood Study, a Management Study and Plan will be developed. Changes in personnel of the consultant have resulted in delays being experienced for this project.

It is proposed that, in 2006 / 2007, the Kempsey Flood Study would be completed and work would commence on the Management Study and Plan for the Kempsey Urban Area (Stage 4C).

***Lower Macleay Floodplain Management Study***

***Stage 4B and 4C***

***\$45,000***

**ii) Smithtown – Gladstone Levee Concept**

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. Funding in the amount of \$30,000 is provided in the 2005 / 2006 budget to commence the flood modelling for this study. Proposals will be sought from consultants to undertake this component.



**Macleay Bank Protection**

**\$60,000**

**ii) Floodgate Restoration**

**Council is responsible for 181 floodgated structures with 352 floodgates. Rehabilitation of floodgate structures is required to ensure the gates remain watertight and / or to treat concrete 'cancer', which is occurring because of the corrosion of the reinforcing steel in the harsh, acidic and brackish conditions.**

**Structures were identified that require repairs within the next five years with the cost of repairs estimated at \$2,050,000. The inspection of the structures indicates that Council should be spending in the order of \$250,000 - \$500,000 per year over the next five to ten years for floodgate replacement.**

This project provides for repairs to failed concrete structures and restoration of concrete 'cancer'. It is proposed that in 2006 / 2007 repair work on the floodgate structures at Schoolhouse Drain, Slaughterhouse Drain and McCabes Drain be undertaken.

**Floodgate Restoration**

**\$225,000**

**iii) Water Quality Monitoring**

The project provides for monitoring water quality data at 10 locations, plus 2 mobile trailers, in the Lower Macleay Floodplain. The project is establishing long-term base-line data sets of key water quality parameters and to measure the effectiveness of operational and management changes. This project is a vital part of Council's Floodplain Project and is also an integral part of projects under the Coastal Acid Sulphate Soils Program and Acid Sulphate Soils Hot Spots Program. A web page has been developed so that the community can access real time water quality data.

**Water Quality Monitoring**

**\$45,000**

**3) New Studies (State Assisted Program 2:1 Subsidy)**

**i) Macleay Voluntary Rural House Raising Audit**

Following the flood in March 2001, a number of inquiries were received regarding the possibility of financial assistance in raising dwellings in flood prone areas. In rural areas often the only viable

option is to raise the actual dwelling to reduce the impacts of flooding on the dwelling.

Council has resolved to undertake some preliminary investigations in order to determine if the scheme is viable and what the cost implications would be. A preliminary audit would need to be undertaken to identify the number of houses that might benefit their susceptibility to flooding, and the costs / benefits involved. It is estimated that an amount of \$30,000 is required to undertake the field survey and inspection and cost / benefit assessment.

**Macleay Floodplain Voluntary Rural  
House Raising Audit** **\$30,000**

**4) New Works (2:1)**

**i) Macleay Floodplain Voluntary Rural House Raising Project**

Under the Voluntary House Raising Program, the Government provides financial assistance, two-thirds of the cost up to \$40,000, to raise a dwelling in order to put the floor level at the Flood Planning Level. This scheme is very effective in reducing flood damages and has obvious social benefits. The program could operate such that the matching one third component is contributed by the benefiting property owner with Council's in-kind contribution limited to facilitating and managing the program.

Whilst the number of dwellings that will be eligible for subsidy is unknown until after the audit has been undertaken, it is envisaged that a substantial number of properties will meet the criteria. It is estimated that there could be approximately 200 dwellings with a floor level lower than the 1 in 100 year flood level. However only 50% of these dwellings may be assessed as having a cost / benefit ratio that meets the guidelines.

On the basis that the audit will be completed prior to the offer of funding being received, it is proposed that Council lodge a submission for funding for the project. Such funding, sufficient to undertake the raising of up to four dwellings per year, being \$160,000.

**Macleay Floodplain Voluntary  
Rural House Raising Project** **\$160,000**

**5) Maintenance Program (1:1)**

Council's current budget under the 1:1 program for the maintenance of the flood mitigation structures, timber bridges, drains, levees, bank protection, flood control structures and alert

system is \$206,700 and is only approximately 50% of that required. DNR has not, to date, agreed to increase funding above \$87,200 but Council should seek an increase.

### **Maintenance of Flood Mitigation System \$210,000**

There is some concern that, if Council does not maintain its involvement in these existing programs, these projects will no longer be "existing projects" and will need to be listed as new works. They will then need to compete for both priority and funding with other projects on a state-wide basis and may only be deemed eligible for 1:1 funding support.

Funding details of the proposed projects are summarised in the table below.

<b>Project</b>	<b>Program Funding</b>	<b>Total funding</b>	<b>Council Contribution</b>
Lower Macleay Floodplain Management Study Stage 4B and 4C – Kempsey	1:1:1	\$45,000	\$15,000
Smithtown – Gladstone Levee Concept	1:1:1	\$30,000	\$10,000
Kempsey Floodway Voluntary Purchase	1:1:1	\$100,000	\$33,333
Macleay Bank Protection	2:1	\$60,000	\$20,000
Floodgate Restoration	2:1	\$225,000	\$75,000
Water Quality Monitoring	2:1	\$45,000	\$15,000
Voluntary Rural House Raising Audit	2:1	\$30,000	\$10,000
Voluntary Rural House Raising Project	2:1	\$160,000	Nil
Maintenance Flood Mitigation System	1:1	\$210,000	\$122,800
<b>TOTAL</b>		<b>\$905,000</b>	<b>\$301,133</b>

#### **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.***

- ***Economic (Financial)***

***The financial implication of the following recommendation is that Council would need to provide \$301,133, as its contribution, in the 2006 / 2007 budget for flood mitigation.***

- *Policy or Statutory*

*Nil*

- *Director's Review*

*Council is urged to support this program by endorsing the recommendation.*

2006. 68 RESOLVED:

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

That the proposals outlined in the report for the 2006 / 2007 Floodplain Management Program be approved for submission to the Department of Natural Resources.

<b>DSS16</b>	<b>DEVELOPMENT SERVICING PLANS FOR WATER AND SEWERAGE</b>	
	<b>FILE: * AMB</b>	<b>{ Folio No. 312278 }</b>

This item was dealt with immediately following PUBLIC FORUM.

<b>DSS17</b>	<b>BELLBROOK WATER SUPPLY</b>	
	<b>FILE: * AMB</b>	<b>{ Folio No. 312280 }</b>

**SUMMARY:**

Reporting on Bellbrook water supply.



**DESCRIPTION:**

Macleay Water has faced problems with the raw water supply (bores in the shingle bed) at Bellbrook since the middle of 2005. The raw water has not been meeting Australian Drinking Water Guidelines (ADWG). Macleay Water has embarked on several courses of action and this report updates Council on their progress and the costs borne to date.

A new bore was sunk to improve the raw water quality. To date the quality of this raw water, whilst improved, water has not consistently met the ADWG. Macleay Water has worked with NSW Health (Port Macquarie Population Health and Sydney Water Unit) on a sampling programme to gain a set of data in which more permanent solutions may be determined. Results from the third round of sampling are

currently being compiled and analysed by NSW Health and options will shortly be discussed.

In the interim, a surface water bore has been developed to draw raw water from the river itself (surface water) as opposed to the river's shingle bed. The surface raw water does not contain the contaminants found in the shingle bed that caused the raw water from the bore to be noncompliant with the ADWG.

The surface water does have **some** water quality constraints. The quality constraints and the current solution(s) are listed below.

- In periods of rain the river turbidity restricts the success of the chlorination (disinfection) and ability to meet ADWG – portable turbidity testing equipment purchased, sampling regime established, Macleay water staff assessing 7 days per week, liaison with community members established for advance notice of river freshes, carting water into town from Willawarrin and Greenhill when turbidity exceeds level for successful chlorination.
- Potential of pollutants in the surface water – in conjunction with NSW Health have established microbiological sampling regime to monitor microbial quality.

The turbidity events in recent months have been frequent and the additional costs are mounting. Additional costs are approximately \$100,000 as at 1 February 2006 for the 2005/6 financial year. The additional costs include water cartage, wages, vehicles and testing. It is not possible to cover the additional costs from current water funds without a negative impact on service provision and a transfer from Water Supply Working Funds is requested.

Macleay Water has contacted Department of Energy Utilities and Sustainability (DEUS) to seek Emergency funding assistance to defray the additional Bellbrook costs. Although usually reserved for drought assistance and the like, this request will be considered.

#### ***REPORT IMPLICATIONS:***

- ***Environmental***

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

- ***Social***

***Macleay Water is working with NSW Health to ensure safe drinking water is supplied to the Bellbrook community.***

- ***Economic (Financial)***

***Funds are required to cover the mounting additional costs for Bellbrook water supply. It is estimated \$140,000 will be***

*required to cover costs to the end of the financial year. Current Water Supply Working Funds balance is \$361,289, which includes provision for expenditure of \$140,000 in respect of the Bellbrook Water Supply, and it is recommended that funds be transferred to cover the anticipated costs.*

*DEUS emergency funding may become available to defray some of the additional costs.*

- *Policy or Statutory*

*There are no policy impacts from this report and all statutory requirements are being met.*

- *Director's Review*

*Council has no choice but to ensure the water provided to residents is safe and complies with Australian Drinking Water Guidelines.*

2006. 69 RESOLVED:

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

That \$140,000 be transferred from Water Supply Working Funds to cover the costs incurred for Bellbrook water supply.

DSS18	FLUORIDATION	
FILE: 240	AMB (NRN)	{Folio No. 312279}

**SUMMARY:**

Reporting information received from NSW Health on fluoridation.



**DESCRIPTION:**

A letter has been received [Appendix E](#) from NSW Health indicating an extension of the timeframe to fluoridate the South West Rocks, Crescent Head and Kempsey / Lower Macleay water supplies.

Consultants have been engaged and are currently designing fluoridation systems to be located at Crescent Head Water Treatment Plant and Steuart McIntyre Dam. The fluoridation system for South West Rocks is a component of the Water Filtration Plant currently nearing completion.

**REPORT IMPLICATIONS:**

- *Environmental*

*There are no environmental implications from this report.*

- *Social*

*The Department of Health has indicated that fluoridation will lead to better teeth, particularly in the young.*

*Complaints with respect to lack of community consultations will be forwarded to the Department of Health.*

- *Economic (Financial)*

*Upfront construction costs are borne by Council until the plant is approved and operating. Council can then seek reimbursement from NSW Health. Approximately \$240,000 has been expended to date.*

- *Policy or Statutory*

*Council has been directed to fluoridate the three water supplies and the fluoridation timeframe is now a statutory requirement.*

- *Director's Review*

*As per the report.*

**Director Shire Services Recommendation:**

**That the information be noted.**

2006. 70

**RESOLVED:**

*Moved: Cl. Howell*

*Seconded: Cl. Saul*

**That Council make urgent representations to the Minister for Health regarding the capital costs of the fluoridation systems being paid for, by the State Government, on a progress payment basis as the works proceed in accordance with the assurance given to Council by the CEO, Mid North Coast Area Health Service, Mr Terry Clout.**

**The Mayor noted that the foregoing resolution was passed unanimously.**



**At this stage 1.08p.m the Meeting adjourned for Luncheon and upon resumption at 1.55p.m all present at the adjournment were in attendance.**



## MOTION FOR CONFIDENTIAL COMMITTEE

2006. 71 RESOLVED:

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

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

## REPORT OF THE MEETING OF THE CONFIDENTIAL COMMITTEE OF THE WHOLE

Upon resumption of Open Council, the following Report of the Confidential Committee of the Whole was submitted by the Acting General Manager.

## DIRECTOR CORPORATE SERVICES CONFIDENTIAL REPORT

DCS1	WIRELESS BROADBAND GRANT APPLICATION
FILE: 722	KCP {Folio No. 312349}

### REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it includes information that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business (Sec 10A (2) (c) of the LG Act 1993).

Discussion of the matter in an open meeting would disclose information on which Council has based its grant application, which would on balance be contrary to the public interest should Council proceed to invite Tenders for the project.

### SUMMARY:

Reporting on the "expression of interest" application to be lodged with the Mid North Coast Area Consultative Committee for a grant to implement a wireless broadband network in the Macleay Valley. The grant funds will be sought under the Sustainable Regions Project.



2006. 72 RECOMMENDED:

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

That Council endorse the lodgement of a submission with the Mid North Coast Area Consultative Committee for grant funding under the Sustainable Regions Project for the purpose of a wireless broadband network in the Macleay Valley.

## GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	LEGAL MATTERS		
	FILE: 155	AVB (NRN)	{Folio No. 312347}

### REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it involves advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).

Discussion of this matter in an open meeting could prejudice the position of Council in these matters. On balance, the public interest in preserving the confidentiality of the legal information presented outweighs the public interest in openness and transparency in Council's decision making by discussing the matter in open meeting.

### SUMMARY:

Reporting on the current position regarding legal matters.



2006. 73 RECOMMENDED:

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

That the information be noted.



At this stage 2.05pm all staff left the Chambers except for the Acting General Manager and the Human Resources Manager.

GM2	SHIRE SERVICE DEPARTMENT		
	FILE: *	AVB (NRN)	{Folio No. 312348}

### REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it involves advice concerning personnel matters of a particular individual. (Local Government Act 1993, section 10A (2) (a)).

**SUMMARY:**

To outline discussions held with the Director of Shire Services regarding the operation of the Department.



**General Managers Recommendation:**

That the information be noted.

**2006. 74 RECOMMENDED:**

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

That Council endorses the action of the General Manager in this matter.



**ADOPTION OF REPORT OF THE CONFIDENTIAL COMMITTEE OF THE WHOLE**

**2006. 75 RESOLVED:**

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

That the foregoing recommendations of the Committee of the Whole, as reported by the Acting General Manager, be adopted.



**2006. 76 RESOLVED:**

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

That the open Council meeting be resumed.



At this stage 2.32pm the open Council meeting continued with item DSS19.

## DIRECTOR SHIRE SERVICES REPORT

<b>DSS19</b>	<b>STUARTS POINT WATER SUPPLY</b>
<b>FILE: * AMB</b>	<b>{ Folio No.</b>
<b>312281}</b>	

### SUMMARY:

Reporting on Stuarts Point water supply



### DESCRIPTION:

The water supply at Stuarts Point has experienced several operational problems that have led to dirty water in the reticulation system. The operational problems have now been addressed and resolved.

In addition to the operational problems, a key water reticulation main has broken four times within the last month. This water main was previously the main feed to and from Stuarts Point Reservoir and was superseded several years ago to become part of the reticulation system. Assessment of the water main has established it is in poor condition and breakages will continue at an increased rate. To maintain reasonable service standards to the Stuart Point community, the most appropriate action is to replace a 750m length of this main. The replacement cost is estimated at \$120,000.

The main replacement was not budgeted in the 2005/6 financial year. However, there are funds available in Section 64 Contributions sufficient to cover this expenditure and such main replacement meets the requirements for improvement works.

### REPORT IMPLICATIONS:

- *Environmental*

*The operational problems and main breaks have meant water losses to the Stuarts Point water supply through flushing or direct loss and subsequent flushing.*

- *Social*

*Continued main breaks reduce the service levels for the Stuart Point community.*

- *Economic (Financial)*

*An appropriate use of Section 64 funds, currently standing at over \$130,000 would be the replacement of this section of water main. Due to the other operational problems and the cost to address them, there are not sufficient funds remaining in the Mains Maintenance and Repair vote.*

- *Policy or Statutory*

*Nil*

- *Director's Review*

*Council is urged to adopt the recommendation.*

2006. 77 RESOLVED:

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

That 750m of water main be replaced at Stuarts Point with the cost of replacement drawn from Section 64 Contributions.

DSS20	GREENHILLS SEWERAGE SCHEME	
	FILE: 223 SLM	{Folio No.
	312282}	

**SUMMARY:**

Reporting on the progress of the Greenhills sewerage system.



**DESCRIPTION:**

At the Council meeting of 8 February 2005 Council resolved that the LPGP system be accepted for this area, with construction to be completed in the 2005/6 financial year.

The design for the system has been completed, and construction is anticipated to commence in April and be completed in June 2006. Macleay Water has had previous discussions with the residents of Greenhills to explain the system and the costs relating to the installation and operations of the system.

The LPGP units which were purchased for the Jerseyville Sewerage scheme can be used for this project. Some extra units are also required to be purchased, along with all the pipework and fittings.

**REPORT IMPLICATIONS:**

- *Environmental*

*Failing septics present an unpleasant situation and a considerable environmental concern.*

- *Social*

*Residents in the area to be serviced by this system will be relieved of the ongoing maintenance issues with onsite disposal.*

- *Economic (Financial)*

*Some LPGP items were previously purchased for the Jerseyville project, and can be used for the Greenhills project.*

- *Policy or Statutory*

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

- *Director's Review*

*Council is urged to support the recommendations.*

2006. 78 RESOLVED:

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

- 1 That the installation of the LPGP sewerage system be approved for the Greenhills area.
- 2 That the connection fee \$2000.00 and maintenance fee \$100, as set out in Council's fees and charges, be adopted for this area.

DSS21	JERSEYVILLE SEWERAGE SCHEME	
	FILE: 148 SLM	{Folio No. 312283}

This item was dealt with immediately following PUBLIC FORUM.

DSS22

YOUTH INFORMATION REFERRAL SERVICE

FILE: 343 GRW (NRN) {Folio No.  
312285}

## SUMMARY:

Reporting on progress in the establishment of a Youth Information and Referral Centre at Kempsey PCYC South Kempsey.



## DESCRIPTION:

Quotations are currently being obtained to carry out works on the cottage adjacent the PCYC. Plumbing, electrical and carpentry works will need to be undertaken in order to bring the dwelling up to a satisfactory standard for a Referral Centre.

It is expected that all quotations will be received by the middle of February 2006. Once this process is complete it is expected that renovation works will commence soon after.

The Department of Community and Lifestyle Services, the funding body for the Youth Information and Referral Service has agreed to investigate options in relation to the relocation of the service to the PCYC with the following provisions:

1. Council will engage an independent facilitator to:
  - Manage the issues between Kempsey Shire Council and the Kempsey Youth Network as a result of Council's decision not to proceed with the Memorial Avenue site.;
  - Consult with Kempsey Youth Network in relation to the house adjacent to the PCYC as an alternative site, and canvass other suitable locations;
  - Progress a way forward for the establishment and operation of the Kempsey Youth Centre in consultation and partnership with Kempsey Youth Network,
2. Submit a revised project plan for the youth centre, inclusive of timeframes and a revised budget in keeping with the original approval.
3. Investigate safe transport options for young people if the house adjacent to the Kempsey PCYC were to be the preferred option.
4. Investigate lighting for the walkway bridge near Kempsey PCYC,

Upon receipt of information from PCYC (Revised Project Plan) a meeting will take place with an independent facilitator Trudy Hodge-Meli to clarify any outstanding issues arising from the report.

Negotiations have commenced with the RTA in relation to the installation of lighting on the South Kempsey Railway Bridge. RTA planners have advised that the railway bridge will undergo a major facelift in 2006, in order to bring the structure up to compulsory safety standards.

The RTA are keen to enter into a partnership with Kempsey Shire Council in relation to the upgrade of the bridge structure. Negotiations are continuing.

## **REPORT IMPLICATIONS:**

### ▪ *Environmental*

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

### ▪ *Social*

*Opposition to the relocation of the service to the PCYC South Kempsey continues. Once the Revised Project Plan is released it is hoped that opposition to the relocation of the service will diminish.*

### ▪ *Economic (Financial)*

*Grant funds are currently being held by Council in relation to this project. It is envisaged that quotations for repairs and upgrades to lighting on the South Kempsey Bridge will all fall within budget. Accurate costs will become available once all quotations are received in late February 2006.*

### ▪ *Policy or Statutory*

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

### ▪ *Director's Review*

*As per the report.*

2006. 79 RESOLVED:

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

That the information be noted.

Councillor Gribbin recorded his vote against the foregoing Resolution.

## DIRECTOR SHIRE SERVICES SUPPLEMENTARY REPORT

<b>DSS23 SUPP.</b>	<b>KEMPSEY WASTE RECEIVAL &amp; DISPOSAL FACILITY</b>	<b>FILE: LA6219</b>	<b>MGR</b>	<b>{Folio No. 312346}</b>
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### SUMMARY:

Reporting on an environmental and operational audit of Kempsey Shire Council landfill and transfer stations.



### DESCRIPTION:

Kempsey Shire Council engaged the services of Environmental Resources Management (ERM) to review current operations associated with waste handling, storage, transfer, transport and disposal at Council operated waste transfer stations and the KWR&DF landfill site.

Kempsey Shire Council (KSC) currently operates a solid waste (class 1) disposal facility at its Crescent Head Road landfill site. To operate such a disposal facility Council requires a licence under the Environment Operations Act 1997 and its subsequent regulations. This facility operates under EPA licence number 6269 with operating responsibilities clearly defined within this document and within the KSC Landfill Environmental Management Plan (LEMP) of March 2000. In addition to this site, KSC operates three waste transfer stations at South West Rocks, Stuarts Point and Bellbrook. These sites provide collection, temporary storage, recycling and transfer services for domestic wastes.

The following issues were highlighted by ERM in the audit as having potential risks associated with on-site infrastructure, waste storage and site management practices. The report also assessed potential safety risks to staff and the general public reflected in current operations.

### **KWR&DF**

#### **Waste to Solid Landfill**

The current available landfill space will be filled within six (6) weeks and no further space has been readied for the receipt of waste into solid landfill. Under EPA licence conditions any operator of a solid waste licence is required to properly prepare an area prior to placing any waste. These base preparations differ from site to site and, at KWR&DF, this process involves an EPA approved procedure requiring specialist materials and design in order to

conform. Such preparations are designed to minimise leachate and other contaminants leaving the site and possibly polluting adjacent areas and waterways.

The EPA approved procedure requires the following base preparation activities prior to the placement of any waste:

Rip the proposed area to a depth of 0.5m and re-compact. Place geotextile clay liner (Bentofix X1000, as specified by EPA) over compacted area. Install leachate drains at 50m maximum intervals and connect to main leachate collection drain. Place a 20mm aggregate layer (minimum 300mm thick) over the clay liner and place geotextile (Bidum A44 or equivalent) over the aggregate. It should be noted that the Bentofix X1000 liner as specified in condition O5.1 of the current licence must be used in the cell preparation. This product is only available from one supplier – Geofabrics Australasia Pty Ltd.

This construction procedure is non-negotiable and is required under current licence conditions O5, O6 and O7.

In order to provide sufficient volume for a calendar year of waste receipt an area of approximately 4,500m<sup>2</sup> is required, giving approximately 36,000m<sup>3</sup> of trapezoidal space. Cover material makes up approximately 16,000m<sup>3</sup> per annum thus leaving 20,000m<sup>3</sup> for waste to landfill. Current compaction ratios of average 800kg/m<sup>3</sup> will thus allow approximately 16,000 tons of waste material to be placed in this available space. Current volume indicators show that KWR&DF receives approximately 1,600 tons of waste per month. Hence the 4,500m<sup>2</sup> area will result in a 10 month cell life before a further cell has to be prepared. This cell life could be extended if a higher percentage of recycling can be achieved through thorough load inspections and sorting.

The current cost for such a construction runs at about \$33 per square meter. To prepare a cell of 4,500m<sup>2</sup> it will cost about \$150,000. Should this construction be delayed for any reason then Council will have to find alternative means of waste disposal such as trucking waste to neighbouring waste disposal facilities.

As this work is considered urgent, staff have commenced the preliminary survey and design works and ordered the materials required for construction. Construction works will need to proceed as soon as the required resources are available.

During September and October 2005 the landfill experienced wet weather over a prolonged period which made tipping at the then tip face difficult. It was decided that the cell should be extended to enable continued safe access. The cost of extending the cell at this time was \$74,129 and costs have been met from increased revenue and Working Funds, as shown in the Quarterly Financial report.

It should be noted that to meet current and future demand, sufficient provision should be made in future annual budgets for opening new cells each year.

## **KWR&DF Licence non-compliance and OH&S issues**

A number of concerns regarding general housekeeping of the KWR&DF landfill site have been raised. Of particular concern are non-compliance issues, which under the current licence conditions, may attract a severe penalty if left un-addressed.

### **1. Maintenance of the storm water and Leachate systems.**

Due to the lack of maintenance of the storm water drains a section of the drain has washed away allowing storm water to enter the leachate collection pond. This has resulted in a rise of the leachate pond level of 1.5m above the prescribed level, allowing leachate to flow back up the drains and into the waste cells. Of further concern is the leachate pond's lack of capacity, due to the storm water inflow, and its potential to overflow in a small rain event.

#### ***Suggested remedial action:***

Regular slashing of the drain to ensure vegetation is kept at about 150mm inside the drain; regular collection of windblown rubbish (to eliminate drain blockage which result in breaches;) and cleaning of sediment from drain.

#### ***Estimated cost of remedial action:***

Slash drain twice per annum - \$2,500 – to be met from operating funds.

Clean sediment and collect wind blown rubbish – refer to the Site Staffing item below.

### **2. Mud and waste being removed from site by vehicles.**

The EPA stipulates (condition O17.1) that all practical efforts should be made to minimise the tracking of waste and mud off site. During rain events the landfill site becomes muddy quickly, resulting in waste and mud sticking to wheels and chassis of vehicles. This material is then carried out of the site.

#### ***Suggested remedial action:***

Install a truck wash down bay that will clean and recycle mud and waste from vehicles.

#### ***Estimated cost of remedial action:***

Automatic wheel and truck wash down system - \$90,000  
A vote of \$200,000 from Loan Funds has been provided this year and planning has commenced.

### **3. Daily cover not completed.**

Licence condition O18.1 stipulates that a 150mm cover of fill be placed over the top of landfill waste on a daily basis. The reason for this condition is to minimise windblown waste, vermin scavenging, odours and, most importantly, fire risk. Non-compliance with this condition can be apportioned to the small number of staff available to complete daily tasks.

#### ***Suggested remedial action:***

Adjust tip opening times or increase staff numbers to a satisfactory level where all tasks can be completed daily.

#### ***Estimated cost of remedial action:***

Refer to the Site Staffing item below.

### **4. Vermin control**

There are currently no controls in place to minimise vermin.

#### ***Suggested remedial action:***

Daily cover be placed as per item 3, storage of recyclables to kept to a minimum and regularly collected; and, trapping and baiting programmes to be considered if pests become unmanageable.

#### ***Estimated cost of remedial action:***

Minimal and should be funded from general site maintenance.

### **5. Fire fighting capabilities**

A recent fire at the site exposed the lack of fire fighting capabilities under condition O21.1. Landfill fires are complex fires and require special training of staff to adequately fight them. Similarly, dedicated fire fighting equipment should be on site and regularly checked to ensure readiness.

#### ***Remedial action taken:***

Suitable equipment obtained, staff trained in landfill fire fighting and regular fire drills, to refresh staff, will be undertaken regularly.

#### ***Estimated cost of remedial action:***

Equipment (suitable coveralls, boots, gloves, breathing apparatus, pipes, fittings, etc) - \$10,000 – drawn from operating funds.

## 6. Collection and storage of domestic chemicals.

KSC is currently allowing domestic quantities of chemicals to be collected which is then stored for a period and then properly disposed of. This is not a breach of the licence but an OH&S issue and requires special storage cabinets. These cabinets will contain any spills from damaged chemical containers, control fumes and provide a secure area for the safe storage.

### ***Suggested remedial action:***

Purchase two designated chemical storage cabinets – one for corrosives and another for poisons. Train staff in liquid chemical storage, handling and spill management.

### ***Estimated cost of remedial action:***

Training - \$2,000 per staff member  
Cabinets - \$2,800 – to be drawn from operating revenue.

## 7. Storm water retention pond.

The storm water retention pond will require cleaning as it is heavily silted and its retention capacity reduced. This reduced capacity may result in higher than allowable suspended solids making its way into the adjacent stream during times of high flow.

### ***Suggested remedial action:***

Pump out pond during drier period and remove dewatered silt with excavator. Stabilise the pond banks with jute mesh and grass.

### ***Estimated cost of remedial action:***

Pump out and remove silt - \$15,000	} list for 06/07 budget
Stabilise banks - \$5,000	

## 8. Site Staffing

This is possibly the most important issue that requires immediate attention. The current operation has two staff members on shift during week days and only one staff member on weekends. The staff are required to perform the following tasks on a daily basis.

# H - 56

Open site and ready for business, man the office which includes serving customers, operate the weighbridge, handling cash, issue receipts, answer phone enquiries, inspect loads, direct customers and monitor general public movements. Other tasks include the manning of the tipping face to ensure waste is placed in the correct location, emptying the drop off pit, load mulch when sold, manage stockpiles, win and place daily cover, compact waste, irrigation activities to reduce leachate levels, house keeping, sampling and operate equipment.

Currently the site is accessed by domestic bin trucks, commercial waste operators and the public, resulting in a large number of people and vehicle movements. At the same time, heavy earthmoving equipment is operating on the site loading, transporting and compacting waste. Monitoring these movements is difficult with current staff levels and the result is a potential for serious damage and/or injury to staff, contractors or members of the public.

The EPA operating guidelines require that 'the level and nature of staffing at each landfill site must be adequate for environmentally responsible and safe management of a landfill'. Similarly the OH&S Act requires employers and employees to exercise a duty of care and provide sufficient resources so that work activities can be undertaken in a safe manner.

### ***Suggested remedial action:***

As a minimum, have two staff members work on the weekend and three to four during the week, when larger quantities of waste are received. The extra staff can assist with the current neglected house keeping duties, assist with gate keeping, load inspections and waste audits (which are currently not taking place), assist with daily cover operations and provide relief when required.

### ***Estimated cost of remedial action:***

\$50,000 per person per annum. Recommended 2 full time and 1 part time, total cost \$125,000 per annum.

Transfer stations 1 additional staff member \$50,000.

These costs will be reviewed with operating times and costs listed for the 06 / 07 budget.

## **SOUTH WEST ROCKS TRANSFER STATION**

### **1. Asbestos**

Staff are currently not trained in the identification and proper handling of asbestos which could result in inappropriate disposal.

***Suggested remedial action:***

Train staff.

***Estimated cost of remedial action:***

\$5,000 per person.

**2. Hard standing area too small and uneven**

Current operations are undertaken from an uneven gravel surface which is too small for proper site movements and stockpiles.

***Suggested remedial action:***

Provide larger and level hard standing area

***Estimated cost of remedial action:***

\$12,000 – list for 06 / 07 budget.

**3. Housekeeping**

Weeds and grass are allowed to grow uncontrolled.

Waste oil and batteries are stored in the open without bunding. During rain events mixing of acids and oils with rain water is occurring and runoff of this mix is uncontrolled.

***Suggested remedial action:***

Spray weeds and slash regularly.  
Provide an undercover bunded area for waste oil and battery storage.

***Estimated cost of remedial action:***

\$3,000 per annum for slashing.  
\$2,500 for undercover area – to be covered by operating funds.

## **STUARTS POINT TRANSFER STATION**

**1. Asbestos**

Staff are currently not trained in the identification and proper handling of asbestos which could result in inappropriate disposal.

***Suggested remedial action:***

Train staff.

***Estimated cost of remedial action:***

\$5,000 per person.

**2. Housekeeping**

Weeds and grass are allowed to grow uncontrolled.

Waste oil and batteries are stored in the open without bunding. During rain events mixing of acids and oils with rain water is occurring and runoff of this mix is uncontrolled.

***Suggested remedial action:***

Spray weeds and slash regularly.  
Provide an undercover bunded area for waste oil and battery storage.

***Estimated cost of remedial action:***

\$3,000 per annum for slashing.  
\$2,500 for undercover area. } List for 06/07 budget

**3. Operating time**

The limited opening time results in large quantities of waste being dumped at the gate and at locations around the transfer station.

***Suggested remedial action:***

Provide a more regular service, with relief staff from KWR&DF.

***Estimated cost of remedial action:***

Refer to Site Staffing item above.

**4. Urgent Asbestos issue**

During September 2005, a serious OH&S issue relating to asbestos was identified at this transfer station. The risk to staff, and the public, arose from the use of asbestos waste on the internal road of the transfer station to fill potholes and soft spots. During vehicle movements, the asbestos would break up and fibres become airborne. It was determined that this was serious OH&S issue and needed to be addressed immediately. An on site meeting, attended by the

KSC's Fleet and Safety Manager, Human Resources Manager, Waste Co-ordinator and USU representatives, determined that immediate corrective action was required and it was decided to gravel and seal the internal roads to prevent and further risks associated with the asbestos waste.

***Remedial action taken:***

The area was gravelled and sealed to cap the asbestos contaminated road.

***Estimated cost of remedial action:***

The cost to gravel the road with a minimum 150mm of gravel and bitumen seal came to \$26,989. Council only had a budget of \$10,000 for transfer station upgrades and the balance will need to be funded from capital works.

Council's concurrence with this expenditure is sought.

## **BELLBROOK TRANSFER STATION**

### **1. Asbestos**

Staff are currently not trained in the identification and proper handling of asbestos, which could result in inappropriate disposal.

***Suggested remedial action:***

Train staff.

***Estimated cost of remedial action:***

\$5,000 per person – to be covered by operating funds.

### **2. Housekeeping**

During rain events mixing of acids and oils with rain water is occurring and runoff of this mix is uncontrolled.

***Suggested remedial action:***

Provide an undercover bunded area for waste oil and battery storage.

***Estimated cost of remedial action:***

\$2,500 for undercover area – to be covered by operating funds.

## **REPORT IMPLICATIONS:**

- **Environmental**

*KSC has an obligation and a responsibility under its licence to ensure the competent handling, processing, storage and disposal of waste at its Crescent Head Road landfill site. Clear operating guidelines and procedures are set out in the KSC LEMP for this landfill operation in order to minimise environmental concerns associated with waste disposal.*

- **Social**

*KSC currently provides a kerb side waste collection service and disposes of this waste. The KWR&DF is the only licensed waste landfill site in the Shire and, in the event of 'no capacity to receive waste, kerbside waste collection might be delayed or severely impacted on.*

*KSC also has a responsibility to operate a safe and efficient waste facility for its ratepayers and the general public.*

- **Economic (Financial)**

*Construction of the cell could be funded from the capital works budget allocated to construct a truck wash down bay. Funds of \$200,000 were made available in 05 / 06 budget for a truck wash down bay. Other items listed as urgent could be funded from working funds for 2005 / 06 and budgeted for in future financial years.*

*It is proposed that these funds, utilizing loans, be utilized for the completion of a new cell immediately, at an estimated cost of \$150,000.*

*The remaining funds, combined with the vote currently listed for 06 / 07, could be utilised to fund the required truck wash in early 06 / 07.*

- **Policy or Statutory**

*KSC is obliged under the Environment Act 1997, KSC LEMP, EPA Licence 6269 and OH&S Act NSW 2000 to operate the landfill in a proper and responsible manner.*

- **Director's Review**

*Shire Services is currently preparing for the construction of the cell due to the urgency. Arrangements to carry out the maintenance of the storm water drains are underway.*

2006. 80 RESOLVED:

Moved: Cl. Green

*Seconded: Cl. Walker*

- 1 That the cell construction be funded from the capital funds allocated in the 05 / 06 budget for the truck wash down bay.
- 2 That the listed urgent items be funded from working funds for 2005 / 06, as allowed in the quarterly Budget review.

## **DIRECTOR CORPORATE SERVICES REPORT**

DCS1	STATEMENT OF BANK BALANCES AS AT 31 <sup>st</sup> JANUARY 2006 FILE: * APC
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### **SUMMARY:**

Reporting on the Statement of Bank Balances as at 31<sup>st</sup> January 2006.



### **DESCRIPTION:**

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.*

2006. 81 RESOLVED:

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

That the information be noted.

DCS2	STATEMENT OF INVESTMENTS AS AT 31 <sup>ST</sup> JANUARY 2006 FILE: *                      APC
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**SUMMARY:**

Reporting on the Statement of Investments as at 31<sup>st</sup> January 2006.



**DESCRIPTION:**

The Local Government Act 1993 requires that Council be notified at each Ordinary Meeting of details of all money invested by Council.

Attached at [\(Appendix B\)](#) is the Statement of Investments.

**REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*Nil*

- *Economic (Financial)*

*Nil*

- *Policy or Statutory*

*Nil*

- *Director's Review*

*Information noted as per report.*

2006. 82 RESOLVED:

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

That the information be noted.

**SUMMARY:**

Reporting on requests by Councillors for access to Council records.

**DESCRIPTION:**

Council's Code of Conduct section 10 relates to Access to Information and makes reference to Council policy C24:1 "Councillors and Staff: Interaction and Provision of Information To."

This policy requires that requests made by Councillors for access to records be reported to Council on a regular basis. The policy wording is "*The general manager, public officer or a person identified by the general manager, shall keep a record of all requests by Councillors for access to information (other than those listed in s.12 of the Local Government Act or by a Notice of Motion at a Council meeting). These requests must be reported regularly to the Council*".

It is proposed to comply with this policy by registering requests and reporting to Council each three (3) months detailing the requests received to access Council records by Councillors.

The access to Council records by the Mayor will not be included in these reports. The Mayors delegation includes:

- *To deal with any urgent matter which cannot be dealt with by Council because of the time factor.*
- *To represent Council to other tiers of government on matters affecting the Council.*
- *To represent and promote Council in the community.*

The role of the Mayor is distinct from Councillors because of this delegation and the Mayor will need regular access to Council records.

The purpose of reporting requests by other Councillors is that any information that is given to a particular Councillor in the performing of their Civic duties must also be available to any other Councillor who requests it. A decision made to allow access to the documents, therefore is a decision to allow all Councillors access if they so wish.

Below is a table of requests made in the three (3) month period November 2005 to January 2006.

Date	Councillor	Council Record Requested	Request
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			<b>granted</b>
1.11.05	J H Bowell	Correspondence relating to suggested 90km/h speed limit for Heavy Vehicles on the Pacific Highway	Yes 2.11.05
1.11.05	J H Bowell	File on Seachange – people moving from city to the country	Yes 1.11.05
11.11.05	J H Bowell	File on Seachange Taskforce	Yes 11.11.05
16.11.05	J H Bowell	Letters sent to Minister re: Hat Head Sewerage	Yes 16.11.05
22.11.05	J H Bowell	Report to 12 April meeting on Kempsey Masterplan works in Belgrave St	Yes 23.11.05
6.12.05	J H Bowell	North Coast Area Health Newsletter: information regarding Advisory Committee Members	Yes 6.12.05
6.12.05	J H Bowell	File on Recreational fishing on the Macleay	Yes 6.12.05
7.12.05	J H Bowell	File 46 on Kempsey Shire Health Care Services Plan	Yes 7.12.05 – but file not inspected
22.12.05	J H Bowell	Minutes Flood Risk Committee from January 2004 to present	Yes 22.12.05
23.12.05	J H Bowell	Staff Policy 7:85 Alcohol & Other Drugs	Yes 23.12.05
30.12.05	J H Bowell	Point Plomer Road Files from 2000 to 2005	Yes 30.12.05
10.1.06	J H Bowell	Letters to Country Mayor's Association in last 12 months and any replies received	Yes 12.1.06
11.1.06	J H Bowell	Agendas for Country Mayor's Association in last 5 years	Yes 12.1.06
13.1.06	J H Bowell	Correspondence on cost shifting from Country Mayors Association which was raised in 2000	Yes 16.1.06
13.1.06	J H Bowell	Correspondence from Country Mayors Speed limits of Heavy Vehicles	Yes 13.1.06 – but no letters found.
13.1.06	J H Bowell	Correspondence received from Country Mayors on a National Authority being responsible for Aged Care and HACC	Yes 16.1.06
16.1.06	J H Bowell	Correspondence on the requested amendment to the Crown Lands Act in regard to surplus funds from operation of Caravan Parks on Crown Land	Yes 16.1.06
18.1.06	J H Bowell	Correspondence resulting from resolution on 15.7.2004 on Council facilitating workshop on health services.	Yes 18.1.06

23.1.06	J H Bowell	Letter written to Minister Tony Kelly in regard to Caravan Park Levees to help cover the cost of public liability insurance for public reserves.	Yes 23.1.06
24.1.06	J H Bowell	Report by Parsons Blinkeroff – Better Roads Investigation – October 2005	Yes 24.1.06
25.1.06	J Gribbin	Customer First Centre Council Report 13.9.05, Tender Clarifications and Tender Specification.	Yes 25.1.06

### **Procedures for obtaining access to records**

Access to a Council record shall only be provided in accordance with Council's policy or statutory provisions (section 12 of Local Government Act which lists certain documents that must be publicly available). Our policy states that a Councillor can request access to a Council record by requesting the General Manager, Public Officer (Director Corporate Services) or a person nominated by the General Manager to provide such access (Directors or Managers).

The General Manager shall not unreasonably decide that a record is not relevant to the performance of Councillors civic duty and deny access. If the General Manager does refuse access, the General Manager must state the reasons for the refusal and advise the Council of these reasons.

The requests received by Councillors for access to records are given a high priority and are always endeavoured to be completed the same day.

### **REPORT IMPLICATIONS:**

- ***Environmental***

***Nil***

- ***Social***

***Councillors need to have access to documents necessary for them to exercise their statutory role as a councillor who represents the community. Generally the necessary documents for councillor decision making are provided in meeting agendas and the documents attached thereto.***

- ***Economic (Financial)***

***The access of records, while not a direct cost, does require the allocation of staff time, from the GM / Director / Manager receiving the request to the staff member allocated to retrieve or search for the information. Particularly time consuming are requests for old files (>2 years) that need to be accessed from archives and returned. Even a simple file access of an old file, even without searching for particular documents, make take up to 30 minutes staff time in one request.***

- *Policy or Statutory*

*Council's policy C24:1 covers a range of issues on the interaction between Councillors and staff and the provision of information to Councillors. The reporting of the instances where a Councillor has sought access to a record is a requirement of this policy.*

- *Director's Review*

*Nil*

2006. 83 RESOLVED:

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

That the information be noted.

<b>DCS4</b>	<b>FLEET MANAGEMENT</b>	<b>{ Folio No. 312289 }</b>
	<b>FILE: 151 MPM (NRN)</b>	

**SUMMARY:**

The Fleet Management Business Plan adopted by Council requires that Council be advised of Plant purchases each month.



**DESCRIPTION:**

The following items of plant have been purchased for the month of December 2005. There were nil purchases in January 2005.

<b>Plant No.</b>	<b>Description</b>	<b>Amount (GST excl)</b>
V2305	Volkswagen Golf	\$26,062.06
V2311	Ford Falcon Utility	\$22,333.44
VW2292	Toyota Hilux 4x2 with Service Body	\$38,123.60
VW2293	Toyota Hilux 4x2 with Service Body	\$38,123.60
VW2296	Holden Rodeo 4x4 with Service Body	\$36,238.62
VW2313	Toyota Avensis	\$30,742.00
	<b>Total</b>	<b>\$191,623.32</b>

Amendments have been made to the monthly fleet management report, on items sold / auctioned / traded. This has been undertaken to provide Council with a more improved understanding of the amount of income received for items sold at auction or traded.

To improve this understanding a conditions report has been provided in conjunction with Councils fleet services and the auction agent/dealership that will identify if the vehicle / plant is in a good, fair or poor state. The year of manufacture will identify the age of the vehicle / plant item and the number of kilometres or hours have been provided for Councils information.

The following items of plant have been auctioned / traded for the month of December 2005.

<b>Plant No.</b>	<b>Description</b>	<b>Manufacture Year</b>	<b>Km's/Hr's</b>	<b>Condition</b>	<b>Amount (GST excl)</b>
V1687	Iseki Ride on Mower SF300	1996	736 Hr's	Poor	\$2,890.91
V1887	Mitsubishi Triton Utility	2001	186,766 Km's	Fair	\$7,000.00
V2038	Holden Commodore VY	2002	58,873 Km's	Fair	\$14,254.55
VW2092	Toyota Hilux 4x4	2003	89,068 Km's	Good	\$17,572.73
				<b>Total</b>	<b>\$41,718.19</b>

The following items of plant have been auctioned / traded for the month of January 2006.

<b>Plant No.</b>	<b>Description</b>	<b>Manufacture Year</b>	<b>Km's / Hr's</b>	<b>Condition</b>	<b>Amount (GST excl)</b>
V2270	Toyota Corolla Hatch	2004	27,093 Km's	Good	\$14,390.91
VW1845	Holden Rodeo 4x2	2000	179,427 Km's	Fair	\$5,072.73
VW1848	Toyota Hilux Workmate 4x2	2000	89,178 Km's	Fair	\$6,072.73
				<b>Total</b>	<b>\$25,536.37</b>

**REPORT IMPLICATIONS:**

- **Environmental**

**Nil**

- *Social*

*Nil*

- *Economic (Financial)*

*Purchases in accordance with Budget provisions.*

- *Policy or Statutory*

*Nil*

- *Director's Review*

*Nil*

2006. 84 RESOLVED:

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

That the information be noted.

<b>DCS5</b>	<b>TENDER FOR SUPPLY OF GENERAL STATIONERY</b>
<b>FILE: 626 PJH</b>	<b>{Folio No. 312291}</b>

**SUMMARY:**

Reporting on the opportunity for Council to access the Hunter Regional Councils tender for supply of general stationery.



**DESCRIPTION:**

Kempsey Shire Council as a member of Hunter Councils Inc. can now access a number of tenders that are called by the Hunter Councils group.

One such tender is for the supply of general stationery. The Hunter Council's tender is with a panel of stationery suppliers, the major one being Corporate Express. This tender is for a two (2) year period and expires 30<sup>th</sup> June 2006. Hunter Councils will call new tenders for a two year period from 1<sup>st</sup> July 2006.

The Hunter Councils Inc. have been pressing Council officers for a decision on whether Kempsey Council is going to access the Hunter Councils stationery tender. As Kempsey Shire Council has a good working relationship with a local supplier, Randall's Business Equipment, it needs to consider this arrangement before a decision is made. This matter is being referred to Council as it is basically a decision to accept a tender and it is

felt Council should formally make that decision by resolution as would be the case if the tender was called by this Council.

### **Conditions for Accessing the Hunter Councils Tender**

To access the Hunter Councils tender, the conditions are that all except emergency general stationery is purchased from one or more of their panel of tenderers. Emergency supplies required at short notice can be purchased from the local supplier.

Kempsey Shire Council currently purchases its general stationery from Randall's Business Equipment of Kempsey and they also provide a free delivery and unpacking service for the Council. So as to undertake a tender selection process, Randall's Business Equipment was asked to provide a price quotation on a range of general stationery items so that an evaluation of the Hunter Councils supplier and Randall's could be undertaken.

### **Tender Evaluation**

A tender evaluation process was undertaken using the formula of Council's purchasing policy which is assessed on the following factors:

- Price
- Track Record
- Technical Expertise
- Time Performance
- Service Delivery
- Enhancement of local business

The results of the tender evaluation are shown on the following table. While the price of the Hunter Council's tenderer is less than Randall's (based on price alone the difference per annum is estimated at \$4,000), the overall service and the local business factor results in Randall's Business Equipment being the preferred supplier at this time based on this evaluation process.

<b>Attribute</b>	<b>Attribute Score (Weight x Point Score)</b>
Track Record	Randall's 125 Hunter 100
Technical Expertise	Randall's 80 Hunter 80
Time Performance	Randall's 75 Hunter 45
Price	Randall's 291 Hunter 309
Enhancement of Local Business	Randall's 50 Hunter 10
<b>TOTAL</b>	<b>Randall's 621 Hunter 544</b>

In regard to the service provided, the delivery and unpacking by the Randall's staff saves many hours of Council staff time. It is difficult to assess but is estimated at two (2) hours per week based on past experience where a staff member had to unpack all stationery delivered by couriers. Also items needed urgently are delivered the same day by Randall's which aids the efficiency of Council's operations. It would be unlikely this service would be provided if Council was only purchasing emergency stationery supplies from them.

The Hunter Council's tenderer could not provide such service and stationery from them would be delivered by courier to the Council for unpacking. Council however needs to consider the cost savings, particularly as it does pay an annual membership fee to Hunter Councils so as to be able to access these tenders as cost saving initiatives. Based on price alone, a saving of approximately \$4,000 per annum is available but when the delivery service provided by the local supplier is factored in the net savings would be reduced to around \$1,000 per annum.

Based on the evaluation process it will be recommended that Council decline to access the Hunter Councils tender for general stationery at this time and appoint Randall's Business Equipment as its preferred supplier of stationery for the next two (2) year period.

Although Hunter Councils will be negotiating a new two year stationery tender from 1<sup>st</sup> July 2006, they would like a decision now from Kempsey Shire Council on whether we want to access the current tender and then the new tender so the Councils seeking access to the tender can be used in advertising in their tender process.

If Kempsey Shire Council did not have such a good working arrangement with Randall's Business Equipment, it would be recommended that we access the Hunter Councils tenders but based on the factors set out in this report it is recommended that Council remain with Randall's Business Equipment as its preferred supplier for general stationery. The arrangement will be reviewed again in early 2008.

### **Tender prices subject to rise and fall**

The conditions of the appointment of Randall's shall be in the same terms as operate with the current Hunter Councils tender. These conditions are that any increase in the quoted tender / quoted prices during the tender period are to be subject to agreement by Council with evidence provided on cost increases incurred by the supplier. These requested price increases would generally be for annual CPI increases and specific supplier costs increases.

### **REPORT IMPLICATIONS:**

- ***Environmental***

*Council is endeavouring to use 100% recycled paper products where this is economically viable and where quality is acceptable such as with its copy paper and envelopes.*

▪ *Social*

*The social consideration is that to a local business Council is a big stationery user and is supporting its local businesses by buying locally. If Council were to purchase from a Hunter Councils tenderer, the purchases are from suppliers located outside the Shire.*

▪ *Economic (Financial)*

*Council's general stationery is budgeted in the Administrative Services budget for printing and stationery with \$61,000 allocated in the 2005-2006 year. The tender / quotation process alone has resulted in competitive prices being received for stationery items that Council uses in quantity so even if the local supplier is appointed, some cost savings will be received.*

▪ *Policy or Statutory*

*The Hunter Councils tenders are called in accordance with the Local Government (General) Regulation governing tenders. Council's policy on purchasing is used in the evaluation process.*

▪ *Director's Review*

*Nil*

2006. 85

RESOLVED:

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

That Council decline to access the Hunter Councils tender for stationery supplies and appoint Randall's Business Equipment, Kempsey, as its preferred general stationery supplier for the next two (2) years.

DCS6	MAYORAL AND COUNCILLOR FEES
FILE: 276 PJH	{Folio No. 312294}

**SUMMARY:**

Reporting that the Local Government Remuneration Tribunal has handed down a special determination for the 2005-2006 year.



## DESCRIPTION:

Council may recall that on 14<sup>th</sup> June 2005 a report was submitted to Council on the Local Government Remuneration Tribunal determinations for the 2005-2006 year. In this report it was advised that the Tribunal had deferred making any changes to the composition of categories and the quantum of the fees paid within each category.

The Tribunal deferred any increase to the amounts in the respective categories pending the release of the Department of Local Governments guidelines for payment of expenses to Councillors. Following completion of the guidelines, which should be received from the Department in the near future, the Minister requested the Tribunal to review its determination of the 2005-2006 fees.

### Fees increased by 4%

The Tribunal, taking into account key economic indicators including CPI and increases in salaries through awards and increases received by Members of Parliament, has determined that a 4% increase in fees effective on and from 1<sup>st</sup> July 2005 is appropriate.

A full copy of the Tribunal's report can be made available on request.

This increase will mean that the category 3 limit will increase as shown on the following tables:

(Current fees Category 3)

<b>Mayor</b>		<b>Councillor</b>	
minimum	maximum	minimum	maximum
\$12,490	\$28,215	\$5,875	\$12,925

(New fees Category 3)

<b>Mayor</b>		<b>Councillor</b>	
minimum	maximum	minimum	maximum
\$12,990	\$29,345	\$6,110	\$13,440

Council needs to resolve to determine its level of fees for the 2005-2006 year. It has been this Council's practice to pay the upper limit to its Mayor and Councillors.

If Council adopts the upper limit of its category it will result in the additional costs of \$4,635 for Councillors fees, and an additional \$1,130 for Mayoral fees. The Mayoral fee increase can be covered by the existing 2005-2006 budget allocation. The Councillors fees would require an additional allocation of \$4,635.00 from working funds.

## REPORT IMPLICATIONS:

- *Environmental*

*Nil*

- *Social*

*Council is being open with its community in its decision on fees payable to Councillors being determined at open Council meetings. The Tribunal is an independent body reporting to the Minister and sets the upper and lower limits payable in each Council category.*

- *Economic (Financial)*

*Mayoral and Councillor fees are provided for in Council's budget for Elected Member Services.*

*Should Council adopt the upper limit of its category it is not possible to absorb the increased cost of \$4,635 for Councillors fees from the existing allocation. Council working funds balance should be maintained at \$650,000 the current level expected at 30<sup>th</sup> June 2006 is \$454,000 & any decision to approve additional funding would reduce available working funds.*

- *Policy or Statutory*

*Section 248 of the Local Government Act requires that Councils must pay each Councillor a fee as determined by the Tribunal guidelines. If such a fee is not set by Council it must pay the minimum fee set by the Tribunal for that category Council.*

- *Directors Review*

*Nil*

2006. 86 RESOLVED:

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

That the Mayoral and Councillor fees payable for the 2005 - 2006 year be the maximum allowed in category 3 as determined by the Local Government Remuneration Tribunal and the increase be applicable as from 1<sup>st</sup> July 2005 and an amount of \$4,635 be allocated from working funds to fund the increased Councillors fees.

DCS7	RATING – AGGREGATION OF CERTAIN PARCELS OF LAND IN SUBDIVISIONS
FILE: *	WMS {Folio No. 312297}

This item was dealt with immediately following PUBLIC FORUM.

<b>DCS8</b>	<b>FINANCIAL STATEMENT FOR THE PERIOD TO 31<sup>st</sup> DECEMBER 2005 FILE: 321 APC</b>	<b>{Folio No. 312300}</b>
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**SUMMARY:**

Reporting that the Budget Review for the period ending 31 December 2005 has been prepared for all funds.



**DESCRIPTION:**

In preparing the review every effort has been made to contain costs within the approved budgetary allocation for the respective Council activities.

The Budget Review Summary is attached at [\(Appendix E\)](#).

The Budget review summary incorporates a note's section outlining major variations for the quarter.

A comparison of the estimated financial result of each fund for the December quarter is as follows:

<b>Fund</b>	<b>Adopted Budget 2005/06</b>	<b>September Budget Review</b>	<b>December Budget Review</b>
General	3,078 (S)	48,288 (S)	32,625 (S)
Water	1,665 (S)	29,610 (D)	124,849 (D)
Sewer	198,662 (D)	182,395 (D)	290,540 (D)

**General Fund**

The Budget review shows a deficit for the quarter of \$15,663.

The significant variations in revenue funded items that contributed to the deficit result in the quarter are set out below:

**Increased Expenditure:**

Waste Depot Expenses	\$29,400
Sports Fields Maintenance	\$26,118
Advances	\$13,000

**Decreased Expenditure**

Salaries – Sustainable Development	\$50,000
SWR Boatmans Cottage Improvements	\$30,500
Flood Mitigation Maintenance.	\$16,000

**Decreased Income:**

Building & Development Fees	\$60,000
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**Working Funds**

Working Funds comprise those uncommitted funds held by Council from surpluses generated in previous years, by nature working funds are readily convertible to cash in the short term. The working funds provide Council with a buffer against the impact of significant unbudgeted financial imposts. It is considered prudent to maintain the level of working funds at approximately \$650,000.

The estimated working fund balance as at 30 June 2006 is \$454,113

There has been a significant impact on Council's revenue streams over the last eighteen months due to the decline in the property market within the shire. Council will continue to closely monitor fees from development; any further decline will have to be met by a reduction in Council's programs.

**Water Fund**

The review reveals a deficit for the quarter of \$95,239 for the quarter.

The significant variations in revenue funded items that contributed to the result in the quarter are set out below:

**Increased Expenditure**

Meter Reading	\$ 20,000
Bellbrook Water Supply	\$140,000

**Decreased Expenditure**

Tariff Equalisation Reserve	\$80,000
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The estimated Working Fund balance as at 30 June 2006 is \$361,289.

**Sewerage Fund**

The review shows a deficit for the quarter of \$108,145.

The significant variations in revenue funded items in the quarter are set out below:

Increased Expenditure

Treatment Works maintenance & operation    \$63,000  
Water Charges & Rates (Pump Stations)        \$57,621

The estimated Working Fund balance as at 30 June 2006 is \$658,737.

**REPORT IMPLICATIONS**

• *Environmental*

*Nil*

• *Social*

*Nil*

• *Financial*

*The financial implications of the following recommendation would be a reduction in the General Fund surplus of \$15,663 whilst there would be an increase in the deficit of both the Water Fund \$95,239 and Sewer Fund \$108,145.*

• *Policy or Statutory*

*Nil*

• *Director's Review*

*As per Report.*

2006. 87 RESOLVED:

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

That the Budget Review for the period ended 31 December 2005 be adopted and the variations contained therein be approved and financed from the sources as indicated.

The following items DCS9 and DCS11 (Supp) were dealt with in conjunction.

DCS9	2005 / 06 LOAN BORROWING PROGRAM
FILE: 633    APC	{ Folio No. 312302 }

**SUMMARY:**

Reporting on the proposal to borrow \$2,474,000 for General Fund and \$700,000 for Water Fund projects.



**DESCRIPTION:**

The Local Government Act requires that the borrowing of monies is a function that Council must determine and cannot delegate.

The Department of Local Government has approved that Council may borrow \$4,374,667 in the 2005 / 06 year made up as follows:

General Fund (including Environmental Works)	\$2,274,667
Waste Management – Recycling	\$ 200,000
Water Fund	\$ 700,000
Sewer Fund	\$1,200,000

**Water Fund Loan Approval**

The loan program provides funding towards the construction of the SWR Water Treatment Plant. To date costs of \$3,163,734 have been incurred.

A loan of \$700,000 will be raised in the current year.

**Sewer Fund Loan Approval**

The original approval provided for \$1,200,000 for the Greenhill / Aldavilla Sewerage Scheme, it is proposed to borrow these funds in June 2006.

**General Fund**

The approved program for 2005 / 06 of \$2,474,667 incorporates \$563,000 carried forward from the 2004 / 05 year together with \$128,333 for works under Council's Environmental Levy Program.

**Loan Offers**

Council enquiries during the previous financial year confirmed that the major banks continue to provide the optimum borrowing rates to Local Government, and that the second tier institutions are not competitive. The advantage that the banking institutions enjoy is attributed to the size of their portfolios, the lower risk ratio applicable to local government borrowings, and the regulatory capital adequacy requirement's applicable to these institutions which make lending to local government attractive to the banks.

Council approached major lending authorities requesting quotes in respect of the above borrowing; the following quotes for the loans have been received:

### **National Australia Bank**

Term 10 years, quarterly repayment  
Rate 6.025%  
Quote Valid to: 10.2.2006

### **IMB Banking & Financial Services**

Term 10 years, quarterly repayment  
Rate 10-year swap rate plus a margin of 75bps (6.73%)  
Quote Valid to: Indicative only

### **St George**

Term 10 years, quarterly repayment  
Rate 6.19%  
Quote Valid to 2.6.2006

### **ANZ**

Term 10 years, quarterly repayment  
Rate 6.99% for general fund loan of \$2,474,000  
7.09% for water fund loan of \$700,000  
Quote Valid to: Indicative only

### **Westpac Banking Corporation**

Term 10 years, quarterly repayment  
Rate 6.05%  
Quote Valid to 29.2.2006

### **Commonwealth Bank**

Term 10 year, quarterly repayment  
Rate 6.04% for general fund loan of \$2,474,000  
6.15% for water fund loan of \$700,000  
Quote Valid to: indicative only

Updated rates will be available to Council at its meeting of the 14 February 2006 to enable determination of the successful lender.

### **REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*Nil*

- **Financial**

*The borrowings are in accordance with Council's Budget and will create a liability of \$2,474,000 in General Fund and \$700,000 in Water Fund.*

*The annual loan repayments will be approximately \$331,000 and \$94,000 in the General and Water Funds respectively, whilst the net effect upon the General Fund debt service ratio will be impacted by approximately 1.25 % and 0.95% in the Water Fund.*

- **Policy or Statutory**

*Nil*

- **Director's Review**

*Nil*

**Director Corporate Services Recommendation:**

1. That Council resolve to accept the offer of a General Fund loan of \$2,474,000 and a Water Fund loan of \$700,000 based upon a ten year fixed term quarterly installments from the financial institution offering the lowest interest rate.
2. That the seal of Council is affixed to the necessary loan documents.

**DCS11  
Supp**

**2005 / 06 LOAN BORROWING PROGRAM  
FILE: 633 APC {Folio No. \*}**

**SUMMARY:**

Reporting on the updated offers of loan funds of \$2,474,000 for General Fund and Water Fund Loan of \$700,000.



Further to the report DCS9 details of the updated quotes received are set out below:

Commonwealth Bank

Term 10 years, quarterly repayment \$2,474,000 General Fund  
Rate 5.97%  
Term 10 years, quarterly repayment \$700,000 Water Fund  
Rate 6.12%  
Quote Valid to: 14 February 2006 1.00pm.

National Australia Bank

Term 10 years, quarterly repayment  
Rate 5.96%  
Quote Valid to: 21 February 2006

IMB Banking & Financial Services

Term 10 years, quarterly repayment  
Rate 10-year swap rate plus a margin of 75bps (6.73%)  
Quote Valid to: Indicative only

St George

Term 10 years, quarterly repayment  
Rate 6.14%  
Quote Valid to 14 February 2006

ANZ

Term 10 years, quarterly repayment \$2,474,000 General Fund  
Rate 6.99%  
Term 10 years, quarterly repayment \$700,000 Water Fund  
Rate 7.09%  
Quote Valid to: Indicative Only

Westpac

Term 10 years, quarterly repayment  
Rate 6.01%  
Quote Valid to 14 February 2006 3.00pm

**REPORT IMPLICATIONS:**

- ***Environmental***

***Nil***

- ***Social***

***Nil***

- ***Economic (Financial)***

***The borrowings are in accordance with Council's Budget and will create a liability of \$2,474,000 in General Fund and \$700,000 in Water Fund.***

*The annual loan repayments will be approximately \$331,000 and \$94,000 in the General and Water Funds respectively, whilst the net effect upon the General Fund debt service ratio will be impacted by approximately 1.25 % and 0.95% in the Water Fund.*

- *Policy or Statutory*

*Nil*

- *Director's Review*

*Nil*

2006. 88 RESOLVED:

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

- 1 That Council resolve to accept the offer of a General Fund loan of \$2,474,000 and a Water Fund loan of \$700,000 based upon a ten year fixed term quarterly installments from the National Australia Bank at 5.96%.
- 2 That the seal of Council is affixed to the necessary loan documents.

DCS10	SOUTH WEST ROCKS POOL FILE: LA5678 (L475) GBS {Folio No. 312312}
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**SUMMARY:**

Reporting on a request to amend the Lease relating to the South West Rocks Pool and other public amenities.



**DESCRIPTION:**

As part of the land dealings in conjunction with the South West Rocks Country Club Ltd redevelopment proposals in 2002, an area of Crown land containing the Swimming Pool, Change Rooms, Netball Courts etc. was sold to the Club on the condition that it be leased back to Council for the term of 20 years (+ 10 year option).

The terms of the Lease include the following clauses relating to payment of rates and charges –

*“Payment of Rates*

*6.1 The Lessee covenants to pay within fourteen (14) days after demand therefore in writing has been made by or on behalf of the Lessor to the Lessee the amount equal to twenty five percent (25%) of all Shire*

*rates and charges payable with respect to Lot 7 in Deposited Plan 1032643 being part of the Premises.*

**Payment for water and electricity**

*7.1 The Lessee covenants to pay for all charges for water and electricity supplied to the Premises."*

Note:

In this lease the Lessee is Council and the Lessor is South West Rocks Country Club Ltd.

At the time of drafting this lease, and in line with the rating and charging regime which existed at that time, it was the intention that –

- a) The Lessor would pay Council's Ordinary Rates, Water Base Rate, and Sewer Base Rate and recover 25% from the Lessee. (In 2002/03 these rates amounted to \$1,240 + \$412 + \$470 respectively).
- b) The Lessee would pay consumption charges for water (say \$1,500pa) and sewer charges for additional WC's (say \$800pa).

The introduction of "best practice" water and sewer pricing has significantly altered the responsibilities.

The Water and Sewer Base Rates have been replaced with an Access Charge relative to the water meter size. The subject lease area is serviced by a 100mm water meter due to the swimming pool requirements and the 2005 / 06 Access Charges for water and sewer are \$4,620 and \$11,168 respectively.

The South West Rocks Country Club Ltd has written to Council advising that in their opinion they are not liable for the Water and Sewer Access Charges and request that the lease documents be amended to clarify the situation.

On the basis that: -

- a) the access charges were introduced subsequent to the drawing up of the lease, and
- b) the requirements for a 100mm water connection relate to Council's usage of the leased property it would be reasonable for Council to concur with the Club's request.

Council's Solicitor has advised that if Council is of a mind to concur with the Club's request it could do so by way of an exchange of letters without the necessity to amend the lease documents. This course of action would protect Council's interest into the future should there be any subsequent changes to the structure of "Shire rates and charges".

**REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*Nil*

- *Economic (Financial)*

*Under the terms of the lease Council was responsible for 25% of Water and Sewer Base Charges ie. approximately \$200pa. Should Council adopt the Recommendation it will accept responsibility for the new Water and Sewer Access Charges, currently \$15,788pa. This increase in cost represents additional General Fund expenditure.*

- *Policy or Statutory*

*Nil*

- *Director's Review*

*As per Report.*

2006. 89 RESOLVED:

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

That Council provide a letter to the South West Rocks Country Club to advise that Council agrees to treat the cost of Water and Sewer Access Charges as a consumption charge payable by the Lessee (Council) under Clause 7.1 of the Lease.

## GENERAL MANAGER'S REPORT

GM1	OUTSTANDING REPORTS / RESOLUTIONS
	FILE: 149 AVB (NRN) {Folio No.
	312321}

### SUMMARY:

Council's report on outstanding reports and resolutions.



### DESCRIPTION:

Following is listed each Director's outstanding reports and resolutions up to and including 13th December 2005 Ordinary meeting of Council.

### **OUTSTANDING REPORTS / RESOLUTIONS**

#### **Director Sustainable Development Services**

12.4.05 NOM	Council's Tree Preservation order to be reviewed to take into consideration – Bushfire Legislation and where height of tree is greater than distance between base of tree and a dwelling	Draft report prepared, pending Officer attending seminar on Native Vegetation Act.
9.8.05 DSDS10 SUPP.	South Kempsey industrial investigation area - Council to make representations to Minister Sartor to see if this can be expedited.	Investigations awaiting Council funding. Vegetation mapping of area commenced.
9.8.05 DSDS5	SWR open space strategy reclassification of community land - report on public submissions - Council to prepare draft LEP to reclassify community land to operational	Draft LEP in preparation. Exhibition targeted for February 2006. Awaiting a plan of works on which proceeds to be spent.
13.9.05 DSDS5	148 Macleay St Fredo - reclassification of community land - prepare draft LEP to reclassify from community land to operational	Draft LEP in preparation. Exhibition targeted for February 2006.

#### **Director Shire Services**

12.10.2004 DCCS7	Crown land assessment - advice received from Dept Lands - advise Dept Lands Council review matter Feb 05 - ask to commit in writing offer to contribute funding - Advise Minister.	Progressing with Sustainable Development Services for completion of Masterplan for the area.
9.12.2003 DE1	That the Director Engineering report on the possibility of Council running a trial of computerised floodgates.	Details being pursued.
8.6.2004 NOM	Stuarts Point sewerage scheme - request Dept. Energy Utilities & Sustainability support Council progressing.	Awaiting updated quote from Dept. of Commerce.
DBE3 SUPP	Kempsey Pool Infrastructure - Longer term planning investigates developing new	Planning to be done as time permits.

	aquatic facilities including heated 25 metre pool.	
14.6.05 DSS2	Kerbside waste collection - introduction of voucher system be deferred until 2006 - report to be provided on extending domestic waste services.	Investigation initiated but awaiting engagement of new Waste Facilities Co-ordinator.
12.7.05 DSS7	Street lighting S/K Industrial area – DSS required to report back to CNL on areas of pedestrian activity that require lighting.	Compiling report.
9.8.05 NOM5	Fluoride - report be submitted to Council so all costs associated with the introduction of fluoridation can be absorbed without an increase in water rates access & usage	South West Rocks will have fluoride in the next 3-4 months depending on construction of SWR WTP. Crescent Head and Kempsey are planned for November 2006 at the latest. Report being compiled.
	Road Safety officer report – staysafe committee be contacted re scooters, Gophers and motorised toy vehicles	Still researching information. Awaiting RTA Statistics from Grafton.
DSS4 15.11.05	Donations & Grants Policy - adopt revised policy C21:7 - request organisations supply financial statements 2004/5	Seeking information from organisations.
15.12.05	Parking arrangements in Ocean Dr SWR to be monitored in 12 months time.	Ongoing
15.12.05	Develop local area traffic management plan for Gladstone, Belgrave and Verge Street intersection - Holman St be one way southward from Forth Street to Belgrave Street	Work initiated.
15.12.05	Alcohol Free zone signs to be erected at RSL Riverbank and outside the oval at Verge Street.	Community consultation required.
15.12.05	Review operations of KAP bus - Social Strategic Planning Committee and Manager Community	Review to be undertaken in February.

	Services to review and report to February Council meeting.	
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**Director Corporate Services**

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**General Manager**

13.4.04 GM5	Road closures - interpretation of maintained road - text Dept. Lands interpretation of a constructed road by submitting application - challenge interpretation that requires proceeds of sale to be paid to Dept. Lands - advise LGSA, Country Mayors & Mid	An application has been submitted to Department of Lands. Awaiting department's assessment.
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**REPORT IMPLICATIONS:**

- **Environmental**

*Nil*

- **Social**

*Nil*

- **Economic (Financial)**

*Nil*

- **Policy or Statutory**

*Nil*

- **General Manager's Review**

*Nil*

2006. 90 RESOLVED:

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

That the information be noted.

GM2	AUSTRALIA'S FUTURE CITIES FILE: 552 AVB	{Folio No. 312324}
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## **SUMMARY:**

To provide information on the ALP's discussion paper on Urban Development Housing and Local Government.



## **DESCRIPTION:**

The Australian Labour Party on the 1 December 2005 launched, "Australia's Future Cities". A discussion paper on Urban Development Housing and Local Government in an attempt to bring the policy debate on these critical issues into the National sphere. A copy of the discussion paper will be tabled at the Council meeting.

Senator Kim Carr, Shadow Minister for Housing, Urban Development Local Government and Territories is inviting submissions on the policy that the ALP will take to its 2007 National Conference and from there to the next election. Copies of the recommendations are outlined in [Appendix A](#)

The paper does recognise the importance of untied Financial Assistance Grants to Local Government and the burden of cost shifting. Mention that Labor supports the constitutional recognition of Local Government is made in the paper but is not included in the recommendations.

## **REPORT IMPLICATIONS:**

- ***Environmental***

***The report deals with environmental considerations such as climate change, urban water management and energy consumption.***

- ***Social***

***The ALP's stance on Urban Development and Housing issues are outlined in the report.***

- ***Economic (Financial)***

***Many of the recommendations in the report affecting Local Government have financial implications.***

- ***Policy or Statutory***

***Nil***

## **General Manager's Recommendation:**

That Council make a submission on the paper that includes support for an untied fixed financial commitment to Local Government at least equivalent to 1% of Commonwealth Revenue, a commitment to constitutional recognition and a commitment to the Roads to Recovery program.

2006. 91 RESOLVED:

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

That Council make a submission on the paper that includes support for an untied fixed financial commitment to Local Government at least equivalent to 1% of Commonwealth Revenue, a commitment to constitutional recognition and a long term commitment to the Roads to Recovery program.

GM3	REGIONAL FILM PROGRAM
FILE: 16	AVB {Folio No. 312327}

**SUMMARY:**

To decide whether Council wishes to contribute to Film Mid North Coast Armidale for the next two years.



**DESCRIPTION:**

Christina Hyde from Film Mid North Coast Armidale gave a presentation to Councillors on the Regional Film Program at the December Council meeting.

The program is currently funded for twelve months to April 2006 through a partnership between the Regional Development Board, the NSW Department of State and Regional Development and Local Government.

The NSW Government has announced that it would fund a number of regional film programs in the future and the Mid North Coast Regional Development Board is now enquiring as to whether Council would be prepared to be a funding partner for the next two years on a per capita basis. Council would be required to contribute 15c per capita (\$4,000) in 2006 and 10c per capita (\$3,000) in 2007.

Council contributed \$8,000 to the program in 2004 / 05 but withdrew its contribution in the 2005 / 06 year. No provision has been made for a contribution in the 2006 / 07 year in our five year budget.

**REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*Nil*

- *Economic (Financial)*

*No provision has been made in this year's budget. Any contribution would need to be financed from working funds.*

- *Policy or Statutory*

*Nil*

- *General Manager's Review*

*Nil*

2006. 92 RESOLVED:

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

That Council advise the Mid North Coast Regional Development Board that it is not prepared to make a contribution to the Regional Film Program in 2006 or 2007.

GM4	NATIONAL SEACHANGE TASKFORCE CONFERENCE 2006 FILE: 357	AVB	{Folio No. 312328}
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This report was dealt with earlier in the Meeting immediately after NOM1.

GM5	QUARTERLY REPORT ON IMPLEMENTATION OF 2005 - 2006 MANAGEMENT PLAN FILE: 339 JCC (NRN)	{Folio No. 312331}
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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 quarter as to the extent to which the performance targets set by the Management Plan have been achieved during that quarter.

Attached at [Appendix B](#) is a report on the achievements in respect to Council's Targets / Performance Measures for the quarter ended 31st December 2005.

**REPORT IMPLICATIONS:**

- *Environmental*

**Nil**

- *Social*

**Nil**

- *Economic (Financial)*

**Nil**

- *Policy or Statutory*

**Nil**

- *General Manager's Review*

**Nil**

2006. 93 RESOLVED:

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

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

GM6	LAND AND ENVIRONMENT CONFERENCE
FILE: 165 AVB	{Folio No. 312334}

**SUMMARY:**

To advise Council of a Land and Environment Conference to be held in Byron Bay.



**DESCRIPTION:**

A number of Councillors attended a Local Government Planning Seminar in Sydney in August conducted by the Marsdens Law Group. Those that attended found the seminar both informative and stimulating.

Marsdens Law Group are conducting a Land and Environment Conference at Byron Bay on Friday, 10 March 2006. The program is outlined in [Appendix C](#). Councillors may wish to attend the seminar.

**REPORT IMPLICATIONS:**

- *Environmental*

Many of the subjects to be addressed at the conference relate to Environmental Law.

- *Social*

*Nil*

- *Economic (Financial)*

*The conference is free but accommodation and travelling expenses will need to be covered.*

- *Policy or Statutory*

*Nil*

- *General Manager's Review*

*Nil*

**General Manager's Recommendation:**

That Councillors advise their interest in attending the conference.

2006. 94

**RESOLVED:**

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

That Councillors Green, Gribbin, Hunt, Saul and Hayes be authorised to attend the Land and Environment Conference to be held in Byron Bay on Friday 10<sup>th</sup> March 2006.

**SUMMARY:**

To inform Council of replies received in respect to the surrender of leases of the Boatmans Cottages and the School of Arts Hall.



**DESCRIPTION**

Council, at its meeting in December, agreed to surrender the leases of the Pilot Station and Boatmans Cottages in South West Rocks subject to confirmation that community use tenants, including Council, will pay a subsidised rental.

The Department of Lands has confirmed that the community tenants using Boatmans Cottages 1 and 2 will benefit from a subsidised (rebated) rental under the conditions of tenure to be negotiated with the Department and this would also be extended to Council in respect of the tourist information function.

The Department, in their December letter to Council, canvassed the idea that Council may wish to surrender trust management of the School of Arts Hall. I have liaised with the Hall Committee who have advised that they have discussed the matter and have unanimously voted to preserve the status quo.

***REPORT IMPLICATIONS:***

- ***Environmental***

***Nil***

- ***Social***

***Nil***

- ***Economic (Financial)***

***Nil***

- ***Policy or Statutory***

***Nil***

- ***General Manager's Review***

*Nil*

2006. 95 RESOLVED:

*Moved: Cl. Bowell  
Seconded: Cl. Gribbin*

1. That the tenants of the Cottages be given a copy of the letter from the Department of Lands.
2. The South West Rocks School of Arts Committee be advised that Council will not be taking steps to surrender the Trust Management of the Hall.

GM8	LOCAL GOVERNMENT AND SHIRES ASSOCIATION CONTRIBUTION FILE: 579 AVB	{Folio No. 312336}
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**SUMMARY:**

To outline the Associations request for a contribution towards the cost of their Financial Inquiry.



**DESCRIPTION:**

The Local Government and Shires Associations have established an Independent Inquiry into the Financial Sustainability of NSW Local Government. The Inquiry is being conducted by an independent panel chaired by Professor Percy Allan, AM assisted by Inquiry members Ms Libby Darlison and Ms Diana Gibbs.

The total budget for the Inquiry has now been finalized at \$550,000. The Associations have resolved to seek member contributions for 50% of the cost of the Inquiry based on member's annual subscription formula with the balance to be funded by the Associations. Council's contribution has been assessed at \$1,959.10.

**REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*Nil*

- *Economic (Financial)*

*No provision has been made in the budget and any contribution would be funded from working funds.*

- *Policy or Statutory*

*Nil*

- *General Manager's Review*

*Nil*

2006. 96 RESOLVED:

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

**That Council contributes \$1,959.10 towards the cost of the Independent Inquiry into the Financial Sustainability of NSW Local Government.**

**GM9**

**SUCCESSION PLANNING**

**FILE: 146**

**PJG (NRN)**

**{Folio No. 312337}**

**SUMMARY:**

To provide Council with updated information on the tertiary education partnership currently undertaken by employees of Council.



**DESCRIPTION:**

Initial discussions were held with TAFE NSW and the University of Western Sydney in 2002 in regards to delivering a part-time MBA course in Kempsey.

A partnership was cemented between Kempsey Shire Council, TAFE NSW and Charles Sturt University. The part-time MBA Program commenced in 2003 with a three-year Diploma of Business Management delivered through TAFE NSW. The initial student enrolment from Kempsey Shire Council was 11 with another 3 students receiving recognition of prior learning and not required to undertake the Diploma component. These three students commenced advanced learning through Charles Sturt University and completed the Graduate Certificate of Management course. All three have subsequently left the organisation.

The 11 remaining Kempsey Shire Council students successfully completed the Diploma of Business Management in 2005 and nine have elected to continue on to undertake further study commencing the Graduate

Certificate in Management in 2006 delivered by Charles Sturt University at Kempsey TAFE.

The Graduate Certificate will require a study commitment at Kempsey TAFE of 1 night per week as well as a considerable commitment of personal time. The Graduate Certificate in Management consists of four study streams with each study stream culminating in a closed book examination.

Council was initially informed that the cost of the Graduate Certificate would be \$4,600 per student for the year 2006. Due to CPI increases and University fee increases the revised fee per student is \$5,400 for the calendar year 2006.

**REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*Nil*

- *Economic (Financial)*

*The cost of 9 students in the financial year 2005 / 2006 undertaking the Graduate Certificate is \$24,300. In addition \$17,600 was expended in the current financial year on the Diploma of Business Management. The total expenditure to Council for the financial year 2005 / 2006 for the MBA Program is \$41,900.*

*The estimated cost to Council to fund the Post Graduate Diploma in 2007 will be \$48,600 with the estimated cost to Council for the remaining 9 students to complete the Masters in 2008 being \$52,400.*

- *Policy or Statutory*

*Nil*

**General Manager's Recommendation:**

That the information be noted.

2006. 97 RESOLVED:

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

That the information be noted and that Council investigate having an arrangement whereby the staff who receive this assistance make a commitment to remain with Council employment for a period of at least 3 years or repay the fees paid by Council on their behalf.

GM10	WORKS PROGRAM FILE: 153 AVB (NRN)	{Folio No. 312338}
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**SUMMARY:**

To outline progress of the capital works program for the 2005 / 06 year.



**DESCRIPTION:**

Attached [\(Appendix D\)](#) is a status report on the major works to be undertaken during the year. Council should take the opportunity to reallocate funds if jobs are unable to be started or completed during 2005 / 06. If jobs are to be deferred that involve loan funds, Council's borrowing program can be adjusted resulting in savings in principal and interest payments.

**REPORT IMPLICATIONS:**

- *Environmental*

*Nil*

- *Social*

*Nil*

- *Economic (Financial)*

*Better utilisation of funds will be obtained by allocating resources to only those works that can be completed in the budgeted timeframe.*

- *Policy or Statutory*

*Nil*

- *General Manager's Review*

*Nil*

2006. 98 RESOLVED:

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

That the information be noted.



**ABORIGINAL LIAISON COMMITTEE  
FILE: 540 DJM (NRN)**

**{Folio No. 312341}**

**SUBJECT TO ADOPTION BY COUNCIL**

*MINUTES OF THE ABORIGINAL LIAISON COMMITTEE OF KEMPSEY SHIRE COUNCIL HELD ON WEDNESDAY 7 DECEMBER 2005 COMMENCING AT 10:00 AM HELD IN THE COUNCIL'S COMMITTEE ROOM, CIVIC CENTRE, WEST KEMPSEY.*

**PRESENT**

Councillor Betty Green - Chairperson  
Councillor Jim Gribbin  
Guy Whelan – Manager Community Services and Lifestyle  
Debra Morris - Aboriginal Liaison Officer  
Mark Thompson - Road Safety Officer  
Mavis Davis - Community Member  
Betty Mumbler – Community Member  
Noeleen Griffen – Administration Office, Burran Dalai Aboriginal Corporation  
Gerald Hoskins – North Coast Area Health Employment and Equity Manager  
Gary Morris - Chief Executive Officer, Booroongen Djugen Aboriginal Corporation  
Drew Roberts - General Manager, Macleay Aboriginal Housing Association

**1 Welcome by Chairperson, Councillor Betty Green**

**2 Apologies**

Keith Finnie- Director Shire Services  
Narelle Cochrane - Senior Aboriginal Worker, Mid North Coast Area Health  
Madeline Donovan – Coordinator, Goorie Galbans Aboriginal Corporation  
Ursula Donohue – Community Program Officer, Dept of Community Services  
Bronwyn Leon - Aboriginal Child, Youth & Family Strategy Project Officer, Dept of Community Services;  
Vincent Cook - West Kempsey Community Renewal Project

Chris Latta - Kempsey Macleay Womens Reconciliation Group Co-Covenor  
Robbie Silva – Refs/Jpet Indigenous Worker  
Fred Kelly - Djigay Students Association Manager, TAFE  
Diana Davis - Sexual Assault Worker, Many Rivers Violence Prevention Unit;  
Lillian Greenup – Indigenous Worker, Regional Extended Families Service;  
Victor Darcy- Aboriginal Client Support Officer, Kempsey Local Court  
Mary Lou Buck – Community Member  
Ruth Campbell – Chairperson, Dunghutti Elders Council;  
Gerald Bradshaw – Aboriginal Sports Development Officer, Djigay Centre;  
Noel Lockwood – CEO, Guri Wa Nundagar CDEP;  
Caroline Bradshaw – Chairperson; Aboriginal Education Consultative Group;  
Steve Blunden – CEO, Durri Aboriginal Medical Centre;  
Ivy Brown – Student Support Officer, Djigay Centre and  
Ren Perkins – Manager, Djigay Centre

### **3 Adoption of the Previous Minutes**

**RECOMMENDATION:** *Moved: B Mumbler*  
*Seconded: J Gribbin*

That the information be noted.

### **4 Business Arising**

#### **4.1 Kempsey Assistance Patrol**

**RECOMMENDATION:** *Moved: B Mumbler*  
*Seconded: J Gribbin*

**That the information be noted.**

#### **4.2 Queen Street, Greenhills**

This matter was discussed at the Kempsey Local Aboriginal Lands Council Ordinary meeting held 28<sup>th</sup> November and the Queen Street laneway will be referred to the Greenhills' Community Centre Coordinator to follow up.

**RECOMMENDATION:** *Moved: B Mumbler*  
*Seconded: J Gribbin*

That the information be noted.

#### **4.3 Saltwater Developments- South West Rocks**

Question Councillor Jim Gribben

***Why was the Old School House taken out of the Draft Horseshoe Bay Management Plan?***

**RECOMMENDATION:** *Moved: D Roberts  
Seconded: G Morris*

That information be sought from the Kempsey Local Aboriginal Lands Council on the Cultural Mapping issue.

**5 Statement of Commitment Strategic Plan Matters**

**RECOMMENDATION:** *Moved: D Roberts  
Seconded: G Morris*

The changes, amendments, deletions and completions of the Progress report presented be accepted.

NOTE: The amended plan is attached for information [\(Appendix A\)](#).

**6 Community Matters**

Members are encouraged to contact the Aboriginal Liaison Officer prior to the meetings to allow listing and reporting on issues for determination.

**RECOMMENDATION:** *Moved: B Mumbler  
Seconded: J Gribbin*

That the information be noted.

**7 General Business**

**7.1 Cemetery Matters- East Kempsey**

**RECOMMENDATION:** *Moved: G Morris  
Seconded: D Roberts*

- 1 That the presentation be noted.
- 2 That a presentation also be given to the Kempsey Local Aboriginal Lands Council members.

**7.2 Road Safety Matters- Mark Thompson**

**RECOMMENDATION:** *Moved: B Mumbler  
Seconded: Clr B Green*

That the Road Safety Officer be complimented on his efforts to date.

### **7.3 Council Delegates to Committees- Community Members**

**RECOMMENDATION:**

*Moved: G Morris  
Seconded: B Mumbler*

That Judy Blomfield be accepted as a community representative onto the Committee

### **7.4 Australia Day**

**RECOMMENDATION:**

*Moved: D Roberts  
Seconded: G Morris*

That a letter be forwarded to the peak Aboriginal organisations requesting comments on the following:

- (i) Do the Aboriginal community wish to participate in Australia Day activities ?
- (ii) Do we need awards for Aboriginal Citizen of the Year and Young Aboriginal Citizen of the year?

for future Australia Days.

### **7.5 Social Strategic Planning Committee**

**RECOMMENDATION:**

*Moved: D Roberts  
Seconded: G Morris*

**That members review the document and advise thoughts or issues for advancement and present to the first meeting to be held in February 2006.**

## **8 Naidoc Week Planning Committee**

**RECOMMENDATION:**

*Moved: D Roberts  
Seconded: G Morris*

That the information be noted.

## **9 Further General Business**

### **9.1 Youth Crime**

- Clr Green raised the recent youth crime activities taking place.
- Betty Mumbler reminded the members of the "Uncle Athol" program, Goolawah project and that this project should be

pursued

The Kempsey Local Aboriginal Lands Council owns the land and they need to be involved in negotiations.

- Mavis Davis noted that crime issues should be seen as community issues and not just Aboriginal problems.
- Debra Morris advised that the Attorney General's Department is in the process of establishing the Kempsey Aboriginal Community Justice Group.

This Group will be dealing with issues such as:

- Working with Police to issue Cautions.
- Establishing diversionary options.
- Supporting offenders and victims of crime
- Develop crime prevention initiatives.
- Play a crucial role in reducing crime by working with other human services sectors such as health, education etc.

A meeting was also held with the NSW Police- Kempsey as part of their Aboriginal Strategic Direction Plan 2003-2006 on Monday 28<sup>th</sup> November 2005 at the Kempsey Campus of TAFE.

The Attorney General's Crime Prevention program Circle Sentencing is established in Kempsey and Victor Darcy has been appointed as the Coordinator and this program is for 18 years of age and up.

**RECOMMENDATION:**

*Moved: B Mumbler  
Seconded: D Roberts*

- 1 That this matter be referred to the Kempsey Local Aboriginal Lands Council to determine the status of the Goolawah lease , seeking information to be brought back to the meeting in February.
- 2 That the Council give consideration for a support role for the Goolawah project.
- 3 That Council call a community meeting with all youth orientated services to address issues of youth crime.

## **10 Evaluation**

Commenced late due to members turning up late and the need to have a quorum to start. Informative and hopefully off to a productive year in 2006.

## **11 Next Meeting**

The next meeting is scheduled for Wednesday 22<sup>nd</sup> February 2006.

## **12 Conclusion**

There being no further business, the meeting concluded at 1.30 pm.

**2006. 99 RESOLVED:**

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

**That the minutes of the Aboriginal Liaison Committee meeting held 7th December 2005 be adopted subject to the heading of item 4.3 Saltwater Developments - South West Rocks page L2 being amended to read QSEND – South West Rocks.**

**LOCAL TRAFFIC COMMITTEE  
FILE: \* KJF**

### **SUBJECT TO ADOPTION BY COUNCIL**

**MINUTES OF THE MEETING OF THE LOCAL TRAFFIC COMMITTEE  
HELD ON WEDNESDAY, 1 FEBRUARY 2006, IN THE ELBOW STREET  
MEETING ROOM COMMENCING AT 8.30AM.**

#### **PRESENT:**

Mayor Councillor Janet Hayes, Senior Constable John Hay - Kempsey Police, Graham Carthew – Roads & Traffic Authority, Rod Dale - Andrew Stoner's Representative, Keith Finnie, Neil Thomson

**1 APOLOGIES:** Sgt Paul Dilley – Kempsey Police, Mark Thompson.

**2 PREVIOUS MINUTES**

#### ***RECOMMENDATION***

That the information be noted.

**3 BUSINESS ARISING**

**3.1 HOLMAN STREET, KEMPSEY  
Ref 348 (303862)**

#### **RECOMMENDATION**

**1** That Holman Street be one-way northward from Belgrave Street to Forth Street.

- 2 That parking arrangements in Holman Street be monitored.

**3.2 ALCOHOL FREE ZONES  
Ref 744 (LTC 23/11/05)**

**RECOMMENDATION**

That the information be noted.

**3.3 RECURRENT ANNUAL EVENTS TIMELINE  
File 56 (305368) LTC 5/10/05**

**RECOMMENDATION**

That the information be noted.

**3.4 BELGRAVE STREET - PARKING ARRANGEMENTS  
File 56 (305368) LTC 5/10/05**

**RECOMMENDATION**

- 1 That the two car parking spaces be removed and that the timed bus zone be extended eastward for 13m.
- 2 That the Bus Companies be advised that Council will monitor usage and take action on drivers parking in Bus Zones.

**4 GENERAL BUSINESS**

**4.1 PEDESTRIAN ACCESS- SKYLINE CRESCENT CRESCENT  
HEAD  
Ref: File 102 (308657)**

**RECOMMENDATION:**

**That the existing "No Standing" areas be changed to "No Stopping", and that guide posts be strategically placed to limit the ability of vehicles to park illegally.**

**4.2 PARKING- SMITH STREET, KEMPSEY  
Ref:59 (306988)**

**RECOMMENDATION**

*That the RTA be requested to extend the timed parking zone north to the existing light pole.*

**4.3 MACLEAY RIVER TRIATHLON 2006**  
**Ref: 56 (289488)**

***RECOMMENDATION***

That approval be granted to the Trial Bay Triathlon Inc to conduct the Macleay River Marathon, subject to satisfactory completion and submission of Council's Event Management documentation.

**4.4 80KM SPEED ZONE- CRESCENT HEAD ROAD**  
**Ref: 34 (309242)**

**RECOMMENDATION**

That the RTA be requested to review the existing speed zones on the first 5.00km of Crescent Head Rd.

**4.5 LETTER FROM ROADADS**

**RECOMMENDATION**

That the information be noted.

**4.6 ROAD SAFETY OFFICER REPORT**

**RECOMMENDATION**

That the information be noted

**4.7 COACH STOP – SMITH STREET, KEMPSEY**  
**File 102 (308088)**

**RECOMMENDATION**

That the signage in First Lane be adjusted to control parking.

**5 OTHER BUSINESS**

**5.1 ANZAC DAY MARCHES**

**RECOMMENDATION**

- 1 That ANZAC Day marches be approved subject to satisfactory completion and submission of Council's Events Management documentation.

- 2 That the march in Kempsey be only from Memorial Avenue to East Kempsey memorial with return to the RSL via the footway.

## 5.2 PACIFIC HIGHWAY – HOLIDAY TRAFFIC

Graham Carthew commented on the good performance of traffic through Kempsey.

### RECOMMENDATION

That the information be noted.

## 6 NEXT MEETING

The next meeting is scheduled for 29 March 2006.

2006. 100 RESOLVED:

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

**That the minutes of the Local Traffic Committee meeting held 1st February 2006 be received.**



## QUESTIONS WITHOUT NOTICE

### COUNCILLOR J H BOWELL

Q1

FILE: R Point Plome

**Was there a review of the original (2002) estimate of cost for the Point Plomer Road project prepared prior to the commencement of the work? Did such review indicate the cost would be closer to \$800,000? If so why wasn't this matter brought to the attention of Council?**

Responsible Officer

KJF

Yes – an estimate was prepared in November 2004.

Yes – the total costs was estimated at \$794,080.

Following this estimate, the scope of the project was reviewed. The total length of job was considered to be fixed. However, adjustments could be made in both vertical and horizontal alignment without compromising overall project objectives. Cut and fill adjustments were made and earthworks reduced to reduce costs. In sections of the road, where subgrade and pavement depth allowed, the 200mm pavement depth was reduced. Also, a provision had been made for contingencies of \$76,000 and this was withdrawn.

The reviewed estimated cost was reduced to \$590,000.

Councillors should note that, in the 05 / 06 year, staff overheads were also increased by 7% and plant costs increased by 10%.

Q2

FILE: \*

**When a report be submitted to Council in respect to the Better Practice recommendations?**

Responsible Officer AVB

When the Local Government Reform Program – “Promoting Better Practice” document is received a report will be presented to Council.

Q3 FILE: \*

**Will action be taken to enforce parking requirements within marked lines?**

Responsible Officer KJW

The parking officer is issuing infringement notices for vehicles who are blatantly parking incorrect, but when slightly over the white line a verbal warning is issued.

Q4 FILE: T6-04-206 (LA21107)

**Position with the development of the new cemetery.**

Responsible Officer KJF

Design work and costing for the development of stage 1 of the approved cemetery is currently being undertaken.

The design including burial allotment revision and costing for Stage 1 will be submitted hopefully to the March meeting of Council.

Q5 FILE: \*

**When will tenders for the caravan parks be considered.**

Responsible Officer GBS

Tenders closed 31<sup>st</sup> January 2006, and are currently being assessed. Further information is being sought from some Tenderers and it is proposed that “short-listed” Tenderers will be interviewed. A report will be submitted to Council’s 14<sup>th</sup> March 2006 meeting to enable Council’s consideration of the Tenders.

Q6 FILE: 55

**When will attention be given to the trees outside the Kinchela premises of Mr John Younger?**

Responsible Officer KJF

All the debris has been removed after the storm. Believe Mr Younger wishes the trees to be removed but they do not appear to have a high enough risk to remove at this time. The trees will be inspected annually and listed for attention as required.

Q7 FILE: \*

**What is the position with the storage of vehicles on premises in Lachlan Street (South)**

Responsible Officer KJW

The owner of 75 Lachlan Street Kempsey was requested to clear the property up. The owner removed the even growth only.

The matter was also the subject of investigations by Council’s Planning Compliance Officer who subsequently resigned and has now been passed to the new officer (Nicole Strehling) for action.

Action now will commence with an Order under EP&A Act for premises being used for purpose for which development consent is required but has not been obtained.

Q8 FILE: R Five Day Ck

**What is the position with Briggs Crossing**

Responsible Officer KJF

No Change. Still awaiting deposit of funds from stakeholder to enable commencement of works.

Q9

FILE:

**Will a meeting be arranged soon with Mr Mark Vaile, MP Member for Lyne?**

Responsible Officer

AVB

Previous invitations have not been able to be arranged. A further invitation will be extended.

Q10

FILE: \*

**What is the position concerning riverbank restoration at Stuarts Point Caravan Park.**

Responsible Officer

GBS

Application made in October 2005, under Community Water Grants Programme. Waiting for announcement of successful projects. Should grant funding not be available Council will need to give consideration to funding in future Budgets.

Q11

FILE:

**Can Back Creek and Saleyards Roads be included in the Works Inspection on Monday, 13 February please?**

Responsible Officer

GBS (Acting GM)

Back Creek Road, Kinchela given maintenance approx 2 weeks ago.

Saleyards Road has had maintenance attention during the week ending 10 January 2006.

#### **COUNCILLOR J C GRIBBIN**

Q1

FILE: \*

**At the last meeting of the Caravan Park Committee prior to it being disbanded it was stated that the reason for disbanding this committee was because the Lands Department had accepted the plans put forward by Council.**

**Could I please have a copy of these plans and the Lands Department's correspondence?**

Responsible Officer

AVB

Copies have already been given to members of the Caravan park Committee. Another copy will be supplied to you. There is no correspondence from the Department. They only correspond if changes are required.

Q2

FILE: \*

**Will Clr McWilliam be attending the Flood Plain Management Conference at Lismore, and if so why was Clr Saul or myself not nominated as we are both on the Flood Plain Committee and Clr McWilliam is not.**

Responsible Officer

AVB

Clr McWilliam is not attending the conference. It was Councillors who nominated delegates and voted on the nominations.

Q3

FILE: \*

**When will the Local Government Reform Program – "Promoting Better Practice" be made available for public information?**

Responsible Officer

AVB

When report is received it will be presented to Council and then become a public document.

Q4

FILE: \*

**The Draft Management Plan of Horseshoe Bay, September 2003 is still available on Council's website. Why is not the amended 2005 Draft Plan still available on the web?**

**Can the public still access this document and at what cost to themselves?**

Responsible Officer

AVB

The 2003 inadvertently left on web. The 2005 Draft Plan has now been put on the internet for public access.

Q5

FILE: \*

**What is Council's intention regarding the aged care room in Boatman's No 2 Cottage, South West Rocks?**

Responsible Officer

AVB

Council has no plans for the room. Allocation of the space is a decision for the Department of Lands with the surrender of the leases by Council.

Q6

FILE: \*

**Council you answer the following questions:**

**A How many meetings did you attend in January 2006?**

**B What relevance did they have to Kempsey Shire Council?**

**C Who accompanied yourself on these travels?**

**D Were these costs paid from Council funds?**

Responsible Officer

JACH

A – One

B – The Shires experience before, during and after the Mid North Coast Correctional Centre

C – No one

D – No

Q7

FILE: 60

**Is it true that there was a large fish kill over the Christmas period due to a malfunction at the South West Rocks Sewerage Farm, when raw sewerage leaked into the holding ponds?**

Responsible Officer

KJF

South West Rocks Golf Club uses effluent from the sewerage treatment plant to water the fairways. Dead fish were located in the dam at the Golf Club over the Christmas period. Contact was made with the Greenkeeper at the Golf Club and he indicated that the Golf Club had not accessed Council's effluent during the Christmas period.

Q8

FILE: 721

**Could I please be supplied with the completion costs for the Customer first Centre?**

Responsible Officer

KJF

As the building for the Customer First Centre is still under construction and not yet completed, final costs are not yet available. Final costs for the building and ancillary works are anticipated to be generally in line with the report submitted to Council at the September Meeting i.e. \$861,292. An additional amount of \$15,500 is required to relocate the Country-Energy and Telstra infrastructure at the front of the new building and for the upgrading of the electricity cables feeding the Civic Centre complex. Several minor variations, both extras and deductions have become apparent during the construction phase. The exact amount of these is still being negotiated and determined with the building contractor. It is anticipated that any minor additional expenditure will be provided from within the vote remaining for Office Reorganisation or Civic Centre expenses.

Final costs for the building and ancillary works are anticipated to be generally in line with the previous report and budget.

Q9

FILE: \*

**It's noted that the Killick Creek Estuary Management Plan is now on public display. When will the Saltwater Creek and Lagoon estuary Management Plan be ready for public display considering that both plans were instigated at the same time by the same consultants WBM Oceanics Australia?**

Responsible Officer

APB

Final draft report expected end of February. C & E Committee to endorse at a meeting to be called upon receipt and then report to Council to adopt for exhibition. Saltwater EMP was more complex, required flood study.

Q10

FILE: \*

**Council resolved to prepare a draft LEP for Saltwater Land on 11<sup>th</sup> June 2002. As Councillors would be aware that more than three years have elapsed since that date. Is this acceptable time for preparation of a draft LEP?**

Responsible Officer

APB

Saltwater LEP required preparation of an LES. The requirement for a LES was imposed after Council's original decision by Department of Planning. The LES is addressing complex issues, and further studies were subsequently required (12 months weather monitoring, Wallum Froglet Stage 2 Study). The complexity of the LES reflects the sensitivity of the area and any decision to allow any form of development must be carefully and thoroughly investigated. Finalisation of the draft EMP before finalisation of the LES is required.

Q11

FILE: \*

**Earthmoving contractor Richard Ryding commenced clearing of land in South West Rocks on the morning of 29<sup>th</sup> September 2005, without permission of Council. Since he was then asked to stop work by a Council Officer, but was still working on site at 3.30pm on the same day, why is he not being charged by Council for his breach of the Stop Work Order?**

Responsible Officer

ABP

Investigations are still proceeding, including seeking of Legal advice the results of which will be reported to Council.

**COUNCILLOR B R SOWTER**

Q1 FILE: R Saleyards

**Saleyards Road needs attention – when?**

Responsible Officer KJF

Done 2nd - 8th February 2006

Q2 FILE: R Menarcobrin

**Menarcobrinni Rd (Clybucca) bad condition – needs attention.**

Responsible Officer KJF

Currently being graded.

Q3 FILE: \*

**Quarry Rd Fredo where up to. UPGRADE.**

Responsible Officer APB

Sources of funding include possible Section 94 funds. In order to determine if funds are payable, an audit of all quarries (Ryding, Laut and Julian) is required which the Planning Compliance Officer will investigate. There is no guarantee that there will be sufficient funds for the work and legal action may be necessary to obtain payment.

**COUNCILLOR D SAUL**

Q1 FILE: R Croads L

**When will Croads Lane receive Maintenance grading?**

Responsible Officer KJF

Completed 8th February 2006.

Q2 FILE: 55

**Can the Director please reinvestigate the protruding trees hindering sight visibility at the corner of Croads Lane and Plummers Lane?**

Responsible Officer KJF

The trees are not a sight distance issue. The issue is the property owner's fence and a row of hedges on private property.

Q3 FILE: \*

**Can the General Manager arrange a meeting with Council and the NSW Leader of the Opposition, Mr Peter Debman, MP when he visits the Oxley Electorate on Tuesday, 21 February 2006 to discuss any issues of state significance?**

Responsible Officer AVB

A resolution of Council is required to arrange a meeting.

**COUNCILLOR E R WALKER**

Q1 FILE: 55

**Tree corner Trial and Gothic Street may need to be looked at.**

Responsible Officer KJF

If it is the tree in front of 8 Trial Street it was inspected on 12 July 2005 and a letter written to Mr Unterrheiner. If not, we have no other record for that area would need clarification of location of tree.

Q2 FILE: 109

**People are stumbling on the median strip along Smith St.**

Responsible Officer KJF

Level crossing points are available at the pedestrian crossings. Mid-block crossings are available for those who wish to use them, at their own risk.

Q3 FILE: 180

**Over x'mas problems with breakdown of garbage trucks could we have a spare for this?**

Responsible Officer KJF

Spare was sold by Fleet.

Q4 FILE: 172 LA?

**Caravan Park Central – the rubbish is thrown over the fence into Chappel Park.**

Responsible Officer KJF

This has occurred several times this year already and has been placed in the hands of the Rangers. Ranger advised he spoke to owner who stated that he would clean up rubbish. As it has not been cleaned up a letter is to be forwarded to the owner giving 7 days to clean up rubbish.



### **MOTION FOR CONFIDENTIAL COMMITTEE**

**2006. 101 RESOLVED:**

*Moved: Cl. Bowell*

*Seconded: Cl. Sowter*

**That Council form itself into the Confidential Committee of the Whole, and at this stage 3.12pm the meeting be closed to the public to permit discussion of the confidential business items listed for the reasons as stated in the Agenda.**



### **REPORT OF THE MEETING OF THE CONFIDENTIAL COMMITTEE OF THE WHOLE**

**Upon resumption of Open Council, the following Report of the Confidential Committee of the Whole was submitted by the General Manager.**

**At this stage Confidential item GM2 was further considered and all staff left the Chambers with the exception of the Acting General Manager.**

<b>GM2</b>	<b>SHIRE SERVICE DEPARTMENT</b>
<b>FILE: *</b>	<b>AVB (NRN) {Folio No. 312348}</b>

### **REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS**

This report is submitted on a confidential basis as it involves advice concerning personnel matters of a particular individual. (Local Government Act 1993, section 10A (2) (a)).

### **SUMMARY:**

To outline discussions held with the Director of Shire Services regarding the operation of the Department.



**2006. 102 RECOMMENDED:**

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

**That the information be noted and the General Manager be delegated authority to negotiate a successful outcome within the limits of the contractual provisions.**



**ADOPTION OF REPORT OF THE CONFIDENTIAL COMMITTEE OF THE WHOLE**

**2006. 103 RESOLVED:**

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

**That the foregoing recommendations of the Confidential Committee of the Whole, as reported by the Acting General Manager, be adopted.**



**CONCLUSION:**

There being no further business, the Meeting terminated at 3.20 p.m.

