



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 14th March 2006 commencing at 9.10am.

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.

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



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 14TH FEBRUARY 2006

2006. 118

RESOLVED:

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

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 14th February 2006 be confirmed subject to the following amendments;

- Councillor Gribbin's vote being recorded against resolution 2006.17 on Jerseyville Sewerage Scheme.
- Councillor Gribbin's vote being recorded against resolution 2006.102 on Shire Services Department.



MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 13TH FEBRUARY 2006

2006. 119

RESOLVED:

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

THIS IS PAGE 1 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

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MAYOR

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 13th February 2006 be confirmed.



PUBLIC FORUM

- 1 - Mr Roger Wilkinson addressed Council regarding item NOM2 - South West Rocks Surf Club - Donation.
- 2 - Mr Lachlan Miles addressed Council regarding item DSDS4 - 2 Storey Dwelling 22B Marlin Circuit HAT HEAD
- 3 - Ms Patricia Wheeldon addressed Council regarding item DSS5 Fluoridation.



CONSIDERATION OF LATE REPORTS

2006. 120

RESOLVED:

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

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



**CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM
– Reports NOM2, DSDS4 and DSS5.**

2006. 121

RESOLVED:

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

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

NOM2	SOUTH WEST ROCKS SURF CLUB
	FILE: LA5310 CC: 3 GRW CC: APC {Folio No. 317366}

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, 14th March 2006.

.....
MAYOR

"That the General Manager provides a report, in conjunction with the Draft Budget for 2006 / 07 on:-

- a) ***Council's financial position as disclosed in the report of the Independent Inquiry into the Financial Sustainability of NSW Local Government.***
- b) ***The effect on Council's current structure by the reduction of non-infrastructure services across all areas so as to provide additional revenue for the maintenance and repair of Council's assets and infrastructure."***

NOTE:

The President of The Local Government Association of NSW, Clr Genia McCafferty has indicated that many Councils may have to reduce community and environmental services as a result of the findings in the above report.

.....
COUNCILLOR J H BOWELL

MOVED:

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

That the South West Rocks Surf Club receive a \$25,000 donation from the Section 94 funds collected in South West Rocks.

An Amendment was MOVED:

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

1. **That this matter be included in the draft 2006 – 2007 budget for consideration and the South West Rocks Surf Club be required to submit an itemised account of how this money would be spent.**
2. **That the review of Section 94 Contributions plans includes an amount that can be specifically allocated to the likes of surf clubs.**
3. **That in the interim the Surf Club be offered an interest free loan of \$25,000 subject to the club providing an itemised account of how this money would be spent.**

2006. 122

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

DSDS4

**2 STOREY DWELLING
22B MARLIN CIRCUIT, HAT HEAD
FILE: T6-05-194 TJN**

{Folio No.317377}

SUMMARY:

Reporting that Council has received an application to erect a dwelling which is considered contrary to the provisions of DCP 37 and DCP 22



Applicant: L Miles
Subject Property: Lot 3 DP 270421, 22B Marlin Circuit, Hat Head
Zone: 2(v) (Village or Township)

Description of Proposal

The applicant proposes to erect a split level house containing 2 bedrooms on an existing community title allotment [\(Appendix D\)](#).

History

At its meeting of February 12th 2002, Council considered an application for the construction of 4 dwellings and a community title subdivision. At the time, no reticulated sewerage system existed and the lot has minimal capacity to dispose of effluent on site. After deliberation and further negotiation with the applicant, a three (3) lot community title subdivision was approved on the basis that 1 ET effluent could be disposed of on site (i.e. equivalent to a three (3) bedroom dwelling). The subdivision is comprised of the following: -

- Lot 1 – Community lot for access and effluent disposal.
- Lot 2 – 1990m² available for the construction of a single 2 bedroom dwelling.
- Lot 3 – 6735m² available for the construction of single 1 bedroom dwelling.

To ensure that development was limited to the above, the following conditions were placed on the consent (issued April 26th 2002):-

20. The required Community Management Statement shall include a provision restricting development on Lot 2 to a single dwelling of not more than two (2) bedrooms inclusive of any room capable of being used or

readily adapted for use as a bedroom, unless the dwelling has been connected to a reticulated sewerage system.

21. The required Community Management Statement shall include a provision restricting development on Lot 3 to a single dwelling of not more than one (1) bedroom inclusive of any rooms capable of being used or readily adapted for use as a bedroom, unless the dwelling has been connected to a reticulated sewerage system.

These conditions were noted on the subdivision and Community Management Statement which was finalised on 25th August 2004.

To date neither of the approved dwellings have been constructed, however, the consent for the subdivision has been activated by construction of a driveway.

The applicant has lodged an application to erect a two (2) bedroom dwelling on lot 3 on the basis that the site is connected to sewer and the one (1) bedroom restriction no longer applies.

Applicants Submission

The applicant has made a submission outlining the reasons why Council should approve the application in its current form [\(Appendix E\)](#). The main points are as follows:-

1. All lots within the subject community title subdivision have been connected to this system.
2. Condition 20 clearly envisages a dwelling with more than 1 bedroom being permitted on the subject lot once a connection to the sewerage system is provided.

Heads of Consideration

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

Kempsey Local Environmental Plan 1987

The proposal is defined as a "dwelling" and is permissible in the zone with development consent.

The proposal is not contrary to the North Coast Regional Environmental Plan 1988.

State Environmental Planning Policy 71

THIS IS PAGE 5 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

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MAYOR

This SEPP applied at the time the application was made. Referral to the then Department of Infrastructure Planning and Natural Resources was required as the site was considered a sensitive coastal location (within 100m of a National Park). Council received a response on 14th July 2005 stating that the Director General does not need to be involved in consideration of the matter and that Council would be able to determine the proposal having regard to the matters contained within Clause 8 (Appendix F) of the Policy. A checklist of compliance with Clause 8 is attached: -

- a) The proposal is not considered contrary to the aims and objectives as set out by clause 2 of the SEPP.
- b) The proposal is situated a substantial distance from any coastal foreshore and will not interfere with any public access to the foreshore.
- c) As the site is located a substantial distance from the foreshore there is no requirement to enhance any existing public access.
- d) The proposed dwelling is considered a suitable size (other than height – see DCP 22 below) having regard to the surrounding dwellings and the constraints inherent within the site.
- e) The site is not located adjacent to any coastal foreshore and therefore will not overshadow any foreshore reserve.
- f) The surrounding area is dominated by 1ha rural residential allotments which have retained a high level of vegetation. The proposed dwelling will result in minimal vegetation clearing. Provided the height of the building is reduced, it will not detract from the scenic qualities of the New South Wales coastline. Additionally the proposed dwelling will not be visible from any beaches.
- g) The trees that are to be removed are able to be removed under an approval that remains current for the lot. As such no further impact upon flora and fauna will occur above that already approved.
- h) The dwelling will be connected to a reticulated sewerage system. This will minimise the potential impacts on marine ecosystems.
- i) See (g)
- j) There are no perceived impacts upon coastal processes.
- k) The site has no foreshore frontage so conflict between land and water based activities will not result from this development.

- l) When originally subdivided the site was found to have little value as a site of cultural significance for Aboriginal people.
- m) No on site waste water management is proposed. This will minimize impacts on the water quality of coastal water bodies.
- n) When originally subdivided the site was found to have little value as a site of European cultural significance.
- o) Not applicable as no rezoning is proposed.
- p) The proposal complies with Council's Energy Smart Homes DCP and will be connected to a reticulated sewerage system. No adverse environmental impacts are likely to arise from this development, nor is it likely to contribute to any negative cumulative impacts within Hat Head.

The proposal is subject to the provisions of DCP 37 – Hat Head, and DCP 22 – Local Housing Strategy.

Development Control Plan 37

As Council may be aware, Development Control Plan 37 – Hat Head currently provides for restrictions on development levels within Hat Head based on the construction and subsequent review of a reticulated sewerage system. The application for the community title subdivision and original dwellings was made before this plan commenced (April 15th 2003), meaning that it was not previously subject to the provisions of the DCP.

However, the amended application is required to comply with DCP 37. Section 3.1 of DCP 37 restricts development to the following:-

“During Phase One, any standard development consents issued by Council shall be restricted to single new dwellings per existing allotments, extensions to existing dwellings and shops. Other developments will be considered provided it can be demonstrated that no net increase in demand for sewerage and water services would occur”.

There are a number of extenuating circumstances in this instance which mitigate in favour of Council varying the provisions of DCP 37.

- 1. A number of civil works had to be undertaken prior to Council releasing the subdivision linen plan which included construction of driveways. These works were commenced prior to April 2003 meaning that the consent had been acted upon prior to DCP 37 coming into effect.

2. Conditions 20 and 21 of the original development consent were put in place prior to Council having knowledge of the development restrictions that would arise out of the newly installed sewerage system and DCP 37. As both development lots within the community title subdivision are connected to sewer, the owners have an expectation that Council will enforce these conditions and allow them to erect the equivalent of 1 ET on each lot regardless of the provisions of DCP 37.
3. This is the only subdivision of its type in Hat Head, and by allowing a dwelling of 3 or more bedrooms on each lot, Council will not be significantly increasing the loadings on the existing sewer and water systems. As DCP 37 seeks to prevent further subdivision of the land to the south of Korogora Creek until sufficient capacity in the system has been demonstrated, this particular application will not set any undesirable precedent with regards to varying the provisions of DCP 37.

It is recommended that Council indicate that it is prepared to vary the provisions of DCP 37 in this regard subject to compliance with DCP 22 – Local Housing Strategy in respect to height.

Development Control Plan 22

The proposal complies with all aspects of DCP 22, with the exception of the height of the structure, and the provision of a covered parking space.

Height

The height of dwellings are governed by Clause 24 of Kempsey Local Environmental Plan 1987 and Section 4.6 of DCP 22 which requires that the top most ceiling level be restricted to 6.2m with an additional rise of 1.7m being allowed for dwellings with raked ceilings unless the applicant is able to demonstrate that compliance is impractical due to the topography of the site.

The highest point of the top wall plate is 7.7metres high, with the highest part of the ceiling rake 8.6metres high [\(Appendix G\)](#). The proposed dwelling is substantially non compliant and Council has not previously agreed to a variation of such magnitude.

Applicants Submission

The applicant has made a submission [\(Appendix H\)](#) requesting that Council consider a variation to the heights. This was based on the following: -

- The steep fall from west to east is a very localised piece of topography which falls down to a gully before rising back up to a similar level.

- If the topography were averaged out over 30m the numerical building height would be reduced.

Planning Comment

In order for Council to consider a variation to the DCP it must be satisfied of the following: -

- a) That the proposal meets the performance objectives as outlined within section 3 of DCP 22.
- b) The topography of the site makes compliance with the height limit impractical.
- c) An undesirable precedent will not be set.

The height is most evident from the north elevation, where the building appears as a three storey dwelling when viewed from Marlin Circuit.

While it is agreed that the topography of the site has some features that may make compliance difficult, it is considered that adequate design alternatives have not been explored for Council to be satisfied that compliance is impractical. By stepping the building, or by removing the top floor and making the middle level larger, compliance could be readily achieved.

Carparking

Section 4.3 of DCP 22 requires that a minimum of 1 covered car park be provided. None is shown for in the plan. Although zoned residential, the lot is a large rural residential allotment and no unacceptable loss of amenity would result.

Advertising

The application was advertised in accordance with Council’s policy with one (1) objection being received: - [\(Appendix I\)](#)

Objection	Planning Comment
1 The driveway as currently constructed is suitable for both lot 2 and 3. The extended driveway approved as part of application T6-01-169 would now be unnecessary and only invites negatively impacting outcomes on the slope of	1 Council is not able to change or revoke the previous application as it has already been acted upon and remains current. The applicant/owner may construct the already approved driveway should they wish.

.....
MAYOR

Connors Hill	
2	Does the application meet the requirements for a one (1) bedroom dwelling only being built?
2	The applicant has requested that this provision be varied. A number of extenuating circumstances exist that enable Council to consider the application for a two (2) bedroom dwelling.
3	If the building rules as set down for this lot are not enforced then this application becomes a precedent for all owners in Marlin Circuit who may wish to subdivide.
3	This is the only community title subdivision within the immediate area. It was approved prior to DCP 37 coming into force and as such was not subject to the current development restrictions.
	No subdivision is being proposed and as such no precedent is being set.
	See "DCP 37"

REPORT IMPLICATIONS:

- ***Environmental***

Any environmental impacts associated with a dwelling were addressed in previous applications.

The proposed dwelling is to be connected to sewerage, this will minimise any potential impacts associated with on site waste water disposal.

- ***Social***

There will be no adverse social impacts as a result of this proposal.

- ***Economic (Financial)***

The proposal will bring an economic benefit for the period of construction only.

- ***Policy or Statutory***

The proposal is contrary to the provisions of DCP's 37 and 22. It is recommended that Council vary the provisions of DCP37 subject to the proposal complying with all aspects of DCP22.

Director Sustainable Development Services Recommendation:

- A. That the applicant be advised that Council is prepared to vary the provisions of DCP37 to allow for the construction of a dwelling-house containing 2 bedrooms subject to receipt of amended plans being received showing full compliance with the provisions of DCP22 in respect to height.**
- B. That unless satisfactory amended plans are received within 28 days, the application will be refused for the following reasons:-**
 - a) The proposal is contrary to Development Control Plan 22 – Local Housing Strategy in regard to building height.**
 - b) The proposal is likely to create an undesirable precedent for similar variations within the locality and throughout the shire.**

MOVED:

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

That the Director Sustainable Development Services recommendation be adopted.

An Amendment was MOVED:

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

That this matter be listed for a Works Inspection.

The AMENDMENT was PUT to the Meeting and was LOST.

2006. 123 The MOTION was PUT to the MEETING and was CARRIED.

DSS5	FLUORIDATION	{ Folio No. 317454 }
	FILE: 240 AMB (NRN)	

SUMMARY:

Reporting on progress payments from NSW Health.



At the February Council meeting Council resolved (resolution 2006.70):

THIS IS PAGE 11 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

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MAYOR

"That Council make urgent representations to the Minister for Health regarding the capital costs of the fluoridation systems being paid for, by 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"

Consequent discussions between the Mayor, Janet Hayes, and Project Manager Oral Health, Mr John Irving determined that progress payments for the fluoridation costs would be made available to Council subject to satisfactory inspections by Department of Energy Utilities and Sustainability (DEUS) officers.

The Mayor and the Acting Director of Shire Services have since discussed the superfluous nature of representations to the Minister of the Health given that the matter of progress payments has been resolved.

A letter has since been received from the Department of Health confirming that Council will receive reimbursements on a progressive payment basis. A copy of the letter is attached at [Appendix E](#).

REPORT IMPLICATIONS:

- ***Environmental***

There are no environmental implications from this report.

- ***Social***

There are no social implications from this report.

- ***Economic (Financial)***

Council's exposure to financial holding costs for fluoridation equipment has been significantly decreased and is now limited to that of construction timeframes and inspection coordination.

- ***Policy or Statutory***

There are no policy or statutory implications from this report.

- ***Acting Director's Review***

The confirmation in writing by the Department of Health negates the need to make representations to the Minister.

2006. 124 **RESOLVED:**

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

That the information be noted.



ADOPTION OF AGENDA ORDER OF BUSINESS

2006. 125

RESOLVED:

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

That items MM1 and DSDS6 be dealt with in conjunction and the remaining Agenda Order of Business be adopted.



MAYORAL SUPPLEMENTARY REPORT

MM1
SUPP

AUSTRALIAN NATIONAL COASTAL
CONFERENCE
FILE: 165 JACH (NRN)

{Folio No. 317529}

SUMMARY:

Reporting that the "Coast to Coast 2006" conference is to be held at the Melbourne Exhibition Centre from 22-25 May 2006.



DESCRIPTION:

Coast to Coast 2006 is Australia's biennial national coastal conference. It will focus debate across the full range of coastal and marine issues being considered at national, state, regional and local levels.

The need for sustainable coastal and marine use, planning and management is increasingly hard to ignore.

Kempsey Shire has a vital role in the planning and management of its coastline, it is suggested that consideration should be given to having a representative attend this conference.

REPORT IMPLICATIONS:

- *Environmental / Social*

Council's attendance at the conference would add value to the decision making in regard to coastal management.

THIS IS PAGE 13 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

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MAYOR

- *Economic (Financial)*

Attendance at the conference would involve:-

Conference Registration Fees (Early Bird \$690.00), travelling and meals.

- *Policy or Statutory*

Nil

Mayoral Recommendation:

That Council gives consideration to the nomination of a representative to attend the Coast to Coast 2006 conference.

2006. 126 RESOLVED:

*Moved: Cl. Powell
Seconded: Cl. Saul*

That no action be taken to send a representative and that the papers from the Coast to Coast 2006 conference be obtained and submitted to the ESD Committee and any other interested Councillors.

DSDS6	ESD COMMITTEE PROGRESS REPORT
	FILE:298 NDH (NRN) CC:JCE {Folio No. 317439}

SUMMARY:

Reporting to Council on the progress of the ESD Committee.



Background

At its meeting of 14th December 2004, Council resolved to seek expressions of interest from members of the community wishing to join the Agenda 21 Team (now known as the ESD Committee) to comprise of: -

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

Council finalised the appointment of the committee members in May 2005. The Committee consisted of 10 community representatives (including 1 representative of the Aboriginal Community), 2 Councillors and 2 Council staff.

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

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MAYOR

The community members represent a wide range of backgrounds, bringing with them experience and expertise in environmental management, science, education, health, development, planning, agriculture and business.

The community representatives appointed were Roger Gammon, Riitta Kytola, Robert Barnett, Alison Brown, John Jeayes, Jenny Sproule, Barry Ramke, Douglas Head, Kevin Hill and Gerald Hoskins. Councillors on the committee are Betty Green and John Bowell. The committee is facilitated by Planning Manager Tony Blue and ESD Officer Nathan Hegerty. Kevin Hill has recently resigned from the committee. The committee resolved not to seek a replacement at this stage.

The Committee first met in September 2005 and has met three times since, in October 2005, November 2005 and February 2006. The key outcomes of each of these meetings are detailed below.

27th September 2005

The aim of this meeting was to provide an introductory session for all members of the Committee and formalise a draft set of Committee objectives. A 20-minute introductory video was shown, explaining some of the basic concepts and illustrating ways in which other councils have adopted an ESD culture. A brainstorming session was undertaken to identify key environmental, social and economic issues within the Shire. A list of these key issues are included with the minutes of this meeting in [\(Appendix J\)](#).

25th October 2005

The Draft Committee Objectives were adopted with some changes. One of the main objectives of the committee is to provide advice to Council on the development of a sustainability strategy. The final Committee Objectives are presented with the minutes of this meeting in [\(Appendix K\)](#).

A working draft discussion paper was tabled at the meeting, detailing the issues raised in the first meeting, cross referenced with the 4 key areas in which Council can implement ESD. A draft list of current Council plans, policies and strategies relating to ESD were then compiled and slotted into the matrix where applicable. The aim of this matrix was to identify where deficiencies in Council policies, plans and strategies exist and whether the policies etc. chosen are acceptable in their current condition or require some redirection or modification to suit ESD principles. It was agreed that this working paper be reviewed by the Committee and internal Council staff over the coming months to allow for identification of plans and policies that may have been missed in this initial working draft. A copy of this matrix table is presented in [\(Appendix L\)](#).

During this meeting, the Committee put forward a request to determine the possibility of developing a regional approach to sustainability and to investigate the use of the Environmental Levy for funding various functions of the Committee.

22nd November 2005

A list of 6 preliminary visions for a sustainability strategy was circulated with the agenda for this meeting for members to review and discuss at this meeting. The discussion resulted in two possible vision statements with a final to be adopted at the next meeting. A copy of these visions are included with the minutes of this meeting in [\(Appendix M\)](#).

A second discussion paper was table at this meeting that provided a draft list of goals, objectives, indicators, targets and actions for each core sector - Environment, Social and Economic, to provide a starting point for the development of a sustainability strategy. This document was put together using some material from a number of other sustainability strategies from other councils and adapted to suit conditions unique to the Kempsey Shire. Committee members were asked to review this document and provide comments at the next meeting.

21st February 2006

The Committee invited a guest speaker to this meeting – Valerie Thompson. Valerie, a regional planner for the Total Environment Centre, has been recently working within a multidisciplinary, technical advisory group for the North Coast Regional Strategy. Valerie gave an informal talk on her experience in implementing ESD principles, practices and strategies into many organisations including local government. This talk was very well received by the Committee and provided additional information on how to go about developing a sustainability strategy. The key notes to come from her talk are provided with the minutes of this meeting in [\(Appendix N\)](#).

Confirmation was provided as to the use of the Environmental Levy. A letter from the Department of Local Government stated that the approval of the Environmental Levy did not require an endorsement of the projects to be undertaken with the additional revenue raised. It also stated that if Council wishes to amend its Environmental Works Program it may do so providing the proper process is undertaken, that the changes are consistent with the rest of the works program and that the community is supportive of the changes.

Discussion for much of the remainder of this meeting concerned the funds available to the Committee from the Environmental Levy, and more specifically that additional funds be provided to strategic planning projects.

Comments on the two discussion papers prepared by Council staff were moved forward to the next meeting. Although there were many positive remarks on these discussion papers, particularly discussion paper 2 – the working draft sustainability strategy, it seems at the closure of this meeting there was a general feeling among the Committee that there was a need to back track a step and develop a series of major community goals / aspirations before proceeding further with this draft strategy.

During this meeting, the Committee resolved that the Director of Sustainable Development Services report to Council on the progress of this Committee, including that the Committee recommends the provision of adequate funding to undertake strategic planning in the 2006 - 07 Management Plan and 5 year rolling program.

Kevin Hill submitted his resignation to the February meeting. The Committee resolved not to request Council to fill the vacancy.

REPORT IMPLICATIONS:

- ***Environmental***

By providing a progress report on the functioning of the ESD Committee and ultimately the production of a sustainability strategy, Council will be informed about the problems facing the natural environment in the Shire and the actions required to manage and rectify these problems.

- ***Social***

The ESD committee will strive to build a healthy and vibrant community whereby the community embraces and takes ownership of the principles of ESD. A community that is fully aware and embraces ESD principles are likely to live more harmoniously and sustainably within the Shire.

- ***Economic (Financial)***

Council will need to appropriately resource the ESD Committee program that will include, but not be limited to, providing public education and promoting the principles of ESD. In the longer term Council should expect significant cost savings from the increased efficiencies resulting from application of ESD principles, while realising sustainable economic development for Kempsey Shire.

- ***Policy or Statutory***

Council is charged with applying ESD principals to its activities under the provisions of the Local Government Act. The ESD

Strategy is intended to provide direction to the Council's Management plans to produce sustainable activities.

Director Sustainable Development Services Recommendation:

1. That Council note the progress of this Committee; and
2. That the provision of adequate funding be made to undertake strategic planning in the 2006 - 07 Management Plan and 5 year rolling program.
3. That Council endorse the Committee's recommendation not to fill the vacancy on the Committee caused by the resignation of Kevin Hill.

2006. 127 RESOLVED:

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

1. That Council note the progress of this Committee; and
2. That consideration be given to the provision of adequate funding to undertake strategic planning in the 2006 - 07 Management Plan and 5 year rolling program.
3. That Council endorse the Committee's recommendation not to fill the vacancy on the Committee caused by the resignation of Kevin Hill.



At this stage 10.30a.m the Meeting adjourned for Morning Tea and upon resumption at 11.01a.m all present at the adjournment were in attendance.



MM2 SUPP	COUNCILLOR JIM GRIBBIN FILE: 335 JACH (NRN)	{Folio No. 317530}
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SUMMARY:

I have been requested by Cr Bowell to raise the following issue and have decided to do so in the form of a Mayoral Minute at the March Council meeting.



DESCRIPTION:

THIS IS PAGE 18 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

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MAYOR

"With reference to Councillor Jim Gribbin's claim that an enquiry should be held by Local Government Minister Kerry Hickey as there is ample proof (ABC 6.30am Friday 10 March, 2006), could Councillor Gribbin be invited to submit such proof on Tuesday 14th March, 2006."

REPORT IMPLICATIONS:

- *Environmental / Social*

Nil

- *Economic (Financial)*

Nil

- *Policy or Statutory*

Nil

Mayoral Recommendation:

That Councillor Gribbin be invited to submit the proof referred to in the ABC news item aired on Friday 10th March, 2006 at 6.30 am.

2006. 128 **RESOLVED:**

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

That Councillor Gribbin be invited to submit to the April Council Meeting agenda, the proof referred to in the ABC news item aired on Friday 10th March, 2006 at 6.30 am.

**MM3
SUPP**

**MR ANDREW STONER, MP
MEMBER FOR OXLEY
FILE: 579 JACH**

{Folio No. 317531}

SUMMARY:

In relation to comments made by Mr Andrew Stoner, Member for Oxley, in relation to Kempsey Shire Council, I move the following:

That Mr Stoner be invited to meet with council as a matter of urgency to clarify issues and statements made recently both in the media and in Parliament in relation to Kempsey Shire Council's performance.



2006. 129 RESOLVED:

Moved: Cl. Bowell
Seconded: Cl. Walker

That Mr Stoner be invited to meet with council as a matter of urgency to clarify issues and statements made recently both in the media and in Parliament in relation to Kempsey Shire Council's performance.

The Mayor noted that the foregoing resolution was passed unanimously.



NOTICE OF MOTION

NOM1

FINANCIAL POSITION OF KEMPSEY SHIRE COUNCIL

FILE: 579 AVB (NRN)

{Folio No. 317365}

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, 14th March 2006.

"That the General Manager provides a report, in conjunction with the Draft Budget for 2006 / 07 on:-

- c) Council's financial position as disclosed in the report of the Independent Inquiry into the Financial Sustainability of NSW Local Government.***
- d) The effect on Council's current structure by the reduction of non-infrastructure services across all areas so as to provide additional revenue for the maintenance and repair of Council's assets and infrastructure."***

NOTE:

The President of The Local Government Association of NSW, Clr Genia McCafferty has indicated that many Councils may have to reduce community and environmental services as a result of the findings in the above report.

.....
COUNCILLOR J H BOWELL

2006. 130 RESOLVED:

Moved: Cl. Bowell

.....
MAYOR

1. That the General Manager provides a report, in conjunction with the draft budget, on:-

The effect on Council's current structure by the reduction of non-infrastructure services across all areas so as to provide additional revenue for the maintenance and repair of Council's assets and infrastructure.

2. That the General Manager provides a report on:-

Council's financial position in the context of the report of the Independent Inquiry into the Financial Sustainability of NSW Local Government.

NOM2	SOUTH WEST ROCKS SURF CLUB FILE: LA5310 CC: 3 GRW CC: APC {Folio No. 317366}
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This Notice of Motion NOM 2 was dealt with following Public Forum.

The following item NOM 3 was withdrawn at the request of Councillor Gribbin as the items had already been discussed at the Extraordinary Meeting of 14th March 2006.

NOM3	EXTRAORDINARY MEETING – ITEMS TO BE DISCUSSED FILE: 335 AVB (NRN) {Folio No. 317367}
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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, 14th March 2006.

"That if the following items are not discussed at the Extraordinary meeting of Council to be held on Thursday, 9th March 2006 that they be discussed at the Ordinary Meeting on Thursday, 14th March 2006.

- *Waste Receivable Centres*
- *Customer First Centre*
- *Jerseyville and Greenhill's Sewerage Schemes*
- *Bellbrook and Stuarts Point Water Systems*
- *Point Plomer Road"*

.....
COUNCILLOR J C GRIBBIN

The following item NOM 4 was ruled as Out of Order by the Mayor as the motion is contrary to the Performance Agreement clause contained within the General Manager's contract of employment.

NOM4	GENERAL MANAGER'S PERFORMANCE AGREEMENT
FILE: S10-13 JACH	{Folio No. 317368}

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, 14th March 2006.

"That a committee of five (5) Councillors with the assistance of a Senior Executive from the Department of Local Government re-writes the General Manager's Performance Agreement so that it includes rigorous performance measures which will make the General Manager accountable and enable incentive payments to be objectively determined."

REASONS:

- The Agreement should be reviewed to develop a more strategic, concise personal agreement to highlight how the General Manager will add value to the organisation and make the Manager more accountable for the day-to-day management of Council.
- The objectives within this agreement must reflect the position held, must show accountability, be obtainable and reasonable and must be time bound.

.....
COUNCILLOR J C GRIBBIN

The following item NOM 5 was withdrawn at the request of Councillor Gribbin as the matter is dealt with in DCS4 Kempsey Regional Saleyards.

NOM5	KEMPSEY SALEYARDS - CANTEEN
FILE: 255 GBS CC: APC	{Folio No. 317369}

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, 14th March 2006.

THIS IS PAGE 22 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

"That tender documents be drawn up urgently for the refurbishment of the canteen at the Kempsey Saleyards. Monies for this project to be allocated from the \$500,000 upgrade budget for 2005 / 06."

REASONS:

- This canteen, if run as a commercial/retail outlet on any other property except Councils, would be closed down on the grounds of OH&S and health issues.
- Close to \$1.5 million has been spent at the saleyards on upgrades. These upgrades need to include the amenities.
- If farmers cannot get a meal at the saleyard site, they go into town and don't return. Let's not forget that most of these people have breakfast around 5.00am.
- In the infrastructure review January 2005 3.5.2.1 states:-
"Canteen; The food preparation area together with food delivery area can be considered to be rudimentary only and certainly not in keeping with reasonable requirements of a Regional Saleyard Facility."

.....
COUNCILLOR J C GRIBBIN

NOM6	REPORT TO COUNCILLORS ON COSTS
FILE: 563 AVB (NRN)	{Folio No. 317370}

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, 14th March 2006.

"That a report be supplied to Councillors each month with the following information included. Costs for meetings, conferences, workshops etc., attended by staff, Councillors, General Manager and Mayor and the relevance of such to this Council's business."

REASONS:

- Too many meetings, conferences and workshops are attended by people who don't have any relevant skills to understand the information supplied.

THIS IS PAGE 23 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

- Why send Councillors to roads or tourism congress when an engineer or tourism co-ordinator can attend and supply a written report to Councillors.
- This is one area where costs need to be reduced and a good business approach taken.

.....
COUNCILLOR J C GRIBBIN

MOVED:

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

That a report be supplied to Councillors each quarter with the following information included. Costs for meetings, conferences, workshops etc., attended by Councillors, General Manager and Mayor and the relevance of such to this Council's business.

The MOTION was PUT to the Meeting and was LOST.

Councillors Gribbin and Saul recorded their votes against the foregoing decision.

DELEGATE'S REPORT

DR1	MID NORTH COAST WEEDS ADVISORY COMMITTEE
FILE: 373	JACH (NRN) {Folio No. 317371}

SUMMARY:

Reporting on Quarterly Mid North Coast Weeds Advisory Committee Meeting held at Gloucester on 23 February 2006.



DESCRIPTION:

Councillor Dean Saul and Greg Egan attended the Quarterly Mid North Coast Weeds Advisory Committee meeting that was held at Gloucester Shire Council on 23rd February 2006. The meeting was hosted by Gloucester Council.

Greg Egan gave a Noxious Weeds Report to the meeting that covered the period from December 2005 to February 2006 which included the noxious and environmental weed control activities that have been taking place for Kempsey Shire Council.

THIS IS PAGE 24 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

A presentation was given by Dr Stephen Johnson, a Weed Ecologist from New South Wales Department of Primary Industries, Orange. Dr Johnson spoke of the Noxious Weeds Act Amendments Class 4 Weeds and Local Control Policies.

The next meeting is at Kempsey on Thursday 25th May 2006

REPORT IMPLICATIONS:

- ***Environmental***

Control of noxious and environmental weeds is necessary to overcome the spread of such weeds.

- ***Social***

By Council being involved in such activities, awareness of the impacts of noxious and environmental weeds can be improved throughout the community.

- ***Economic (Financial)***

There are no financial impacts for Council as all costs are borne by existing rates.

- ***Policy or Statutory***

Nil

2006. 131 **RESOLVED:**

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

That the information be noted.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

Councillor Hunt declared an interest in the following item DSDS1 for the reason that he is a member of Kempsey Legacy who have been invited to use one of the premises and retired from the Chamber.

DSDS1	INTERNAL SHOP ADDITIONS CREDIT UNION PLAZA FILE: T6-05-612 GGL	{ Folio No. 317373 }
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THIS IS PAGE 25 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

SUMMARY:

Reporting that Council has received a development application to carry out alterations to the Credit Union Plaza to create four (4) new shops which will require a variation to Council's Flood Risk Management Policy.



Applicant: T Ting
Subject Property: Lot 252 DP831034 No 4 Clyde Street, Kempsey
Zone: 3(a) Business General

Description of proposal

The proposal is to create additional shop floor space by closing the existing two side access points off Clyde Street to create one central access point and create two new shops in the centre of the Credit Union Plaza. [\(Appendix A\)](#)

Background

Development Consent was issued in 1980 for the construction of the Plaza in Clyde Street. The amount of leasable floor area of the building was 496.6m². A condition of this development consent required fifteen (15) car spaces, all of which were provided on site.

In 1984 Council granted development consent for an additional 375.4m² of leasable floor space to the existing Plaza. Additions were constructed over the existing car park and the applicant was required to pay a car parking contribution for the deficiency of twenty three (23) car spaces.

In 1995 Council granted development consent for the removal of internal toilets to create additional leasable floor space. In accordance with Council's car parking code the additional leasable floor space works required one (1) car space. At its meeting in July 1995 Council resolved to waive the contribution on the basis that the centre had provided a public mothers room since 1984.

In 1997 Council granted development consent to permit the use of the Plaza for markets one (1) day per week. A condition of consent allowed a total floor area of 78.4m² for the markets in the Plaza and the applicant was required to pay a cash contribution of \$2,000 in lieu of the provision of two on-site car-parking spaces.

Matters for Consideration

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

Kempsey Local Environmental Plan 1987

The proposed development is defined as "Shops" under the KLEP 87 and is permissible with Council's consent in the 3(a) (BUSINESS (GENERAL)"A" ZONE). The objective of the zone is to accommodate commerce, retailing and public administration development at accessible locations.

It is considered that the proposal satisfies the zone objective, as the additions and alterations to the commercial premises allow for more retail service that will provide a benefit to the local economy.

Council's Car Parking Code

The proposed increased amount of in leasable floor area is 181m². Council's car parking code requires an additional 5 off street parking spaces at the rate of 1 space/35m². Council previously granted Development Consent for the markets and required a contribution of \$2000 in lieu of 2 off street parking spaces. On this basis, the proposal will generate an additional three (3) car spaces.

The applicant requested that Council consider waiving the car parking contribution [\(Appendix B\)](#) based on:

- No additional shops are proposed, only additional shop floor space.
- Existing public car parks are underutilised.
- Use of the Plaza for exhibition and markets has not created congestion.
- The contribution would be prohibitive to development proceeding.

Planning Comment

Council's previous decision to allow the payment of only \$2,000 for the area occupied by the markets was a concession that Council is obliged to honour in respect to that part of the extensions previously occupied by the markets. The additional three (3) spaces are required under Councils code and any further concession is likely to create a precedent for any future or existing developments where contributions are payable. It should also be noted that the contribution is required to recoup money already spent by Council.

Flood Risk Management Policy

The subject premises are located in the Kempsey Central Business District Floodway. Clause 6.2.2 of Council's Flood Risk Management Policy applies. The current 1 in 100 flood level from the Macleay River at the site is 8.9m AHD. The velocity is estimated at being 2m/sec and the depth of flooding at the site is approximately 2.92 metres.

Clause 6.2.2.3 of the Flood Risk Management Policy requires new development (commercial and commercial extensions greater than 10%) to provide flood storage at a minimum of 500mm above the 1 in 100 year flood level. However, the proposal is considered to be consistent with the Policy as no additional floor area (as defined in the Flood Policy) is proposed. While there is an additional leasable floor area, which does increase the flood risk, it is considered unreasonable to require the provision of flood storage in the circumstances as the building was constructed prior to Council adopting the Flood Risk Management Policy and none of the existing shops provide for flood storage. A flood evacuation plan for the entire building should be submitted with the application for the Construction Certificate which would also reduce potential impacts on the existing development.

REPORT IMPLICATIONS:

- ***Environmental***

The development is unlikely to have a significant environmental impact.

- ***Social***

The additional floor area will provide additional commercial services for the community.

- ***Economic (Financial)***

The development will create a demand for additional car parking in the locality. Council's Section 94 Plan provides for the collection of money in lieu of the provision of off-street parking.

Section 94 Contributions Plan for Off-Street Carparking

The Contributions Plan provides for development to pay for parking in lieu of the provision of parking on site. The current rate is \$6,272 per space. The development generates a demand for an additional three (3) spaces.

2006. 132 **RESOLVED:**

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

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

THIS IS PAGE 28 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans dated 23 December 2005 (Drawing No.51078-21 DA) as modified by any conditions of this consent.
- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.
- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 5 The new shops are not to be occupied prior to the issue of a Final Occupation Certificate by Council.

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

- 6 Before the commencement of site works, demolition or building, the following activities must be completed:
 - a Installation of soil erosion and sedimentation control devices
 - b Installation of safety fencing / hoardings between the property and the street
 - c Protection barriers for existing trees
 - d Installation of signage in prominent, visible position including - "Unauthorised site entry is prohibited"
- 7 Name and Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.
- 8 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the

following, prior to the issue of a Construction Certificate:-

- a Erection of a hoarding on land.
- 9 Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.
- 10 The removal of any asbestos, material containing asbestos including asbestos cement cladding, is to be carried out and disposed of in accordance with the requirements of WorkCover NSW.
- 11 In the event that the building's façade or parapet is modified the design details and colour are to be submitted to Council for approval prior to the modification of the building's façade or parapet being carried out.
- 12 A separate development application must be submitted to Council prior to the erection of new signage on the building's façade.
- 13 No table and chairs are to be placed on Council's pedestrian path without prior consent of Council.
- 14 Access to the site for construction works deliveries is to be confined to between 7.00 am and 7.00 pm daily. In this regard, a sign clearly indicating same is to be displayed at the entry to the development. Details, including location of signage, are to be provided with the plans for the required Construction Certificate.
- 15 The hours of the construction works are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- 16 All loading and unloading in connection with the construction works of the subject premises shall be carried out within the designated delivery bay on the subject property.
- 17 Building materials are not to be stored within the road reserve or any other public place.
- 18 Any necessary alterations to or relocations of public utility services to be carried out at no cost to Council.

- 19 A Flood Evacuation Plan is to be prepared by the applicant. Details are to be submitted to Council for approval prior to release of the Construction Certificate
- 20 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

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

1. All works shall comply with the Building Code of Australia.
 2. The building shall be upgraded to conform with the current provisions of the Building Code of Australia 2005.
 3. Fire Safety Measures within the building shall be upgraded to conform with the current provisions of the Building Code of Australia 2005.
- 21 Payment of a contribution towards district water supply at the rate of \$1256 per equivalent tenement, i.e. $\$1256 \times .181 \text{ E.T} = \227 . (Indexed 2005 / 2006).

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

- 22 Payment of a cash contribution in lieu of the provision of on-site car-parking in accordance with Council's Section 94 Plan for off-street car-parking at the rate applicable at the time of payment, based on 3 (three) parking spaces. (Currently \$6,272.00 per space = \$18,816). Payment is required prior to release of the Construction Certificate.

Councillor Hunt returned to the Chambers.

DSDS2	CRESCENT HEAD COMMUNITY MARKETS – REFUND OF DEVELOPMENT APPLICATION FEES FILE:T6-05-358 CC:3 GGL CC:APC{Folio No317374}
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SUMMARY:

Reporting that the Crescent Head Parents and Citizens Association has requested a refund of fees paid in respect to a Development Application to conduct markets.



Applicant: Crescent Head Public School; P and C Association
Subject Property: Crown Land Reserve, Reserve No. 63725,
Crescent Head
Zone: 6(a)

Proposal:

The Crescent Head Parent and Citizen Association lodged a development application with Council for the continued use of Crescent Head Markets that was approved in September 2005.

As a non-profitable organisation, the Crescent Head Parent and Citizen Association has requested that Council refund the application fees paid on 25 August 2005. The requested fees to be refunded total \$370.00.

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***

Refunding the fees may provide a positive social outcome for the Crescent Head School.

- ***Economic (Financial)***

A donation would need to be made to the amount of the fees paid which would need to be drawn from Working Funds.

- ***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 equal to the Development Application fees paid.

Director Sustainable Development Services Recommendation:

For Council's determination

2006. 133

RESOLVED:

Moved: Cl. Sowter

THIS IS PAGE 32 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

That a donation of \$370 be given to the Crescent Head Public School P & C Association.

DSDS3	2 SHEDS, LATTICE SCREEN AND SINGLE COLOURBOND CARPORT PHILLIP DRIVE, SOUTH WEST ROCKS FILE: T6-05-427 TJN	{Folio No. 317376}
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SUMMARY:

Reporting that Council has received an application to erect two sheds, a lattice screen and a single carport, which due to the location of the carport is contrary to Council policy C23:2 "Building Alignment"



Applicant: S Jenkins
Subject Property: Lot 38 DP 244025, 72 Phillip Drive, South West Rocks
Zone: 2(a) Residential

Description of Proposal

The applicant proposes to erect 2 garden sheds, and an open carport (3.3m x 5.0m) at the front of an existing single level, attached dual occupancy. Council's policies only allow for a 1.5m encroachment into the front street setback for open carports. The applicant proposes an encroachment of 3.0m.

Heads of Consideration

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

The proposal is permissible with consent under the provisions of Kempsey Local Environmental Plan 1987.

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

Public Notification

The proposal was advertised in accordance with Council's policy with no objections being received.

Applicants Submission

The owner has made a written submission to Council requesting that the encroachment be allowed [\(Appendix C\)](#). The main points are as follows: -

- The area within the front setback has always been used as car parking.
- There are several existing carports along Phillip Drive which already extend out within the 5m setback.
- Council approved in 1997 the conversion of the carport for Unit 2 into an additional bedroom.

Comments / Conclusion

It is considered reasonable that Council approve the encroachment in this instance. This is based on the following reasoning: -

1. There are a number of similar encroachments into the front street setback along this section of Phillip Drive.
2. As Phillip Drive is contained within a wide road reserve, the proposed carport is still a substantial distance from the road itself. This means that it will not interfere with any sight distances or traffic movements.
3. The carport is open, with a small lattice screen and landscaping measures ensuring that it will not impose itself upon the streetscape and will actually enhance the appearance of the development.

REPORT IMPLICATIONS:

- ***Environmental***

There will be no adverse environmental impacts arising from this proposal.

- ***Social***

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

- ***Economic (Financial)***

There are no significant economic impacts.

- *Policy or Statutory*

A variation to Council Policy C23:2 "Building Alignments" is required prior to approval of this application being granted.

2006. 134 **RESOLVED:**

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

- A. That Council resolve to allow the variation to Council Policy C23:2 "Building Alignment" to allow construction of the carport.
- B. That the application be approved subject to the following conditions:-
 - 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
 - 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
 - 3 The building is not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.
 - 4 Before the commencement of site works, demolition or building, the following activities must be completed:
 - a Installation of soil erosion and sedimentation control devices.
 - b Installation of safety fencing / hoardings between the property and the street
 - c Protection barriers for existing trees
 - d Installation of builder's toilets
 - e Installation of signage in prominent, visible position including -
 - "Unauthorised site entry is prohibited"
 - Name and phone number of builder or other responsible person for contact outside working hours.
 - 5 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

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

- A The hours of operation of the activity are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- B Building materials are not to be stored within the road reserve or any other public place.
- C Roofwaters are to be directed by means of sealed pipes to the street gutter. Details are to be provided with the plans for the required Construction Certificate.

Kempsey Shire Council will carry out all required inspections. A minimum of forty eight (48) hours notice (excluding weekends and public holidays) is to be given to Kempsey Shire Council. To arrange an inspection please contact Council on (02) 6566 3200.

The following inspections will be required:

CRITICAL STAGE INSPECTIONS REQUIRED FOR CLASS 1 AND 10 BUILDINGS:

- 1. After excavation for and prior to the placement of any footings.
 - 2. After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.
- 6 Proposed garden bed screening at the front property boundary shall be advanced seedlings a minimum of 1metre in height, shall be planted prior to use of the carports and be maintained or replaced as required.
- 7 Structural engineers details of the carports and slabs shall be submitted to Council 14 days prior to the commencement of construction.

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

DSDS4	2 STOREY DWELLING
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MAYOR

22B MARLIN CIRCUIT, HAT HEAD

FILE: T6-05-194 TJN

{Folio No. 317377}

This Report DSDS4 was dealt with following Public Forum.

DSDS5

**LOCAL ENVIRONMENTAL PLAN (LEP) REVIEW
PANEL**

FILE: 170 DNM (NRN)

{Folio No. 317438}

SUMMARY:

Reporting on the introduction of the Department of Planning (DoP) LEP Review Panel and the implementation of new procedures intended to streamline the LEP making process.



The new Department of Planning procedures came into affect on 22 February 2006, affecting new LEP amendments proposals and those already in the system. The changes were made without consultation with notification received on 21 February 2006.

Why the need for an LEP Review Panel?

Section 54(4) of the (EP and A Act) requires Council to inform the Director-General of a decision to prepare a draft LEP. Clause 9 of the EP and A Regulation requires the inclusion of the terms of a Council resolution and information about the proposed LEP.

What is the role of the LEP Review Panel?

The Review panel will have the following roles:

- To provide advice to councils about proposed draft LEP's;
- To provide advice to the Director-General and / or Minister for Planning about proposed draft LEP's; and
- To review section 54(4) notifications against the relevant set of evaluation criteria.
- To review draft LEP's submitted at section 64 stage;
- To review draft LEP's when submitted to the Department at section 68(4) stage; and
- To review section 69 reports to the Minister.

Who is on the LEP Review Panel?

The panel will include senior departmental officers and a nominee from the Local Government and Shires Association.

THIS IS PAGE 37 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

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MAYOR

How will the LEP Review Panel consider section 54 notifications?

The review panel will consider the evaluation criteria pro-forma, supporting documentation and determine whether the proposed LEP can proceed.

The panel will also make recommendations in terms of section 74(2)(b) of the EP and A Act i.e. if an environmental study should be prepared prior to preparation of a draft LEP.

Council will not be permitted to proceed to the next steps in the LEP process without Department of Planning advice.

REPORT IMPLICATIONS

- *Environmental*

There are no specific environmental issues.

- *Social*

The Review Panel will have the power to prevent draft LEP's proceeding to public exhibition, and may limit Councils ability to justify LEP's that are inconsistent with State Government policy.

- *Economic (Financial)*

Council has in the past supported preparation of draft LEP's and committed time and resources to the exhibition, reporting and consultation processes, which have ultimately not been supported by the Department of Planning. This will potentially save Council resources in pursuing draft LEP's that ultimately are not made.

- *Policy or Statutory*

Previously, Council had delegations from the Department of Planning to exhibit most draft LEP's without specific approval. These delegations have been revoked, and new delegations issued that require specific authority from Department of Planning for each draft LEP before Council can exercise its delegations.

The changes do not incorporate any transition provisions. This means current draft LEP's will need to comply with the new process. Current draft LEP's are:

- *153 Macleay Street, Frederickton (Rezone 1(a3) to 2(a)*
- *Reclassification of community land to operational land, South West Rocks and Frederickton*

- *Beranghi Road community title rural subdivision*
- *LEP standard template*
- *Farrowells industrial land South Kempsey*
- *Saltwater land*
- *Former Shell Oil Terminal site*
- *Thurgoods Industrial rezoning, South Kempsey*
- *Channels rezoning, East Kempsey*
- *Crescent Head expansion*
- *Old School House, South West Rocks*

2006. 135 RESOLVED:

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

That the information be noted.

DSDS6	ESD COMMITTEE PROGRESS REPORT FILE:298 NDH (NRN) CC:JCE {Folio No. 317439}
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This report DSDS6 was dealt with earlier in the Meeting in conjunction with item MM1.

DSDS7	STRATEGIC PLANNING PROGRAM FILE: 584 APB (NRN) {Folio No. 317440}
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SUMMARY:

Reporting on the priority and program of strategic planning projects for 2006 / 07, having regard to available resources.



Background

Council considered a report on the Strategic Planning Program at its meeting of 13th September 2005 ([Appendix O](#)). That report provided an outline of the 25 projects in the program, and allocated a priority of High, Medium or Low. This report recommends Councils adoption of a revised program based on progress of existing projects, new projects and other changes.

Summary

The program recommended in this report provides the following changes from the September 2005 report:

- a) Completed Projects: 3 (2 High, 1 Medium Priority)

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MAYOR

- Population Profile: High Profile
- LEP 2006 (Awaiting gazettal): High Priority
- LEP – Nicholson Street (Awaiting gazettal): Medium Priority

b) New Projects: 6 (1 High, 4 Medium, 1 Low Priority)

- Draft LEP: standard template (Medium Priority)
- Draft LEP: 153 Macleay Street, Frederickton (Medium Priority)
- Draft LEP: 145 Old Station Road, East Kempsey (Medium Priority)
- Draft Development Control Plan: Town Centre Design Guidelines (High Priority)
- Draft LEP: Old School House at South West Rocks (Medium Priority)
- Comprehensive Review of all Development Control Plan's (Low Priority)

c) Changed Priority Projects: 2

- South Kempsey Industrial Land LES (from Medium to High)
- Rural Land Capacity Report (from Low to Medium)

The following table summarises the change:

	SEPT 05	MAR 06
High Priority	8	8
Medium Priority	13	16
Low Priority	4	4
TOTAL PROJECTS	25	28

The following provides a description of high, medium and low priority.

High Priority projects are given concerted attention to progress each step and stage of the project.

Medium Priority projects have longer timeframe allowances between steps and stages, with progress being made as time and resources allow.

Low Priority projects are identified as unlikely to receive staff time or resources within the next 6 months.

Staffing

Currently, there is one full time strategic planner, who has carriage of 3 high priority and 4 medium priority projects. Since September 2005, the duties of 2 development planners have been increased to include strategic planning projects. Both planners have limited strategic planning experience and also have day to day responsibility for development control matters. This has allowed some additional projects to be commenced, but is subject to development application pressures, training

THIS IS PAGE 40 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

in strategic planning and a period for new staff to become effective. There has also been a recognition that the September 2005 program was over ambitious in terms of the number of high priority projects to be undertaken by a single strategic planner.

If Council wishes to increase the priority of any project, it will be necessary to drop the priority of another project (comparable in work load). Alternatively, Council will need to increase staff resources.

Proposed Strategic Planning Program 2006 / 07

1 Strategies

(a) Heritage Study (Priority: High)

Council resolved at its February 2006 meeting to proceed to exhibition of the Study. Exhibition will involve significant staff time, including letters to owners, responding to enquiries, holding of community workshops. There will be many submissions, and consequent time to assess and report them to Council.

To assist implementation of the Heritage Study, a number of Heritage Protection activities have commenced.

(b) Kempsey Town Centre Masterplan Review (Priority: High)

The Review document has been prepared by consultants. Following consideration of the document, the project has been transformed to an action plan comprising:

- i) Development Control Plan Design Guidelines
A draft DCP has been exhibited.
- ii) Incentives Policy
A draft discussion paper has been prepared.
- iii) Revised Landscape Design Principles
- iv) Directional Signage Scheme
A Scheme has been prepared by the DSS in consultation with the RTA.
- v) Review of DCP for signs in the town centre
- vi) Preparation of Precincts Plans (6 precincts)
- vii) Town Centre Structure Plan
- viii) Comprehensive Town Centre DCP
- ix) Traffic and Pedestrian Plan
- x) Clyde Street Mall Options Paper
- xi) Post By Pass Planning: Smith Street
- xii) Funding: Special Rates Levy

(c) Residential Land Release Strategy (Priority: Medium)

North Coast regional Environmental Plan 1988 provides that Council must release land for residential development in accordance with a Department of Planning endorsed Strategy. Council's current strategy was adopted in 1997, and is currently under review.

The Strategy review will follow on from preparation of the Population Profile, Population Projection Document and the Land Capacity Report (see below). Timelines have been developed for each of these, indicating a Draft Residential land Release Strategy to be presented to the Council meeting in January 2007.

(d) South West Rocks Structure Plan review (Priority: Medium)

Effective planning for facilities, infrastructure and reviews for South West Rocks requires the 1995 Structure Plan to be reviewed. The Parsons Brinkerhoff report previously commissioned by Council identified that considerable investigations are needed to update the plan to meet current requirements. The Local Environmental Studies for Saltwater and former Shell site; the Spencerville to New Entrance investigation area (see below); Saltwater Creek EMP; Saltwater Creek Flood Study and the SWR Open Space Strategies are providing the information needed to progress the Structure Plan review.

(e) By Pass Strategy (Priority: Medium)

Potential impacts of the Kempsey Bypass require Council to be well placed in its planning for this event. A range of actions have been commenced, but funding of strategic actions was withdrawn from the 2005 / 06 budget. The RTA have not yet released the EIS for the preferred route. Given the likely timeframe for construction of the Bypass, a modest allocation over the next 3 years has been included in the draft budget.

(f) Vegetation Mapping of the Shire (Priority: Medium)

A 3 year program has been identified in Councils Management Plan for mapping all vegetation communities across the Shire. Stage 1 is the coastal strip east of the highway where development pressures are greatest. Consultants have been commissioned with a draft report anticipated in March 2006. This mapping will form part of a Sustainable Settlement Strategy (Strategic Land Use Plan) over about a 5 year period.

- (g) Parking Study Review (Priority: Low)

Council commissioned this review a number of years ago. It is proposed to progress the review in March 2006, with possible report to Council in June 2006.

- (h) Rural Residential Land Release Strategy (Priority: Low)

Council cannot rezone land for rural residential development except in accordance with a Department of Planning endorsed strategy. Progress on this strategy will follow after the Rural Residential Land Capacity Report is prepared (see below).

Note: The Department of Planning has advised that this strategy will be required before any rural residential re-zonings such as Mr Channels can proceed. It is considered that relative to other strategic planning projects, the release of additional rural residential land is of lesser urgency for the economic development of the Shire. At this stage it is anticipated that a draft Strategy will not be ready for public exhibition until at least late 2006. If Council considers this to be a "high" priority project, it will be necessary to allocate a high priority to the Population Profile and Rural Land Capacity projects and to reduce the priority of other projects.

2 Studies

- (a) Population Profile (Priority: Completed)

This was completed and reported to Council in September 2005.

- (b) Population Projection Document (Priority: High)

This document provides the basis for quantifying the demand for land for residential growth. A preliminary draft has been prepared, utilising census data, plus building approvals and commencements over the last 6 years. It is anticipated the document will be reported to Council in May 2006.

- (c) Urban Land Capacity Document (Priority: Medium)

This document provides the basis for determining the current supply of residential land. Initial research has been undertaken, with an information report to Council anticipated in August 2006.

- (d) Rural Land Capacity Report (Priority: Medium)

This document provides the basis of determining the current supply of rural residential land. It is anticipated this project may commence in July 2006.

3 Statutory Plans

- (a) Saltwater LES and Draft LES (Priority: High)

Consultants have been commissioned to prepare the Local Environmental Study. Additional studies were identified as being necessary in September-October 2005. These Studies are Wallum Froglet habitat analysis and the climatic monitoring/noise and odour study for determining an appropriate buffer to the Sewerage Treatment Plant. A report to go to exhibition is anticipated for August 2006.

- (b) Oil Terminal LES and Draft LEP (Priority: High)

Consultants have been commissioned to prepare the Local Environmental Study. Further consultation with DEC is being undertaken. The Local Environmental Study will then be reported to Council following endorsement by Council of the Saltwater EMP for public exhibition.

- (c) Local Environmental Plan 2006 (Priority: Completed)

Review of Kempsey LEP 1987 commenced in 2000. Major review of planning instruments is intended to be done after no more than 10 years. The review has been completed, and the LEP was submitted to the Department of Planning in November 2005 for gazettal.

- (d) Heritage LEP (Priority: Medium)

Following exhibition and adoption of the Heritage Study, implementation of its recommendations requires preparation of a draft LEP, and public exhibition. Preparation of the draft LEP is not expected to commence until after June 2006.

- (e) Spencerville to New Entrance Investigation (Priority: Medium)

This land has been identified for long term release in the Residential Land Release Strategy. Habitat assessment has been undertaken using vegetation mapping completed in November 2005. A meeting was held with landowners, and it is intended to initiate discussions with the DEC to determine

options. These include "bio-banking", proceeding to detailed flora and fauna assessments, and potential for land dedication to National Park. It is difficult to determine the timing of this project; however, there is sufficient information now to provide an upper and lower estimate for the potential dwelling yields for this area that can be used for the Residential Land Release Strategy. The Masterplan for the precinct will then form part of the South West Rocks Structure Plan review.

- (f) South Kempsey Industrial Land Local Environmental Study and Local Environmental Plan (Priority: High)

This study is to investigate land identified in Council Industrial Land Strategy, leading to the rezoning for future industrial economic growth. Land west of the highway is currently the subject of a vegetation mapping project, which will provide the basis for refining future investigations. A study brief is being prepared for land east of the highway, for preparation of an Local Environmental Study. Expressions of interest will be sought from consultants in April or May 2006. Then it will be necessary to seek agreement from the landowner to meet the cost of preparation of the LES.

- (g) Standard LEP (Priority: Medium)

This plan is to implement the new LEP template prepared by the State Government as a part of its planning reforms. Council has received grant funding for this project of \$75,000. This funding is conditional upon a draft LEP being prepared for exhibition by March 2007.

4 Section 94 Plans

- (a) Rural Roads Contribution Plan Review (Priority: Low)

This plan provides significant income for maintaining and upgrading Councils rural roads. However, the plan is complex and difficult to apply, and commits Council to an ongoing maintenance obligation that is not recouped through the plan. There is no current funding and no available staff resources to undertake this project.

- (b) Other Section 94 Plan Reviews (Priority: Low)

All of Councils existing plans require review, and there may be opportunity to levy additional contributions. Contributions could be levied to pay for the employment of a Section 94 officer. However, after an initial period of 2-3 years to carry

out the preparation of the Contribution Plans, the workload is likely to be only equivalent to a part time position. The possibility of sharing this position with other smaller Councils in the region is being discussed with the MIDGOC Strategic Alliance.

5 Minor LEP's

- (a) Reclassification of Community Land: South West Rocks and Frederickton (Priority: Medium)

Preparation of the LEP is pending a detailed analysis of open space needs in South West Rocks and Frederickton. This is necessary to demonstrate where the proceeds of sale of land is to be spent.

- (b) Nicholson Street (South side Cellars) (Priority: Completed)

This LEP was exhibited and reported to Council in December 2005, and submitted to Department of Planning for gazettal in January 2006.

- (c) Beranghi Community Title LEP (Priority: Medium)

This is to facilitate a Community Title subdivision that contains sensitive habitats and archaeological relics. A draft LEP has been prepared and submitted to Department of Planning to issue a Section 65 Certificate to allow gazettal. The Department of Planning requested additional information which was provided in January 2006.

- (d) 153 Macleay Street, Frederickton (Priority: Medium)

This is a new project, resolved at Council's meeting of 14 February 2006, to rezone land from Rural 1(a3) to Residential (v). It is a minor LEP and is anticipated will not require significant resources. However, it will be delayed as a result of the new LEP Review Panel process. It is uncertain how much this will delay the draft LEP.

- (e) Crescent Head Expansion (Priority: Low)

This rezoning is awaiting consultation with NSW Aboriginal Lands Council and NSW Native Title Services. The Lands Office has agreed to Council acquiring the road. On the basis of the Lands Office decision not to proceed with Stages III to V of the Goolawah estate in the foreseeable future, this project has been assigned a low priority.

- (f) 145 Old Station Road, East Kempsey (Priority: Medium)

Council resolved to support rezoning of this land from 1(a3) to 1(c) at its February 2006 meeting. (See 1(h) – Rural Residential Land Release Strategy).

- (g) Old School House, South West Rocks (Priority: Medium)

This rezoning request is reported at this meeting. If Council supports this proposal, it is assumed a medium priority would be applied.

6 Development Control Plans

- (a) DCP22: Crescent Head (Priority: High)

A draft DCP was placed on exhibition from 21 February 2006. A report on submissions is anticipated to be presented to the April 2006 Council meeting.

- (b) Town Centre Guidelines DCP (Priority: High)

This Development Control Plan is the first stage of implementation of the Town Centre Masterplan. The Development Control Plan has been placed on exhibition.

- (c) Comprehensive DCP Review (Priority: Medium)

Recent changes to the Environmental Planning and Assessment Act require that only one Development Control Plan may apply to any parcel of land. Any changes to DCP's or new DCP's prepared after 30th April 2006 must comply with this requirement. All of Council's Development Control Plans will need to be reviewed and brought into compliance with this requirement.

REPORT IMPLICATIONS:

- ***Environmental***

Effective strategic planning is essential to ensure decisions are made to achieve desired environmental outcomes. There are many additional environmental projects that could be pursued, but not able to be resourced.

- ***Social***

Social sustainability for future communities requires effective strategic planning. Current resources limit Council's ability to ensure preferred outcomes for future social infrastructure.

- *Economic (Financial)*

Economic development of the Shire requires the preparation of a range of strategies to allow timely release of land and provisions of infrastructure and facilities.

If Council wishes to increase the priority of projects, without reducing others, it will be necessary to provide additional resources to strategic planning.

The current priorities for release of residential land at South West Rocks (Saltwater and former Shell site), industrial land at South Kempsey, combined with demands at Frederickton create a demand for substantial funding of water and sewerage infrastructure within the next 5 years if all 3 areas are to be provided adequate services. The current program does not provide for this.

- *Policy or Statutory*

The purpose of this report is to determine as policy, the priority of all strategic planning projects currently underway. Council continues to receive requests for new projects and if these are to be given priority, other projects will be delayed.

2006. 136 RESOLVED:

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

That Council note the report and endorse the priorities attached to each project.

DSDS8	DRAFT SALTWATER CREEK ESTUARY MANAGEMENT STUDY and PLAN FILE: 385 RFK (NRN) CC: MRB {Folio No. 317441}
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SUMMARY:

Reporting that the Final Draft Report – Saltwater Creek Estuary Management Study and Plan (Feb 06) has been prepared.



The Final Draft Report – Saltwater Creek Estuary Management Study and Plan (Nov 2005) has been prepared in accordance with the NSW State Governments Estuary Management Manual (Oct 92). The aim of the Estuary Management Plan is to ensure ecological sustainability of the estuary, whilst balancing the demands on the system by human uses.

The Final Draft Report was endorsed by the Coast and Estuary Management Committee and was recommended that the Report be presented to Council for review and placed on public exhibition.

The Saltwater Creek Estuary Management Study and Plan has been developed in close consultation with Council's Coast and Estuary Management Committee, the Saltwater Creek Working Group, the Department of Natural Resource (formally DIPNR) and other relevant state agencies.

The Report follows the development of the Saltwater Creek Estuary Process Study (Nov 2002) and is underpinned by social, environmental and economic considerations.

Funding for the Report has been on dollar for dollar basis between Kempsey Shire Council and Department of Natural Resources.

REPORT IMPLICATIONS:

- ***Environmental***

There will be no significant environmental impacts arising from the Saltwater Creek Estuary Management Plan. The development and adoption of the Saltwater Creek Estuary Management Plan will provide guidance and assist Council in ensuring that the ecological integrity is sustainably managed and maintained.

- ***Social***

There will be no significant social impacts arising from the Saltwater Creek Estuary Management Plan. The development and adoption of the Saltwater Creek Estuary Management Plan will provide guidance and assist Council in managing the social requirements of the creek / lagoon and to ensure that they are consistent with and do not impact on the ecology requirements of Saltwater Creek and lagoon.

- ***Economic (Financial)***

There will be no significant economic impacts on Council or the community of South West Rocks arising from the Saltwater Creek Estuary Management Plan. The development and adoption of the Saltwater Creek Estuary Management Plan will provide guidance

and assist Council in ensuring that the economic benefits derived from the natural resource attraction of Killick Creek is sustained.

- *Policy or Statutory*

The Saltwater Creek Estuary Management Plan has been prepared in accordance with the NSW Government's Estuary Management Program.

2006. 137 RESOLVED:

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

That the draft Saltwater Creek estuary management Study and Plan be adopted for the purposes of public exhibition.

DSDS9	SALTWATER CREEK CATCHMENT FLOOD STUDY
	FILE: 246 AJC (NRN) CC: MRB {Folio No. 317442}

SUMMARY:

Reporting on the Final Draft of the Saltwater Creek Catchment Flood Study.



Background

The existing Flood Study prepared by G Mounser for proposed residential development at South West Rocks in the Salt Creek Catchment area was finalised in November 1981. In the intervening period there has been no other studies undertaken.

The Flood Study for Saltwater Creek Catchment, was to provide sufficient flood detail required to assist in the development of an Estuarine Management Plan, Stormwater Management Plan and associated development controls for Saltwater Creek, having regard for but not limited by, the existing and future development of the catchment, biodiversity, water quality, the physical constraints of the catchment and the sensitive nature of the catchment as a whole.

The Flood Study resulting from the review was prepared in accordance with NSW Floodplain Management Manual (2001) and the current edition of Australian Rainfall and Runoff.

Flood Study

The study has been prepared by WBM Oceanics Australia. The extent of the study is from the Country Club Golf Course near the existing Council Sewage Treatment Works through Saltwater Lagoon to Trial Bay. [\(Appendix P\)](#)

The study has defined the extent of flooding particularly between Saltwater Lagoon through to Trial Bay so Council can better manage flooding and its impacts upon future developments, the estuary and Saltwater Lagoon. This catchment area is isolated from the Macleay River Floodplain.

It is proposed to adopt an Average Recurrence Interval (ARI) of 1 in 100 year flood event at a 2m high sand berm as the flood standard for this catchment area. The flood gauge installed recently by the Department of Environment and Conservation has indicated since its installation in 2005 that the sand berm is breached when the water level at the gauge reaches approximately 1.8m AHD. All levels shown on the plans attached to the final document are shown in Australian Height Datum (AHD) with corresponding velocities.

The 1 in 100year flood event at 2metres high berm shows a flood level of 3.1m AHD in the Lagoon. The previous level from the Mounser report was 2.9m AHD. A 0.2m rise in flood levels.

The adopted flood level is interrelated with the Saltwater Creek EMP and will impact on development potential within the catchment. The Local Environmental Study being prepared for the Saltwater developments rezoning should not be finalised until the EMP and Flood Study have been formally adopted by Council following public exhibition.

The review of the Working Draft Document has now been finalised and the Final Draft document is now being presented to Council for consideration and community consultation in conjunction with the Draft Estuary Management Plan prior to requesting council to adopt the Final Draft Saltwater Creek Flood Study.

REPORT IMPLICATIONS:

- ***Environmental***

This report has been prepared in conjunction with the Estuary Management Study in order to determine the extent of flooding in and around Saltwater Lagoon and Creek. There will be no adverse environmental impacts as a result of this flood study.

- ***Social***

In conjunction with the Estuary Management Plan it is intended to ensure that future developments in the Saltwater Catchment area

do not adversely impact upon health and recreational pursuits associated with Saltwater Lagoon and Creek.

- *Economic (Financial)*

The adopted flood levels will impact on development potential within the catchment.

2006. 138 RESOLVED:

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

That Council endorse the Final Draft Saltwater Creek Flood Study for public exhibition purposes and place the Final Draft Saltwater Creek Flood Study on public exhibition for a period of 28 days.

DSDS10	REVISED PROPOSAL BY SUTERS ARCHITECTS 10-22 LANDBOROUGH STREET AND 23 PARAGON AVENUE SOUTH WEST ROCKS FILE: 674 APB (NRN) {Folio No. 317443}
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SUMMARY:

Reporting on the revised concept plans for possible development of Council land at South West Rocks.



Background

Council considered preliminary options at the Extraordinary meeting held on 21st November 2005, and resolved:

- 1. That the architects commence design preparation to include maximum underground parking area with the development to stay a 3 storey development (above ground).*
- 2. That design preparation be commenced for the Landsborough Streetscape Works*

A revised proposal by the architects was received on Friday 10th February 2006 ([Appendix Q](#)).

Description of Proposal

Library Area	357m ²
Commercial Area	293m ² (85 + 130 + 78)
Residential	22 units (14x3 bed, 8x2 bed)
Carparking	76 spaces (41 basement, 35 at grade)

THIS IS PAGE 52 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

Description of Revisions

The design has used the site contours to determine the basement car-parking arrangement.

The basement carpark used for residential and commercial parking will be entered on the eastern end of the Landsborough Street frontage; this requires a vehicular ramp down with a 1.3m vertical fall. The public carpark provision is retained at grade and is entered at the Western end of the Landsborough Street frontage with a ramp up a 0.7m rise.

Carparking required for the residential and commercial components of the development is 36 spaces (27.3 for the residential component, 8.4 spaces for the commercial floor space). Therefore, the development provides 40 spaces for public use, including library users where 39 spaces are currently provided on site.

The residential component off Paragon Avenue is proposed to be units rather than a townhouse arrangement. This better suits a lift / lobby arrangement and allows the library to operate underneath. This arrangement also provides lift access to the Basement carpark.

REPORT IMPLICATIONS:

- ***Environmental***

Environmental impacts will need to be assessed as part of the development application. The proposal is similar to other developments in the locality.

- ***Social***

The provision of a new library will provide a social benefit to the community. The retention of parking will also benefit the community.

- ***Economic (Financial)***

Retention of off-street parking will be beneficial to the town centre businesses. The development has the potential to provide significant income to Council.

- ***Policy or Statutory***

The development will need to be assessed against Council's LEP and DCP provisions. It is appropriate that this be done by an independent consultant, to ensure objective and transport assessment.

- *Director's Review*

The concept plans have been prepared in accordance with Councils resolution of 21 November 2005 which staff have assessed as being consistent with other approvals in the precinct and relevant planning considerations. However, in order to demonstrate impartiality, when prepared, it is intended to refer the Development Application to a consultant for an independent planning assessment and to report the assessment to Council for determination.

2006. 139 **RESOLVED:**

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

1. That Council proceed to preparation of a development application in accordance with the revised concept plan.
2. That the application, when lodged, be assessed by an independent consultant or panel.

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

DSDS11	BUILDING AND DEVELOPMENT
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SUMMARY:

Reporting that the following applications have been approved:



Council Report on Local Development Application

Reporting that the following applications have been approved:

2003/LD-00516 REV01Lot 337 DPDP754396 LIVINGSTONE STREET
SOUTH WEST ROCKS
CLUB ADDITIONS
Owner: SOUTH WEST ROCKS SURF CLUB

2004/LD-00655 173 EVERINGHAMS LANE COLLOMBATTI
2 LOT SUBDIVISION
Owner: CHAPMAN G

2005/LD-00302 6 YATES PLACE WEST KEMPSEY
DUAL OCCUPANCY and SUBDIVISION

THIS IS PAGE 54 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

Owner: BANNON PJ and RG and HAYES MA and RE

2005/LD-00319 REV0163 SHERWOOD ROAD ALDAVILLA
2 LOT SUBDIVISION

Owner: GRALTON RA and LR

2005/LD-00324 3012 PACIFIC HIGHWAY BARRAGANYATTI
DWELLING ADDITIONS

Owner: MULVEY J

2005/LD-00416 122 LIKA DRIVE SOUTH KEMPSEY
SUBDIVISION - 2 LOTS

Owner: HANCOCK F

2005/LD-00470 110 AUSTRAL EDEN OUTER ROAD AUSTRAL EDEN
DWELLING and FLOOD MOUND

Owner: MCCARTHY K C

2005/LD-00548 5 BLOODWOOD CRESCENT YARRAVEL
DWELLING ADDITIONS

Owner: DUFTY G and K

2005/LD-00554 83 BELGRAVE STREET KEMPSEY
FENCE

Owner: RURAL LANDS PROTECTION BOARD KEMPSEY

2005/LD-00566 54-64 COCHRANE STREET WEST KEMPSEY
ADDITIONS TO AGED CARE FACILITY

Owner: Macleay Senior Citizens Homes Inc

2005/LD-00569 53 SOUTH STREET SOUTH KEMPSEY
ALTERATION AND ADDITIONS TO CONCRETE PLANT

Owner: BORAL RESOURCES (COUNTRY) P/L

2005/LD-00571 456 FISHERMANS REACH ROAD FISHERMANS REACH
RELOCATION OF DWELLING

Owner: NICOLL P

2005/LD-00580 8 KIRKWOOD PLACE STUARTS POINT
GARAGE

Owner: BALES D A and B G

2005/LD-00582 6 LILLI PILLI ROAD KUNDABUNG
RELOCATE DWELLING

Owner: MAINEY J M

2005/LD-00594 39 SAULS LANE BARRAGANYATTI
DWELLING

Owner: WINMILL AK and ANDREWS CE

***THIS IS PAGE 55 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE
KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.***

.....
MAYOR

2005/LD-00608 764 DUNGAY CREEK ROAD WITTITRIN
CONDUCT OFF ROAD RACING
Owner: KEMP D F B and M R

2005/LD-00611 3 PACIFIC STREET SOUTH WEST ROCKS
ALTERATIONS AND ADDITIONS TO EXISTING DWELLING
Owner: KERR M

2006/LD-00001 8 BISSETT STREET EAST KEMPSEY
CONSTRUCT NEW DECK WITH ROOF OVER NEW AND EXISTING DECK
AND GARAGE
Owner: MOTTEE T J

2006/LD-00003 15 DILBERANG CLOSE SOUTH WEST ROCKS
TWO STOREY DWELLING
Owner: DALL'ACQUA A

2006/LD-00007 19 SEVENTEENTH AVENUE STUARTS POINT
POOL
Owner: PAVAN D and J

2006/LD-00010 Lot PT 155 DPDP752439 NORTH STREET WEST
KEMPSEY
FENCE AND GATES
Owner: COUNTRY ENERGY and KEMPSEY SHIRE COUNCIL

2006/LD-00012 25 BELMORE STREET CRESCENT HEAD
SECOND STOREY DWELLING ADDITION
Owner: McGRATH D and JOHNSTON M

2006/LD-00013 59-61 SOUTH STREET SOUTH KEMPSEY
CHANGE OF USE - JUNK YARD, WASTE PAPER RECYCLING AND
BOUNDARY FENCE
Owner: RICHARD WILTON AUTOMOTIVE

2006/LD-00017 5 RUDDER STREET EAST KEMPSEY
GARAGE
Owner: IDANANCY PTY LIMITED

2006/LD-00021 43 LIKA DRIVE SOUTH KEMPSEY
DWELLING ADDITIONS
Owner: MRS B MAINEY

2006/LD-00025 1-5 REGINALD WARD STREET SOUTH KEMPSEY
STORAGE SHED and COVERED AREA
Owner: MACLEAY VALLEY WORKPLACE LEARNING CENTRE

2006/LD-00031 79 MULBURY PLACE EUROKA

*THIS IS PAGE 56 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE
KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.*

.....
MAYOR

DWELLING ADDITIONS
Owner: BARSBY P and P

2006/LD-00032 22 FOURTH AVENUE STUARTS POINT
TWO STOREY DWELLING
Owner: HUMPHRIES B and M

2006/LD-00035 308 RIVER STREET GREENHILLS
DWELLING ADDITIONS - TIMBER DECK
Owner: CLARKE J

2006/LD-00038 59 BRUSHBOX CRESCENT YARRAVEL
DWELLING ADDITIONS
Owner: PIERPOINT R and K
Builder: 0

2006/LD-00039 34 SIMPSON STREET SOUTH WEST ROCKS
GARAGE
Owner: CUNNINGHAM M J and C A

2006/LD-00040 11 THE PONDS WAY ALDAVILLA
GARAGE
Owner: MCGARRY C

2006/LD-00041 6 PACIFIC STREET CRESCENT HEAD
SWIMMING POOL
Owner: RUMING N and L

2006/LD-00044 15 WARATAH DRIVE YARRAVEL
DWELLING
Owner: RUSSELL P and B

2006/LD-00045 5 FRASER CLOSE DONDINGALONG
STORAGE SHED
Owner: POTTER J and M

2006/LD-00047 4 BERT DYSON PLACE WEST KEMPSEY
SINGLE DWELLING
Owner: MCEVOY CONSTRUCTION PTY LTD and GOWINGS KEMPSEY PTY
LTD

2006/LD-00049 35 LACHLAN STREET SOUTH KEMPSEY
COVERED DECK
Owner: KELLY C

2006/LD-00053 34 WASHINGTON STREET EAST KEMPSEY
ALTERATIONS
Owner: SHAKESPEARE L and GLATZ C

*THIS IS PAGE 57 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE
KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.*

.....
MAYOR

2006/LD-00058 13 HODGSON STREET CRESCENT HEAD
DWELLING ADDITIONS
Owner: USSHER M

2006/LD-00061 4 KOROGORA STREET CRESCENT HEAD
DWELLING ADDITIONS
Owner: SELLER G

Summary

Type	No	Value
Local Development Application	40	2605130

For the financial year to date there have been 384 applications together with 52 modifications approved, with 74.5% approved within 30 days. The 384 applications include 415 sub-applications with a value of \$27,076,284.

As at 7th March 2006 233 applications are in the office awaiting a determination.

Council Report on Construction Certificate Building

Reporting that the following applications have been approved:

2005/CB-00260 3012 PACIFIC HIGHWAY BARRAGANYATTI
DWELLING ADDITIONS
Owner: MULVEY J

2005/CB-00407 110 AUSTRAL EDEN OUTER ROAD AUSTRAL EDEN
DWELLING and FLOOD MOUND
Owner: MCCARTHY K C

2005/CB-00464 Lot 337 DPDP754396 LIVINGSTONE STREET SOUTH
WEST ROCKS
CLUB ADDITIONS
Owner: SOUTH WEST ROCKS SURF CLUB

2005/CB-00474 5 BLOODWOOD CRESCENT YARRAVEL
DWELLING ADDITIONS
Owner: DUFTY G and K

2005/CB-00486 54-64 COCHRANE STREET WEST KEMPSEY
ADDITIONS TO AGED CARE FACILITY
Owner: Macleay Senior Citizens Homes Inc

2005/CB-00489 456 FISHERMANS REACH ROAD FISHERMANS REACH
RELOCATION OF DWELLING
Owner: NICOLL P

2005/CB-00500 6 LILLI PILLI ROAD KUNDABUNG
REMOVE EXISTING HOUSE
Owner: MAINEY J M

2005/CB-00502 8 KIRKWOOD PLACE STUARTS POINT
GARAGE
Owner: BALES D A and B G

2005/CB-00506 39 SAULS LANE BARRAGANYATTI
DWELLING
Owner: WINMILL AK and ANDREWS CE

2005/CB-00515 3 PACIFIC STREET SOUTH WEST ROCKS
ALTERATIONS AND ADDITIONS TO EXISTING DWELLING
Owner: KERR M

2006/CB-00001 8 BISSETT STREET EAST KEMPSEY
CONSTRUCT NEW DECK WITH ROOF OVER NEW AND EXISTING DECK
AND GARAGE
Owner:

2006/CB-00003 15 DILBERANG CLOSE SOUTH WEST ROCKS
TWO STOREY DWELLING
Owner: DALL'ACQUA A

2006/CB-00008 25 BELMORE STREET CRESCENT HEAD
SECOND STOREY DWELLING ADDITON
Owner: McGRATH D and JOHNSTON M

2006/CB-00011 5 RUDDER STREET EAST KEMPSEY
GARAGE
Owner: IDANANCY PTY LIMITED

2006/CB-00013 43 LIKA DRIVE SOUTH KEMPSEY
DWELLING ADDITIONS
Owner: MRS B MAINEY

2006/CB-00017 1-5 REGINALD WARD STREET SOUTH KEMPSEY
STORAGE SHED and COVERED AREA
Owner:

2006/CB-00023 79 MULBURY PLACE EUROKA
DWELLING ADDITIONS
Owner: BARSBY PD and PA

2006/CB-00025 22 FOURTH AVENUE STUARTS POINT
TWO STOREY DWELLING
Owner: HUMPHRIES B and M

***THIS IS PAGE 59 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE
KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.***

.....
MAYOR

2006/CB-00026 308 RIVER STREET GREENHILLS
DWELLING ADDITIONS - TIMBER DECK
Owner: CLARKE J

2006/CB-00029 59 BRUSHBOX CRESCENT YARRAVEL
DWELLING ADDITIONS
Owner: PIERPOINT R and K

2006/CB-00030 11 THE PONDS WAY ALDAVILLA
GARAGE
Owner: MCGARRY C

2006/CB-00031 34 SIMPSON STREET SOUTH WEST ROCKS
GARAGE
Owner: CUNNINGHAM M J and C A

2006/CB-00033 15 WARATAH DRIVE YARRAVEL
DWELLING
Owner: RUSSELL P and B

2006/CB-00034 5 FRASER CLOSE DONDINGALONG
STORAGE SHED
Owner: POTTER J and M

2006/CB-00036 4 BERT DYSON PLACE WEST KEMPSEY
SINGLE DWELLING
Owner: MCEVOY CONSTRUCTION PTY LTD and GOWINGS KEMPSEY PTY
LTD

2006/CB-00038 30 BISSETT STREET EAST KEMPSEY
SECOND STOREY ADDITION TO DWELLING
Owner: VAN GELDER W and D

2006/CB-00039 6 PACIFIC STREET CRESCENT HEAD
SWIMMING POOL
Owner: RUMING N and L

2006/CB-00040 35 LACHLAN STREET SOUTH KEMPSEY
COVERED DECK
Owner: KELLY C

2006/CB-00041 34 WASHINGTON STREET EAST KEMPSEY
ALTERATIONS
Owner: SHAKESPEARE L and GLATZ C

2006/CB-00044 13 HODGSON STREET CRESCENT HEAD
DWELLING ADDITIONS
Owner: MS M USSHER

2006/CB-00049 4 KOROGORA STREET CRESCENT HEAD
DWELLING ADDITIONS
Owner: SELLER G

2006/CB-00050 19 SEVENTEENTH AVENUE STUARTS POINT
POOL
Owner: PAVAN D and J

Summary

Type	No	Value
Construction Certificate Building	32	0

For the financial year to date there has been 305 applications with 79.7% approved within 30 days.

As at 232 applications are in the office awaiting a determination.

REPORT IMPLICATIONS:

• **Environmental**

Nil

• **Social**

Nil

• **Economic (Financial)**

Nil

• **Policy or Statutory**

Nil

• **Director's Review**

Nil

2006. 140 **RESOLVED:**

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

That the information be noted.

DSDS12	RIVERSIDE – TASTES AND SOUNDS OF THE MACLEAY FILE: 449 KEO (NRN)	{Folio No. 317445}
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THIS IS PAGE 61 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE
KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

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MAYOR

SUMMARY:

Reporting on the Riverside festival scheduled for the 7th May 2006 at Riverside Park Kempsey, from 10am to 4pm.



Applicant: Economic Development Office
Subject Property: Riverside Park
Zone: 1 E

Description

The Economic Development Office (Macleay Development and Promotion), is organising a tastes, sounds and arts of the Macleay festival in May 2006. The purpose of the event is to highlight local food, wine and to encourage community development and tourism. It is anticipated that this festival becomes an annual event showcasing the Macleay. This is the second year that this festival will be held.

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

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

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

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

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

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

Security officers will be in attendance, with a minimum of one security officer working within the licensed area with Responsible Service of Alcohol (RSA) qualifications.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

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

- *Economic (Financial)*

Funding for the event is allocated from the Economic Development Budget and Community Service Budget.

- *Policy or Statutory*

Council is requested to provide exemption of the existing Alcohol Free Zone at Riverside Park on the Sunday 7th May 2006, between 10am and 4pm.

- *Director's Review*

Nil

Director Sustainable Development Services Recommendation:

That Council provide an exemption to the Alcohol Free Zone at Riverside Park for the Riverside Festival – Tastes and Sounds of the Macleay on 7th May 2006.

2006. 141 **RESOLVED:**

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

1. **That Council provide an exemption to the Alcohol Free Zone at Riverside Park for the Riverside Festival – Tastes and Sounds of the Macleay on 7th May 2006.**
2. **That the sale of alcohol be restricted to light strength beer and wines in plastic cups.**

DIRECTOR SHIRE SERVICES REPORT

DSS1

ROADS TO RECOVERY

FILE: 197 NJT (NRN) CC: APC {Folio No. 317446}

THIS IS PAGE 63 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

SUMMARY:

Reporting on the Roads to Recovery Program 2005 / 2006.



Council at its meeting on the 12th July 2005 adopted a program of works under the Roads to Recovery Program.

\$80,000 was allocated for the reconstruction of Queen Street, Kempsey, from Nicholson Street to Middleton Street. The work included kerb and gutter replacement, drainage and road rehabilitation.

The existing road pavement, kerb and gutter is badly deformed and is in need of reconstruction. This road forms part of a School Bus Route.

A detailed geotechnical investigation have been carried out which has revealed that significant remedial works will need to be carried out to stabilise the poor subgrade for the pavement. This additional remedial work will require a greater injection of funds than was previously thought. The cost of the project is now estimated to cost \$150,000.

It is recommended that \$75,000 allocated to reconstruct Vernon Street be reallocated to Queen Street to cover the total cost of reconstruction. It is also recommended that the reconstruction of Vernon Street, subject to a detailed design and estimate, be deferred to be considered in 2006 / 07 under the Roads to Recovery Program.

REPORT IMPLICATIONS:

▪ ***Environmental Implications***

The are no environmental implications from the following recommendation.

▪ ***Social Implications***

The social implications from the following recommendation are that reconstruction of the road pavement will improve safety for motorists and for children travelling on School Buses.

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

The financial implications from the following recommendation are that \$75,000 provided for Vernon Street project will be transferred to Queen Street project.

▪ ***Policy or Statutory Implications***

THIS IS PAGE 64 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

There are no policy or statutory implications.

▪ *Acting Director's Review*

The correct reconstruction of Queen Street, including the pavement works, will ensure a more effective resolution, particularly as this street forms part of a school bus route.

The recommendation is supported; however, Council must recognise that such action will defer the proposed reconstruction of Vernon Street.

Director Shire Services Recommendation:

1. That \$75,000 allocated to reconstruct Vernon Street be reallocated to Queen Street to cover the total cost of reconstruction.
2. That the reconstruction of Vernon Street, subject to a detailed design and estimate, be deferred for consideration in 2006 / 07 under the Roads to Recovery Program.

2006. 142

RESOLVED:

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

1. That \$75,000 allocated to reconstruct Vernon Street be reallocated to Queen Street to cover the total cost of reconstruction.
2. That the reconstruction of Vernon Street, subject to a detailed design and estimate, be deferred for consideration in 2006 / 07 under the Roads to Recovery Program.
3. That Council make representations to Mark Vaile MP on the availability of future Auslink funding for roads in Kempsey Shire.

DSS2	REGIONAL ROADS TIMBER BRIDGE PROGRAM
FILE: 61 NJT CC: JCC	{ Folio No. 317448 }

SUMMARY:

Reporting on the Regional Roads Timber Bridge Program.



Council received advice on 7th July 2003, from the RTA regarding funding of Regional Road Timber Bridge Program over 7 years commencing in 2004 / 05 [Appendix A](#).

In April 2004, after a NSW State mini-budget, Council was advised that the commencement of the Regional Roads Timber Bridge Program would be deferred for 2 years to 2006.

On 29th September 2005, in a Press Release re Auslink Funding, the NSW Minister for Roads advised:

“New Programs – like extra money for replacing country timber bridges – cannot be funded.”

No other correspondence or advice re the program has been received from the Minister for Roads or the RTA.

On 9th February 2006, Council contacted the RTA to finalise proposals under the upcoming program. Council was then advised that the program was “dead”. When questioned whether advice was forthcoming, Council was advised to enquire in writing and that a written response would be forthcoming. A letter has been sent to the RTA to confirm the verbal advice.

The matter of the axing of the program was raised by Mayor Janet Hayes at the A Division Conference of the Shires Association at Casino on 15 February 2006.

This lack of funding will have a significant effect on the ability of Council to fund the suitable replacement of these timber bridges on Regional Roads. The preliminary estimate to replace 7 timber bridges is approximately \$4.5mil.

It is proposed to carry out a detailed assessment of the condition, timing and suitable replacement of each bridge, and then report the findings for Council determination. Due to the size of the structures and detailed investigation required, this process may take considerable time to complete. It is expected that the initial findings on the state of the bridges will dictate the timing of detailed further investigations for budgetary considerations.

The replacement of the Woolshed Gully Bridge on Armidale Road has been programmed to be carried out in 2006 / 07. Recent investigations carried out on the bridge revealed significant damage requiring immediate attention.

Some works will be carried out to make the bridge safe in the short-term. It is recommended that Council continue to replace this bridge in 2006 / 07 out of loan funds and Block grant funds.

REPORT IMPLICATIONS:

- *Environmental*

There are no environmental implications from the following recommendation.

- *Social*

There are no social implications from the following recommendation.

- *Economic (Financial)*

The financial implication from the removal of the Regional Road Timber Bridge Program is that Council may be required to find an additional \$2.25mil to replace and upgrade 7 timber bridges.

- *Policy or Statutory*

There are no policy or statutory implications from the following recommendation

- *Acting Director's Review*

This is an extremely disappointing situation and one which places further emphasis on Council's ability to fund its bridge works.

Director Shire Services Recommendation:

1. That Council expresses its concern to the Minister for Roads regarding the axing of the Regional Roads Timber Bridge Program.
2. That Woolshed Gully Bridge on Armidale Road be replaced in 2006 / 07.
3. That detailed assessments be carried out on the remainder of the Regional Road Timber Bridges, regarding their condition and future replacement, for consideration for inclusion in Council's 10 year Long-Term Budget.

2006. 143 **RESOLVED:**

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

1. That Council expresses its deep concern to the Minister for Roads regarding the axing of the Regional Roads Timber Bridge Program.

THIS IS PAGE 67 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

2. That Woolshed Gully Bridge replacement on Armidale Road be listed for consideration in 2006 / 07 draft budget.
3. That detailed assessments be carried out on the remainder of the Regional Road Timber Bridges, regarding their condition and future replacement, for consideration for inclusion in Council's 10 year Long-Term Budget.
4. That Council invite Mr Roozendaal M.P. Minister for Roads to meet with Council to discuss roads and timber bridges and the Pacific Highway Upgrade.

Councillor Green declared an interest in the following item for the reason that she is a member of the Catholic Parish Council and retired from the Chamber.

DSS3	SALE OF CLOSED LANEWAY – LEITH STREET
FILE: LA18938 APV	{Folio No. 317451}

SUMMARY:

Report on the closure of a public laneway Leith Street Kempsey and the possible sale of the land.



There has been a history of problems with anti-social behaviour, drug use and vandalism within this laneway. Some years ago, as part of the crime prevention program, Council, Vincent Court and the Department of Housing agreed the most appropriate action would be the closure of the laneway.

After much investigation, it was determined by the Department of Lands that the laneway was public land and the Department has agreed to its closure.

Vincent Court as the adjoining owners have sought to purchase the closed laneway and have agreed, in writing, to pay the cost involved and purchase price, if required.

Council needs to determine a value for the land. This is normally done by valuation through the state valuation office. However, as the cost to obtain a valuation could be up to \$1,000 if Council was of a mind to sell the land for a nominal value it would be uneconomical to pay for such a valuation.

The area involved is 311 square metres and is shown on the attached plan at [Appendix B](#) and being a narrow, long shape it would only be of benefit to an adjoining owner. At this stage the value of the laneway has not yet been determined.

This matter has gone on for sometime due to the time taken to determine the status of the laneway and Vincent Court are keen to obtain the land as soon as possible to enable extensions to their development.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

The previous use of the lane resulted in a number of undesirable social issues and which the closure of the laneway will overcome.

- ***Economic (Financial)***

The costs involved with the closure are to be paid by The Trustees of the Roman Catholic Church for the Diocese of Lismore (Vincent Court) and Council will receive any proceeds from the sale of the laneway.

- ***Policy or Statutory***

There are no policy or statutory implications.

- ***Acting Director's Review***

Council is asked to support the closure of the laneway and its subsequent sale at market value.

Director Shire Services Recommendation:

- 1 That Council obtain a valuation from the State Valuation Office for the laneway and the General Manager be authorised to negotiate the sale of the closed laneway to The Trustees of the Roman Catholic Church for the Diocese of Lismore (Vincent Court) based on the valuation.**
- 2 That Council authorise the fixing of its seal to the necessary documents.**

1. That the General Manager be authorised to negotiate the sale of the closed laneway to The Trustees of the Roman Catholic Church for the Diocese of Lismore (Vincent Court) for \$200 plus all Council incurred costs.
- 2 That Council authorise the fixing of its seal to the necessary documents.

Councillor Green returned to the Chambers.

DSS4	HAT HEAD SEWERAGE	FILE: 217 AMB (NRN)	{Folio No. 317453}
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SUMMARY:

Reporting on the Hat Head Sewerage System.



This report updates the previous reports on the Hat Head Sewerage Scheme.

Sewerage Treatment Plant

On 7th February 2006, Council, UKG and Department of Commerce representatives met to discuss the handover of the Sewerage Treatment Plant from UKG to Council. A pre-practical completion inspection was held at the Sewerage Treatment Plant prior to the meeting.

The outcome of that meeting was a determination of practical completion of the Sewerage Treatment Contract and a scheduled handover of the Sewerage Treatment Plant for 14th February, subject to the finalisation of a Defects Liability Period (DLP).

Practical completion was achieved on 15th February with a 26-week DLP. The handover document is presented in [Appendix C](#). The DLP has eleven items and the aspects to be addressed and/or monitored are included in [Appendix D](#).

There are several items within the DLP that will determine the efficiency of the sewerage plant and its ability to cope with additional biological and hydraulic loads, i.e. increased development. Given this fact, any change to DCP37 would be premature until the completion of the DLP and analysis of its results.

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MAYOR

Sewerage Pumping Station

The noise consultants report has been received and indicates that the pump station meets EPA noise guidelines.

The Flygt report on the life cycle costing of the transfer pumps has been received. Discussions are continuing on the potential for efficiency improvements to reduce the life cycle costs of the pumps.

EPA Licence Compliance

The test results for the proving period passed licence requirements. The licence requirements for the Total Coliforms were not met on the 28th January, the day after completion of the proving period. Corrective actions were taken to address the operation of the chlorination unit and monitor to ensure improvement. Corrective action was successful.

The EPA License was passed to Council on 22nd February 2006.

REPORT IMPLICATIONS:

- ***Environmental***

When running efficiently and when all customer connections are complete the sewerage system will improve the environment of Hat Head.

- ***Social***

The moratorium on the future development in Hat Head under DCP37 continues through the period of the DLP and the post-DLP analysis. This is likely to be complete by October 2006.

- ***Economic (Financial)***

Macleay Water is now responsible for the maintenance, laboratory and operational costs for the Hat Head Sewerage Treatment Plant. Appropriate budget requirements are being determined at present.

- ***Policy or Statutory***

There are no policy implications from the recommendations. Statutory implications include that Macleay Water is now responsible for the EPA license reporting functions for the remaining part of the license year (February - June).

- ***Acting Director's Review***

The actions proposed in this report are in accordance with the conditions of the contract entered into for this project.

Director Shire Services Recommendation:

1. That the information be noted.
2. That monthly reports to Council on the progress of Hat Head Sewerage scheme cease.

2006. 145 RESOLVED:

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

1. That the information be noted.
2. That quarterly reports to Council on the functioning of Hat Head Sewerage scheme be instigated.
3. That Council ratifies the actions of the acting General Manager Mr Snape in signing the handover documents.

DSS5	FLUORIDATION	
	FILE: 240 AMB (NRN)	{Folio No. 317454}

This Report DSS5 was dealt with following Public Forum.

DSS6	PEDESTRIAN ACCESS MOBILITY PLAN	
	FILE: 697 NJT (NRN) CC:APC	{Folio No. 317456}

SUMMARY:

Reporting on the Pedestrian Access Mobility Plan program for 2005 / 2006.



Two projects were adopted for construction in 2005 / 06 under the Pedestrian Access Mobility Plan in the 2005 - 2010 Transportation Infrastructure Strategic Plan. 50% funding for these projects has been provided by grant from the RTA.

- 1 The construction of a footpath in Cochrane Street, Kempsey from Kemp Street to Broughton Street. \$20,000
- 2 The construction of a pedestrian refuge

THIS IS PAGE 72 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

and kerb blisters in Marsh Street at
the corner of Kemp Street.

\$20,000

Concerns have been raised regarding the lack of a footpath on the western side of Sea Street, West Kempsey, from St Paul's College to North Street. Similarly, concerns have been raised regarding the lack of a footpath on the western side of Queen Street south of Middleton Street giving access to South Kempsey Public School. The construction of footpath in these locations will significantly improve pedestrian safety.

It is considered that these projects have a higher priority than the construction of a pedestrian refuge and kerb blisters in Marsh Street at the corner of Kemp Street

It is recommended that Council reallocate funding of \$20,000 allocated for the Marsh Street project, to the construction of a footpath on the western side of Sea Street, West Kempsey, from St Paul's College to North Street, and on the western side of Queen Street, South Kempsey, south of Middleton Street.

REPORT IMPLICATIONS:

▪ ***Environmental Implications***

There are no environmental implications from the following recommendation.

▪ ***Social Implications***

The social implication from the following recommendation is that the construction of a footpath connecting schools to the existing footpath network will improve pedestrian safety for school children travelling to and from School.

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

The financial implications from the following recommendation is that \$20,000 provided for Pedestrian Facilities in Marsh Street will be transferred to the construction of a footpaths in Sea Street and Queen Street.

▪ ***Policy or Statutory Implications***

There are no policy or statutory implications.

▪ ***Acting Director's Review***

Council is asked to support the change in works proposed as a result of requests from the community.

2006. 146 RESOLVED:

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

That \$20,000 allocated to the construction of a pedestrian refuge and kerb blisters in Marsh Street at the corner of Kemp Street under the Pedestrian Access Mobility Plan implementation, be reallocated to the construction of a footpath on the western side of Sea Street, West Kempsey, from St Paul's College to North Street, and on the western side of Queen Street, South Kempsey, south of Middleton Street.

DSS7	RELOCATION OF SMITHTOWN TENNIS CLUBHOUSE
FILE: 364 GRW (NRN)	{Folio No. 317468}

SUMMARY:

Reporting on the status of providing a temporary canteen at Gladstone Sporting Fields by relocating the disused Smithtown Tennis Clubhouse.



During the 2004 / 2005 financial year funding was allocated to provide a temporary canteen at the Gladstone Sporting Fields. Consequently Shire Services was asked to investigate the practicality of relocating the timber building known as the Smithtown Tennis Clubhouse to Gladstone Sporting Fields to provide a temporary canteen at Gladstone.

An assessment of the ex tennis club building indicates that it is unsuitable for the proposed purpose of serving food without substantial modification and refurbishment.

The construction of the building also makes it inappropriate for placement in a location subject to inundation during periods of flooding.

This project would produce a very basic, temporary facility for the service of packaged foods only.

The User Group has stated that it is unlikely to contribute financially, but may be able to contribute some labour.

There are a number of options available in regard to the removal of the old tennis club house and the provision of canteen facilities at Gladstone Sports Fields.

Option 1

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MAYOR

The following table outlines estimated costs associated with achieving this project by relocating the existing timber tennis club house to the Gladstone Sports Fields for use as a canteen.

Item	Estimated cost
Re-location of Tennis Clubhouse	\$ 7,500.00
Earth mound and ground repairs to comply with Development Approval conditions and Council's Flood Risk Management Policy	\$ 3,300.00
Repairs to existing building	\$ 1,000.00
Refurbishment to permit service of packaged foods only	\$ 5,000.00
Paint interior and exterior of building	\$ 5,000.00
Electricity connection	\$ 2,000.00
Grey Water connection	\$ 1,000.00
Water connection	\$ 600.00
Total	\$25,400.00
Available funding current Financial Year	\$7,154.00
Funding shortfall	\$18,246.00

An additional \$18,246.00 would need to be allocated by Council to enable this project to proceed.

Option 2

To proceed to public tender to sell the timber building known as the Smithtown Tennis Clubhouse and channel the proceeds towards the construction of a new Gladstone canteen.

Option 3

To proceed to public tender to sell the building known as the Smithtown Tennis Clubhouse and channel the proceeds towards the development of the proposed John "Yakka" Watson Reserve at Smithtown.

Option 4

To proceed to public tender to sell the building known as the Smithtown Tennis Clubhouse and channel the proceeds towards the cost of purchasing a portable or mobile canteen fitted out to comply with the relevant food / health standards. The User Group would require a suitable vehicle to tow the canteen to and from the fields and a secure location to garage it, when not in use. It is envisaged that the mobile canteen become a Council asset and be leased to the Gladstone User Group for a nominal fee. This asset could also be utilized by other User Groups in the Shire.

The Secretary of the User Group has indicated support of the proposal for a mobile canteen.

REPORT IMPLICATIONS:

- ***Environmental***

The issues of source of fill for the mound, sediment control measures, roof water discharge and grey water disposal will need to be fully addressed (Options 1 and 2)

- ***Social***

The provision of a canteen enables the users of the Gladstone Sporting Fields to raise money for their group, which in turn would enable a cooperative approach to field improvements. The Lower Macleay Soccer Club book and use the field over winter. During the most recent summer season there were no bookings for the Gladstone fields. It appears the Lower Macleay Soccer Club would be the only users of a canteen facility should it be constructed / parked at Gladstone fields.

- ***Economic (Financial)***

Funds in the amount of \$7,154 have been allocated for the provision of a temporary canteen. Current funding is far below what would be required to achieve these limited outcomes (Options 1 and 2).

Initial enquiries suggest that a mobile canteen could be purchased. Indicative prices range from \$12,000 to \$19,000 (Option 4).

- ***Policy or Statutory***

There are no Policy or Statutory implications.

- ***Acting Director's Review***

This report provides Council with a number of options to consider regarding the upgrading of facilities at the Gladstone Sporting Fields.

The recommendation provides an effective solution.

Director Shire Services Recommendation:

That Option 4 be pursued. Should the Lower Macleay Soccer Club cease to use the ovals at Gladstone the mobile canteen could be used by other sporting groups within the Shire.

MOVED:

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

1. That the Smithtown Tennis Clubhouse be offered;
 - a) to the Gladstone Sports User Group
 - b) if the Gladstone Sports User Group decline, the clubhouse be offered to the Willawarrin Users Sporting Group.
2. That if the Willawarrin User Group decline the offer that tenders be invited for the sale, demolition and / or removal of the Smithtown Tennis Clubhouse.
3. That funding of a mobile canteen be listed for consideration in the 2006 / 2007 budget estimates.

An Amendment was MOVED:

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

That the Smithtown Tennis Clubhouse be listed for outright sale.

The AMENDMENT LAPSED for want of a seconder.

2006. 147 The MOTION was PUT to the MEETING and was CARRIED.



At this stage 1.10p.m the Meeting adjourned for Luncheon and upon resumption at 2.01p.m. all present at the adjournment were in attendance.



DSS8	AUSTRALIA DAY 2006
	FILE: 247 MLB (NRN) CC:JCC {Folio No. 317470}

SUMMARY:

Reporting on the review of the 2006 Australia Day Celebrations at Kempsey Macleay RSL Club.



THIS IS PAGE 77 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

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MAYOR

On Thursday, 26th January 2006 another successful Australia Day celebration was held with Council supporting a range of activities as follows:

Community Celebrations

Two (2) local community celebrations at South West Rocks and Crescent Head were supported.

These celebrations, run by the local Lions Clubs received Australia Day merchandise such as hats, balloons and advertising in the special Australia Day feature of the 24th January 2006.

The Crescent Head Lions Club also held local awards as part of their function. The Mayor attended their breakfast and assisted in presenting awards.

Australia Day Argus Feature

The annual Australia Day feature was promoted in conjunction with the Macleay Argus. The feature provides a keep-sake for the award recipients and their families and is funded through Council and sponsorship. This year sponsors were: -

- Farrer Kitchens,
- C & M Glass and Aluminium,
- Carline South Street Mufflers,
- Stuarts Point Workers Recreation and Bowls Club and
- Holiday Coast Tilt Trays.

Australia Day Awards Ceremony

The Australia Day Awards Ceremony was held at the Kempsey-Macleay RSL Club. Approximately 300 people attended.

The function commenced with the Kempsey District Silverband playing on the lawn outside the club prior to the flag raising ceremony conducted by the TS Culgoa Naval Cadets.

The audience was treated to a special rendition of the National Anthem by this years Ambassador renowned Singer / Actor Mr Peter Cousins.

Guests where then invited inside the Auditorium for the beginning of the program commencing with a Naturalisation Ceremony of: -

- Dorothy Saunders
- Susan Coumbe
- Michelle Rae

- Christina Beresford

After the ceremony the Australia Day Ambassador, Mr Peter Cousens, was welcomed by Randell Cook, Manager Woolworths Kempsey (Woolworths is the sponsor of the Ambassador program) and presented with his Ambassador pin. Peter Cousens gave a passionate speech about his life and times and what it means to be an Australian. The audience were then treated to a performance of "I still call Australia Home".

MC Keith Finnie, the Mayor and Peter Cousens then proceeded to announce the winners of the awards: -

Community Arts, Entertainment and Music Award

South West Rocks Arts Council

Community Service Award: Kempsey West Rotary Club

Sports Award: Hector McMillan

Young Citizen of the Year Award: Tammy Wicks

Citizen of the Year Achievement Awards: Vincent Cook and Trevor Hannam

Citizen of the Year Award: Don Wade

The closing entertainment for the event was provided by the Filipino Dance Group.

Proposed 2007 Australia Day Event

On Thursday, 16th February 2006 the Australia Day Committee held a debrief of the day's event and have made a number of suggestions as to the format of the 2007 event.

Concerns have been expressed over the lack of younger people being involved in the celebration of Australia Day at Council's function.

Some proposals that have been put forward include: -

- The holding of a Family Fun Day / Multicultural Festival at Riverside Park after the official awards celebration.
- Outdoor Movie screening at Shire Beaches where families can bring a picnic lunch.

These options will be investigated and referred back to a meeting of the committee on the 20th July 2006.

Concerns have been expressed in relation to adequate staffing levels to stage the event in 2007.

For the 2007 event to be run to the standard of past years, additional temporary assistance will be required for at least two (2) weeks prior to the event. As a result the budget for the Australia Day function will need to be increased.

REPORT IMPLICATIONS:

▪ ***Environmental***

There are no environmental impacts from this report.

▪ ***Social***

Australia Day is a great social event that celebrates the diversity of the Shire and its many cultural differences.

▪ ***Economic (Financial)***

That an additional \$2,000 will need to be included in the 2006 / 2007 budget for the employment of an additional staff member for two (2) weeks.

▪ ***Policy or Statutory***

There is no policy or statutory implications from this report.

▪ ***Acting Director's Review***

Nil

2006. 148 **RESOLVED:**

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

That consideration be given in the 2006 / 2007 budget estimates to the provision of an additional \$2,000 for the Australia Day vote.

SUMMARY:

Reporting on the receipt of the Draft Plan of Management for Mattys Flat and New Entrance.



Funding has been provided from the Department of Lands to undertake a Plan of Management for the Mattys Flat Reserve. Council resolved that the plan should consider the long-term development of a marine / boat harbour in the area.

Patterson Britton & Partners were engaged by Council to undertake a Plan of Management for the reserve comprising of 3 land parcels south of Marlin Drive (Zone A) as well as the section of reserve along New Entrance Road to the north that is utilized for recreational activities (Zone B). See attached map (Figure 1) [Appendix F](#).

Initial consultation was undertaken with various stakeholders on 11th February 2005 as well as a community workshop at South West Rocks on 3rd May 2005. As a result of the consultation, values were identified that could be categorised into the following areas: Recreational opportunities, amenity, natural environment, socio-economic elements.

Similarly, key issues could be categorised into the following areas: Car parking, boating facilities, amenity, access, natural environment, economic development and safety and security.

Based on the values and issues outlined above, the following management objectives have been formulated for Mattys Flat and New Entrance:

- car parking;
- boating facilities;
- public access;
- visitor facilities; and
- environmental protection.

Each option was assessed such that it:

- ensures public safety;
- is environmentally sustainable;
- adheres to legislative requirements and policy guidelines;
- is economically viable; and
- will be for the betterment of the local community.

A proposed management strategy and list of actions was developed based on the above options. These options are listed in Table 2 [Appendix G](#).

It is recommended that the Draft Plan of Management now be placed on public exhibition for comment and input from the community. A copy of the Draft Plan will be available for Councillors and will be placed on Council's web page.

REPORT IMPLICATIONS:

• ***Environmental and Social***

The Draft Plan of Management considers the social, economic and environmental values of the area and presents a plan that represents a balance of these values.

• ***Economic (Financial)***

Adoption of the Plan of Management will involve a commitment to a range of actions that will require seeking grant funding with matching contributions by Council.

• ***Policy or Statutory***

The adoption of a Plan of Management for the reserve will ensure that Council meets its requirements under the Local Government Act 1993 and Local Government Amendment (Community Land Management) Act 1998 that a Plan of Management be prepared for all public land.

• ***Acting Director's Review***

Nil

Director Shire Services Recommendation:

That Council place on public exhibition the Draft Mattys Flat and New Entrance Plan of Management.

2006. 149 RESOLVED:

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

- 1. That this matter be deferred for consideration at the April Council meeting.**
- 2. That Council make application under the Maritime Infrastructure program for funding for a sewerage pump-out facility for Mattys Flat.**

SUMMARY:

This report provides an update on various Macleay Water projects.

**Bellbrook Water Supply**

Water for Bellbrook has been sourced from the river's surface water intake throughout February. Although it has not been necessary to cart water during February, the daily monitoring of the water supply has continued.

The Manager of Macleay Water has continued discussions with NSW Health and Department of Energy Utilities and Sustainability (DEUS).

Development Servicing Plans

Calculation of the phasing-in of the Sewerage Developer Charges is underway. These calculations will now be presented to the April Council meeting. The current staged introduction of the user pays sewerage pricing and the smoothed pricing path for typical customer bills have proved a more complex calculation than first considered.

REPORT IMPLICATIONS:

- ***Environmental***

There are no Environmental implications arising from this report.

- ***Social***

There are no Social implications arising from this report.

- ***Economic (Financial)***

There are no Economic (Financial) implications arising from this report.

- ***Policy or Statutory***

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

- *Acting Director's Review*

This information is presented to Council of the current situation regarding the various Macleay Water projects.

Director Shire Services Recommendation:

That the information be noted.

2006. 150 **RESOLVED:**

*Moved: Cl. Bowell
Seconded: Cl. Gribbin*

1. **That the information be noted.**
2. **That the previous report concerning the downsizing of the water licenses and the Hat Head emergency bores be brought to Council.**

DSS11	GROUND PENETRATING RADAR INVESTIGATION AT EAST KEMPSEY CEMETERY FILE: 853 JMC (NRN)	{Folio No. 317480}
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SUMMARY:

This report is an update on the results of the ground penetrating radar investigation carried out at East Kempsey Cemetery during January / February 2006.



In the 1980's, following discussions with Elders of the Aboriginal Community, Macleay River Historical Society and past gravediggers, Council marked an area of 64m in length and 14m wide on the eastern side of the East Kempsey Cemetery. The area identified was labelled as the location of Aboriginal graves.

As part of Council's Action Plan for Reconciliation, formal identification of these graves was desirable. Once the survey was complete it was hoped that new sites would be identified which could be used for future grave sites.

GBG Australia in conjunction with Georadar Research Pty Ltd undertook an investigation Ground Penetrating Radar (GPR) on 4th January 2006 and 1st February 2006. Due to the cultural sensitivities of digging into unmarked graves it was decided to use a non-destructive technique and undertook a subsurface investigation of the area.

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MAYOR

A total of 35 confirmed graves have been identified in the surveyed area, together with 39 possible grave sites. Copy of Plans A and B are attached [Appendix H](#).

The Council is under pressure to increase the available number of burial plots in the cemetery. Council's Design Engineer has been requested to design a plan for the future use of the land around the existing graves. In excess of 50 new grave sites have been made available as a result of the surveys.

Council's Aboriginal Liaison Officer will discuss with the Aboriginal Liaison Committee members the possibility of placing a memorial on-site for the existing graves, identified during the survey.

REPORT IMPLICATIONS:

• ***Environmental / Social***

Nil

• ***Economic (Financial)***

\$5,910 paid from existing Budget.

• ***Policy or Statutory***

Nil

• ***Director's Review***

This project has been successful on two parts. It has progressed the reconciliation process between Council and the Kempsey Aboriginal community and has also made available additional grave sites at East Kempsey Cemetery.

2006. 151 **RESOLVED:**

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

That the information be noted.

DSS12	DONATIONS, GRANTS AND SUBSIDIES
FILE: 3 JMC	{Folio No. 317481}

SUMMARY:

Reporting on requests for donations, grants and subsidies received in accordance with Council's Policy.

THIS IS PAGE 85 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

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MAYOR



As per Council's Policy C21:7 applications were called for in Council's advertisements commencing January 2006. Applications closed on 17th February 2006 and attached at [Appendix I](#) is a summary of those received: -

Extract from Council's Policy: -

3.1.3 General Terms, Conditions and Restrictions

- *Council will consider each eligible request for a donation from a Not for Profit Group / Organisation, amateur sporting team or cultural group on an individual basis and subject to the receipt of satisfactory evidence of need and the current available budget.*
- *Organisations are expected to acknowledge the contribution made by Kempsey Shire Council.*
- *Where a donation is approved for a specific project, event or capital item/s, the organisation is required to provide evidence of expenditure and a report regarding outcomes of project, event or capital item/s funded within twelve (12) months of funds being approved.*
- *Donations, grants and subsidies must be completed within twelve (12) months of approval.*
- *Any unexpended funds must be returned to Council.*
- *Donations to individuals or functions raising funds on behalf of a Not for Profit Group / Organisation, amateur sporting team or cultural group are not permissible."*

Council's remaining 2005 / 06 Budget for Donations is currently \$2,183.00.

Council will again invite applications for financial assistance in the Macleay Argus during July after the Budget for 2006 / 07 has been determined.

REPORT IMPLICATIONS:

- ***Environmental / Social***

Nil

- ***Economic (Financial)***

\$2,183 remaining in the existing Donations Budget.

THIS IS PAGE 86 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

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MAYOR

- *Policy or Statutory*

As per Policy C21:7.

- *Acting Director's Review*

When advertising the next round of Donations that the total amount on offer be stated to avoid high expectations from the community.

Director Shire Services Recommendation:

That Council determine the distribution of the \$2,183.00 in the Donations Budget, in accordance with Policy C21.7.

2006. 152 **RESOLVED:**

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

That no action be taken at this stage and that the matter be reviewed at the June Council meeting.

DSS13	KEMPSEY DISTRICT SILVER BAND
FILE: LA2099	MLB {Folio No. 317484}

SUMMARY:

Reporting on progress of discussions with the Kempsey District Silver Band, on the occupancy of the former Baby Health Centre, Memorial Avenue, Kempsey.



At Council's meeting of the 13th December 2005, Council considered a report on a meeting held with the executive of the Kempsey District Silver Band regarding the occupancy of the former Baby Health Centre and their general request for this to be their new band room.

On the 3rd March 2006, the executive advised Council that they wish to confirm its interest in occupying the Memorial Avenue building and creating the Kempsey Centre for Music Excellence.

The Kempsey District Silver Band has pursued the creation of the centre and submitted a development application to Council on the 1st March 2006.

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MAYOR

As the band will be making a grant application for funding under the DOTARS Regional Partnerships funding, the band has requested that Council give consideration to providing an "in-kind" donation to the project. They are seeking donations to cover development application fees and tipping fees associated with the removal of the waste building materials.

The Development Application fees for the assessment of the application are \$1,001.10. Costs associated with the removal of waste and materials are unknown at this stage.

At the November 2005 meeting with the executive they indicated that they would be prepared to pay rates, power and water charges and maintenance costs on the dwelling in exchange for the offer of a long-term lease from Council.

To date no negotiations have commenced on the preparation of a lease for the building and it is advisable that these negotiations should commence immediately.

REPORT IMPLICATIONS:

▪ ***Environmental***

The environmental impact of this report will be determined as part of the assessment of the Development Application by Sustainable Development.

The Former Baby Health Centre is located in a floodway however, as occupation of this dwelling will be of a non-residential nature, this is not envisage as a major problem.

Noise levels during band practice sessions will need to be monitored closely.

▪ ***Social***

The provision of the Kempsey Centre for Music Excellence provides a much-needed permanent home for this group. It will also enable the venue to become a focal point for musicians within the Shire.

▪ ***Economic (Financial)***

The economic implications of this report are an "in-kind" donation of \$1,001.10 if supported by Council.

Additional donations have been requested by the Silverband however no costings are available at this stage.

Currently Council has \$158.50 available in its Donations budget to meet any donation.

The Kempsey District Silver Band has received its annual \$4,700 subsidy from Council for 2005 / 2006.

▪ *Policy or Statutory*

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

▪ *Acting Director's Review*

Councillors need to be aware that any additional funding to the Silver Band will effectively deny other groups the opportunity to access funds via the donation vote.

Director Shire Services Recommendation:

1. That Council determine if it will provide an "in-kind" donation to the project and
2. That negotiations commence on the lease of the former Baby Health Centre with the Kempsey District Silver Band.

2006. 153

RESOLVED:

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

1. That the Kempsey Silver Band be advised that Council will make an in-kind donation equivalent to the cost they incur to deposit the waste material from the former Baby Health Centre site to the Council's waste landfill.
2. That negotiations commence on the lease of the former Baby Health Centre with the Kempsey District Silver Band.

DSS14	YOUTH INFORMATION AND REFERRAL CENTRE
FILE: 343	GJH (NRN) {Folio No. 317485}

SUMMARY:

Reporting on the progress in the establishment of the Youth Information and Referral Centre at Kempsey PCYC South Kempsey.



At Council's meeting of the 14th February 2006 Council considered a report on the progress of the establishment of the Youth Information and Referral Centre at PCYC.

Unfortunately there has been little further progress to date.

Kempsey PCYC is still awaiting quotations and expects that they will be received in the next fortnight.

Council is also still awaiting advice from the Kempsey Youth Workers Network for a suitable date to hold the meeting to discuss the issues between Kempsey Shire Council and the Network. A date for this meeting will be set soon with the meeting to be held by the end of March.

In due course when all quotes and consultations have been completed a report will be forwarded to Kempsey Shire Council ordinary meeting for consideration.

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. Accurate costs will become available once all quotations are received.

▪ ***Policy or Statutory***

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

▪ ***Acting Director's Review***

Meetings with Department of Community Services (DoCS) last week were positive in relation to the relocation of the Youth Referral Centre to the PCYC complex.

2006. 154 **RESOLVED:**

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

That the information be noted.

DSS15	YARRAVEL CEMETERY
	FILE: 859 MLB (NRN) CC: JCC
	{ Folio No. 317487 }

SUMMARY:

Reporting on the progress of the Yarravel Cemetery.



In September 2005 Council approved the development of a cemetery at Crotty's Lane, Yarravel.

The consent issued for the development had a number of conditions which impacted on both the external environment of the Yarravel area and the internal cemetery site establishment.

In accordance with the Development Consent, approval will only be sought for the construction of stage 1 of the cemetery.

Management Plans / Community Consultation

As a result of significant community interest in the cemetery the Development Consent included a number of plans of management and consultative arrangements to be undertaken. These plans include: -

Overall Site Plan of Management

This included the preparation of an overall Site Plan of Management covering both the 7(B) and 1(D) zoned land. This Plan of Management is to be prepared by an independent facilitator in consultation with a community committee comprising of a least one representative from: -

- Kempsey Shire Council,
- Senior staff member of Kempsey Shire Council,

- An adjoining land owner or resident within the Crottys Lane locality,
- A member of the wider Kempsey community,
- Environmental Scientist or Ecologist, and
- A Bushfire Management Specialist.

Traffic Management Plan

The preparation of a Traffic Management Plan will need to be established for all major funeral events. This plan of management will need to take into consideration local school bus operations as well.

Detailed Landscaping Plan

The preparation of a detailed Landscaping Plan incorporating landscaping and / or re-vegetation of the site in accordance with the Ecological studies. This has already been completed.

Stormwater Management Plan

A Management Plan on both soil, water and storm water management on the site is required.

External Works – Crottys Lane

The Development Consent also included a number of conditions that need to be undertaken external to the cemetery site.

This included the upgrading of Crotty's Lane from Armidale Road to the Cemetery site entrance. This consent included both the construction of the works and the making of financial contributions to the Section 94 Plans for the area.

Internal Works – Cemetery Site construction

The internal works for the site include the clearing of vegetation, re-vegetation works as described in the various plans of management, provision of water and power, construction of the internal road system and the provision of the cemetery infrastructure (plots, toilets, landscaping) for stage one (1).

Stage one (1) will consist of 325 grave sites giving a life span of approximately 9 years based on current interment rates.

Preliminary Costing

A Preliminary costing of the works has been undertaken based on the conditions of consent issued with the Development Approval.

As the consent requires various Plans of Management to be undertaken over the site, these plans may raise issues that were not seen at the time of the development consent. The additional issues may impact on the overall cost of the project for which they are unknown at this stage.

The preliminary costs are as follows: -

External works to the Cemetery Site

Upgrade Crottys Lane	\$303,240
Cemetery Management Plan	\$30,000
Contributions to Roadworks	\$38,154
Stormwater Management Plan	\$7,500
Sub-total	\$378,894

Internal works to the Cemetery Site

Traffic Management Plan	\$7,000
Tree clearing and re-vegetation	\$10,617
Entrance road construction	\$171,853
Provision of water	\$54,618
Provision of power	\$31,000
Cemetery Infrastructure (plots, toilets, landscaping)	\$124,245
Sub-total	\$399,333
Design Services (2%)	\$15,565
Miscellaneous/contingency (20%)	\$162,846
TOTAL	\$956,638

Historical Costings and past impacts

At the Council meeting of the 8th June 1999 the original budget for the proposed Cemetery was \$555,500.

To date \$272,522.42 has been spent on the acquisition and development application for the Yarravel Cemetery.

Council has insisted that the DA be prepared "out of house" by independent consultants (GeoLINK) and that the DA also be assessed by independent consultants "All About Planning". Council has left nothing uninvestigated to ensure that the DA is sound and the concerns of the objectors addressed. The total area available for the siting of the graves is not as large as intended because of the fauna protection areas and landscape screening to placate the concerns of the adjoining owners.

The project has \$311,580 left in the budget and will require \$645,058 allocated in the 2006 / 2007 financial year budget to meet these costs.

REPORT IMPLICATIONS:

▪ ***Environmental***

The Cemetery development application has addressed a number of environmental concerns. The preparation of the Site Management Plan will further identify any environmental issues

▪ ***Social***

Cemeteries represent a social area where people come to pay respects to the deceased.

▪ ***Economic (Financial)***

The financial impacts are outlined in the body of the report. This development will require the allocation of \$645,058 in the 2006 / 2007 Financial year budget.

▪ ***Policy or Statutory***

Work will be required to be completed in accordance with the Development consent.

▪ ***Acting Director's Review***

This project needs to be progressed due to limited life span of the East Kempsey Cemetery.

Director Shire Services Recommendation:

That \$645,058 be placed in the 2006 - 2007 budget for the construction of the Yarravel Cemetery.

2006. 155 **RESOLVED:**

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

1. That \$345,058 be placed in the 2006 - 2007 budget for the commencement of construction of the Yarravel Cemetery and that the balance of \$300,000 be included in the budget for the years 2007 - 2008.
2. That a report come back to Council on the proposed operation of the cemetery.

DSS16	HOME AND COMMUNITY CARE PROGRAM
317490}	FILE: 543 JLM (NRN) CC: JCC {Folio No.

SUMMARY:

Reporting on additional funding received for the Home and Community Care Program.



DESCRIPTION:

The Department of Ageing, Disability and Home Care has announced that Macleay Community Care Options has been allocated additional funding for the provision of services through the Community Options Program. The Minister for Ageing has approved a 12-month period of targeted brokerage funding for eligible Gold and White Veterans Cardholders. This project is a partnership between the Department of Ageing, Disability and Home Care, Department of Veterans Affairs and Community Options Programs.

The funding allocation is for the amount of \$80,560. This funding is non-recurrent and will cease on the 31st December 2006. The specified services for provision under this project are:

- Social Support
- Non Medical Transport
- Centre based day care
- Case management: and
- Home maintenance

Upon receipt of Council's appropriate signatures and seal the Department will confirm and secure funding.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

These additional non-recurrent funds will give short term support to eligible Gold and White Veterans Cardholders living in our Shire, by providing services that allows them to live independently in their homes.

- *Economic (Financial)*

This additional funding is entirely funded by the Department of Veterans Affairs and the Department of Ageing, Disability and Home Care.

- *Policy or Statutory*

Nil

- *Acting Director's Review*

This additional funding should be welcomed by Council as it will provide further services to the community.

2006. 156 **RESOLVED:**

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

That the funding be accepted and that the Council seal be placed on the funding agreement with the Department of Ageing, Disability and Home Care.

DIRECTOR CORPORATE SERVICES REPORT

DCS1	STATEMENT OF BANK BALANCES AS AT 28 th FEBRUARY 2006 FILE: * APC
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SUMMARY:

Reporting on the Statement of Bank Balances as at 28th February 2006.

THIS IS PAGE 96 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

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MAYOR



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. 157 **RESOLVED:**

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

That the information be noted.

DCS2	STATEMENT OF INVESTMENTS AS AT 28th FEBRUARY 2006 FILE: * APC
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SUMMARY:

Reporting on the Statement of Investments as at 28th February 2006.



DESCRIPTION:

THIS IS PAGE 97 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

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MAYOR

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. 158 **RESOLVED:**

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

That the information be noted.

DCS3	SPECIAL VARIATIONS TO COUNCIL'S GENERAL RATE INCOME 2006 / 07 FILE: 483 APC {Folio No. 317493}
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SUMMARY:

Reporting on the procedure to be followed in obtaining Ministerial approval for a special variation to Council's general rate income for the 2006 / 07 year.



DESCRIPTION:

THIS IS PAGE 98 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

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MAYOR

The Department of Local Government has issued a circular [\(Appendix C\)](#) outlining the procedure to be followed should Council wish to apply for a special variation to increase their general rate income in 2006 / 07 above the rate pegging limit imposed by the Department.

The Department have requested that applications be submitted by 31st March 2006.

Local Government Act

The Local Government Act provides Council with the following options when determining the basis on which an application for a special variation is to made :

- Sec 508(2) provides that whilst the increase is for a specific year 2006 / 07, the period for which the increase is to apply maybe fixed or ongoing.
- Sec 508A LGA allows Council to increase its general income by an amount which is greater than the general variation each year up to a maximum of seven years.

Generally an application under Section 508A requires a much more rigorous assessment process and as part of the application Council's are required to submit to the Department a ten year financial plan.

Council's applied for a special variation of 7% over and above the 3.5% rate pegging allowed for the 2005 / 06 year. The increase was sought in order to address specific maintenance work on Council's road network. A copy of the program of works as proposed at that time is attached at [\(Appendix D\)](#).

Council's application was made in accordance with Section 508(2) of the Local Government Act and on the basis that such variation would be ongoing.

Council subsequently withdrew the application.

Valid Reasons in Support of an Application

The Department has provided the following information in respect of circumstances that are considered to be appropriate reasons when applying for a special variation:

- Where additional income is necessary to finance a project which has regional significance or a demonstrable regional economic benefit.

- Where additional income is necessary to finance new or enhanced local government services or facilities specified in a comprehensive principal activity statement in the Council's draft management plan. Proposals may include infrastructure maintenance or replacement programs and services related to sustainable natural resource management, waste management, environmental protection, pollution control or public health.
- Where additional income is necessary to meet substantial increases in Government contributions or levies e.g. Valour General, NSW Fire Levy or Rural Fire Services contribution.

Consultation with the Community

Council in applying for a special variation must demonstrate that adequate communication and consultation has occurred with the community and that broad community support has been received in respect of those initiatives upon which Council's application is based.

A strategy for consultation with the Community on this matter is currently being developed.

REPORT IMPLICATIONS:

- *Environmental*

The environmental impact is dependent upon Council's decision as to whether a special variation is to be sought and the initiatives supported by such an application.

- *Social*

The social impact is dependent upon Council's decision as to whether a special variation is to be sought and the initiatives supported by such an application.

- *Economic (Financial)*

Any decision to increase Council's revenue will have a positive impact upon services provided by the Council on behalf of the community.

- *Policy or Statutory*

Nil

- *Director's Review*

The need to allocate additional funds to maintain and protect Council's existing road and bridge assets is becoming increasingly obvious. The State Governments recent decision to axe the Bridge Subsidy Program only exacerbates the situation.

A 1% increase in general rate income represents approximately \$90,000pa. If Council adopts the Recommendation an ongoing program of works to the value of approximately \$540,000 (+ CPI increases) can be developed.

2006. 159 **RESOLVED:**

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

That Council make application under Section 508(2) to the Minister for Local Government for a Special Variation to General Income for 2006-07, and ongoing, of 6% for the purpose of applying the additional funds to the maintenance and replacement of Council's road and bridge infrastructure.

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

DCS4	KEMPSEY REGIONAL SALEYARDS – PROGRESS REPORT FILE: 255 SJR (NRN) {Folio No. 317496}
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SUMMARY:

Reporting on Saleyard operations over the past four (4) months.



At Council's meeting of 15th November 2005, it was resolved –

"That the Kempsey Regional Livestock Committee be disbanded and the Director Corporate Services provide a six monthly report to Council in relation to the Saleyards operations and that Mr Harry Borger be sent a letter of thanks for his nomination."

The following report provides an overview of Council's activities relating to the Kempsey Regional Saleyards over the past 4 months.

Financial Statement

A copy of the Financial Statement for the period 1st July 2005 to 3rd March 2006 is attached at [\(Appendix E\)](#).

Stock Throughput

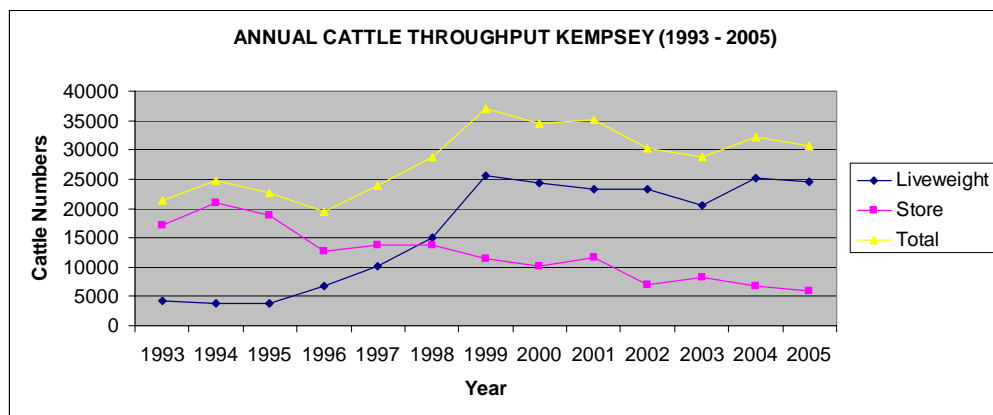
Set out below is a graph showing cattle throughput over the preceding 12 years. This spreadsheet shows a pleasing trend in sales throughput.

When comparing the figures for the first half of this financial year with the 2004 / 05 financial year we show significant increase of almost three thousand head of cattle.

- Jul / Dec 04 / 05 – 13816
- Jul / Dec 05 / 06 – 16520.

Throughput since 1993

- Cattle



- Calves

Average of 1,350 p.a. over last 12 Years

ANNUAL CATTLE THROUGHPUT KEMPSEY (1993 - 2005)

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Liveweight	4236	3890	3772	6860	10059	15065	25564	24251	23307	23320	20532	25270	24654
Store	17244	20875	18922	12625	13856	13681	11392	10205	11740	6934	8174	6797	6019
Total	21480	24765	22694	19485	23915	28746	36956	34456	35047	30254	28706	32067	30673

Accreditation and Ranking

Kempsey Regional Saleyards has met and maintained NSQA accreditation. The sale yard is now ranked 23rd of 58 in NSW (25th in 2002 / 03). The ranking is measured on throughput of cattle.

Maintenance Program

A new maintenance program has been introduced that provides Councils sale yard staff with a day to day working program. This has been designed to incorporate the effluent management program, the upgraded areas and the old sale yard complex into one comprehensive yet streamlined program.

Kempsey Stock and Land, as agents for the saleyard also have obligations for regular cleaning and maintenance. It is expected that maintenance and repair costs will drop considerably with the new program. The program is designed to do two things;

1. Cut down on routine maintenance time
2. Reduce the need for repair on infrastructure.

The program takes time management concerns away from maintenance staff setting out a step by step, day by day procedure for routine maintenance. The program also ensures that every aspect of the complex's infrastructure is maintained according to a schedule thus preventing breakdowns.

Spraying for Parramatta Grass and Lantana in the lease hold paddocks began on 23.1.06. The program was carried out in two stages and is now complete.

Safety

A safety inspection was carried out in early December. As a result of this a new Standard Operating Procedures manual has been drawn up for any sale yard staff but mainly for Stock and Land employees. It is still in the draft stages but should be introduced soon. This mainly deals with the running of the complex on sale days.

Advertising

Expressions of Interest were sought for the rental of advertising space within the saleyards. Michaels Metal Mart and the Kempsey Agricentre have both installed signs measuring 4.8 metres by 1.2 metres at an annual rental of \$1,200 for each sign. Negotiations with other prospective advertisers are in progress.

Effluent System

Environment Resources Management Pty Ltd were contracted to prepare a management program for the truck wash and effluent ponds. This has been completed and implemented as of 23.1.06. A trial has commenced with Thurgoods Haulage whereby they have agreed to clean out the truck wash and primary settlement pond of solid waste free of charge, in accordance with the maintenance program. Thurgoods will make use of these solids in their landscaping business. Previously Council had contracted this work at an annual cost of approximately \$2,500.

Canteen Upgrade

Quotes are being sourced from four (4) builders for the proposed upgrade of the canteen facility which, subject to Budget, will allow a commencement of the internal upgrades before the end of the financial year.

Upgrade and Improvement Program

Upgrades are proceeding although the original program has been altered to ensure that the project stays within the budget. During the period the bull selling pens have been completed, as well as the drafting ring, sale ring and adjoining lanes, several split pens behind the sale ring, modified paint pens, and repaired and modified gates to OH&S requirements. A new diversion lane was constructed from the sale ring to the eastern laneway.

Work previously scheduled for the Northern unloading ramps has now been deferred to 2006 / 07 in favour of the Northern holding pens. This roadside section is now complete (end of February), and progress on the re-building of the remaining northern holding pens will continue subject to budgetary provisions.

The old truck wash facility has been removed and the new unit has been commissioned. The truck wash is monitored by Avdata Australia who collects fees on Council's behalf. To date over \$900 has been billed to users.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

- *Economic (Financial)*

Nil

- *Policy or Statutory*

Nil

- *Directors Review*

Nil

Director Corporate Services recommendation:

That the information be noted.

MOVED:

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

That the information be noted.

An Amendment was **MOVED:**

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

1. That upgrade work be undertaken on the canteen in this financial year and that Food Industry Standards be complied with in their entirety.
2. That tenders be called for the lease of the canteen at the end of this current lease term.
3. That the current tender conditions remain in force for the length of the current lease.

2006. 160

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

DCS5	KEMPSEY AIRPORT SIX MONTH REPORT
FILE: 183 SJR (NRN)	{ Folio No. 317498 }

SUMMARY:

Reporting on airport activities.

THIS IS PAGE 105 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR



DESCRIPTION:

Financial Statement

A Profit and Loss Account for the period 1st July 2005 to 3rd March 2006 is attached at [\(Appendix F\)](#).

Staff Training

In the last week of November 2005 three (3) KSC staff completed a security course to obtain qualifications as airport security guards. This is part of the Federal governments requirements under the 'Securing our Skies' program. The training qualifies staff to conduct hand wand metal detection. These procedures will only be implemented when the Federal Government advises of a security alert. Applications have also been made for the acquiring of ASIC's (Airport Security Identification Cards) for the same three staff. Non ASIC holders are not permitted airside two hours either side of a Regular Passenger Transport service (RPT) movement.

ASIC's

Aviation ID Pty Ltd have been contracted to be ASIC issuers for Kempsey, this means that as additional people in the area may need an ASIC they can apply through us and we will forward the documentation to Aviation ID for processing and issuing of the card. There is no cost to Council for this service. Aviation ID is providing this service to numerous airports throughout NSW and they recoup there costs from individual applicants.

Security Upgrades

Council has previously gained sign off from the Department of Transport and Regional Services (DOTARS) for our Airport Transport Security Program which identified the required security measures to meet new heightened security guidelines.

Quotations for the provision of the identified security improvements have been lodged with the Regional Airports Funding Program (RAFP). Now that RAFP actually have the quotations they will process the application and make a recommendation that will be then passed on to the Minister for Transport for final approval. The proposed security measures to be implemented are:

- Five security floodlights
- Four closed circuit television camera's
- DVD recording

- Electronic codes access control to airside sectors
- Security mesh screens to secure baggage handling area
- Two metre fencing in terminal and hangar areas
- Electrically operated sliding gate at main airside access point

The installation of an electrified fence around the six (6) km perimeter fence is almost completed. The electric fence has been commissioned in stages and is already having a positive impact on the number of kangaroos and wallabies within the airport.

New Hanger

A new aircraft Hanger has been constructed adjacent to the Macleay Aircraft Maintenance Hanger. The building is owned by John Connors and the land is leased from council.

Passenger Transport

Big Sky Express are still intending to provide an RPT service for Kempsey although we are finding it very difficult to get information from them as to when this might be happening.

Future Uses Of Airport Lands

Council's aerodrome lands which have been identified as having potential for sale are included in the Works Inspection for 13th March 2006.

Council's MDAP committee has set aside a budget to engage AirBiz Australia to conduct a feasibility study for future uses of the airport.

Annual Safety Inspection

The annual safety inspection of the airport was conducted in September 2005 and an audit was conducted by CASA in early October. These inspections identified the need to widen the centreline of the runway and provide an electrified fence to keep wallabies off airside. Both of these requirements have been met.

Airport Emergency Exercise

A mock emergency exercise was conducted at the airport in September 2005. All emergency services participated in the exercise and found it to be a most worthwhile exercise.

An actual emergency occurred on 29th November 2005 when a light aircraft returning from Brisbane was unable to properly lower its landing gear.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

- *Economic (Financial)*

It is estimated that the cost of running the electric fence and security lighting will be approximately \$3,800 per annum.

The new lease struck for the new hanger will return \$1,075 per annum income to Council.

- *Policy or Statutory*

Nil

- *Director's Review*

Nil

2006. 161 **RESOLVED:**

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

That the information be noted.

DCS6	GAZETTAL OF HALF-DAY HOLIDAYS IN 2006
FILE: 742 PJH (NRN)	{Folio No. 317499}

SUMMARY:

Reporting on the gazettal of public half-day holidays in 2006 for the Kempsey Show and Kempsey Cup.



DESCRIPTION:

Council at its meeting of 11th October 2005 supported the application for half-day holidays in the Kempsey Shire in 2006 for the Kempsey Show, Wednesday 26th April 2006, and the Kempsey Cup, Wednesday 3rd May 2006.

Gazettal of the half-day holidays by the Minister for Industrial Relations was published in the government gazette on 16th December 2005.

The Show Society and Kempsey Race Club have been advised of the approval.

Council will periodically advertise these half-day holidays leading up to the above mentioned dates.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

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

- *Economic (Financial)*

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

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

- *Policy or Statutory*

These half-day holidays are appointed pursuant to section 19(3) of the Banks and Bank Holidays Act 1912.

- *Director's Review*

As per report.

2006. 162 RESOLVED:

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

That the information be noted.

DCS7	AFFIXING OF COUNCIL'S SEAL FILE: R MARIA RIVER PJH {Folio No. 317501}
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SUMMARY:

Reporting on the need to affix Council's seal to transfer documents related to the realignment of Maria River road.



DESCRIPTION:

In October 1993, Council approved a re-alignment of Maria River Road where small sections of the road reserve to be closed were to be transferred to the adjoining landowner, Mr Don McPhail. In searches related to the sale of Mr McPhail's land it was discovered that the formal transfer of the closed sections did not occur. These closed sections were Lots 912 to 917 DP 864938.

The transfer of Lots 914 to 917 has previously been completed. To finalise this matter the transfer of the remaining lots 912 and 913 has been prepared by Council's solicitor. The transfer of these Lots was the agreed compensation with the adjoining landowners for the lands acquired for the road re-alignment.

Council's seal is required to be affixed to the transfer of Lots 912 and 913.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

▪ *Economic (Financial)*

The cost to Council will be approximately \$500.00 for legal costs. This will be funded from the allocation for road realignment survey and resumption costs.

▪ *Policy or Statutory*

Under the Local Government (General) Regulation (clause 400), Council must authorise the affixing of its seal to documents.

▪ *Director's Review*

As per report.

2006. 163 **RESOLVED:**

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

That Council's seal to be affixed to the documents related to the transfer of closed road being Lots 912 and 913 DP 864938 to the adjoining landowner at Maria River road.

DCS8	MEETING SCHEDULE TO CONSIDER DRAFT 2006 - 2007 BUDGET AND MANAGEMENT PLAN FILE: 335 PJH (NRN) {Folio No. 317502}
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SUMMARY:

Reporting on the need to adopt a meeting schedule to consider the 2006 - 2007 Draft Budget and Management Plan.



DESCRIPTION:

The preparation of the draft budget for 2006 - 2007 is well advanced and Council should determine its meeting schedule so as

to allow itself sufficient time to adopt the draft management plan and budget for 2006 - 2007 prior to 30th June 2006.

The determining of the budget meeting dates will also allow time for advertising of these Council meetings.

Council is also advised that within the Department of Local Government Best Practice review report one of the recommendations was that: -

"Council should review its current meeting practices with a view to providing a more planned approach to ensure its meeting schedule reflects the needs of Council."

This was particularly related to the number of "extra-ordinary" meetings held in the past and recommends that these should be included as scheduled Council meetings when our meeting dates are set (usually at the October Council meeting each year).

Experience of the last few years has shown that at least two (2) Council meetings will be required on the budget deliberations. Sufficient time needs to be allowed for the preparation of the draft management plan for exhibition after completion of the budget deliberations by Council.

In 2005 Council held Council meetings related to the budget on: -

Wednesday 23rd March 2005

Monday 4th April 2005

Tuesday 26th April 2005

Monday 20th June 2005 (Final adoption after exhibition and receipt of submissions)

The following schedule is suggested for 2006 to allow the final management plan and budget to be adopted prior to 30th June 2006.

- Tuesday 28th March 2006 – Council meeting to consider draft budget.
- Monday 10th April 2006 – Council meeting on draft budget (if necessary).
- Tuesday 9th May 2006 – Draft Management Plan to be adopted at 9th May Council meeting and placed on exhibition for 28 days.
- Tuesday 30th May 2006 – public meeting at Civic Centre on draft management plan and budget.

- Tuesday 13th June 2006 – public exhibition period closes.
- Tuesday 20th June 2006 – Council meeting to consider submissions and adopt draft management plan and budget.

REPORT IMPLICATIONS:

▪ ***Environmental***

The draft management plan (including budget documents) will have a number of items related to the environment.

▪ ***Social***

The draft management plan and budget will have a number of items that have social implications. The budget and management plan preparation involves the community in the process through submissions and the holding of a public meeting.

▪ ***Economic (Financial)***

Council has an obligation to its community to undertake good financial management, particularly in the budget process. The 2006 - 2007 budget should be balanced or preferably in surplus to increase the level of working funds. The level of working funds should be maintained at \$650,000 but it is anticipated that working funds at 30th June 2006 will be \$450,000.

▪ ***Policy or Statutory***

Council must place its Draft Management Plan (including draft budget) for 2006 - 2007 on public exhibition for 28 days, consider any submissions and formally adopt the management plan and budget before 30th June 2006.

▪ ***Director's Review***

As per report.

Director Corporate Services Recommendation:

That the schedule for consideration of the 2006 - 2007 draft Management Plan be as follows:-

Tuesday 28th March 2006 – Council meeting to consider draft budget.

Monday 10th April 2006 – Council meeting on draft budget (if necessary).

Tuesday 9th May 2006 – Draft Management Plan to be considered at Council meeting and placed on exhibition for 28 days.

Tuesday 30th May 2006 – public meeting at Civic Centre on Draft Management Plan and budget.

Tuesday 13th June 2006 – public exhibition period closes.

Tuesday 20th June 2006 – Council meeting to consider submissions and adopt draft Management Plan and budget.

2006. 164 **RESOLVED:**

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

That the schedule for consideration of the 2006 - 2007 draft Management Plan be as follows:-

Tuesday 28th March 2006 – Council meeting to consider draft budget.

Wednesday 12th April 2006 – Council meeting on draft budget (if necessary).

Tuesday 9th May 2006 – Draft Management Plan to be considered at Council meeting and placed on exhibition for 28 days.

Tuesday 30th May 2006 – public meeting at Civic Centre on Draft Management Plan and budget.

Tuesday 13th June 2006 – public exhibition period closes.

Tuesday 20th June 2006 – Council meeting to consider submissions and adopt draft Management Plan and budget.

DCS9	REQUEST TO VIDEO COUNCIL MEETINGS
FILE: 367 PJH	{Folio No. 317504}

SUMMARY:

Reporting on a request received to video record the Council meetings.



DESCRIPTION:

Council has received a written request from an individual wanting to record the Council meetings on video.

Council's Code of Meeting Practice, clause 9.6 – Tape recording of meeting of Council, is reproduced as follows for the information of Council: -

- 9.6 Tape recording of meeting of council or committee prohibited without permission*
- 1. A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.*
 - 2. A person may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.*
 - 3. If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.*
 - 4. In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.*

Tape recording not recommended

Council itself has considered tape recording its meetings but has not due to potential issues relating to privacy of individuals and associated difficulty complying with Privacy legislation. Privacy NSW has recommended that if a Council did tape record the meetings it be only for verifying the accuracy of minutes.

Council, if it was to give an individual approval to tape the meetings, would be exposing itself to potential claims for breach of

the Privacy legislation and while the individual concerned may have a genuine interest in the workings of local government approval cannot be recommended.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

- *Economic (Financial)*

Council can be forced to pay up to \$40,000 compensation to an affected person if it breaches the Privacy legislation.

- *Policy or Statutory*

Council's Code of Meeting practice clause on this matter is taken direct from the Local Government (General) Regulation and states that only the Council can give authority for the tape recording of its Council meeting.

- *Director's Review*

As per report.

2006. 165 **RESOLVED:**

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

That the video recording of the Council meetings by individuals not be approved.

DCS10	FLEET MANAGEMENT
FILE: 151 MPM (NRN)	{Folio No. 317506}

SUMMARY:

The Fleet Management Business Plan adopted by Council requires that Council be advised of Plant purchases each month.



There following items of plant have been purchased for the month of February 2006.

Plant No.	Description	Amount (GST excl)
	Nil Purchases	

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 Council's 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 February 2006.

Plant No.	Description	Manufacture Year	Km's / Hr's	Condition	Amount (GST excl)
VW1075	Holden Rodeo 4x2	2000	155,025 Km's	Fair	\$4,800.00
				Total	\$4,800.00

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

- *Economic (Financial)*

Nil

- *Policy or Statutory*

Nil

- *Director's Review*

Nil

2006. 166 **RESOLVED:**

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

That the information be noted.

DCS11	FLEET MANAGEMENT HALF YEARLY REVIEW FILE: 468 MPM (NRN) {Folio No. 317508}
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SUMMARY:

Reporting on the 6 monthly review of the Kempsey Fleet Management Business Plan for year ending 31st December 2005.



An operational plan introduced some years ago indicated that the Kempsey Fleet Management Unit would report to Council monthly, six monthly and annually.

The monthly report details fleet items purchased and disposed of for the previous month, this is the present practice.

The 6 monthly report (due in March) details;

1. Revenue and expenditure trends
2. Utilisation trends
3. Availability rates (downtime)
4. Business Plan action review
5. Propose hire rates for the next financial year.

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

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

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

1. Revenue and Expenditure

The 2005 / 06 revenue budget of \$2,768,700 stands at \$1,414,663 actual revenue for the period of 1 July 2005 to 31 December 2005, this equates to 51.09% of the overall target of 50% for this period.

The 2005 / 06 expenditure budget of \$2,426,512 stands at \$1,269,635 actual expenditure for the period of 1 July 2005 to 31 December 2005, this equates to 51.22% of the overall target of 50% for this period.

The introduction of service maintenance scheduling has resulted in fleet servicing being carried out at the correct intervals and has eliminated services being missed (subject to the correct odometer readings). In turn this has increased the Workshop expenditure as previously servicing had been missed and in many cases was carried out at the incorrect intervals.

A copy of Profit/Loss Statements for General, Waste, and Water Fleet is attached at [\(Appendix G\)](#).

Key Performance Indicators (KPI's)

2. Utilisation (KPI)

Utilisation refers to the annual usage of a particular item of fleet and is generally measured in engine hours or kilometres travelled. Past practice within Council was to measure booked out hours for utilisation reports, however in the case of an item of plant sitting idle for a number of weeks, but on hire, only means the fleet department budget remains healthy at the expense of the rest of the organisation, in other words high depreciation and low utilisation, and not very cost effective.

As stated above good performance indicators rely on the actual hours and or kilometres of particular items of plant measured against industry benchmarks and it should be noted that not all fleet will have similar benchmarks, for example the industry benchmark for an Excavator is 800hrs, Bobcat 500hrs, Backhoe 700hrs, Front end loader 700hrs and so on. These benchmark standards were sourced from Uniqco International who in

partnership with the Institute of Public Works Engineers Australia (IPWEA) have surveyed over 160 government organisations to set the industry benchmarks.

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

Attached at [\(Appendix H\)](#) is the latest utilisation report based on industry benchmarks per item of plant, for perusal and information. Please note shaded plant items are below industry benchmarks.

3. Availability (Downtime KPI)

This is often called the hidden cost of fleet management. In many cases downtime is substantial and can greatly affect productivity. Downtime is a major factor in every decision when establishing long term fleet replacement programs and optimum changeover timeframes. Downtime costs not only comprise the cost of the machine, but also include the cost of idle skilled labour, inconvenience costs, and idle capital investment.

Carrying out comprehensive assessments of plant downtime enables informed decisions to be made on optimum replacement times for plant when developing long term plant replacement programs and clearly demonstrates that if we are to ensure service delivery is achieved on time and at the lowest cost Council will be required to adopt and follow, at minimum, a 8 year plant replacement program.

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

The fleet department from the start of the 2005 / 06 year has as one of its KPI's, Fleet Availability, with a current benchmark set at 96% availability. The reporting for the period of 1st July 2005 to 31st December 2005 is attached at [\(Appendix I\)](#) with the overall performance for the half year at 98.84% (Downtime is measured 24 hours 7 days a week).

4. Business Plan Action Review

Fleet provided in the 2005 / 06 Fleet Management Business Plan an action plan for Fleet Management planning, Fleet Strategies, Environmental Management planning, OH&S planning and Financial

planning, both the 6 monthly report and annual report requires fleet to provide a review of outcomes.

Attached at [\(Appendix J\)](#) is the action plan for the various areas of operation with comments on outcomes

The Business Plan 2006 / 07 is currently being revised and will be submitted to Council's April meeting.

5. Hire Rates 2006/07

As recently as the 1 October 2005, hire rates increased across the fleet items the cover the increase in fuel costs.

It is proposed to increase the annual hire rate for sedans, however no further increases to the fleet hire rates for the 2006 / 07 period are planned.

Attached at [\(Appendix K\)](#) is the current and the proposed 2006 / 07 internal hire rates.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

Increased internal hire rates

- ***Policy or Statutory***

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

- ***Director's Review***

Nil

2006. 167 **RESOLVED:**

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

1. That the information be noted.

THIS IS PAGE 121 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

2. That an updated report on fleet utilisation be provided within the next two months.

DCS12	CARAVAN PARKS - SIX MONTHLY REPORT
FILE: 120 SJR (NRN)	{Folio No. 317510}

SUMMARY:

Report on 4 Shore Holiday Parks operations over the past six months.



In September 2005 Council dissolved the Caravan Park Committee and requested that 6 monthly progress reports be provided.

The following report provides an overview of activities relating to the 4 Shore Holiday Parks over the past six (6) months.

Upgrade And Improvement Program

Hat Head

Considerable upgrade work has been carried out at Hat Head Holiday Park. To minimise disruption to the park and resulting loss of trade the underground works were broken into three precincts. The works in all of the precincts provided new water supply lines, drainage, and new powerheads to all powered sites.

A modular design of electrical lead props was trialled with the installation of the powerheads. This lead prop has proven unsuitable and has been returned to the supplier and refunded. Sturdier lead props will be fabricated by staff and installed within the coming month.

The overhead electricity service to the public amenities block has been relocated underground.

As the terrain of the park was quite flat it necessitated the installation of several rising main pumps to enable the provision of effective sullage lines to the long term and short term sites.

A koppers log fence was installed from the Bowling Club to the rear of the cabins to delineate the day use playground area from the camping area on the hill in the Western precinct of the park.

Rollover kerbing was installed on the sites opposite the cabin precinct and a turf paved roadway was laid throughout the hillside camping area. Restoration work was undertaken to the internal roads following the trench excavations in seven points to install sullage and water lines.

Two new picnic tables were installed in the day visitor area at Hat Head as promised to the Hat Head Community Group.

A Development Application was lodged for the construction of new roadways as identified in our Management Plans. Council's design section has nearly completed designs for the construction of these roadways. These designs also include provision of improved stormwater lines. The two boomgates will be installed as part of the road construction.

Crescent Head

A new electric BBQ has been installed in the Oceanside precinct of Crescent Head Holiday Park and another is being installed in the Lakeside precinct. The kiosk at Crescent Head has recently been painted inside and out and is a much more attractive building gaining positive comment from visitors and local residents alike.

Cabin Installations

Three new luxury cabins were installed at Crescent Head prior to Christmas. These cabins are far superior to any of our previous cabins and provide luxuries such as spa baths, air-conditioning, dishwashers, private BBQ's on the veranda's and a high standard of finish. The cabins are proving extremely popular with visitors.

Two new cabins replaced older cabins on the creek front at Crescent Head and these cabins incorporate shade sails on the verandahs. The opportunity was taken to site these replacement cabins a little more aesthetically to take advantage of their wonderful location and break the monotony of the cabins being installed inline.

The two cabins replaced from Crescent Head were installed at Grassy Head and have again proven popular and given the park a greater capacity to attract small groups who wish to travel together.

We are currently assessing designs for two new cabins for Hat Head and two replacement cabins for Stuarts Point. The cabins for Hat Head are contingent on the construction of a new roadway to access the new cabin precinct and the cabins for Stuart Point will

replace two old non-ensuite cabins in the park which do not meet the expectations of today's traveller.

Occupancy Rates

An Occupancy Report for the 4 Shore Holiday Parks is attached at [\(Appendix L\)](#).

These occupancy reports detail trends over the past few years and demonstrate pleasing trends in increasing occupancies for the parks. Note the healthy occupancy rates for the new cabin installations at Crescent Head and Grassy Head over the holiday period. The occupancy rates of the non-ensuite cabins at Stuarts Point illustrate that these cabins are below the industry standard and should be replaced with suitable cabins.

Promotions and Advertising

The 4 Shore Holiday Parks produced a new television commercial and ran a television campaign over the summer months to attract new clientele. The ads featured footage of each of the four parks and the different experiences available to holiday makers. The ads have stimulated interest in forward bookings and are a strategy to build the shoulder season.

4 Shore Holiday Parks has continued to promote at trade and consumer shows specific to the caravan, camping, 4WD and fishing markets and reinforced these promotions with targeted advertisements in print publications including:

- Regional newspapers
- Travel magazines
- NSW Retirees
- NSW Fishing Association Year Book
- Backpack Guide to Australia
- Drive guides
- Caravan & Camping Holiday and Touring Guide
- NRMA Tourist Park Guide
- Sensis Accommodation Guide
- AAA Tourism Experience NSW
- Macleay Valley Coast Visitor Guide

4 Shore Holiday Parks also play an active part in marketing initiatives of the Kempsey Visitor Information Centre.

A new full colour brochure was produced for the four parks and the logo was revised and refreshed as part of this process. The web site www.4shoreholidayparks.com.au is the prime web site and a comprehensive range of links is maintained on numerous high

volume tourism industry websites. This web based marketing delivers approximately 1,500 enquiries annually and the freecall telephone number is widely promoted on every marketing initiative.

The Stuarts Point Holiday Park was successful with a submission to host 'GeoQuest 2006' which is a 48 hour endurance race including trekking, mountain biking and kayaking. 350 entrants and their families will descend on Stuarts Point Holiday Park for 4 days over the June long weekend. This promises to be a huge boost to this traditionally quiet period and overflow effects will assist neighbouring accommodation providers.

Financial Report

A financial report on operations of the Holiday Parks is attached at [\(Appendix M\)](#). Operating Revenues and Expenses are in line with Budget provisions.

Comparisons of the Capital Works budgets expenditure to date reveal unspent funds to 28 February of \$433,763. These funds should be utilised to complete projects within the proposed upgrade program for Hat Head Holiday Park.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

Nil

- ***Policy or Statutory***

Nil

- ***Directors Review***

Nil

2006. 168 **RESOLVED:**

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

That the information be noted.

DIRECTOR CORPORATE SERVICES SUPPLEMENTARY REPORT

DCS13	TENDERS – CARAVAN PARKS
Supp	FILE: 798 GBS (NRN) {Folio No. 317526}

SUMMARY:

Reporting on the receipt and evaluation of tenders in respect of the future management of Council's 4 Shore Tourist Parks and Goolawah Reserve.



At Council's meeting of 21st November 2005 it was resolved –

2005. 836 RESOLVED:

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

- 1. That Council invite Tenders for the options for contract management of the 4 Shore Tourist Parks comprising the Crescent Head, Hat Head, Stuarts Point and Grassy Head Caravan Parks for a term of five (5) years commencing as from 1st July 2006 and for the contract management of the 4 Shore Tourist Parks comprising the Crescent Head, Hat Head, Stuarts Point, Grassy Head Caravan Parks and Goolawah Reserve for a term of five (5) years.*
- 2. That Council examine the position of the management of Goolawah Reserve following the review of the tenders for the caravan parks.*

Tenders closed on 31st January 2006 with tenders received from the following –

- 1) Nadim Joukhadar
- 2) S & T Fidler and C & P Affleck
- 3) Lilly Investments
- 4) Family Holiday Experiences Pty Ltd
- 5) Australian Tourist Park Management.

The Tender evaluation process is well advanced with the initial assessment, first interviews, and referee reports undertaken. However,

the financial assessment and final evaluation have not been completed at this time due to time constraints.

Whilst it was originally proposed that Council would be able to consider the Tenders at this meeting, this will not now be possible.

It is proposed that the tender evaluation be completed over the next week and a report prepared which would enable Council to consider the tenders at the meeting of Council scheduled for 28th March 2006 (meeting on 2006 / 07 Budget).

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

- *Economic (Financial)*

Nil

- *Policy or Statutory*

Nil

- *Director's Review*

The Tendering regulations provide that Council must assess the tenders "As soon as practicable after the tenders for a proposed contract have been opened."

2006. 169 **RESOLVED:**

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

1. That the information be noted.
2. That the report on the evaluation of Tenders for Council's Caravan Parks be considered at Council's meeting scheduled for 28th March 2006.

GENERAL MANAGER'S REPORT

THIS IS PAGE 127 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

SUMMARY:

Council's report on outstanding reports and resolutions.

**DESCRIPTION:**

Following is listed each Directors outstanding reports and resolutions up to and including 14th February 2006 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 on 22 nd March 2006.
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. Draft report expected in March 2006. Can only be expedited at points in process involving DoP at which time expedition will be requested.
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. 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. Awaiting a plan of works on which proceeds to be spent.
13.12.05 DSDS	That the Social Strategic Planning Committee be requested to review the social implications of alfresco dining.	Referred to Community Services and Lifestyle
13.9.05 DSDS	That a report be submitted to Council detailing the strategies existing and those required in the application of the principles of ecologically sustainable development to the Kempsey Shire and in particular the industrial area and the CBD of Kempsey	Matter referred to the ESD Committee
14.2.06 DSDS6	Request rezone land 145 Old Station Rd E/K 1A3 to 1C - Channells resolved to prepare draft LEP	Request in new format being prepared for LEP Review Committee
13.2.06 DSDS1	Carparking areas - selling of air space over Cnl car parks in central Kempsey, West Kempsey & Crescent Head	Referred to Property Officer to investigate in consultation with Economic Development Officer

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 investigate developing new aquatic facilities including heated 25 metre pool.	Planning to be done as time permits.
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	Report to be compiled. Increased running costs to be assed upon receipt of DEUS approval for Crescent Head and Kempsey fluoridation units.
	Road Safety officer report – Staysafe committee be contacted re scooters, Gophers and motorised toy vehicles	RTA are looking at doing a Regional Report.

DSS4 15.11.05	Donations & Grants Policy - adopt revised policy C21:7 - request organisations supply financial statements 2004/5	Sixteen (16) out of fifty (50) audited financial statements have been received to date. A number of organisations have advised that they will forward their audited financial statements when complete. A report will be presented to council when all audited Financial Statements have been received.
15.12.05	Parking arrangements in Ocean Dr SWR to be monitored for a period of 12 months time.	Ongoing - currently being monitored.
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	Compiling a traffic management plan. Work initiated for Holman Street.
15.12.05	Review operations of KAP bus - Social Strategic Planning Committee and Manager Community Services to review and report to February Council meeting.	Review will take place in March and a report compiled.
14.12.04 DSS	That Council's Community Services Committee be requested to establish a sub-committee to develop a health / vision strategy for Kempsey Shire under the auspice of Council's Social Plan.	
13.2.06	559 Gowings Hill Rd - proposed sale of land - Lalor's Quarry to Nolan - list for sale by public auction - reserve price set by GM - Cnl seal be affixed transfer documents.	Obtaining quotes fro Real estate agent.

13.2.06	Point Plomer Rd site - congratulate staff on work - conduct traffic count - determine number of vehicles accessing national park - support Cnl application State Govt. funds to maintain road.	This is going to be carried out over the Easter period.
13.2.06	Verge St. oval - Clrs Sowter & McWilliam to meet with sports users groups - report within 3 months.	Report being compiled.
14.2.06 DSS5	Kempsey Assistance Patrol - reporting on decision delay review scheduled for 28/12/05	Review of KAP operation will occur 9/3/06.
14.2.06 DSS3	Horseshoe Bay draft management plan - report on progress	Still awaiting 1000 responses from the public.
14.2.06 NOM4	Request report 14.3.06 provision centre line marking Point Plomer Rd	Request has been issued - awaiting contractor.
14.2.06	Minutes Aboriginal Liaison Committee meeting 7.12.05	Aboriginal Liaison Officer has been away sick.
14.2.06 DSS9	MNC Regional Tourism - allocation \$2500 approved upgrade gateway Visitor Information Centre signage	Awaiting invoice.
13.12.05 DSDS	That the Social Strategic Planning Committee be requested to review the social implications of alfresco dining.	Referred to Community Services and Lifestyle

Director Corporate Services

13.2.06 DSDS1	Carparking areas - selling of air space over Cnl car parks in central Kempsey, West Kempsey & Crescent Head	Economic Development Officer and Property Officer to investigate
14.2.06 NOM3	Request report 14/3/06 clarifying role of committees particularly respect Section 377	Insufficient time to allow for preparation of report for March meeting. Scheduled for April meeting.

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

General Manager's Recommendation:

That the information be noted.

2006. 170 RESOLVED:

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

That the information be noted and in regards to grants and donations in future no donations be made until up-to-date audited financial statements are received from these organisations as required in Council's resolution of 15th November 2005.

SUMMARY:

To outline progress of the capital works program for the 2005 / 06 year.

**DESCRIPTION:**

Attached [\(Appendix A\)](#) 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. 171 **RESOLVED:**

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

That the information be noted.

GM3	COUNCILLORS CODE OF CONDUCT TRAINING FILE: 163 CC: 367 PJG (NRN) {Folio No. 317514}
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SUMMARY:

Reporting on the requirements of Code of Conduct training for Councillors.



DESCRIPTION:

The Department of Local Government Promoting Better Practice review highlights the law relating to codes of conduct. From 1st January 2005, all councillors, staff and council delegates are required to observe provisions consistent with the new Model Code of Conduct for Local Councils NSW.

Kempsey Shire Council was quick to adopt a new code of conduct, on 8th February 2005 that appears to be consistent with the Model Code. The code also contains cross references to other relevant Council policies. Council has provided the code and related policies in a pocket sized compact version for all staff, Councillors and Council delegates.

The LGSA Learning Solutions provided "train the trainer" training in July 2005 to the HR Manager and Administration Manager.

It is requested that Councillors nominate a date which is suitable to attend training in the Code of Conduct.

It is intended that the training format will be as follows:

Facilitator/s: HR Manager / Administration Manager
Time: 1 day duration – 9.am to 4.00 pm
Location: Proposed - Committee Room

REPORT IMPLICATIONS:

- **Environmental**

Nil

- **Social**

Nil

- *Economic (Financial)*

Nil

- *Policy or Statutory*

Nil

- *Acting General Manager's Review*

Nil

General Manager's Recommendation:

That Council determines a date and time for the training in the Code of Conduct.

2006. 172 **RESOLVED:**

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

That the date and time for the training in the Code of Conduct be Wednesday 19th April 2006 commencing at 9.00am.

GENERAL MANAGER'S SUPPLEMENTARY REPORT

GM4 SUPP.	PROMOTING BETTER PRACTICE – FINAL REVIEW REPORT (FEBRUARY 2006) FILE: 458 AVB (NRN) {Folio No. 317528}
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SUMMARY:

Reporting on the release and tabling of the Department of Local Government Promoting Better Practice Review Report for Kempsey Shire Council which contains 31 recommendations.



DESCRIPTION:

On 12th September 2005 Kempsey Shire Council was advised by the Department of Local Government that Council would be subject to the Department's Local Government Reform Program – "Promoting Better Practice Review" and an on-site visit would take place on 31st October / 1st November 2005.

THIS IS PAGE 136 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

The Program objectives are designed to encourage improvement in the way councils conduct their activities and to ensure good governance.

The review assessed the effectiveness and efficiency of Council's operations, and examined Council's practices and compliance to relevant legislation, regulations, and guidelines. Council's framework for monitoring its own performance and its strategic management was also reviewed.

The Review Program also has a wider role in the development of local government practices across the State and identifying the need for future action or legislative change by the Department.

[\(Appendix B\)](#) provides a summary of the Program.

The Review has been completed and the final Review Report has been received. The Department requires the report to be tabled at the next available Council meeting and as such a copy of the Report will be tabled; placed on display at the Civic Centre and Library; and a copy provided to Councillors.

The Report has also been issued to the Minister for Local Government and the Director General of the Department of Local Government.

The Report examines Council's ambitions, priorities and future focus, and how well Council is delivering and achieving in relation to:

- governance
- regulatory function
- asset and financial management
- community, communications, and consultation
- workplace relations

The Report indicates what is working well in these areas and the challenges to improve. There are a number of recommendations provided in relation to addressing the challenges to improve.

Some noteworthy extracts from the Report are as follows –

"The organisation demonstrates its intent to drive improvement focused on the goals it sets. The enthusiasm of its staff to improve and surmount challenges was impressive".

"The council has set in place the foundations for a strong strategic approach to meeting the future needs of its community, and regularly monitors performance measures for all its principal activities".

"Council has a good governance framework in place".

THIS IS PAGE 137 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

"The Council has adopted strategies to efficiently deal with development applications through extensive use of delegated authority".

"It is evident that council holds extraordinary meetings to also conduct "workshops". This is applauded, as to hold a "workshop" at such a meeting opens the business up to the public who can see council in action".

"Council should be commended that it conducts a review of its committees at least annually".

"Strong information technology platform that ensures the integration of strategic direction and council operations".

I am of the opinion that the review and the Final Report confirms that Kempsey Shire Council has in place a very high level of best practice processes, and demonstrated compliance with statutory requirements.

The review was based on a checklist covering some 269 activities, and from these the Final Report makes only 31 recommendations. Of these recommendations a number relate to the review or enhancement of existing procedures / policies and some are of relatively less significance e.g. 3 recommendations relating to Companion Animals Management.

By way of comparison some of the other Councils subject to Promoting Better Practice reviews in 2005 had the following number of recommendations –

Dungog	-	37
Moree	-	36
Port Stephens	-	41
Maitland	-	20
Wyong	-	22

In regard to the recommendations, it is a requirement of the Department that an Action Plan be prepared by Council for the implementation of the recommendations contained in the Final Report.

The Action Plan is required to be submitted to the Department and Council is required to advise the Department on its progress with implementation within six (6) months of tabling of the Report.

Preparation of the Action Plan has substantially commenced and will be submitted to the April meeting of Council.

Summary

The Promoting Better Practice Review has been a positive process and has confirmed that Council currently has a high level of "best practice" management.

The recommendations of the Report are relevant to further improvement of Council's performance.

The Action Plan will ensure that the recommendations contained in the Report are appropriately implemented.

REPORT IMPLICATIONS:

- ***Environmental***

Council's environmental management will be improved through implementations of the Report recommendations.

- ***Social***

Adoption of the Review Report recommendations will enhance Council performance in providing value to the community towards ensuring a clean, safe, fair, and prosperous society.

- ***Economic (Financial)***

There will be a need to commit resources to the implementation of the recommendations contained in the Report. An assessment of whether resources beyond existing budgetary allocations will be required will be included with the report on the Action Plan.

- ***Policy or Statutory***

The review had a regulatory component whereby Council was required to provide evidence of compliance with its statutory and regulatory obligations.

2006. 173 **RESOLVED:**

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

1. That the Department of Local Government Reform Program (Promoting Better Practice) – Review Report be received and noted.
2. That an Action Plan for implementation of recommendations identified in the final Review Report be prepared and submitted to the April Council meeting.

MAYORAL SUPPLEMENTARY REPORT

MM4
SUPP

YARRAHAPINNI WETLAND REHABILITATION
PROJECT
FILE: * JACH

SUMMARY:

Reporting that Council submit a Grant application to the NSW Floodplain Management Program to seek grant funds to develop a Project Design Concept Plan for the Yarrahapinni Wetland Rehabilitation Project.



A summary of the Yarrahapinni Wetland Rehabilitation Project is provided in the attached sheets [Appendix A](#)

The NSW Floodplain Management Program has advised the Yarrahapinni Working Group that grant funds are available on a \$2 to \$1 basis to develop a Design Concept Plan to identify and define any design and construction principles.

The Project Design Concept Plan forms a significant and integral part of the total restoration and rehabilitation of approximately 400ha of the Yarrahapinni Wetland.

The contributing funds (\$1) will be provided by the Yarrahapinni Wetland Trust. There are no direct funds required by Council for this component of the Yarrahapinni Project.

Councils contribution to this component of the project will be via the management of the grant application and associated reporting requirements.

- **Environmental:**

There will be no significant environmental impacts associated with the development of the Yarrahapinni Design Concept Plan. The projects aims are to assist in the rehabilitation of the Yarrahapinni Wetlands.

- **Social:**

There will be no significant social impacts arising from the Yarrahapinni Project Design Concept Plan development.

THIS IS PAGE 140 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

.....
MAYOR

- **Economic:**

There will be no significant economic impacts on Council or the community arising from the development of the Yarrahapinni Project Design Concept Plan.

- **Policy or Statutory:**

The Yarrahapinni Design Concept Plan will be prepared in accordance with the Yarrahapinni Wetland Reserve Plan of Management 2001.

2006. 174 **RESOLVED:**

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

That Council support and submit the attached funding application to the NSW Floodplain Management Program to develop the Yarrahapinni Design Concept Plan.



QUESTIONS WITHOUT NOTICE

COUNCILLOR E R WALKER

Q1

FILE: *

The washdown at the saleyards – can it be investigated in regard to the effluent disposal?

Responsible Officer

GBS

The Director Corporate Services is not aware of any problems and will investigate.

Q2

FILE: *

Can a check be made in front of 54 Skyline Crescent, Crescent Head to determine if installation of a guard rail is warranted?

Responsible Officer

GW

The Acting Director Shire Services will investigate.

Q3

FILE: *

Belgrave Street median strip – needs railing with access points, is this possible to stop pedestrians walking across the median?.

Responsible Officer

GW

The Acting Director Shire Services advised a rail is not possible but will check on the condition of the plants along this median.

COUNCILLOR B R SOWTER

Q1

FILE: *

Can a check be made on the fees charged by Hastings Council for placing tables and chairs on footpaths?

Responsible Officer

GBS

The Director Corporate Services will obtain the information.

Q2

FILE: *

Has a Development Application for Coles been received yet?

Responsible Officer

RBP

The Director Sustainable Development Services advised that no application received as yet.

COUNCILLOR D F SAUL

Q1

FILE: *

Is the General Manager aware that when a person applies to the Customer First staff to address a Council meeting, a 3 page form is to be completed by them?

Responsible Officer

PJH

The General Manager advised that there is an application form but it is only a one page document on the Council website.

Q2

FILE: *

When does the acting Director believe that Seven Hills Rd Collombatti will receive maintenance and upgrading?

Responsible Officer

GW

The Acting Director Shires Services advised that work on this road would be carried out in approximately one (1) month.

COUNCILLOR R McWILLIAM

Q1

FILE: *

Can consideration be given to erecting signs along the Phillip Drive cycleway warning cyclists and pedestrians to be on the lookout for cars backing out of driveways?

Responsible Officer

GW

The Acting Director Shire Services will investigate.

Q2

FILE: *

Can a solution be found to a driveway issue at 58 Phillip Drive, South West Rocks where a Telstra pit has resulted in different levels of the walkway and driveway?

Responsible Officer

GW

The Acting Director Shire Services will investigate.

COUNCILLOR J C GRIBBIN

Q1 FILE: *
Have the leases for the Boatmans cottages at South West Rocks been surrendered?

Responsible Officer GW
The Acting Director Shire Services advised that the leases have not be surrendered as yet and he has received a letter from the Department of Lands on this matter.

COUNCILLOR E A GREEN

Q1 FILE: *
When is tree planting in Tozer Street to commence?

Responsible Officer GW
The Acting Director Shire Services will investigate.

Q2 FILE: *
Community notices – can Council identify community access points in all our residential areas for Council notices including public meetings?

Responsible Officer *AVB
The General Manager advised that the general stores in the villages are used for placement of notices. Councillor Hunt advised that the Bush Fire Brigades have notice boards in the rural areas that could be utilised.

Q3 FILE: *
Annual report on contractors used last year – Can a similar report be prepared this year?

Responsible Officer GBS
A report will be prepared.

COUNCILLOR J H BOWELL

Q1 FILE: *
Has the police department provided reports concerning the incidents in Kempsey on Friday 24/2 and Sunday 20/2 and South West Rocks on Saturday 25/2?

Responsible Officer GW
The Acting Director Shire Services advised that reports have been received from the Police and a copy has been referred to Councillor Bowell.

Q2 FILE: *
Did the Development Application approved by the Minister for Planning for Wallum Cottages comply with the Council's amended LEP for the area (Point Plomer Road)?

Responsible Officer RBP
The Director Sustainable Development Services advised that his staff reported that the application was consistent with the LEP.

Q3

FILE: *

What is the status of the two development applications for subdivisions west of BiLo at South West Rocks?

Responsible Officer

RBP

The Director Sustainable Development Services advised that there has been no change to the status. He advised that one applicant sought a waiver for a masterplan but the Department of Planning did not agree.

COUNCILLOR J HAYES

Q1

FILE: *

A letter has been received by some Councillors from Friends of SWR. What action do fellow Councillors recommend on this?

Responsible Officer

MAYOR

The Mayor advised that she will act accordingly in regard to the letter.



MOTION FOR CONFIDENTIAL COMMITTEE

2006. 175

RESOLVED:

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

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.



**DIRECTOR CORPORATE SERVICES
CONFIDENTIAL REPORT**

DCS1 CONF.	PROPOSED SALE OF LAND FOR UNPAID RATES AND CHARGES FILE: 387 WMS (NRN) {Folio No. 317515}
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REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it includes information on the personal hardship of ratepayers (10A(2(b))). On balance, the public interest in preserving the confidentiality of the ratepayers concerned outweigh the public interest in openness and transparency of council decision making by discussing the matter in an open meeting.

THIS IS PAGE 144 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

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MAYOR

SUMMARY:

Reporting on a proposal to conduct an auction during 2006, to sell land for unpaid rates and charges



2006. 176 **RECOMMENDED:**

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

That the information be noted.

**GENERAL MANAGER'S CONFIDENTIAL
REPORT**

GM1	LEGAL MATTERS
CONF.	FILE: 155 AVB (NRN) {Folio No. 317516}

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)).

On balance the public interest in preserving the confidentiality of legal advice outweighs the public interest in openness and transparency of Council's decision making process by discussing the matter in an open meeting.

SUMMARY:

Reporting on the current position regarding legal matters.



2006. 177 **RECOMMENDED:**

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

That the information be noted.

GM2

DIRECTOR SHIRE SERVICES

FILE: S10-13 GBS (NRN)

{Folio No. 317518}

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it relates to personnel matters concerning a particular individual (Clause 10A 2(a)). Discussion of the matter in an open meeting would on balance be contrary to the public interest in protecting the right to privacy of particular personnel.

SUMMARY:

Reporting on the termination of employment of the Director of Shire Services.



2006. 178 RECOMMENDED:

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

That the information be noted.

GM3

INDUSTRIAL RELATIONS MATTER

FILE: * PJG

{Folio No. 317520}

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

Local Government Act 1993, Section 10a (2) (a)

This report is submitted on a confidential basis as it contains information and matters of the following:

- (a) personnel matters concerning particular individuals

On balance the public interest in preserving the confidentiality of legal advice outweighs the public interest in openness and transparency of Council's decision making process by discussing the matter in an open meeting.

SUMMARY:

Report to Council in relation to an industrial relations matter.



2006. 179 **RECOMMENDED:**

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

That the information be noted.

Councillor Gribbin recorded his vote against the foregoing Resolution.

GENERAL MANAGER'S CONFIDENTIAL SUPPLEMENTARY REPORT

GM4	CRESCENT HEAD LANDFILL FIRE
CONF SUPP.	FILE: LA6219 PJG {Folio No. 317521}

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

Local Government Act 1993, Section 10a (2) (a)

This report is submitted on a confidential basis as it contains information and matters of the following:

- (b) personnel matters concerning particular individuals (other than Councillors)
- (c) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

On balance the public interest in preserving the confidentiality of legal advice outweighs the public interest in openness and transparency of Council's decision making process by discussing the matter in an open meeting.

SUMMARY:

Reporting on investigations concerning the Crescent Head Landfill Fire incident August 2005.



2006. 180 **RECOMMENDED:**

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

1. The recommendations of the investigating officer be adopted.

*THIS IS PAGE 147 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE
KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.*

.....
MAYOR

2. With the development of new management systems identified increased costs are to be reported to Council for budgetary allocation.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES CONFIDENTIAL SUPPLEMENTARY REPORT

DSDS13	ALLEGED UNAUTHORISED CLEARING
CONF. SUPP.	LOT1 DP1034625 GREGORY STREET, SOUTH WEST ROCKS
	FILE: LA21538 GAN (NRN) {Folio No. 317532}

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 the matter in an open meeting would on balance be contrary to the public interest in protecting the legal advice received by Council which is to be used in Council's decision in this matter.

SUMMARY:

The purpose of this report is to inform Council on investigations regarding vegetation clearing at South West Rocks, and legal advice received in relation to potential breaches of Council's Tree Preservation Order.



2006. 181 RECOMMENDED:

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

That no further action be taken.



REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE

Upon resumption of Open Council, the following Report of the Committee of the Whole was submitted by the General Manager.

THIS IS PAGE 148 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH MARCH 2006.

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MAYOR



ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2006. 182

RESOLVED:

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

That the foregoing recommendations of the Committee of the Whole, as reported by the General Manager, be adopted.



CONCLUSION:

There being no further business, the Meeting terminated at 5.00 p.m.

