



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 12th October 2004 commencing at 9.03am.

PRESENT:

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

Councillor D F Saul entered the chambers at 9.05am.

General Manager, A V Burgess; Director Engineering, K J Finnie; Acting Director Environmental Services, R B Pitt; Director Corporate and Community Services, T I Hannam; Director Business Enterprises, G B Snape, Pat Hanrahan and Donna Pearson.



APOLOGY:

2004. 696

RESOLVED:

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

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



CONSIDERATION OF CONFIDENTIAL REPORTS

2004. 697

RESOLVED:

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

That the confidential reports be considered in the confidential section of the meeting and item GM9 - Director Environmental Services, be moved into the confidential section for the reason that it is a personnel matter concerning particular individuals (Local Govt Act Section 10A (2)(a)).



CONSIDERATION OF LATE REPORTS

2004. 698

RESOLVED:

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

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



At this stage 9.05am Councillor Saul entered the Chambers.

MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 14TH SEPTEMBER 2004

2004. 699

RESOLVED:

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

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 14th September 2004 be adopted, subject to the Question Without Notice number 1 from Councillor Green being amended to read:-

That the Director Environmental Services advised that in regards to the land cleared at South West Rocks, that on legal advice the issue would not be pursued through the legal processes.



PUBLIC FORUM

- 1 - Mr Kevin Sinclair addressed Council speaking against RM1 - Two Lot Subdivision Cyrus Saul Circuit.
- 2 - Mr Mike Dutton addressed Council speaking in favour of DES12 - South Kempsey Cellars.
- 3 - Mr Raymond Clarke addressed Council speaking in favour of DES13 - Dwelling, pool and shed - Sale Yards Road.
- 4 - Mr John Russell addressed Council regarding DCCS3 - Macleay Historical Society.



CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – REPORTS RM1, DES12, DES13 AND DCCS3.

2004. 700

RESOLVED:

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

That the reports dealt with in Public Forum be brought forward and dealt with immediately.

**RM1 TWO LOT SUBDIVISION – LOT 6 DP 832352 NO 42
CYRUS SAUL CIRCUIT
FILE: T6-04-356 DEC {Folio No. 283640}**

Notice is hereby given that we intend to move the following Rescission Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday 12th October 2004.

2004. 701 **RESOLVED:** *Moved: Cl. McWilliam
Seconded: Cl. Sowter*

That the resolution from the Works Committee Inspection held on 23rd August 2004 and adopted by Council minute number 2004.606 at Council's Extra Ordinary meeting on 24th August 2004 as printed below:-

"1. *Two Lot Subdivision – Lot 6 DP832352 No 42 Cyrus Saul Circuit, Frederickton
File T4-04-356*

That the proposal be refused due to

- (i) the negative impacts on the amenity of the area.*
- (ii) the safety concerns*
- (iii) the impacts of traffic, and*
- (iv) the noise impacts"*

be rescinded.

2004. 702 **RESOLVED:** *Moved: Cl. McWilliam
Seconded: Cl. Sowter*

1. That a further Works Inspection be held and all interested parties be invited to attend.
2. That the proposed fence height and profile be marked out prior to the inspection.

**DES12 RECONSTRUCTION OF LIQUOR STORE
LACHLAN STREET, SOUTH KEMPSEY
FILE: T6-04-16 DEC {Folio No. 283660}**

SUMMARY:

Reporting that Council has received an application to reconstruct South Side Cellars. The applicant has requested Council consider the Development Application and review the recommendations of Council's Traffic Committee adopted by Council at its meeting of 14th September 2004.



Applicant: Dutton Engineering Excellence
Subject Land: Lot 1 DP 337382
Owner: Barrohire Pty Ltd
Zone: 3A (Business (General 'A' Zone))

Proposed Development

The proposal involves the reconstruction and expansion of the Southside Cellars on Lachlan Street. [\(Appendix O\)](#)

Heads of Consideration

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

The Provisions of any Environmental Planning Instrument

The subject land is zoned 3(a) (Business (General) 'A' Zone) under Kempsey Local Environment Plan 1987 (KLEP). The objectives of the zone are:-

'to accommodate commerce, retailing and public administration development at accessible locations'

The proposal is permissible in the zone and it is considered that the proposed development is consistent with the 3(a) zone's objectives.

The proposal is consistent with Clause 33 of the KLEP in that the floor space ratio of the development is not greater than 2:1.

Under Clause 48 of the KLEP – Permissible Outdoor Advertising, '*signs located on shops, offices and other business premises, which are not in a conservation area*' do not require the consent of Council. The applicant has indicated that a number of signs will be placed on the building in 'Polystyrene Architectural Mouldings'. So as to prevent a proliferation of signs and to maintain the design of the building, it is considered reasonable to impose a condition restricting signage to the lower level panels with all other signage not to protrude from the building (see Visual Impacts).

Clause 38 of the KLEP relates to development along arterial roads. Under Clause 38:-

- '(1) *The Council shall not grant consent to an application to develop land which has a frontage to an arterial road unless, in the opinion of the Council –*
- a. *access to that land is provided by a road other than the arterial road, wherever practicable; and*
 - b. *the safety and efficiency of the arterial road will not be adversely affected by the development of that land by –*

- i. the design of the access to the land;*
- ii. the emission of smoke or dust from that land; and*
- iii. the nature, volume or frequency of vehicles turning to and from the arterial road to the access to the land.*

The proposal is to reconstruct and expand an existing building. The applicant has provided all access to the premises from the Pacific Highway via an unnamed laneway directly south of the building (between proposal and adjoining Caltex service station), satisfying Part (a) of Clause 38.

It is considered that the design of the access to the land from the laneway (directly off Pacific Highway) is preferable to the current arrangements. It is further considered that the proposal will not result in any adverse smoke or dust emissions from the land. It would not be unreasonable to expect an increase in traffic movements to a newer, larger building and any increase in floor area should be reflected by provision of one (1) additional off-street carpark. It is noted that both the Caltex service station and the current liquor outlet utilise the laneway (the laneway is not clearly delineated between the two properties), resulting in potential traffic conflicts between vehicles exiting the service station and entering the liquor outlet. It is considered that the proposal is an improvement to the current arrangements, however, like many premises fronting the Pacific Highway, the potential for traffic conflict still exists. The issue of 'access, parking and traffic' is further discussed below.

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

Potential Contamination

Although Council has no records relating to contamination of the land, prior to the establishment of the bottleshop in 1976, the premises was used as a service station. Whilst the use would represent a low risk, there is potential for adverse impacts in the event any underground tanks remain and are disturbed by construction activities or the building. In this regard, it is considered reasonable to require submission of a site investigation report confirming that the site does not contain any disused tanks. A validation report prepared by an accredited person confirming that the land is suitable for the intended use having regard to relevant DEC guidelines should also be provided prior to release of the Construction Certificate.

Access, Parking and Traffic

The proposal was forwarded to Council's Traffic Committee for comment in February 2004. The Committee recommended the following which was subsequently adopted by Council:-

1. 'That the Development Application not be approved and the applicant be asked to provide more detailed plans to incorporate the proposed changes by the RTA to traffic conditions on Lachlan Street, and that the plans show proposed traffic movements and swept paths of both parking vehicles and delivery trucks, and any conflict with pedestrians.

2. That the Development Application be forwarded to the RTA for comment.'

The applicant subsequently provided amended plans, which were forwarded to the Traffic Committee for comment in May 2004. At the May meeting the Traffic Committee recommended (adopted by Council):

1. That the developer submits amended plans rectifying the conflict occurring between vehicles and pedestrians at the front of the building.
2. That the developer submit amended plans for the off-street servicing of the loading docks'

The RTA representative at the May meeting advised that the RTA reiterated the above recommendation of the May meeting, in respect to the recommendation of the February meeting.

The applicant subsequently provided amended plans to be forwarded to the August Traffic Committee meeting. As a result of this meeting the Committee recommended (adopted by Council at its meeting of 14th September 2004):

1. That Council's Parking Code be amended to ensure that parking and vehicle manoeuvring is undertaken wholly on site.
2. That the laneway not be utilised for manoeuvring by customer vehicles.
3. That all direct access to the highway be removed.
4. That vehicle barriers be placed across the footpath.
5. That the area available for manoeuvring and unloading delivery vehicles be increased.

The applicant has subsequently requested that the Development Application be forwarded to Council for determination.

The applicant has indicated that 12 carparks (one disabled) will be provided on-site. However, as the loading dock requires manoeuvring over 6 of the 12 parks [\(Appendix P\)](#) it is considered that 6 parks have been effectively provided onsite and that all manoeuvring areas be clearly delineated and marked 'no parking'. Having regard for the five (5) spaces required for existing shop and the one (1) additional space required for the increased floor space, parking would still comply with Councils Parking Code.

The loading docks have been designed to accommodate a 12.5m rigid vehicle. Appropriate conditions should be included in any approval restricting larger vehicles. It is considered that the 5m provided on either side of an unloading truck within the building is enough room for a mechanical pallet jack to unload vehicles and a single row of standard pallets (1200mm) at either end of the storeroom.

Whilst access to the site by larger trucks would be difficult to police, such trucks could be used to service the existing development. In the event larger trucks were to be used which could not enter and exit the laneway in a

forward direction contrary to the terms of consent, Council could require modification of the building.

Both the *Model Provisions 1980* and Council's *Parking Code* require Council to consider whether vehicular access to a development is adequate, in terms of conflict management, parking, loading/unloading areas and entry/exit points. It is also considered reasonable to recognise the existing use of the building and any improvements made to it to manage any traffic impacts.

Development Control Plan 24 – Access and Mobility

The applicant has provided one disabled off-street carpark. It should be a condition of any approval that the proposed amenities be upgraded to cater for disabled persons in accordance with DCP 24 and the Building Code of Australia.

Visual Impacts

In response to concerns raised relating to the expanse of blank walls and the fact that the building will not contain any windows, the applicant has provided amended plans providing for rendering and painting of the front and part of the southern wall of the building. The northern and part of the southern walls are to be masonry block finish. In order to reduce visual impacts, these walls should be of at least painted finish. In addition, the applicant proposes fourteen (14) moulded advertising panels. Whilst no objection is raised to the ten (10) 1.2 metre x 1.7 metre panels at street level, the four (4), 1.8 metre x 4.2 metre panels are considered to be excessive if used for advertising. Whilst no objection is raised to the panels, a condition should be imposed preventing their use for advertising. [\(Appendix Q\)](#)

Public Exhibition

The development application was advertised in accordance with Council's Advertising Policy, with no objections being received.

Applicants submission

The applicant has made a submission in support of the proposal that may be summarised as follows:- [\(Appendix R\)](#)

Submission	Planning Comment
1 & 2 Amendment to Parking Code should not be retrospective to apply to manoeuvring on the laneway.	1 & 2 Councils Parking Code is not binding and it is considered that whilst in some circumstances manoeuvring on a roadway is inappropriate, each application should be determined on its merit.
3 Removal of direct access from Highway is unfair.	3 Removal of access to the footway area in front of the shop would remove current

		conflicts between vehicles and pedestrians.
		The applicant indicates in Point 1 that it is intended to relocate the parking spaces to the side of the building.
4	Where are barriers on footpath to go. Existing arrangements have not caused problems.	4 Unless bollards are placed across the footpath, patrons who are used to parking in front of the shop will continue to do so.
5	How much should the manoeuvring area be increased to serve the development.	5 The door to the storage area has been increased to facilitate delivery trucks which can manoeuvre in the laneway.

Acting Directors Comments

Whilst proposed access arrangements are not optimal, the proposal provides the opportunity to considerably improve the existing situation.

In addition to proposed arrangements, it is considered reasonable to require:-

- ***upgrading of the laneway to facilitate truck and car turning movements including drainage;***
- ***provision of a kerb along the southern edge of the laneway to rationalise access to both the proposed development and the Caltex Service Station;***
- ***placement of “No Standing” signs in the laneway;***
- ***removal/relocation of the storage container on the Caltex site (See Confidential Report DES1);***
- ***placement of bollards to prevent parking on the footway in front of the premise consistent with the type used by Council in town beautification works;***
- ***reinstatement of the kerb to prevent access by vehicles to the footpath from the north. See (Appendix S).***

Director Environmental Services Recommendation:

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

1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.

2 The building or portion of the building is not to be used or adopted for use as a residential flat building.

- 3 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.
- 4 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.
- 5 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 6 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
- 7 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.
- 8 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 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.
- 9 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 Installing a temporary structure on land.
 - b Carrying out water supply work.
 - c Installing, altering, disconnecting or removing a meter connected to a service pipe.
 - d Carrying out sewerage work.
 - e Carrying out stormwater drainage work.
- 10 Before work commences, the Council must be informed in writing of the name and contractor licence number of the

licensee who has been contracted to do or intends to do the work.

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

12 Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.

13 Compliance with the Building Code of Australia.

All building work must be carried out in accordance with the requirements of the (BCA).

A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

14 Submission of a Schedule of Finishes with the plans for the required Construction Certificate indicating the colour and type of all finished surfaces. All masonry walls shall be of at least painted finish, excluding walls proposed to be rendered and painted.

15 Access to the site for deliveries is to be confined to between 7.00 am and 7.00 pm daily.

16 The proprietor shall ensure that all loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property. In this regard, trucks shall access the laneway from the Pacific Highway in a forward direction, reverse into the building to unload and exit the laneway on to the Pacific Highway in a forward direction.

17 The six (6) carspaces shown on the development plans at the rear of the building are to be deleted from the plans for the required Construction Certificate. The area shall be suitably painted and sign posted "No parking". Details are to be provided with the plans for the required Construction Certificate.

18 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.

19 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.

- 20 Vehicle bollards are to be placed across the footpath along the prolongation of the southern boundary of the property. In this regard, the required bollards shall be consistent with those used by Council in town improvements works in Kempsey. Councils Director Engineering Services is to be consulted prior to commencement of any works, regarding the type and placement of bollards.
- 21 The kerb and gutter north of the pedestrian refuge is to be restored to the satisfaction of Council prior to release of the Occupation Certificate.
- 22 All internal parking and manoeuvring areas are to be concrete paved and clearly delineated. Details to be provided prior to the release of the Construction Certificate.
- 23 The plans for the required Construction Certificate are to include provision of disabled access in accordance with Councils DCP-24 Access and Mobility.
- 24 Loading and unloading areas within the building are to be clearly delineated and kept clear of obstructions.
- 25 Deliveries shall be by rigid vehicles not greater than 12.5 metres in length. Separate consent will be required to utilise larger vehicles.
- 26 All advertising shall be flush-mounted to the wall of the building within the proposed advertising panels at street level only, in accordance with those shown on the approved development plans.
- No advertising shall be placed on any other part of the building or on the panels located on the parapet walls, exclusive of a sign identifying the name of the premises.
- 27 The laneway servicing the development is to be upgraded to the furthest most point from Lachlan Street required for vehicle manoeuvring to access the site (including delivery vehicles). The upgrading shall comprise of a suitable asphalted concrete surface pavement and lay back. Details are to be prepared by a suitably qualified person and submitted with the required Construction Certificate. All works are to be completed prior to release of the Occupation Certificate.
- 28 Submission of a site investigations report confirming that the site does not contain any disused underground tanks likely to be affected by the development, prior to release of the Construction Certificate.

- 29 Submission of a validation report by a suitably accredited person confirming that the land is suitable for the development having regard to any potential contamination related to the previous service station prior to release of the Construction Certificate.
- 30 Construction of a 150mm high painted kerb along the southern boundary of the laneway from the Pacific highway so as to prevent access to proposed parking areas from the adjacent service station site. Details are to be provided with the plans for the required Construction Certificate.
- 31 Placement of “No Standing” signs along the southern side of the laneway. Details are to be provided with the plans for the required Construction Certificate.

2004. 703

RESOLVED:

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

- 1. That as a result of the concerns raised by the applicant’s consultant, this matter be subject of a Works Inspection to be held as soon as possible.
- 2. That all interested parties and a representative from the RTA be invited to attend the inspection.

**DES13 DWELLING, POOL AND SHED
SALEYARDS ROAD, WEST KEMPSEY
FILE: T6-04-470 DEC {Folio No. 283661}**

SUMMARY:

Reporting that Council has received an application to construct a dwelling, pool and shed in the Kempsey District Saleyards ‘buffer’ zone identified under Council’s Development Control Plan (DCP) 12 – Conflicting Land Uses.



Applicant: Mr R and Mrs R Clarke
Subject Land: Lot 76 DP 1071483 (Pt Lot 31 DP 1062980)
 Saleyards Road, West Kempsey
Owner: As above
Zone: 1(a3) (Rural “A3” Protection Zone)

Background

As part of the recent Bunya Pines residential subdivision, a State Environmental Planning Policy (SEPP) 1 – Development Standard objection was lodged to vary Council’s minimum allotment size (40Ha) in the 1(a3)

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zone so that the residue allotment from the subdivision (9.9Ha) enjoyed a dwelling entitlement. The Department of Infrastructure, Planning and Natural Resources (DIPNR) subsequently granted concurrence to the proposal. DIPNR's reasons for concurrence were:

1. 'The construction of a dwelling will allow efficient management of the land and maintenance of stock; and
2. The land is serviced and adjoins an approved residential subdivision.'

Council subsequently approved the subdivision. The dwelling entitlement provides the opportunity to make application to erect a dwelling and does not guarantee that an approval will be granted.

Proposed Development

The proposal involves the Construction of a dwelling, pool and shed. (*Appendix T*)

Heads of Consideration:

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

The Provisions of any Environmental Planning Instrument

The subject land is zoned 1(a3) (Rural 'A3' Agricultural Protection Zone) under the Kempsey Local Environment Plan 1987 (KLEP).

The objectives of the 1(a3) zone are:

- a. *'to conserve land particularly suitable for agricultural uses;*
- b. *to provide for compatible tourist uses; and*
- c. *to protect arterial road frontages from developments which are visually intrusive or which generate excessive traffic.'*

The proposal is permissible in the zone and it is considered that the proposed development is consistent with the 1(a3) zone objectives, subject to Council being satisfied that the dwelling will not conflict with adjoining agricultural uses.

The proposal is not contrary to any State Environmental Planning Policy or the North Coast Regional Environment Plan 1988. The proposal complies with Councils Building Alignment Policy, being setback 18m from Saleyards Road.

Flooding

The property is flood prone. The building has been sited on land above the 1 in 100 year flood level. The flood free land on the allotment is located between the existing dwellings on the corner of Saleyards Road and Kemp

Street and the Saleyards (*Appendix T*). The 'buffer' identified under Council's DCP 12 – Conflicting Land, affects all the area of the flood-free land.

The area to the south of the existing dwellings on the corner of Saleyards Road and North Street is outside the buffer, however, this area is affected by the 1 in 100 year flood and further investigations would need to be undertaken to determine the extent of fill required in order to comply with Council's Flood Risk Management Policy. (See Acting Director Comment)

DCP 12 – Conflicting Land Uses

Under DCP 12, the proposal falls in the identified 'buffer' zone for the Stock Saleyards (*Appendix U*). Under DCP 12, Council will not:-

'Consent to the erection of a dwelling on land within or affected by the buffer unless the dwelling is sited so as to minimise the potential impact of nuisance arising from the protected land use and proper consideration of measures to minimise conflict has taken place.'

Under DCP 12, nuisance emissions *'refers to emissions of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.'*

Noise

The applicant forwarded a copy of the development plans to acoustical consultants H. K. Clarke and Associates for comment in light of the location of the proposal to the Saleyards. H. K. Clarke and Associates have undertaken all the acoustical assessments for the Bunya Pines Subdivision, subsequent assessment on individual development within the subdivision and have undertaken a noise impact statement on the Saleyards for Council. After examining the development plans H. K. Clarke and Associates conclude that 'the design of the proposed residence conforms to the necessary conditions relevant to the acoustical environment of the area'. It was also recommended that:

- ***'Set plasterboard ceilings should be specified in all habitable areas.***
- ***Consideration should be given to extending the eastern wall of the garage in a southerly direction (single brick) for a distance of 3000mm as additional protection for the study, bedroom 3 etc.***
- ***The underside of the verandah should have an acoustical absorbent surface'***.

It is considered that the above recommendations should be included in any conditions of approval.

In the Noise Impact Statement prepared for Council, the consultants used a sampling/monitoring point at the corner of Saleyards Road and North Street (15m south of the proposed dwelling and 200m from the Saleyards). At this location the consultants concluded 'it is our opinion that, generally, cattle noise at this location would not exceed the EPA's

night Project Specific Noise Level (PSNL) by more than 5dB(A)' (It is noted that the dwellings directly east of the Saleyards (80m distance) were subject to noise greater than the night PSNL by 5dB(A)).

Considering that the H. K. Clarke and Associates have undertaken all noise assessments at the locality, and there is no evidence of discrepancy with the Noise Impact Statement prepared for Council, it is not considered necessary to request further detailed acoustical assessment for the proposal. In this regard, it is considered unlikely that the proposal would result in any significant additional impacts/complaints as a result of noise emanating from the Saleyards activities.

Odour

Odour from the saleyards is a potential 'nuisance' emission that could impact on the proposal. The applicant was requested to provide an odour assessment, in accordance with DEC guidelines, demonstrating that the proposed development would not be adversely affected by reason of odour. The applicant has requested Council consider the proposal based on a submission (Appendix V) focusing of the following:

- *Lack of any documented complaints (resident living on the corner of Saleyards Road and North Street has signed a letter stating that there have been no unreasonable odour impacts from the Saleyards (Appendix V).*
- *Total number of sales does not exceed forty.*
- *Odour management practises at the Saleyards (washing)*
- *The new truck wash facility will manage effluent more efficiently and be located further away from the proposal*
- *Wind rose demonstrate (Appendix V) that northerly winds account for only 3% at the site.*

From the applicants submission it is considered unlikely that the proposal would result in any significant additional impacts/complaints as a result of odour emanating from the Saleyards activities.

Contamination

It is noted that a second, smaller, 'buffer' zone is located around the Saleyards and affects the property, being the former cattle tick dip site at the Saleyards (Appendix W). However, the proposed dwelling, shed and pool are to be constructed outside this buffer. Taking into account the topography of the land, minimal amount of excavation, low density of development, and decommissioning of the tick dip site, is not considered necessary to require a geotechnical/contamination assessment for the proposal.

Acting Directors Comment

It should be noted that the buffer zone under DCP 12 is arbitrary and does not affect properties east of the railway line. This resulted from Councils decision

not to burden affected properties with the required notation on zoning certificates.

As a result, there at least fifteen (15) existing dwellings which are closer to the saleyards than the proposed dwelling that are unaffected by the buffer.

Having regard to the topography of the area and the distribution of wind direction, it is unlikely that the proposed dwelling would be subject to any potential odour greater than existing dwellings.

The noise assessment also indicates that the dwelling would be subject to less noise than existing dwellings.

Whilst the proposed dwellings would increase the potential for complaints relating to the operation of the saleyards, that risk relative to the existing risk would be low. However, no guarantee can be given that the future occupants would not have cause to complain.

Director Environmental Services Recommendation:

That consent be granted subject to the following conditions:-

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.**
- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.**
- 5 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.**
- 6 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.**
- 7 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 Installation of builder's toilets
 - d 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.
- 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 Installing a temporary structure on land.
 - b Carrying out water supply work.
 - c Installing, altering, disconnecting or removing a meter connected to a service pipe.
 - d Carrying out sewerage work.
- 9 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.
- Details are to be submitted to Council prior to work commencing.
- 10 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.
- 11 Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.
- 12 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.
- Note: Clause 78 I requires that the toilet must be provided before any work is commenced.
- 13 Compliance with the Building Code of Australia.

All building work must be carried out in accordance with the requirements of the (BCA).

A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

- 14 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided.
- 15 Building materials are not to be stored within the road reserve or any other public place.
- 16 Excavated material from the site is not to be placed within the road reserve or any other public place.
- 17 A Survey Certificate is to be submitted upon completion of the formwork prior to pouring concrete to ensure that the finished floor level is at or above 8.1 metres A.H.D.
- 18 Provision of a physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways prior to occupation of the premises. Details are to be provided with the plans for the Construction Certificate.
- 19 Roofwaters are to be discharged 3 metres clear of the building with measures incorporated at the discharge point to prevent erosion.
- 20 Submission of a detailed landscaping plan providing for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing the landscaping beds prior to release of the Construction Certificate.
- 21 Soil Erosion control measures are to be implemented on the site. The control measures shall be in accordance with Council's Guidelines - Preparing an Erosion and Sediment Control Plan. The Control Plan is to be submitted and approved prior to release of the required Construction Certificate.
- 22 The plans for the required Construction Certificate are to include calculations of the amount of cut and the amount of fill.

In the event additional fill material is required, details of the source of material are to be provided.

If an excess of earth will result, details of the means of disposing of all material are to be provided. Depending on the amount of any excess, Council may require lodgement of a cash bond to

cover the cost of any damage to Council's road system caused by haulage.

- 23 The plans for the required Construction Certificate are to include an energy scorecard for the proposed dwelling complying with Councils Development Control Plan 31 – Energy Smart Homes.
- 24 Any necessary alterations to sewer or water services are to be met by the applicant/owner.
- 25 Set plasterboard ceilings are to be fitted to all habitable rooms.
- 26 The eastern wall of the garage is to be extended in a southerly direction for 3000mm (single brick).
- 27 The underside of the verandah is to have an acoustical absorbent surface. Details of such surface are to be included in the plans for the required Construction Certificate.

2004. 704

RESOLVED:

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

That this matter be the listed for a Works Inspection.

DCCS3	REVIEW OF RENT MACLEAY RIVER HISTORICAL SOCIETY
FILE: H5-2 TIH	{Folio No. 283693}

SUMMARY:

Reporting on the rent review for the Macleay River Historical Society.



Council had negotiated an annual rent of \$352.00 per week with a subsidy of \$32.00 per week for 2002 and had anticipated that this amount would continue for 2003 and 2004.

During 2003 and 2004 the Historical Society has really struggled financially and have not been able to negotiate a higher charge for their visitors nor for the amount payable by the Visitor Information Centre for their manning of the centre on weekends.

The Society's main costs are electricity and Council's rent. They do not have funds for other purposes except for successful grants for specific projects.

The Historical Society advise that \$260.00 per week is the absolute maximum that they can afford. If Council is of a view to further subsidise the rent to an equivalent of \$260 per week an amount of \$60 per week (\$3,120

per annum, \$6240 2003 and 2004) is needed, however, the CDSE committee has made a grant of \$2,000 leaving \$4,240 to be appropriated.

It is anticipated that the loan repayment component of the rent will finish at the end of this calendar year and a new basis for the calculation of the rent based on maintenance costs will need to be negotiated, however, this is not seen as being any less than \$260 per week to cover the management of the asset.

Financial implications:

The subsidy of \$1664 per annum is accounted for in the 2003 and 2004 budgets. However, the desired additional amount of \$4,240 additional will mean other donations will not be able to continue at the previously donated amounts.

Social Impact:

The Macleay River Historical Society plays a very important role in preserving the history of the Valley and the interest of the volunteers and their enthusiasm is encouraged if they know they have the support of Council and do not have to worry about where the next dollar is coming from to ensure their survival.

Environmental and Sustainability Impacts:

The maintenance of the physical infrastructure and the collection as an attraction to the valley is very important and to sustain these assets it is imperative that the work of the members of this 355 Committee is encouraged and assisted as much as possible by Council. By ensuring the financial viability of the Committee Council and the Community can only benefit.

Director Corporate And Community Services Recommendation:

1. That the rental of \$352.00 per week (exclusive of GST) for 2003 and 2004 calendar years be adopted.
2. That the donation to subsidise the rent to an equivalent of \$320.00 (GST exclusive) i.e. \$1664.00 per annum be made for 2003 as provided in the budget.
3. That a one off donation be made in 2004 of \$5,904 (\$1,664 and \$4,240).
4. That rent based on a new formula be negotiated for the calendar year 2005 when the loan is repaid but with a starting figure of not less than \$260.00 per week.

2004. 705

RESOLVED:

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

That this matter be deferred to allow a further report on the financial information held by the Macleay River Historical Society relating to the Museum building.



ADOPTION OF AGENDA ORDER OF BUSINESS

2004. 706

RESOLVED:

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

That the Agenda Order of Business be adopted.



MAYORAL REPORT

M1	VERGE STREET OVAL CRICKET NETS		
	FILE: R3-20 JACH	COPY APC	{Folio No. 283635}

SUMMARY

Reporting on the replacement of netting on the Verge Street Oval Cricket nets.



The netting on the Verge Street cricket is in very poor condition and constitutes a risk to users and members of the public.

It is proposed that the existing netting be removed and that the structure be replaced with a new design which will make the nets less likely to be vandalized and pose a significantly lower risk to the very many members of the public and to players practicing in them.

The Macleay Valley Cricket Association will contribute the labour required to install the nets and make a commitment to assist with future maintenance requirements.

It should be noted that Council currently has no allocation dedicated to the maintenance and upkeep of cricket nets and that this lack of funding has considerably shortened the lifespan of cricket nets throughout the Shire.

Financial Implications

The financial implications for Council would be the allocation of \$10,000.00 in Section 94 contributions towards the construction of new cricket nets at Verge Street Oval.

Other Implications

There are no other implications arising from this report.

Mayoral Recommendation:

That Council allocate \$10,000 of Section 94 funds towards the construction of new cricket nets at Verge Street Oval.

2004. 707

RESOLVED:

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

That the existing cricket nets at Verge Street be removed and discussions be held with the Kempsey District Cricket Association regarding provision and site of appropriate cricket facilities.

MAYORAL SUPPLEMENTARY REPORT

M2 (SUPP.)	RE-ELECTION OF LOCAL MEMBERS FILE: E5-2	JACH	{Folio No. 283930}
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SUMMARY

To congratulate our Local Members on their re-election.



The Federal Election was held on the 9th October. The Hon. Mark Vaile, MP was re-elected as the Member of Lynne and Mr Luke Hartsuyker, MP was re-elected as the Member for Cowper.

Social Implications
Nil

Financial Implications
Nil

Environmental Implications
Nil

2004. 708

RESOLVED:

*Moved: Cl. Hayes
Seconded: Cl. Bowell*

That the Hon. Mark Vaile, MP and Luke Hartsuyker, MP be congratulated on their re-election to the House of Representatives.

M3 (SUPP.)	LGA 2003 MOTIONS FILE: C11-4	JACH	{Folio No. 283931}
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SUMMARY

To advise Council of the action taken on Council's motions to the 2003 LGA Conference.



Council presented three motions to the 2003 Local Government Association Conference held in Albury.

Action taken by the LGA to date is as follows:-

61 – KEMPSEY

That the State Government be requested to compensate with no impact on the budgets of Aboriginal Land Councils those councils which were financially disadvantaged by the amendment to the Aboriginal Land Rights Act 1983 which came into force on 25th October 2002.

The Association took part in an urgent meeting with stakeholders in this issue convened by the Department of Aboriginal Affairs. The Association was critical of the handling of this matter and in particular, the lack of consultation with local government and the NSWALC.

The Association made representations to the government requesting compensation to Aboriginal Land Councils on the basis that the government had badly handled the issue.

131 – KEMPSEY

That the Local Government Association make representations to both the Commonwealth and State Governments to ensure the continuance of funding for the upgrade of the Pacific Highway beyond 2006 along with increased funding for other highways in accordance with Association policy.

Motion conveyed to Minister for Roads (NSW) and Minister for Transport and Regional Services (Federal). Reply received from NSW Parliamentary Secretary for Roads:

- NSW Government is committed to developing the whole Pacific Highway as a dual carriageway route
- Under the current 10 year program the Government will spend \$160m per year improving the Pacific Highway
- The State Government has previously announced that it will continue its commitment to the upgrading program beyond 2006, and is looking to the Federal Government to at least match the NSW commitment

Reply received from the Federal Minister for Roads:

- Pacific Highway is a State road and funding is therefore a State Government responsibility
- However the Federal Government recognises the importance of upgrading the road and has committed \$600m over 10 years as a Road of National Importance

- While acknowledging that there is still considerable work to be done, the question of further Australian Government funding for the Pacific Highway will be considered closer to the completion of the current program in 2006.

177 – KEMPSEY

That representation be made to the Minister for Local Government to have approvals for Onsite Sewerage Management Systems (OSMS) issued to a property rather than a person and that 149(5) Certificates be compulsory in property purchases along with Section 88b instruments on title.

Letter sent to Department of Local Government 6 January 2004. To date there has been no response received from the Department and representations are still continuing.

Social Implications

Nil

Economic Implications

Nil

Environmental Implications

Nil

Mayoral Recommendation:

That the information be noted.

2004. 709

RESOLVED:

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

That the information be noted and Council appoint Councillor McWilliam as its second voting delegate to the 2004 Local Government Association Conference.

NOTICE OF MOTION

NOM1	COUNCIL FLEET VEHICLES		
	FILE: P6-2	GBS (NRN)	{Folio No. 283636}

Notice is hereby given that I intend to move the following motion at the Ordinary meeting of Council scheduled for Tuesday 12th October 2004.

"That all Council Fleet Vehicles not used for a registered wage agreement be fitted with an asset number and a Council Logo."

.....
MAYOR

.....
Councillor Gribbin

2004. 710

RESOLVED:

*Moved: Cl. Gribbin
Seconded: Cl. Sowter*

That all Council Fleet Vehicles not used for a registered wage agreement be fitted with an asset number and a Council Logo.



The following item was withdrawn at the request of Councillor Gribbin.

NOM2	KEMPSEY SALE YARDS FEASIBILITY STUDY
FILE: S1-2	GBS {Folio No. 283637}

Notice is hereby given that I intend to move the following motion at the Ordinary meeting of Council scheduled for Tuesday 12th October 2004.

"That Council engage a consultant to conduct a feasibility study or audit into the Kempsey Sale Yards. To determine if the complex returns a reasonable income from the monies allocated to its operation. Due to the proximity of recent housing developments in this area the study / audit is to include an investigation into the noise and pollution generated by this operation".

.....
Councillor Gribbin

NOM3	MANAGEMENT PLANS FOR WETLANDS
FILE: FM500	RBP {Folio No. 283638}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 12th October 2004.

***"That the Acting Director of Environmental Services prepare an estimate of cost for the appropriate Management Plan for the Wetlands within Kempsey Shire
That the cost of such Management Plan be included in the Draft 2005/6 Budget for Consideration"***

NOTES:

There are two areas, both at South West Rocks, which are identified as Zone 7(a) Wetland Protection.

.....
MAYOR

The committee established to review the L.E.P. provisions for the area south of Crescent Head were advised of an area of Wetland situated generally west of Point Plomer Road. The land is not zoned 7(a) under the current L.E.P.

Council's draft Ecologically Sustainable Development Policy includes:

"Investigate and adopt methods to identify current and potential social and environmental impacts, and the value of social and environmental resources"

Whilst development is occurring, there is increasing pressure being placed on our identified natural resources.

Wetlands can be sensitive to the impacts of change.

It is essential that development be successfully tailored to reduce and manage impact on Wetlands.

To manage such potential impacts a Management Plan is essential.

.....
Councillor **Bowell**

2004. 711

RESOLVED:

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

That the Acting Director of Environmental Services prepare an estimate of cost for the appropriate Management Plan for the Wetlands within Kempsey Shire

That the cost of such Management Plan be included in the Draft 2005/6 Budget for Consideration.



The following item was withdrawn at the request of Councillor Saul.

NOM4	INDEPENDENT STUDY FOR FLOODPLAIN
FILE: FM500 KJF	{Folio No. 283639}

Notice is hereby given that I intend to move the following motion at the Ordinary meeting of Council scheduled for Tuesday, 12th October 2004.

"That Council undertake to engage a consultant suitably qualified in Hydrology and Flood Modelling to obtain a independent study for the floodplain of Kempsey Shire"

.....
Councillor **Saul**

RESCISSION MOTION

The Rescission Motion was dealt with earlier in the meeting just after PUBLIC FORUM.



PRESENTATION

At this stage 10.30am the Mayor announced that Ms Sue Paterick had recently tendered her resignation from the Macleay Argus and today is attending her final Council Meeting as reporter and a presentation of flowers was made to Ms Paterick on behalf of Council.



At this stage 10.35a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.04 a.m. all present at the adjournment were in attendance.

DIRECTOR ENVIRONMENTAL SERVICES REPORT

Councillor Hunt declared an interest in the following item for the reason that he is on the board of Akubra Hats which utilizes rabbit pelts and retired from the Chamber.

DES1	INTENSIVE ANIMAL HUSBANDRY – RABBIT FARM YARRABANDINNI ROAD, FREDERICKTON FILE: T6-04-439 DEC	{Folio No. 283641}
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SUMMARY:

Reporting that Council has received an application to establish a rabbit farm for which an objection has been received.



Applicant: Dutton Engineering Excellence
Subject Land: Lot 224 and 228 DP 752437,
Yarrabandinni Road, Frederickton
Owner: Mr B Delander
Zone: 1(a3) (Rural "A3" Protection Zone)

Proposed Development

The proposal involves the establishment of a 'dry' rabbit farm (New Zealand Whites) within an existing shed. Initial numbers of rabbits are in the order of 150 with a maximum capacity of 500. ([Appendix A](#))

Heads of Consideration

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

The Provisions of any Environmental Planning Instrument

The subject land is zoned 1(a3) (Rural 'A3' Agricultural Protection Zone) under the Kempsey Local Environment Plan 1987 (KLEP).

The objectives of the 1(a3) zone are:

- a. *'to conserve land particularly suitable for agricultural uses;*
- b. *to provide for compatible tourist uses; and*
- c. *to protect arterial road frontages from developments which are visually intrusive or which generate excessive traffic.'*

The proposal may be defined as "intensive animal husbandry" and is permissible in the zone. It is considered that the proposed development is consistent with the 1(a3) zone objectives.

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

Flooding

The shed has been sited above the 1 in 100 year flood level.

Traffic

A portion of Yarrabandinni Road is not sealed. The applicant was requested to provide details on vehicle movements anticipated to and from the rabbit farm (deliveries, pick ups etc). The applicant subsequently advised that the following traffic movements were likely:

- One quarterly delivery of food.
- Every six weeks rabbits would be taken off-site in a standard utility to be processed.

Due to the minimal amount of vehicle movements to the proposed facility it is considered that Section 94 contributions are not warranted. However, any approval should limit the number of rabbits (500) and vehicle movements so that any future expansion would require further development consent, at which time, traffic movements can be reassessed.

Waste

As the proposed facility is a 'dry' rabbit farm (no concrete floor and hence no flushing required), minimal amounts of effluent result. Any effluent produced in 'dry' systems is absorbed in manure. According to NSW Agriculture's 'Rabbit Farming: Planning and Development Control Guidelines':-

- Manure should be collected every few weeks

- Stockpiles of manure are to be kept dry
- Manure stockpiles should be bunded by impervious materials

Any approval should include conditions addressing the above. The applicant has advised that stockpiled manure will be applied as fertiliser and sold to local nurseries.

The applicant has advised that dead animals will be disposed of daily at the Crescent Head landfill. In the event of mass fatality, the applicant has advised that secure impervious pits will be constructed on-site for burial.

Odour

The proposal has the potential to result in impacts by reason of odour. According to NSW Agriculture, ammonia in rabbit waste can result in significant odour, particularly in 'wet' farms with concrete floors during hot weather conditions. Furthermore, NSW Agriculture recommends 'dry' farms be located greater than 60m from adjoining dwellings (150m for 'wet') and 50m from watercourses. As proposal is a 'dry' farm and is located approximately 200m from an adjoining dwelling and the nearest watercourse it is considered that odour can be effectively managed on-site.

Noise, Lighting and Visual

The proposal does not involve excessive noise or lighting. It is considered that a large shed is consistent with the rural zoning. However, to alleviate any visual impact on the neighbouring property, it is considered reasonable to include the landscaping of the southern boundary with suitable tree/shrub species in any conditional approval.

Public Exhibition

The development application was advertised in accordance with Council's Advertising Policy, with one objection being received [\(Appendix B\)](#). The objection can be summarised as follows:

Objection	Planning Comment
The rabbit farm will result in odour impacts on my residence, particularly from northerly winds.	Refer to 'Odour' comment.
Vermin will be attracted to the rabbit farm.	Any condition of approval should require the shed, waste stockpiles and food to be managed free of vermin.
The proposal will generate excessive traffic, resulting in dust impacts and deterioration of road.	Refer to 'Traffic' comment.
	The small number of vehicle movements required for the proposed development is

The proposal will devalue my property.

unlikely to result in unacceptable adverse dust impacts or deterioration of road.

The proposal is permissible in the rural zone and any impact on surrounding property prices is speculative.

2004. 712

RESOLVED:

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

- A. That consent be granted subject to the following conditions:-**
- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
 - 2 The number of rabbits kept on the premises is to be limited to 500. Any increase in numbers will require the consent of Council.**
 - 3 Traffic movements to the premises for the purposes of delivery/pick up of food and rabbits is to be limited to quarterly deliveries of food and transportation of rabbits in a standard utility vehicle.**
 - 4 All manure and waste is to be collected and regularly removed from the premises. Waste/manure is not to “run-off” the shed floor.**
 - 5 Manure stockpiles are to be bunded by impervious material and kept dry and free of vermin.**
 - 6 The shed is to be managed to eliminate any vermin.**
 - 7 Rabbit food is to be kept dry and managed free of vermin.**
 - 8 Dead animals are to be disposed of daily or frozen and disposed of at a later date at Council’s Central Waste Disposal Depot. In this regard, written confirmation of Councils requirements is to be obtained prior to commencement of the use.**
 - 9 In the event of a mass fatality, rabbits are to be disposed of in accordance with NSW Agriculture’s “Rabbit Farming - Planning and Development Control Guidelines”.**
 - 10 The allotment boundary to the south of the premises is to be landscaped with suitable tree/shrub species, endemic to the area.**

- B. That the objector be advised of Councils decision.

Councillor Hunt returned to the Chambers.

DES2	DEVELOPMENT CONTROL PLAN 22 – LOCAL HOUSING STRATEGY	{Folio No. 283642}
	FILE: T4-90 PMK	

SUMMARY:

Reporting on the commencement of a review of *DCP 22 - Local Housing Strategy* to include special provisions for Crescent Head.



DCP 22 applies to the urban areas of Kempsey Shire focusing on land zoned 2 (residential) or 3 (business). In particular it provides development standards for proposals for medium density development (cluster housing, dual occupancy, multiple dwellings and residential flat buildings).

The current version of DCP 22 which applies to the whole Shire, was approved by Council in 1996, and reviewed in 2003 by a committee of South West Rocks residents to identify landscape protection and design considerations for South West Rocks.

A similar committee is proposed to look at a new section to provide for the special requirements of Crescent Head.

The establishment of a local community committee to undertake the review will ensure that the local concerns are considered.

Whilst 6 community representatives were appointed for the South West Rocks Review, both the amount of development and population in Crescent Head is less and it is considered that a committee comprising 4 community and 2 Council representatives would be adequate.

2004. 713

RESOLVED:

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

- A. That Council call for expressions of interest for 4 community representatives to serve on a committee to assist Council in a review of DCP 22- Local Housing Strategy, to identify landscape protection and design considerations for Crescent Head.
- B. That Council nominate two (2) Councillors to sit on the Committee.

2004. 714

RESOLVED:

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

That Councillors Green and Walker be appointed to the Committee.

Council at its extraordinary meeting of the 24th August 2004 reviewed unexpended funds from 2003/4 and its current budget and deferred the rate of \$100,000 for South West Rocks Masterplan works for 2004/5.

The Committee, at its meeting of 28th September [\(Appendix C\)](#) resolved that Council be requested to reinstate the funding for this financial year and give a firm commitment for expenditure for future years in accordance with the programme below.

- (i) Footpath upgrade, Memorial Avenue, eastern side Livingstone to Paragon Avenue. (ie, from Boomerang Flats to Paragon Avenue \$20,000)
- (ii) Footpath Upgrade Memorial Avenue, western side Paragon Avenue to Landsborough Street - \$30,000
- (iii) Footpath upgrade Memorial Avenue, eastern side Paragon Avenue to Landsborough Street - \$30,000
- (iv) Footpath improvements, Prince of Wales Avenue - \$30,000
- (v) Landscaping – Livingstone Street -\$20,000

To achieve this Council will need to resolve as follows:

1. That resolution 2004.603 from the Council meeting held on 24th August 2004 as follows:

That Council allocate the following funds from the reduction in revenue works identified in the General Manager's report:

- \$400,000 for roads maintenance
- \$40,000 for economic development
- \$30,000 for Trial Bay Creek Bridge plus \$100,000 from reserve funds
- \$35,000 for Crime Prevention
- \$101,500 for saleyards OH&S matters plus \$50,000 from loans funds
- \$100,000 for Kempsey 25 metre pool works
- \$15,000 for public relations
- \$75,000 for town improvement works
- \$40,445 for Tanban Road

That the remaining reduction in General Fund revenue works be used to increase Council's working funds balance.

That Council's 2004/5 General Fund loan borrowing program be reduced by the reduction in loan expenditure.

That the revenue savings in Sewerage Fund be transferred to the Sewerage fund Augmentation reserve.

That \$100,000 be transferred to the Employee Leave Entitlements Reserve from the working funds balance.

Be rescinded.

2 That Council allocate the following funds from the reduction in revenue works identified in the General Manager's report:-

- \$100,000 for South West Rocks Masterplan Implementation
- \$300,000 for roads maintenance
- \$40,000 for economic development
- \$30,000 for Trial Bay Creek Bridge plus \$100,000 from reserve funds
- \$35,000 for crime prevention
- \$101,500 for saleyards OH&S matters plus \$50,000 from loan funds
- \$100,000 for Kempsey 25 metre pool works
- \$15,000 for public relations
- \$75,000 for town improvement works
- \$40,445 for Tanban Road

That the remaining reduction in General Fund revenue works be used to increase Council's working funds balance.

That Council's 2004/05 General Fund loan borrowing program be reduced by the reduction in loan expenditure.

That the revenue savings in Sewerage Fund be transferred to the Sewerage fund Augmentation reserve.

That \$100,000 be transferred to the Employee Leave Entitlements Reserve from the working funds balance.

It is intended to submit a Recission Motion to the November meeting of Council.

That the information be noted.

DES5	PROPOSED SUBDIVISION, OLD STATION ROAD DEVELOPMENT CONTROL PLAN No 6 FILE: T6-04-15 AJC	{Folio No. 283645}
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SUMMARY:

Reporting on a proposal to subdivide Rural Smallholdings zoned land at Old Station Road, Kempsey.



Applicant : Mr PW and VM Zandvliet

Subject Land: LOT 1 DP581868, 372 Old Station Road, Kempsey

Background

Council at its meeting of the 15 July 2004 resolved "that this matter be deferred until a recommendation is received from the Local Traffic Committee". A copy of this report is appended to this report as [\(Appendix D\)](#).

The recommendations of the Local traffic Committee adopted by Council were as follows: -

1. *That a temporary single access be permitted for the 3 proposed lots subject to the access complying with sight distance requirements and minimum type A widening be provided.*

That Council review the development control Plan 6 to provide one access road only from Old station Road.

That the RTA be requested to reduce the speed limit along the sealed section of Old Station Road to 80 Km/hr.

That the unsealed section of Old Station Road and Verges creek Road be derestricted.

A copy of these recommendations is appended to this report as [\(Appendix E\)](#)

Proposal

The proposal is to subdivide the lot 1 DP 581868 into 15 rural residential allotments.

A plan showing the proposed revised subdivision layout pattern and transport links with adjoining allotments will be tabled at the meeting.

Planning comment

In determining this Development Application the following matters are of relevance to the development the subject of the development application: -

- *The proposal does not comply with all the objectives of the Old Station Road Development Control Plan No. 6. The proposed subdivision pattern does not allow for practical transport links with likely future development on adjoining property. (15 July 2004 meeting)*

The applicant has now revised the development plan and produced a plan that shows practical transport links to property to the west of the subject land (Notleys) with direct frontage for future lots on adjoining property to the east. The Director of Engineering recently advised that the amended proposal provides for practical transport links to adjoining property.

- *The proposed intersection of the new internal road with Old Station Road does not comply with Councils Development Control Plan No. 36 Engineering Guidelines for Subdivision*

and Development for intersections at grade. There is insufficient sight distance available for the 100km/hr speed limit, which currently applies to this section of Old Station Road. (15 July 2004 meeting)

The Safe Intersection Sight Distance requirement for this road junction for 100km/hr is 275metres (Austroads Intersections at Grade). The available sight distance is approximately 240 metres. The Director of Engineering advise is that Council accept the existing available sight distance on the basis that this is a good location for a future intersection, that a reduction in the speed limit to 80km/hr has been recommended to the Roads and Traffic Authority and it will provide more practical transport links to this rural residential area.

- *The Kempsey Local Environmental Plan 1987 Clause 12 requires not less than 1000 square metres in each proposed lot to be outside the limit of the 1 in 100 year Flood and that the lots are not subject to an unacceptable risk from localised flooding during the 1 in 20 year storm event.*

The extent of flooding during the 1 in 100 Flood event on the proposed southern two lots located at the head of the cul de sac has not been determined by the applicants to date.

The applicant has now lodged a survey of the lower portion of the property at the southern boundary. The Surveyors report clearly shows that the 1 in 100 year flood from the Macleay River does not affect the subject portion of land.

- *To date, all subdivision approvals in this sector of the catchment have been approved in accordance with the Old Station Road Development Control Plan No. 6 (DCP 6). As stated previously one ten lot development has been approved and has commenced and the other a boundary adjustment where no additional allotments were created.*

Other matters dealing with such subjects as bushfire (NSW Rural Fire Service has issued a conditional approval) and flora and fauna can be accommodated in any conditional development consent issued by Council.

2004. 717

RESOLVED:

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

- A That the applicant be advised that Council will approve of the proposed revised subdivision in two stages, subject to the following conditions,**
- 1 The development referred to in this application is to be carried out substantially in accordance with the approved amended Development Plan and as modified by any conditions of this consent.**
 - 2 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction**

Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.

- 3 Two days prior to commencing work Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council pursuant to the provisions Environmental Planning and Assessment Act Regulations.

- 4 A suitable restriction as to user is to be created over the title of all the proposed allotments in this stage of the development restricting treatment of effluent generated onsite to a Aerated Wastewater Treatment System designed in accordance with AS/NZ 1547-2000 Onsite Domestic Wastewater Management and having regard for the contents of the Mid Coast effluent disposal evaluation of February 2004.

The restriction is to be clearly identified on the plan of subdivision. Council is to be nominated as the sole party to vary, modify and or extinguish the restriction.

- 5 In addition to the requirement of the NSW Rural Fire Service (as detailed in condition 30 of this consent) the following additional requirements shall be met prior to the release of the Subdivision Certificate: -

- a) The creation of a suitable restriction as to user over the titles of all the lots in this stage of the development allowing for the creation and maintenance of the required Bushfire Asset Protection Zones, Separation area distances and Setbacks as depicted in Appendix 5 of the Bushfire Risk Assessment dated 12 February 2004.

The restriction is to be clearly marked on the plan of subdivision.

Kempsey Shire Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

- b) The creation of a suitable restriction as to user binding successive owners of proposed lots 2 to 7 in this stage of the development to maintain the prescribed fuel free condition as recommended in the Bushfire Risk Assessment dated 12 February 2004, until the lots are developed.

The restriction is to be clearly marked on the plan of subdivision.

Kempsey Shire Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

- c) The required permanent fire trail, where it traverses the lots in this stage of the development is to be wholly located within a suitable right of carriageway of sufficient width to allow construction and ongoing maintenance by successive owners in favour of each other owner and give unrestricted access to the NSW Rural Fire Service.

The restriction is to be clearly marked on the plan of subdivision.

Kempsey Shire Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

- d) The required temporary fire trail, where it traverses proposed lot 7 in this stage of the development is to be wholly located within a suitable right of carriageway of sufficient width to allow construction and ongoing maintenance by successive owners in favour of each other owner and give unrestricted access to the NSW Rural Fire Service until Stage 2 of the development has been completed, at which time it will cease to exist.

The restriction is to be clearly marked on the plan of subdivision.

Kempsey Shire Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

- e) Submission of a suitable restriction over the title of all proposed lots in this stage of the development allowing for provision of the following: -

- (i) Council will not approve dwellings on the affected allotments unless an Individual Bushfire Assessment prepared by a suitably qualified consultant having had regard to the requirements contained in, *Planning for Bushfire Protection 2001* and *AS3959 Construction of Buildings in Bushfire Prone Areas* is to accompany any application to construct a dwelling(s) on the proposed lots.

The restriction is to be clearly marked on the plan of subdivision.

Kempsey Shire Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

- f) Submission of a suitable restriction over the title of the proposed residual allotment in this stage of the development allowing for provision of the following: -

- i) To ensure ongoing hazard reduction is undertaken by the successive property owners of the residual

allotment (proposed lots 8 to 15) until Stage 2 of the development has been completed, at which time this component of the restriction will cease to exist.

- ii) Provision of a 30 metre wide Asset Protection Zone within proposed lot 8 for the full length of the common boundary with proposed lot 7 until Stage 2 of the development has been completed, at which time this component of the restriction will cease to exist.

The restriction is to be clearly identified on the plan of subdivision. Council is to be nominated as the sole party to vary, modify and or extinguish the restriction.

A copy of this restriction is to be lodged with Council for approval prior to Council issuing the Subdivision Certificate.

- 6 Submission of an appropriate restriction as to user, binding successive owners of all the proposed lots in this stage of the development, to be placed over the title of the proposed allotments in this development allowing for provision of the following and having regard to the recommendations of the Ecological Assessment and the Bushfire Assessment prepared by North Coast Forestry and Ecological Services, dated 27 November 2003 and : -

- (a) All senescent (old) eucalypt trees, mature Allocasuarina trees, identified habitat trees and existing trees with hollows are to be retained.
- (b) All boundary fencing in this stage of the development is to be of materials that will allow the free movement of mammals, i.e. plain wire no barbed wire or netting on lower wires.
- (c) Where existing vegetation is to be removed, other areas are to be planted out with endemic native species.

The restriction is to be clearly identified on the plan of subdivision. Council is to be nominated as the sole party to vary, modify and or extinguish the restriction.

A copy of this restriction is to be lodged with Council for approval prior to Council issuing the Subdivision Certificate.

- 7 Applicant is to submit with the final plan of subdivision copies of any instruments under Section 88B or E of the Conveyancing Act 1919 relevant to any restrictive covenants, assessments or rights of way created by or affected by this subdivision.
- 8 Submission of an application for Subdivision Certificate pursuant to Section 4A of the Environmental Planning and Assessment

Act 1979, which authorises the registration of the plan of subdivision.

PUBLIC UTILITIES

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

CONTRIBUTIONS

- 12 The applicant is to pay a contribution towards Outdoor Recreation for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Subdivision Certificate, at the rate prevailing at that time. The current rate is \$389 per additional dwelling unit, i.e. \$389 x 7 E.T = \$2,723 total for 2004/2005. (Indexed)
- 13 The applicant is to pay a contribution towards arterial road upgrading (South West Rocks Road) for each additional building entitlement created. The contribution to be paid will be the rate prevailing at the time of having the plan of subdivision released. The current rate is \$375 per additional building entitlement created, i.e. \$375 x 7 E.T = \$2,625. (Indexed 2004/2005)
- 14 The applicant is to pay a contribution towards upgrading Old Station Road catchment roads for each additional building entitlement created. The contribution to be paid will be the rate prevailing at the time of having the plan of subdivision released. The current rate is \$3824 per additional building entitlement created, i.e. \$3824 x 7 E.T = \$26,768. (Indexed 2004/2005)
- 15 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of the Subdivision Certificate.

- 16 You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with:-
- (a) Payment of a contribution towards Water Supply Headworks at the rate of \$3,268 per equivalent tenement, i.e \$3,268 x 7 E.T = \$22,876 total for 2004/2005. (Indexed).
 - (b) Payment of a contribution towards District Water Supply at the rate of \$1211per equivalent tenement, i.e. \$1211x 7 E.T = \$8,477 total for 2004/2005. (Indexed).
 - (c) Extension of the town water supply main is necessary to serve the proposed development, at full cost to the applicant. Detailed plans and calculations are to be submitted for approval prior to issue of the construction certificate for this stage of the development.

LANDSCAPING

- 17 No trees to be lopped or removed except in accordance with Council's Policy on Tree Preservation, and with the written consent of Council. Disposal of cleared vegetation by burning off onsite shall not be permitted.

INFORMATION TO BE SUBMITTED WITH APPLICATION FOR CONSTRUCTION CERTIFICATE

- 18 Detailed Engineering Plans providing for civil engineering works to service the subject property as shown in the plan of application in strict compliance with Council's Development Control Plan No 36 *Engineering Guidelines for Subdivision and Development*.
- 19 Detailed engineering plans providing for a rural stormwater drainage system to convey all existing and proposed flows through this development pursuant to Australian Rainfall and Run-off 1987.
All stormwater pipes are to extend no less than 40 metres into the affected allotments and located in a 3metre wide drainage easement. Provide scour protection at all outlets in accordance with Development Control Plan 36 *Engineering Guidelines for Subdivision and Development* and having regard for the contents of the RTA Road design Guide 8.2.8 Energy Dissipaters and the Landcom publication Managing Urban Stormwater Soils and Construction, 2004 edition.
- 20 The proposed internal road is to be constructed and dedicated to Council for the full frontage of all the lots in this stage of the development to the characteristics defined in Table D1.8 of Development Control Plan No 36 Councils Engineering Guidelines for Subdivision and Development type3 local Road

with temporary turning circle(bitumen sealed wearing surface) of sufficient size to accommodate garbage and fire fighting trucks.

- 21 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Rural Properties. Applicant is to consult Council's Environmental Services Department for requirements before commencing construction.
- 22 The Applicant is to submit a list of at least three (3) names in accordance with Council's Policy on Street Naming for Council to consider in respect to the proposed new internal road.
- 23 Supply and install the internal road and no through road signs.
- 24 Erosion and Sediment Control Plan for the whole of the site(this stage) prepared in accordance with Department of Land and Water Conservation (DLWC) Guidelines and Council's DCP 36 Engineering Guidelines for Subdivision and Development. Refer to DLWC publication, Urban Erosion and Sediment Control.
- 25 Dedication as public road those parts of the existing road that may be located on land forming part of this subdivision, at full cost to the applicant.
- 26 Disturbance of existing vegetation and soil on all lots should be kept to the minimum practical. All drainage lines should remain undisturbed. This provision is most critical on the steeper sloping lots.

All felled timber should be placed in stockpiles, located away from drainage lines.

Topsoil should be removed from all areas to be disturbed and stockpiled for later use in revegetation works. Run-off should be diverted away from disturbed areas during site development works.

- 27 Engineering details are to be lodged with Council for approval prior to the issue of the Construction Certificate for the following works: -
 - i) The proposed Permanent and Temporary Fire Trails for this stage of the development to give full perimeter access and a manoeuvring area for fire tankers in accordance with the publication Planning for Bushfire Protection, 2001.
 - ii) Details on the proposed extent of the understorey removal recommended in the Bushfire Risk Assessment for proposed lots 2 to 7 are to be supplied.

- 28 The Construction Certificate for this stage of the development shall not be issued until Council has approved the following matters: -
- i) Details on the method(s) to be employed by the Contractor to dispose of cleared vegetation shall be lodged with Council for approval prior to Council issuing the Construction Certificate. Council will not approve of disposal by burning off onsite.
 - ii) Identity of the Ecological Consultant employed to inspect all trees to be felled in this stage of the development prior to clearing operations commencing. .
 - iii) The appointed ecological consultant is to specify in writing the procedure for dealing with a threatened species that might be onsite at the time of clearing and or are injured. Further the consultant is to identify by survey the location of all existing trees with hollows and of that number those to be retained.
- 29 The intersection of the proposed new internal road with Old Station Road is to be constructed as a Type "A" (with width sufficient to permit passing of a right turning vehicle) in accordance with the provisions set out in DCP 36 and bitumen sealed. Details are to be submitted to Council for approval prior to the issue of the Construction Certificate.
- 30 The hours of operation of the activity are to be confined to 7.00am to 6pm, Mondays to Fridays, and 7.00am to 12noon Saturdays.

INSPECTIONS

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

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

Inspections required: -

- (a) The inspections for the required civil engineering works are listed in Section 6.3 of Council's Engineering Guidelines for Subdivision and Development (DCP 36) and must be undertaken prior to the appointed contractor proceeding to the next stage of the construction.

- (b) Council is to inspect all Telstra and CountryEnergy cables where they cross existing and or new Council sewer or water mains prior to the contractor backfilling the trench.

NSW RURAL FIRE SERVICE CONDITIONS

32 The NSW Rural Fire Service has issued a Bushfire Safety Authority for this development subject to the following conditions: -

- (i) Any future development application lodged for this subdivision under Section 79BA of the EP and A Act will be subject to the requirements as set out in Planning for Bushfire Protection, 2001.
- (ii) The proposed access road shall incorporate a minimum 12metre radius, turning circle.
The road shall be constructed in accordance with the requirements of section 4.3.1 of planning for Bushfire Protection, 2001. Should the development be staged a turning circle shall be provided at the point where the road ends.
- (iii) A section 88B restriction as to user shall be placed on all lots within this subdivision requiring the provision of an Inner Protection Area outside of the area determined as the building envelope for each proposed lot as identified in attachment 5 of the Bushfire Risk Assessment dated the 27 November 2003 prepared by BJ Salter, North Coast Forestry and ecological services.
- (iv) No fencing or gates shall be placed across the fire trail with the exception of the gates located where direct access is provided from the road.
- (v) The fire trail shall be constructed in accordance with chapter 4 of planning for Bushfire Protection, 2001.
- (vi) Should the development be staged proposed lot 7 shall have the appropriate Asset Protection Zone(APZ) provided from the south. In this case given that the residue lot is forest vegetation at a 2 degree down slope, a 40metre APZ shall be established until such time as the residue lot is developed.

STAGE 2 - LOTS 8 TO 15

33 The development referred to in this application is to be carried out substantially in accordance with the approved amended Development Plan and as modified by any conditions of this consent.

- 34 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.
- 35 Two days prior to commencing work Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council pursuant to the provisions Environmental Planning and Assessment Act Regulations.
- 36 A suitable restriction as to user is to be created over the title of all the proposed allotments in this stage of the development restricting treatment of effluent generated onsite to a Aerated Wastewater Treatment System designed in accordance with AS/NZ 1547-2000 Onsite Domestic Wastewater Management and having regard for the contents of the Mid Coast effluent disposal evaluation of February 2004.

The restriction is to be clearly identified on the plan of subdivision. Council is to be nominated as the sole party to vary, modify and or extinguish the restriction.

- 37 In addition to the requirement of the NSW Rural Fire Service (as detailed in condition 58 of this consent) the following additional requirements shall be met prior to the release of the Subdivision Certificate: -

- a) The creation of a suitable restriction as to user over the titles of all the lots in this stage of the development allowing for the creation and maintenance of the required Bushfire Asset Protection Zones, Separation area distances and Setbacks as depicted in Appendix 5 of the Bushfire Risk Assessment dated 12 February 2004.

The restriction is to be clearly marked on the plan of subdivision.

Kempsey Shire Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

- b) The required permanent fire trail, where it traverses the lots in this stage of the development is to be wholly located within a suitable right of carriageway of sufficient width to allow construction and ongoing maintenance by successive owners in favour of each other owner and give unrestricted access to the NSW Rural Fire Service.

The restriction is to be clearly marked on the plan of subdivision.

Kempsey Shire Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

- c) Submission of a suitable restriction over the title of all proposed lots in this stage of the development allowing for provision of the following: -
- (i) Council will not approve dwellings on the affected allotments unless an Individual Bushfire Assessment prepared by a suitably qualified consultant having had regard to the requirements contained in, *Planning for Bushfire Protection 2001* and *AS3959 Construction of Buildings in Bushfire Prone Areas* is to accompany any application to construct a dwelling(s) on the proposed lots.

The restriction is to be clearly marked on the plan of subdivision.

Kempsey Shire Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

- 38 Submission of an appropriate restriction as to user, binding successive owners of all the proposed lots in this stage of the development, to be placed over the title of the proposed allotments in this development allowing for provision of the following and having regard to the recommendations of the Ecological Assessment and the Bushfire Assessment prepared by North Coast Forestry and Ecological Services, dated 27 November 2003 and: -

- (a) All senescent (old) eucalypt trees, mature Allocasuarina trees, identified habitat trees and existing trees with hollows are to be retained.
- (b) All boundary fencing in this stage of the development is to be of materials that will allow the free movement of mammals, i.e. plain wire no barbed wire or netting on lower wires.
- (c) Where existing vegetation is to be removed, other areas are to be planted out with endemic native species.

The restriction is to be clearly identified on the plan of subdivision. Council is to be nominated as the sole party to vary, modify and or extinguish the restriction.

- 39 Applicant is to submit with the final plan of subdivision copies of any instruments under Section 88B or E of the Conveyancing Act 1919 relevant to any restrictive covenants, assessments or rights of way created by or affected by this subdivision.

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

PUBLIC UTILITIES

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

CONTRIBUTIONS

- 44 The applicant is to pay a contribution towards Outdoor Recreation for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Subdivision Certificate, at the rate prevailing at that time. The current rate is \$389 per additional dwelling unit, i.e. $\$389 \times 7 \text{ E.T} = \$2,723$ total for 2004/2005. (Indexed)
- 45 The applicant is to pay a contribution towards arterial road upgrading (South West Rocks Road) for each additional building entitlement created. The contribution to be paid will be the rate prevailing at the time of having the plan of subdivision released. The current rate is \$375 per additional building entitlement created, i.e. $\$375 \times 7 \text{ E.T} = \$2,625$. (Indexed 2004/2005)
- 46 The applicant is to pay a contribution towards upgrading Old Station Road catchment roads for each additional building entitlement created. The contribution to be paid will be the rate prevailing at the time of having the plan of subdivision released. The current rate is \$3824 per additional building entitlement created, i.e. $\$3824 \times 7 \text{ E.T} = \$26,768$. (Indexed 2004/2005)
- 47 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of the Subdivision Certificate.

- 48 You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with:-
- (a) Payment of a contribution towards Water Supply Headworks at the rate of \$3,268 per equivalent tenement, i.e \$3,268 x 7 E.T = \$22,876 total for 2004/2005. (Indexed).
 - (b) Payment of a contribution towards District Water Supply at the rate of \$1211 per equivalent tenement, i.e. \$1211x 7 E.T = \$8,477 total for 2004/2005. (Indexed).
 - (c) Extension of the town water supply main is necessary to serve the proposed development, at full cost to the applicant. Detailed plans and calculations are to be submitted for approval prior to issue of the construction certificate for this stage of the development.

LANDSCAPING

- 49 No trees to be lopped or removed except in accordance with Council's Policy on Tree Preservation, and with the written consent of Council. Disposal of cleared vegetation by burning off onsite shall not be permitted.

INFORMATION TO BE SUBMITTED WITH APPLICATION FOR CONSTRUCTION CERTIFICATE

- 50 Detailed Engineering Plans providing for civil engineering works to service the subject property as shown in the plan of application in strict compliance with Council's Development Control Plan No 36 *Engineering Guidelines for Subdivision and Development*.
- 51 Detailed engineering plans providing for a rural stormwater drainage system to convey all existing and proposed flows through this development pursuant to Australian Rainfall and Run-off 1987.
- All stormwater pipes are to extend no less than 40 metres into the affected allotments and located in a 3metre wide drainage easement. Provide scour protection at all outlets in accordance with Development Control Plan 36 *Engineering Guidelines for Subdivision and Development* and having regard for the contents of the RTA Road design Guide 8.2.8 Energy Dissipaters and the Landcom publication Managing Urban Stormwater Soils and Construction, 2004 edition.
- 52 *The proposed internal road is to be constructed and dedicated to Council for the full frontage of all the lots in this stage of the development to the characteristics defined in Table D1.8 of Development Control Plan No 36 Councils Engineering*

Guidelines for Subdivision and Development type3 local Road with temporary turning circle(bitumen sealed wearing surface) of sufficient size to accommodate garbage and fire fighting trucks.

53 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Rural Properties. Applicant is to consult Council's Environmental Services Department for requirements before commencing construction.

54 Erosion and Sediment Control Plan for the whole of the site (this stage) prepared in accordance with Department of Land and Water Conservation (DLWC) Guidelines and Council's DCP 36 Engineering Guidelines for Subdivision and Development. Refer to DLWC publication, Urban Erosion and Sediment Control.

55 Disturbance of existing vegetation and soil on all lots should be kept to the minimum practical. All drainage lines should remain undisturbed. This provision is most critical on the steeper sloping lots.

All felled timber should be placed in stockpiles, located away from drainage lines.

Topsoil should be removed from all areas to be disturbed and stockpiled for later use in revegetation works. Run-off should be diverted away from disturbed areas during site development works.

56 Engineering details are to be lodged with Council for approval prior to the issue of the Construction Certificate for the following works: -

i) The proposed Permanent Fire Trail for this stage of the development to give full perimeter access and a manoeuvring area for fire tankers in accordance with the publication Planning for Bushfire Protection, 2001.

57 The Construction Certificate for this stage of the development shall not be issued until Council has approved the following matters: -

i) Details on the method(s) to be employed by the Contractor to dispose of cleared vegetation shall be lodged with Council for approval prior to Council issuing the Construction Certificate. Council will not approve of disposal by burning off onsite.

ii) Identity of the Ecological Consultant employed to inspect all trees to be felled in this stage of the development prior to clearing operations commencing. .

- iii) The appointed ecological consultant is to specify in writing the procedure for dealing with a threatened species that might be onsite at the time of clearing and or are injured. Further the consultant is to identify by survey the location of all existing trees with hollows and of that number those to be retained.

58 The hours of operation of the activity are to be confined to 7.00am to 6pm, Mondays to Fridays, and 7.00am to 12noon Saturdays.

INSPECTIONS

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

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

Inspections required: -

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

NSW RURAL FIRE SERVICE CONDITIONS

60 The NSW Rural Fire Service has issued a Bushfire Safety Authority for this development subject to the following conditions: -

- (i) Any future development application lodged for this subdivision under Section 79BA of the EP and A Act will be subject to the requirements as set out in Planning for Bushfire Protection, 2001.
- (ii) The proposed access road shall incorporate a minimum 12metre radius, turning circle.

The road shall be constructed in accordance with the requirements of section 4.3.1 of planning for Bushfire

Protection, 2001. Should the development be staged a turning circle shall be provided at the point where the road ends.

- (iii) A section 88B restriction as to user shall be placed on all lots within this subdivision requiring the provision of an Inner Protection Area outside of the area determined as the building envelope for each proposed lot as identified in attachment 5 of the Bushfire Risk Assessment dated the 27 November 2003 prepared by BJ Salter, North Coast Forestry and ecological services.
- (iv) No fencing or gates shall be placed across the fire trail with the exception of the gates located where direct access is provided from the road.
- (v) The fire trail shall be constructed in accordance with chapter 4 of planning for Bushfire Protection, 2001.
- (vi) Should the development be staged proposed lot 7 shall have the appropriate Asset Protection Zone (APZ) provided from the south. In this case given that the residue lot is forest vegetation at a 2 degree down slope, a 40metre APZ shall be established until such time as the residue lot is developed.

and;

- B The review of DCP 6 scheduled for 2005/06 is to consider whether provision of one access road to service this section of rural residential land off Old Station road is appropriate.

DES6	ACTIVITIES OF COUNCILS PARKING OFFICER
FILE: H2-17A	KJW (NRN) {Folio No. 283646}

SUMMARY:

Reporting on the activities of Councils Parking Officer since transferring to Council.



Council at its meeting on 14th September 2004 resolved:-

“That a Report be submitted to the October Council meeting with details of the results to date of the activities of the parking Officer.”

On the 17th July 2002 Mr Ray Walkden was transferred from the Parking section of the New South Wales Police to Kempsey Council.

At that time Council employed two (2) rangers who undertook ranger duties together with regulating Councils operated carparks.

On the transfer of Mr Ray Walkden to Council an agreement was made with the Nambucca Shire Council for Mr Ray Walkden to undertake parking duties within its area two (2) days per week.

On three (3) days per week Mr Walkden is working within the Kempsey Shire with the majority of the time spent in CBD area of Kempsey with approximately half a day per week at South West Rocks or Crescent Head. Besides undertaking parking duties he also does regulatory work concerning signage, abandon vehicles and building site requirements (erosion control, signage and building materials on street).

During July to September 2003 Mr Walkden worked as the Council Ranger in the absence of Councils Rangers and was involved in an accident in December 2003 and was on Workers Compensation Leave to the end of January 2004. This effectively reduced the period of active parking patrols by 25%.

Summary of Infringements July 2002 to June 2004

• Parking Infringements sent to the Bureau 02/03	233
• Monetary value of infringements sent to the Bureau 02/03	\$20,206
• Money transferred to Council from Bureau 02/03	\$15,691
• outstanding infringements 02/03	78
• Parking Infringements sent to the Bureau 03/04	281
• Monetary value of infringements sent to the Bureau 03/04	\$24,105
• Money transferred to Council from Bureau 03/04	\$17,369
• Outstanding Infringements 03/04	56

A breakup of the 281 infringements issued during 03/04 approximately 75% of the infringements were issued to vehicles on public streets which would have been issued by the Parking section of the New South Wales Police prior to July 2002.

Summary

Mr Ray Walkden has provided parking services within Kempsey, South West Rocks and Crescent Head over the last six (6) month period at 3 days per week which has provided an income of \$17,369. During this time he has also provided other regulatory services within the Shire.

2004. 718

RESOLVED:

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

That the information be noted.

DES7	SUBDIVISION OF LOT 2 DP 810091 No 14-20 CANANE STREET, SMITHTOWN FILE: T6-04-093 AJC	{Folio No. 283651}
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This report DES7 was WITHDRAWN at the request of the applicant.



Applicants: K W Clarke
Owners: K W Clarke
Subject Land: Lot 2 DP810091, at 14-20 Canane Street, Smithtown

Background

Council's Engineer wrote on two occasions on the 4 December 1987 and 18 April 1988 to the then property owners KW Clarke and GK Telford concerning locating of a sewage pump station and associated vehicular access (via a proposed right of carriageway from Rawson Street) on Lot 1 Section 2, Smithtown. These letters also contained two alternative subdivision arrangements for the subject land that demonstrated that the sewage pump station and access could be accommodated into and benefit any likely future subdivision of the subject property. Copies of those letters are appended to this report as [\(Appendix F\)](#).

A conditional development consent for the excision of the sewage pump station and access was issued by Council on the 18 May 1990 and Council's Clerk Certificate was issued on the 21 May 1990 creating lots 1 (sewage pump station site and the right of way) and 2 the residue allotment.

Proposal

The applicant proposes to excise the existing council approved dwelling from existing lot 2 DP 810091 leaving a residue lot of approximately 0.912 hectares as shown in the plan of application attached to this report as [\(Appendix G\)](#).

The subject land is wholly located within the village zone with frontage to Belmore, Canane and Rawson Streets in Smithtown.

This proposal does not comply with the development standard specified in Clause 12(1)(c) of Kempsey Local Environmental Plan 1987 which states: -

That council must not consent to the subdivision of land in Zone1(c), 2(a),2(b1),2(b2),2(c) or 2(v) unless the council is satisfied that: -

(c) in the case of land zoned 2(a),2(b1),2(b2),2(c) or 2(v) the allotments to be created by the subdivision each include not less than 500 square metres of land which is outside the limit of the 1 in 100 year flood and which is not subject to an unacceptable risk from localised flooding during a 1 in 20 year storm event.

The applicant has lodged a State Environmental Planning Policy No. 1 (SEPP 1) objection to this development standard being applied in the circumstances.

A copy of the SEPP 1 Objection and Consultants submission in support is appended to this report as [\(Appendix H\)](#).

Discussion

The following comments are made in respect to the submission: -

1. Clause 12(1)(c) of Kempsey Local Environmental Plan 1987

The proposal is not outside the limit of the 1 in 100 flood from the Macleay River.

The depth during the 1 in 100 year flood on the subject lot as a whole will vary from 2.23 to 1.29 metres. The applicants Consultant has identified an area fronting Belmore Street, shown on the plan of application, as having an average natural surface level of 3.4 metres AHD. The depth at this site during the 1 in 100 flood is 1.37 metres.

Council records do not contain details on actual velocity likely to be generated during the 1 in 100 Flood at this site.

The site floods during the 1 in 20 Flood from the Macleay River to approximately 1.1 metres depth and according to the 1999 Lower Macleay Floodplain Management Plan, there would be significant damage in smaller floods down to, at least the 1 in 5 year event.

Council has in the past allowed subdivision to proceed where filling of the proposed lots is to take place to create lots outside the limit of the 1 in 100 year Flood. The applicant's consultant has stated " *mound filling is out of character with the rest of the dwellings in Smithtown which are either elevated single storey or two storey with non habitable ground floor.*"

2. Council's Flood Risk Management Policy Section 6.3.5 Urban Subdivisions requires the following criteria to be met: -

- *Subdivisions will not be approved unless contour surveys of the land by a registered surveyor or qualified Engineer show at least 500m² of each proposed lot will be above the 1 in 100 and or highest flood level.*

The 500m² identified in the subdivision is to be utilised for the erection of buildings on this site.

- *In respect to the villages, subdivision may be permitted provided that it can be shown that the product of the depth and the velocity of flow of waters during the 1 in 100 year flood is equal to or less than 1 and suitable and adequate arrangements can be made for evacuation.*
- *The maximum of depth of filling is to be 1 metre.*

The applicant is not proposing to fill the proposed lots.

This proposal does not comply with the first two points in this section of the council policy nor has the applicant demonstrated compliance with the third point dealing with the product of depth and the velocity and evacuation from this site.

Further the **1999 Lower Macleay Floodplain Management Plan** incorporated a proposal to proceed with a concept design analysis only of a ring levee at Smithtown to protect it from the 1 in 100 Flood. Once the analysis is complete Council will decide whether to proceed with design and construction of this levee or adopt alternative measures. In the interim minimum interim floor levels have been set which are 500mm above the modelled 1 in 100 Flood level.

3. The NSW Floodplain Management Manual, 2001

Evacuation Planning Strategies will be adversely impacted upon by increasing of population within the flood plain (page g6), *and is one of the key tests of cumulative impact in preparing floodplain risk management plans.*

The consultant provides the following comments in respect to evacuation in times of flooding “ *the site is 460 metres from the flood free Smithtown Bridge and approaches and can be quickly reached by sealed streets at RL varying from 3.5 to 3.7 metres on AHD.*”

In the 2001 flood event (approximately a 1 in 12 year event) the velocity reported at the intersection of Rawson Street and Smithtown Road from locals was enough to make wading for adults uncertain. The Manual (figure G1) clearly shows that vehicles become unstable before wading becomes unsafe. Further the residents were evacuated during this flood event by helicopter.

Reference to figure G2 of the Manual allows the user to quickly determine the **provisional hydraulic hazard category** for this site using the information at hand. It is described a **HIGH Hazard** even where velocity is very low and not as described in the SEPP 1 application as being low hazard.

4. Council's Letters (4/12/1987 and the 18 /4/1988)

The letter of the 4 December 1987 made the following offer to the land-owners of lot 2 at the time: -

“ Because of the benefits conferred on your land by way of cheap sewer connection to future subdivided lots it is considered that no monetary compensation should be required for the pump station site or the easement. Council will of course be responsible for all survey and legal costs necessary for the transfer of the pump station site and establishment of the easement.”

Council's letter of the 18 April 1988 provided more information seeking agreement so the scheme could be implemented as follows:-

- *pump station would be "of adequate depth to service the future subdivision of the land."*
- *Council provided two alternative subdivision layouts for this land demonstrating that the proposed pump station would adequately service any future subdivision of the subject land parcel.*

Neither of the letters stated that subdivision of the land in the future was a certainty but demonstrated that the presence of the pump station would not adversely impact upon the subdivision potential of the property under the conditions existing at the time.

The contents of these Council letters could not be construed as an "**approval in principle to a 14 lot subdivision**" by Council as stated by the applicant's consultant because no approval was given or stated in this correspondence.

5. Changes to development standards and legislation

The legislation and development standards over the intervening 16 years have changed.

Clause 12 *Subdivision of flood prone land of **Kempsey Local Environmental Plan 1987*** (KLEP 1987) was amended (No. 19) in October 1991 to include 1(c) zoned land and read as follows: -

12(1) *"The Council shall not consent to the subdivision of land in 1(c), 2(a), 2(b1), 2(b2), 2(c) or 2(v) unless the council is satisfied that the land is free from flooding."*

In July 1994 a further amendment (No. 30) to Clause 12(1) was made expanding this clause to the current three sub clauses and inserting the definition of 1 in 100 year Flood and 1 in 20 year storm event. A copy of this current clause 12(a)(a)(b) and (c) is appended to this report as [\(Appendix I\)](#)

The current development standard does not prohibit subdivision in this locality but differs from the original in that it requires "*not less than 500m² of land which is outside the limit of the 1 in 100 year flood and which is not subject to an unacceptable risk from localised flooding during a 1 in 20 year storm event.*"

The applicant's proposal does not comply with this current development standard as the new lot in question is proposed to be below the limit of the 1 in 100 year flood level.

*The 1986 **NSW Floodplain Management Manual** was substantially revised and an improved manual was launched in 2001 which incorporated increased emphasis on integrated and strategic management of floodplains (urban and rural), improvement in policy and*

practice and public review of results of flood plain risk management issues.

7. State Environmental Planning Policy 1

It is considered that the proposal is not supported by adequate planning reasons to justify a reduction in the development standard which requires the proposed allotment to have “*not less than 500 square metres of land which is outside the limit of the 1 in 100 year flood and which is not subject to an unacceptable risk from localised flooding during a 1 in 20 year storm event.*”

The applicant’s consultant has advised council that the filling of the land to comply with the development standard (Clause 12(1)(c) of KLEP 1987) is not practical in the circumstances. Varying this standard will set an undesirable precedent that will encourage others to subdivide in a location that has a HIGH provisional hydraulic hazard category and with the corresponding increase in population will adversely impact on any Evacuation Planning Strategy for this area.

The application did not contain an assessment of flooding on this site providing, but not limited to, such detail as velocity and the cumulative impact of similar developments being created in Smithtown on flooding patterns especially within the main flow areas of the village.

DES8	PROPOSED ERECTION OF AN ATTACHED DUAL OCCUPANCY LOT 1 DP 515697 No 28 LANDBOROUGH STREET SOUTH WEST ROCKS FILE: T6-04-316 GGL	{Folio No. 283652}
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SUMMARY:

Reporting that Council has received an application to erect a two-storey attached dual occupancy at 28 Landsborough Street, South West Rocks, for which, three (3) objections have been received.



Applicant:	Dutton Engineering Excellence
Subject Land:	Lot 1 DP 515697 No 28 Landsborough Street, South West Rocks
Zone:	2 (c) (Residential “C” Zone)
Owner:	Alliance Property Group & Probe in-2 Ptd Ltd
Proposal:	Erection of Attached Dual Occupancy.

Description of Proposal

An application has been received by Council for the erection of a two (2) storey attached dual occupancy and strata subdivision. The proposed development requires a variation to Development Control Plan No 22

Development Standards – Local Housing Strategy in respect to the allotment width. ([Appendix J](#)).

The site is a vacant allotment situated on the northern side of Landsborough Street. The proposal consists of two (2) two storey units, each containing being three (3) bedrooms. The proposal includes two (2) under cover parking with a visitors car spaces.

The subject land has a street frontage of 14.35m and a total site area of 413.88m².

Head of Consideration:

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

The Provisions of Any Environmental Planning Instrument

Kempsey Local Environmental Plan 1987 (KLEP 1987)

The subject land is zoned 2(c) (RESIDENTIAL “C” ZONE) under KLEP 1987. The proposal is defined as ‘dual occupancy’ and is permissible with consent.

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

DCP 22 Local Housing Strategy (Urban Areas – 2003)

The proposed is required to comply with the following requirements of DCP 22.

Development Statistics

	Proposed	Standard	Compliance
Medium to High Density (m ²)	413.88 m ²	1x3 = 130 1x4 = 165 Total = 295m²	Yes
Height	2 storeys 6.8m	2 storeys 7.9m	Yes
Landscape Area (m ²)	110m ²	1x3 = 55 1x3 = 55 Total = 110 m²	Yes
Maximum Site Coverage (%)	248m ²	248.8m ² / 413.88m ² =60%	Yes

Setbacks first floor			
Front:	5m with 1.5 encroachment	5m with encroachment of 1.5m for unenclosed structures.	Yes
Sides (East elevation)	1620mm – 11535mm	900mm min with 1.8 Av min compensatory area	Yes
(West elevation)	985mm – 1675mm	900mm min with 1.8 Av min compensatory area	Yes
Rear	4300mm – 2500m	900mm min with 1.8 Av min compensatory area	Yes
Setbacks Second Storey			
Front:	5m	1.5m min with the Av setback of 3.8m	Yes
Sides (East elevation)	2050mm – 1605mm	1.5m min with the Av setback of 3.8m	Yes
(West elevation)	1635mm – 1635mm	1.5m min with the Av setback of 3.8m	Yes
Rear	1500mm – 3800mm	1.5m min with the Av setback of 3.8m	Yes
Long Walls 1 st & 2 nd Storeys	14m	20m	Yes
Carparking Private	2 Covered Spaces	Minimum 1 covered space per unit	Yes
Visitor	1 visitor space	1 visitor space per unit – reverse out from property	Yes
Private Open Space			
Ground Floor Unit:	2903mm both units	25m ² (must be 4mx4m min)	Yes
Privacy	Adequate	To be conditioned	Yes
Overshadowing	North South alignment	No adverse impacts from shadows	Yes
Width of allotment	14.32m	20m	No*

Width of allotment

The proposed development has maximum street frontage of 14.32m. The special provisions of DCP 22 for South West Rocks states that dual occupancy shall be restricted to corner allotments or allotments with the minimum primary street frontage of 20m. The proposed development complies with all other provisions of DCP 22, therefore the reduced street frontage is not considered to have an adverse impact on the amenity of Landsborough Street and as such is worthy of the variation.

Rural Fire Service

The proposal is “integrated development” as such was referred to the Rural Fire Service for consideration. The Rural Fire Service raise no objection to the development on bushfire grounds and are prepared to issue a Fire Safety Authority.

Advertising / Notification

The proposal was advertised with three (3) objections received, which may be summarised as follows:- [\(Appendix K\)](#)

Objection	Planning Comment
1 Objector is concerned the roof design is not consistent with the streetscape of the area.	1 The roof design has been altered and complies with Council’s height limit.
2 Objector is concern with the second storey decks overlooking their private open space. Lack of sufficient setback from their boundary fence. No adequate visitor off street car parking.	2 Although not required by DCP 22, is proposed to impose a condition requiring screening of upper decks associated with bedrooms.

Director Environmental Services Recommendation:

A. That the application be approved subject to the application having full compliance with Development Control Plan 22.

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.**

- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 5 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
- 6 The building is not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.
- 7 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.
- 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 Installing a temporary structure on land.
 - b Carrying out water supply work.
 - c Installing, altering, disconnecting or removing a meter connected to a service pipe.
 - d Carrying out sewerage work.
 - e Carrying out stormwater drainage work.
 - f Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
- 9 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation

to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.

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

10 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work

11 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.

12 If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the excavation shall:

(a) preserve and protect such building from damage; and

(b) if necessary, underpin and support the building in an approved manner.

Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings. (Reference: Clause 34, Local Government (Approvals) Regulation 1993).

13 Hoarding/fence is to be provided to the site in accordance with the assessment provided to Council.

14 Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.

15 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

Note: Clause 78 I requires that the toilet must be provided before any work is commenced.

16 Compliance with the Building Code of Australia.

All building work must be carried out in accordance with the requirements of the (BCA).

A construction certificate shall not be issued until the

Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

- 17 If the soil conditions require it:-
- (a) retaining walls or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage.
- 18 Submission of a Schedule of Finishes with the plans for the required Construction Certificate indicating the colour and type of all finished surfaces.
- 19 The following survey certificates must be given to Council at the following stages:-
- On completion of floor slab framework before concrete is poured, detailing the location of the structure to the boundaries and compliance with the floor height. Levels shall relate to the datum shown on the consent.
- 20 The dwelling shall be constructed to include all of the energy efficiency requirements as specified by the assessment provided with the application.
- 21 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
- 22 All internal accessways and parking spaces have been designed and constructed in accordance with Council's Engineering Guidelines for Subdivision and Development to at least concrete paved standard.
- 23 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult with Council's Environmental Services Department for requirements before commencing construction.
- 24 All stormwater is to be piped and connected to the existing stormwater disposal system located on the intersection of Mitchell and Landsborough Street.
- 25 An interception drain at the boundary of the property to collect all stormwater runoff from paved areas piped then discharged through the kerb via a standard converter,

strictly in accordance with Council's Engineering Guidelines for Subdivision and Development.

- 26 Submission of a detailed landscaping plan providing for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing the landscaping beds prior to release of the Construction Certificate.
- 27 Soil Erosion control measures are to be implemented on the site. The control measures shall be in accordance with Council's Guidelines - Preparing an Erosion and Sediment Control Plan. The Control Plan is to be submitted and approved prior to release of the required Construction Certificate.
- 28 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
- a diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - b sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.
 - c maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

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

Note:

- i Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
 - ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.
- 29 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section

306 of the Water Management Act 2000 have been met, prior to release of the Construction Certificate.

- 30 Payment of a contribution towards the district water supply at the rate of \$1610 per equivalent tenement, i.e \$1610 x 1 E.T = \$1610. (Indexed 2004/2005)
- 31 Payment of a contribution towards the augmentation of sewerage headworks at the rate of \$4031 per equivalent tenement, i.e \$4031 x 1 E.T = \$4031. (Indexed 2004/2005)
- 32 The applicant is to pay a contribution towards the embellishment of open space and ancillary facilities for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$2504 per additional dwelling unit, i.e \$2504 x 1 E.T = \$2504. (Indexed 2004/2005)

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

33 The plans for the required Construction Certificate are to provide for screens or other means suitable to screen the eastern and western sides of the upper decks from adjoining private open space areas.

B. That the objectors be advised of Councils decision.

2004. 719

RESOLVED:

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

A. 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 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 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
- 6 The building is not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.
- 7 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.
- 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:-
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 - b Carrying out water supply work.
 - c Installing, altering, disconnecting or removing a meter connected to a service pipe.
 - d Carrying out sewerage work.
 - e Carrying out stormwater drainage work.
 - f Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
- 9 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of

insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.

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

10 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work

11 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.

12 If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the excavation shall:

(a) preserve and protect such building from damage; and

(b) if necessary, underpin and support the building in an approved manner.

Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings. (Reference: Clause 34, Local Government (Approvals) Regulation 1993).

13 Hoarding/fence is to be provided to the site in accordance with the assessment provided to Council.

14 Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.

15 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

Note: Clause 78 I requires that the toilet must be provided before any work is commenced.

16 Compliance with the Building Code of Australia.

All building work must be carried out in accordance with the requirements of the (BCA).

A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

- 17 If the soil conditions require it:-
 - (a) retaining walls or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage.
- 18 Submission of a Schedule of Finishes with the plans for the required Construction Certificate indicating the colour and type of all finished surfaces.
- 19 The following survey certificates must be given to Council at the following stages:-
 - On completion of floor slab framework before concrete is poured, detailing the location of the structure to the boundaries and compliance with the floor height. Levels shall relate to the datum shown on the consent.
- 20 The dwelling shall be constructed to include all of the energy efficiency requirements as specified by the assessment provided with the application.
- 21 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
- 22 All internal accessways and parking spaces have been designed and constructed in accordance with Council's Engineering Guidelines for Subdivision and Development to at least concrete paved standard.
- 23 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult with Council's Environmental Services Department for requirements before commencing construction.
- 24 All stormwater is to be piped and connected to the existing stormwater disposal system located on the intersection of Mitchell and Landsborough Street.
- 25 An interception drain at the boundary of the property to collect all stormwater runoff from paved areas piped then

discharged through the kerb via a standard converter, strictly in accordance with Council's Engineering Guidelines for Subdivision and Development.

- 26 Submission of a detailed landscaping plan providing for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing the landscaping beds prior to release of the Construction Certificate.
- 27 Soil Erosion control measures are to be implemented on the site. The control measures shall be in accordance with Council's Guidelines - Preparing an Erosion and Sediment Control Plan. The Control Plan is to be submitted and approved prior to release of the required Construction Certificate.
- 28 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
- a diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - b sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.
 - c maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

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

Note:

- i Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
 - ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.
- 29 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate

of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of the Construction Certificate.

- 30 Payment of a contribution towards the district water supply at the rate of \$1610 per equivalent tenement, i.e \$1610 x 1 E.T = \$1610. (Indexed 2004/2005)
- 31 Payment of a contribution towards the augmentation of sewerage headworks at the rate of \$4031 per equivalent tenement, i.e \$4031 x 1 E.T = \$4031. (Indexed 2004/2005)
- 32 The applicant is to pay a contribution towards the embellishment of open space and ancillary facilities for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$2504 per additional dwelling unit, i.e \$2504 x 1 E.T = \$2504. (Indexed 2004/2005)

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

33 The plans for the required Construction Certificate are to provide for screens or other means suitable to screen the eastern and western sides of the upper decks from adjoining private open space areas.

B. That the objectors be advised of Councils decision.

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

DES9	BUILDING AND DEVELOPMENT	
	FILE: B9-2 RBP (NRN)	{Folio No. 283654}

SUMMARY:

Reporting that the following applications have been approved:



Council Report on Local Development Application

Reporting that the following applications have been approved

2001/LD-00316 REV019 PHILLIP DRIVE SOUTH WEST ROCKS
TWO STOREY DUAL OCCUPANCY - 3 STAGES

.....
MAYOR

2001/LD-00379 REV01Lot 16 DPDP813696 FERN TREE CLOSE
ARAKOON
DWELLING

2003/LD-00596 REV01Lot 81 DPDP752429 ARMIDALE ROAD
BELLBROOK
MANUFACTURED DWELLING

2003/LD-00714 REV01472 FISHERMANS REACH ROAD FISHERMANS
REACH
RELOCATE DWELLING

2003/LD-00731 522 HICKEYS CREEK ROAD MILLBANK
TOILET ALTERATIONS

2003/LD-00877 51 MCINTYRE STREET SOUTH WEST ROCKS
REMOVAL 2 EXISTING DWELLINGS, CONSTRUCT 6 UNITS &
UNDERGROUND CARPARK. STRATA SUBDIVISION

2004/LD-00009 239 RIVER STREET GREENHILLS
SUBDIVIDE INTO 6 LOTS AND DEMOLISH EXISTING BUILDING

2004/LD-00261 4 QUARRY STREET SOUTH WEST ROCKS
TWO STOREY DWELLING AND ATTACHED GARAGE

2004/LD-00311 Lot 2 DPDP235563 CHAIN O PONDS ROAD
COLLOMBATTI
SUBDIVISION INTO 5 LOTS

2004/LD-00321 2-4 NULLA NULLA STREET BELLBROOK
DOUBLE GARAGE

2004/LD-00342 9 WEBSTER STREET WEST KEMPSEY
DWELLING, ATTACHED GARAGE & SWIMMING POOL

2004/LD-00372 39 JACK RICHARDSON DRIVE YARRAVEL
DUMMY - SU-1994-55

2004/LD-00375 29 RUSSELL STREET ARAKOON
DWELLING ADDITONS, DETACHED GARAGE & STORAGE SHED

2004/LD-00389 10 HOPETOUN STREET KEMPSEY
COMMERCIAL FACTORY

2004/LD-00401 29 RAINBOW REACH ROAD RAINBOW REACH
FARM SHED

2004/LD-00405 247 OLD STATION ROAD VERGES CREEK
SWIMMING POOL

2004/LD-00407 26 STRAIGHT STREET HAT HEAD
CONSTRUCT ADDITIONAL DWELLING & SUBDIVISION ON COMPLETION

2004/LD-00414 23 SILVERWOOD AVENUE TEMAGOG
DWELLING

2004/LD-00427 12 KEMP STREET WEST KEMPSEY
STAGE 1 - CONSTRUCTION OF 76 PLACE CHILD CARE CENTRE &
DEMOLITION OF EXISTING DWELLING, STAGE 2 - CONSTRUCTION OF
4 DWELLINGS

2004/LD-00430 247 OLD STATION ROAD VERGES CREEK
CONTINUED USE OF A DWELLING

2004/LD-00436 2-4 NULLA NULLA STREET BELLBROOK
MANUFACTURED DWELLING

2004/LD-00443 5 GREENWAY CLOSE SOUTH WEST ROCKS
DWELLING & SWIMMING POOL

2004/LD-00446 59 ALDAVILLA ROAD ALDAVILLA
TRACTOR & HAYSHED & DWELLING ADDITIONS

2004/LD-00451 46A TOZER STREET WEST KEMPSEY
INTERNAL RENOVATION & EXTERNAL ADDITION

2004/LD-00454 5 DOUGLAS FENTIMAN STREET WEST KEMPSEY
RAISING EXISTING DWELLING & ADDITIONS

2004/LD-00456 7 SULLIVAN STREET EAST KEMPSEY
CARPORT AND REPLACE BACK DECK

2004/LD-00457 11 FIRST AVENUE STUARTS POINT
RE-ERECT SHED & ADDITIONS

2004/LD-00458 221 BELMORE RIVER RIGHT BANK ROAD BELMORE
RIVER
DOUBLE GARAGE

2004/LD-00459 3 RAINFOREST LANE ARAKOOK
SWIMMING POOL

2004/LD-00463 12 WAIANBAR AVENUE SOUTH WEST ROCKS
DWELLING ADDITION

2004/LD-00466 796 TEMAGOG ROAD TEMAGOG
DWELLING

2004/LD-00469 1 MILTON DUFTY PLACE EAST KEMPSEY
SWIMMING POOL

2004/LD-00471 31 MACLEAY STREET FREDERICKTON
DWELLING ADDITIONS

2004/LD-00473 36 BAY STREET HAT HEAD
HOME ACTIVITY - ELECTRICAL REPAIR BUSINESS

2004/LD-00477 119 BERANGHI ROAD CRESCENT HEAD
DWELLING AND SWIMMING POOL

2004/LD-00484 6 SCHNAPPER CLOSE HAT HEAD
DWELLING ADDITIONS

2004/LD-00485 586 OLD COAST ROAD KUNDABUNG
SHED & SEPTIC

2004/LD-00487 658 FISHERMANS REACH ROAD FISHERMANS REACH
SHED

2004/LD-00488 5 KIMPTON STREET STUARTS POINT
DWELLING ADDITIONS

2004/LD-00489 Lot 7 DPDP1032643 PHILLIP DRIVE SOUTH WEST
ROCKS
SWIMMING POOL BACKWASH DETENTION SYSTEM

2004/LD-00490 9 KINCHELA STREET GLADSTONE
SWIMMING POOL BACKWASH DETENTION SYSTEM

2004/LD-00491 Lot 358 DPDP754441 BAKER DRIVE CRESCENT HEAD
SWIMMING POOL BACKWASH DETENTION SYSTEM

2004/LD-00492 3 RAINFOREST LANE ARAKOOK
DWELLING ADDITIONS

2004/LD-00496 225 CHAIN O PONDS ROAD COLLOMBATTI
SWIMMING POOL

2004/LD-00500 44 CHANNELLS WAY EUROKA
SHED

2004/LD-00502 2786 SOUTH WEST ROCKS ROAD JERSEYVILLE
GARAGE

2004/LD-00504 274 CROWTHER DRIVE KUNDABUNG
SHED & SEPTIC INSTALLATION

2004/LD-00508 83 BROUGHTON STREET WEST KEMPSEY
DWELLING ADDITIONS

2004/LD-00510 39 CAMERON STREET WEST KEMPSEY
DWELLING ADDITIONS

2004/LD-00511 Lot 13 DPDP1014666 NEVILLE MORTON DRIVE
CRESCENT HEAD
DWELLING

2004/LD-00515 24 LORD STREET EAST KEMPSEY
DWELLING ADDITIONS

2004/LD-00518 25 STEWART PLACE EUROKA
SWIMMING POOL

2004/LD-00519 35 GREY GUM CRESCENT YARRAVEL
SWIMMING POOL

2004/LD-00520 3 GREENWAY CLOSE SOUTH WEST ROCKS
DWELLING ADDITIONS

2004/LD-00524 204 RIVER STREET GREENHILLS
DWELLING ADDITIONS

2004/LD-00526 7 JERSEY STREET SOUTH KEMPSEY
ABOVE GROUND POOL

2004/LD-00529 73 LIKA DRIVE SOUTH KEMPSEY
SWIMMING POOL

2004/LD-00530 18 BROUGHTON STREET WEST KEMPSEY
SWIMMING POOL

2004/LD-00535 42 WIRRANG DRIVE DONDINGALONG
SWIMMING POOL

2004/LD-00540 103 KEMP STREET WEST KEMPSEY
GARAGE

2004/LD-00545 55-77 WEST STREET SOUTH KEMPSEY
2 LOT SUBDIVISION & 2 BOUNDARY ADJUSTMENTS

2004/LD-00553 14 NICHOLSON STREET SOUTH KEMPSEY
DWELLING ADDITIONS

Summary

	Type	No	Value
Local Development Application		62	5114804

As at 1 Oct 2004 244 applications are in the office awaiting a determination.

The number of applications in excess of 40 days is 109

The reasons for the matters outstanding are:-

BL	Builders Licence Requirements	1
FD	Further Details Req	65
IA	Incomplete Application	14
OA	Other Agencies	11
RC	Refer Council	2
XX	No Reason Given	16

Council Report on Construction Certificate Building

Reporting that the following applications have been approved

2003/CB-00525 4 HOUISON PLACE SOUTH WEST ROCKS
DUAL OCCUPANCY & TORRENS TITLE SUBDIVISION

2003/CB-00610 522 HICKEYS CREEK ROAD MILLBANK
TOILET ALTERATIONS

2003/CB-00710 6 MARSH STREET WEST KEMPSEY
DEMOUNTABLE BUILDING

2004/CB-00175 8/51-53 FREDERICK KELLY STREET SOUTH WEST
ROCKS
FOOD OUTLET WITH MEZZANINE OVER PRIVATE OFFICE

2004/CB-00227 4 QUARRY STREET SOUTH WEST ROCKS
TWO STOREY DWELLING AND ATTACHED GARAGE

2004/CB-00243 Lot 2 SOUTH WEST ROCKS ROAD JERSEYVILLE
ALTERATIONS & ADDITIONS

2004/CB-00277 2-4 NULLA NULLA STREET BELLBROOK
DOUBLE GARAGE

2004/CB-00298 8 HILTON TROTTER PLACE WEST KEMPSEY
ATTACHED DUAL OCCUPANCY AND STRATA SUBDIVISION

2004/CB-00308 9 WEBSTER STREET WEST KEMPSEY
DWELLING, ATTACHED GARAGE & SWIMMING POOL

2004/CB-00329 29 RUSSELL STREET ARAKOOON
DWELLING ADDITONS, DETACHED GARAGE & STORAGE SHED

2004/CB-00347 35 BELGRAVE STREET KEMPSEY
ADDITIONS TO COMMERCIAL BUILDING

2004/CB-00351 29 RAINBOW REACH ROAD RAINBOW REACH
FARM SHED

2004/CB-00354 247 OLD STATION ROAD VERGES CREEK
SWIMMING POOL

2004/CB-00361 23 SILVERWOOD AVENUE TEMAGOG
DWELLING

2004/CB-00380 2-4 NULLA NULLA STREET BELLBROOK
MANUFACTURED DWELLING

2004/CB-00386 59 ALDAVILLA ROAD ALDAVILLA
TRACTOR & HAYSHED & DWELLING ADDITIONS

2004/CB-00394 5 DOUGLAS FENTIMAN STREET WEST KEMPSEY
RAISING EXISTING DWELLING & ADDITIONS

2004/CB-00397 7 SULLIVAN STREET EAST KEMPSEY
CARPORT AND REPLACE BACK DECK

2004/CB-00398 11 FIRST AVENUE STUARTS POINT
RE-ERECT SHED & ADDITIONS

2004/CB-00399 221 BELMORE RIVER RIGHT BANK ROAD BELMORE
RIVER
DOUBLE GARAGE

2004/CB-00401 3 RAINFOREST LANE ARAKOOK
SWIMMING POOL

2004/CB-00404 12 WAIANBAR AVENUE SOUTH WEST ROCKS
DWELLING ADDITON

2004/CB-00407 1 MILTON DUFTY PLACE EAST KEMPSEY
SWIMMING POOL

2004/CB-00411 31 MACLEAY STREET FREDERICKTON
DWELLING ADDITIONS

2004/CB-00414 119 BERANGHI ROAD CRESCENT HEAD
DWELLING AND SWIMMING POOL

2004/CB-00421 6 SCHNAPPER CLOSE HAT HEAD
DWELLING ADDITIONS

2004/CB-00423 796 TEMAGOG ROAD TEMAGOG
DWELLING

2004/CB-00427 9 PHILLIP DRIVE SOUTH WEST ROCKS
TWO STOREY DUAL OCCUPANCY

2004/CB-00428 658 FISHERMANS REACH ROAD FISHERMANS REACH
SHED

2004/CB-00429 5 KIMPTON STREET STUARTS POINT
DWELLING ADDITIONS (ENCLOSING PATIO)

2004/CB-00430 3 RAINFOREST LANE ARAKOOK
DWELLING ADDITIONS

2004/CB-00431 225 CHAIN O PONDS ROAD COLLOMBATTI
SWIMMING POOL

2004/CB-00434 44 CHANNELLS WAY EUROKA
SHED

2004/CB-00438 2786 SOUTH WEST ROCKS ROAD JERSEYVILLE
GARAGE

2004/CB-00439 83 BROUGHTON STREET WEST KEMPSEY

DWELLING ADDITIONS

2004/CB-00440 274 CROWTHER DRIVE KUNDABUNG
SHED & SEPTIC INSTALLATION

2004/CB-00442 Lot 13 DPDP1014666 NEVILLE MORTON DRIVE
CRESCENT HEAD
DWELLING

2004/CB-00443 39 CAMERON STREET WEST KEMPSEY
DWELLING ADDITIONS

2004/CB-00444 58-64 COCHRANE STREET WEST KEMPSEY
2.1mtr SECURITY FENCE

2004/CB-00445 35 GREY GUM CRESCENT YARRAVEL
SWIMMING POOL

2004/CB-00446 3 GREENWAY CLOSE SOUTH WEST ROCKS
DWELLING ADDITIONS

2004/CB-00449 24 LORD STREET EAST KEMPSEY
DWELLING ADDITIONS

2004/CB-00451 25 STEWART PLACE EUROKA
SWIMMING POOL

2004/CB-00455 204 RIVER STREET GREENHILLS
DWELLING ADDITIONS

2004/CB-00456 22 WALTER CONN ROAD STUARTS POINT
DWELLING ADDITION

2004/CB-00457 7 JERSEY STREET SOUTH KEMPSEY
ABOVE GROUND POOL

2004/CB-00462 73 LIKA DRIVE SOUTH KEMPSEY
SWIMMING POOL

2004/CB-00463 18 BROUGHTON STREET WEST KEMPSEY
SWIMMING POOL

2004/CB-00468 42 WIRRANG DRIVE DONDINGALONG
SWIMMING POOL

2004/CB-00469 103 KEMP STREET WEST KEMPSEY
GARAGE

2004/CB-00484 14 NICHOLSON STREET SOUTH KEMPSEY
DWELLING ADDITIONS

Summary

Type	No	Value
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Construction Certificate Building 51 0

As at 1 Oct 2004 218 applications are in the office awaiting a determination.

The number of applications in excess of 40 days is 60

The reasons for the matters outstanding are:-

BL	Builders Licence Requirements	2
DA	DA Approval Required	3
DR	DA Requirements	5
FD	Further Details Req	0
IA	Incomplete Application	4
OA	Other Agencies	2
RC	Refer Council	1
XX	No Reason Given	3

2004. 720

RESOLVED:

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

That the information be noted.

**DES10 WESTERN DISTRIBUTOR ROAD
FILE: T4-90 PMK (NRN)**

{Folio No. 283656}

SUMMARY:

Reporting on the findings of Stage One of the study to identify the route for the proposed western distribution road from Belle O'Connor Street to Gilbert Cory Street, South West Rocks.



Background

Council in September 2003 commissioned King and Campbell to undertake an environmental overview of the corridor for the Western Distributor Road proposed in the South West Rocks Structure Plan in 1995. The study area is shown in Plan 1 [\(Appendix L\)](#). The need for the environmental overview was required to meet the more rigorous planning requirements that have been established since the Structure Plan was first adopted by Council as identified in the Parsons Brinkerhoff report of January 2003.

In accepting the engagement, King and Campbell identified the need for a 'staged' work program whereby key environmental issues can be identified and assessed prior to a decision to move to the next stage of investigations.

Stage One of the report was to:-

- **Identify and establish the planning framework within which Council must operate; and**
- Identify the key issues in relation to the detailed flora and fauna assessment, and
- Present and assess, on ecological grounds only, a number of route options for the proposed road, and
- Identify the relevant stakeholders for follow up during Stage Two (should the study proceed), and
- Produce a report summarising the findings and recommendations of the flora and fauna survey to assist council in determining the feasibility of continuing with the further stages of the environmental overview.

Stage One Report Findings

The Report concludes that:-

- **The site has substantial conservation significance at a local, regional and state level, and**
- The ecological impacts of the road cannot be considered in isolation of the potential impacts created by future follow-on urban expansion, and
- Both the Residential Land Release Strategy and the South West Rocks Structure Plan, the strategic planning documents for the future residential development of South West Rocks, pre-date the primary planning legislation applicable to any new development in the locality, and
- Accordingly the land in the whole area with the potential impacts of urban development associated with the distributor road needs to undergo re-assessment in the context of current legislation.

Other work currently in progress

The need to look at the whole area has been evident for some time following a review of the Structure Plan for South West Rocks.

The Review of the Residential Land Release Strategy has commenced and this will look at the area in question.

Council has also received State Government funding of \$40,000 towards the preparation of a masterplan for the area. The first stage of this will be to extend the ecological work discussed above to cover the land generally shown in the current Residential Land Release Strategy [\(Appendix M\)](#) and this more detailed information will be fed into the review of the Residential Land Release Strategy as well as the masterplan.

These planning exercises, with other work that will be needed, will determine the extent of urban development that is appropriate for the area and the need for the western distributor. All planning exercises will include the involvement of the public.

Acting Director of Environmental Services Comment

The recommendations in the report are supported. Stage Two will be replaced by a series of planning exercises, which will review the extent of urban development for the area. The planning will include fauna and flora, bushfire, drainage, water, sewerage and traffic studies, among other studies, that will re-examine the need for the proposed Western Distributor in the context of development that is found to appropriate.

It should be noted that several owners of land within the corridor have approached Council indicating that they would be prepared to contribute towards the cost of these studies, however, Council would remain in control of the process.

2004. 721

RESOLVED:

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

That Council note:-

- The recommendations from the Stage One Report from King and Campbell, and
- The proposed planning exercises that are or are proposed to be undertaken which will lead to an update of a substantial part of the area covered by the South West Rocks Structure Plan.

DES11	SOUTH WEST ROCKS OPEN SPACE STRATEGY
FILE: T4-88A	PMK (NRN) {Folio No. 283658}

SUMMARY:

Reporting on the Draft South West Rocks Open Space Strategy.



Council in April 2004 commissioned Planning Consultants ERM to undertake an open space needs analysis for South West Rocks. The purpose of the study was:-

- to undertake an analysis of the availability and adequacy of local and district open space facilities, and
- to identify existing shortfalls and likely future requirements, and

- to make recommendations for the future management of the local and district open spaces.

The study was to look at District and Local Open Space but not Regional Open Space. When finalised, this Strategy will supersede Development Control Plan No 10 - Provision of Open Space for South West Rocks.

The report examines the existing open space areas within the context of existing policy, population growth trends and likely future population structure and associated needs. From this, the report identifies appropriate locational criteria and standards for open space having regard for the best practice guidelines. It identifies gaps or oversupply and makes recommendations to rationalise the existing supply of open space and provides a strategy for its future provision.

Population trends predict a change in age structure showing that the 0-19 and 20-39 age groups will continue to move out of the region and the 60+ group is likely to increase.

Recommendations, however, note that local parks provide amenity for all age groups and that this should be reflected in the facilities with a range being provided including play equipment, seating, BBQs, picnic facilities and gardens.

Attachment 1 [\(Appendix N\)](#) gives the Summary and Recommendations of the Report which lists parks for embellishment, parks to be investigated further and parks recommended for sale with funds being allocated to embellish other parks in the locality.

Recommendations are also made on standards for future provision of parks to meet projected growth in the area.

Acting Director of Environmental Services Comment

The report indicates that South West Rocks compares favourably with other similar centres and State Government guidelines with respect to local and district parks.

The report recommends the sale of several parks as surplus to the communities needs with funds to be reallocated to making improvements and providing facilities for other parks.

It should be noted that although it is not a Section 94 reserve, Council intends to develop a recreational cycleway and walking facility within the undeveloped road reserve to the west of the golf course.

The proposed sale of surplus lands could be used to contribute towards the cost of such a facility.

2004. 722

RESOLVED:

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

That the Draft South West Open Space Strategy be advertised for public comment for a period of 30 days and in accordance with Council's community consultation policy and a public meeting held.

DES12	RECONSTRUCTION OF LIQUOR STORE LACHLAN STREET, SOUTH KEMPSEY FILE: T6-04-16 DEC	{Folio No. 283660}
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This report was dealt with earlier in the meeting just after PUBLIC FORUM.

DES13	DWELLING, POOL AND SHED SALEYARDS ROAD, WEST KEMPSEY FILE: T6-04-470 DEC	{Folio No. 283661}
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This report was dealt with earlier in the meeting just after PUBLIC FORUM.

DIRECTOR ENGINEERING REPORT

DE1	ROADLINK PROJECT – SOUTH WEST ROCKS TO STUARTS POINT FILE: B6-58 APV (NRN)	{Folio No. 283665}
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SUMMARY:

Reporting on the South West Rocks to Stuarts Point Roadlink Project.



In order to determine the viability of the proposed roadlink between Stuarts Point and South West Rocks, consultants were engaged to undertake an environmental review and an economic analysis of the proposal.

The Feasibility Study was completed in January 2003 and a report presented to Council in February 2003. A copy of the report to Council is attached [\(Appendix A\)](#), as is a copy of the Executive Summary of the Feasibility Study [\(Appendix B\)](#).

Council, at its meeting on 11th February 2003 resolved:

“That this matter be deferred until after the announcement on the preferred Pacific Highway route.”

In December 2003 the NSW Minister for Roads announced the Eastern Route option as the preferred route for the Pacific Highway Upgrade from Kempsey to Eungai. In July 2004, the Roads and Traffic Authority advised that the East Kempsey and Collombatti sub-options had been selected as part of the preferred route.

The viability of the South West Rocks to Stuarts Point Roadlink Project is largely unaffected by the selection of the preferred route for the proposed upgrade of the Pacific Highway as both options (east and west) shared a common route in the northern section from Collombatti to Eungai Road. The selection by the RTA of the eastern option does provide better access to the coastal communities generally.

When the northern section from Frederickton to Eungai of the Pacific Highway upgrade is constructed, an additional north-south route will be available. The existing Pacific Highway would then be utilised by local traffic thus reducing the need for a third route.

The preliminary estimate of cost for the project for a bridge crossing was \$12.04M (2003) with the project having a road user benefit cost ratio of 2.14 for the base case scenario.

As previously reported, no insurmountable problems were encountered but geotechnical problems are envisaged as well as a number of environmental constraints. Additional detailed assessments would be required including the preparation of an Environmental Impact Statement (EIS) together with a Species Impact Statement (SIS) and a detailed Archaeological Study.

The proposal has the potential to provide a number of significant perceived benefits to the community:

- **Residential Development**

The proposal would provide the opportunity for development of land at Stuarts Point already zoned 2(V) Village. However the lack of a sewerage treatment plant at Stuarts Point would inhibit any large-scale urban expansion.

Because of the limited land supply at South West Rocks, the proposal is unlikely to lead to any increased development in this village.

- **Commercial Development**

The proposal has the potential to use land at Stuarts Point for light industry to service South West Rocks and the growing village of Stuarts Point. The commercial sector of South West Rocks would benefit from being a service centre for the two villages.

- **Tourism**

Tourism usage of the new route is likely to be significant, with the proposal providing a coastal route from Crescent Head – South West

Rocks – Stuarts Point – Scotts Head. Provision of facilities along the route would further enhance the economic benefits of this route from tourism.

- **Social**

Positive social impacts of the proposal include increased access to services (shops, schools, sporting facilities, recreational opportunities, medical services) for Stuarts Point residents provided, and proposed to be provided, at South West Rocks.

Conversely, there are a number of issues that would need addressing:

- **Amenity** – Increased traffic and noise and a perceived decrease in safety would result from the proposal in Stuarts Point and particularly in Fishermans Reach.
- **Environmental Issues** – The proposed link road would pass a number of significant wetlands protected by State Environmental Planning Policy No. 14. These areas have been identified as containing endangered species and habitat which may be adversely affected by the proposal. Additional detailed assessment would be required.
- **Social** – no consultation has been undertaken with the community at Stuarts Point and Fishermans Reach and reaction at the last community meeting at Stuarts Point to the proposal was far from positive.
- **Road Subgrade** – Acid Suphate soils were encountered east of Clybucca Creek, along with low sub-grade conditions. In order to avoid the excavation of soft subgrade containing acid sulphate soils, the construction technique would involve the additional stabilisation of the sub-grade layer and some long-term settlement is likely to occur.
- **Cultural Heritage** – Numerous sites on the NPWS Aboriginal Sites Register were identified within the vicinity of the proposed route. As these sites are likely to be significantly impacted upon by the proposed route, and given the cultural significance of the area, a detailed archaeological study would be required as part of the EIS.
- **Funding** – The preliminary cost of the project was estimated in 2003 to be \$12.04M. Council has limited funding and, as previously reported, Council is currently unable to provide sufficient funds for the maintenance and replacement of the existing transport infrastructure. The proposed link road would require not only large capital funds but would also require additional ongoing funding to maintain the extended road network and new bridge.

Should Council wish to proceed with this project an estimated amount of \$150,000 would be required for the EIS including the SIS and the archaeological study. Council would also need to pursue alternative sources of funding for the project. No funding has been provided for the project in Council's Five Year Financial Plan.

Director's Comment:

Whilst the project has merit, on balance it would seem difficult to justify the level of funding required to undertake this project.

Other Implications:

There are no financial, environmental or statutory implications arising from the following recommendation. The social implications are referred to in the report.

Director Engineering Recommendation:

That no further action be taken on the South West Rocks to Stuarts Point roadlink project.

MOVED:

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

That the Director's Recommendation be adopted.

An Amendment was MOVED:

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

That the information be noted.

2004. 723

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

**DE2 MACLEAY FLOOD RISK MANAGEMENT COMMITTEE
FILE: FM505 COPY: C18-13 APV (NRN){Folio No. 283668}**

SUMMARY:

Reporting on the membership of the Flood Risk Management Committee.



At the Council Meeting on 15th July 2004, Council considered a report regarding the membership of the Macleay Flood Risk Management Committee.

Council resolved:

“That the Director’s recommendation be adopted with the following exclusions:

- *Kempsey Rural Lands Protection Board*
- *Kempsey Residents*
- *Kempsey Chamber of Commerce*

and that the nominees are to have some knowledge and interest of flood risk management and the Committee be reviewed in 12 months time."

Whilst it was resolved that the committee comprise of a representative from the Dairy Farmers Association, that association is no longer active in the Macleay Valley. Accordingly, a letter was forwarded in lieu to the Macleay Valley Branch of the NSW Farmers Association seeking their nomination of a representative on the committee. A letter was also forwarded to the Kempsey & District Ratepayers and Residents Association.

Advertisements were placed in the Macleay Argus and the Happynings seeking nominations from two Lower Macleay Primary Producers. A letter was forwarded to the Kempsey Rural Lands Protection Board advising them of the decision to exclude that association from having a representative on the committee.

The following nominations were received:

- Kempsey & District Ratepayers Association: Paul Francis
- Macleay Valley Branch – NSW Farmers Association: Barry Ramke
- Lower Macleay Primary Producers: Geoff Barsby

Details outlining relevant experience were submitted with the nominations.

A letter has been received from the Rural Lands Protection Board (RLPB) outlining their concerns with the organization no longer having a representative on the committee. Council has worked closely with the RLPB in the past particularly on issues relating to the movement of stock during flood events and the provision of appropriate flood mounds. The RLPB cite changes in farm ownership and the possible effect of the proposed Highway Bypass on Travelling Stock Reserves as being additional issues requiring RLPB representation on the committee.

In view of the fact that only 1 nomination was received for representatives of the Lower Macleay Primary Producers and the desirability of having input from the RLPB into matters relating to the development and implementation of the floodplain risk management policies and plans, it is felt that a representative from the RLPB may be a beneficial member of the Committee.

Director's Comment:

The next meeting of the Committee is scheduled for 27th October and as there are a number of new members, Kevin Gibson, from DIPNR, has been asked to provide a departmental overview of the role of the Committee. In review of the concerns raised by the RLPB Council may like to invite a representative to attend the next meeting and to submit an application for membership. The committee can then consider the issue and recommend to Council the appropriate mix of organisations to best represent the community.

The Flood Risk Management Committee is required to meet the criteria established in the NSW Floodplain Management Manual and should

have a broad community representation. Council is urged to support the recommendation.

Other Implications:

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

Director Engineering Recommendation:

That the Kempsey Rural Lands Protection Board concerns be noted and that the Board be invited to submit an application for membership to the next meeting of the Macleay Flood Risk Management Committee on 27th October.

MOVED:

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

That the Director's Recommendation be adopted.

The Motion LAPSED for want of a seconder.

2004. 724

RESOLVED:

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

That the Kempsey Rural Lands Protection Board concerns be noted and that the Board be invited to submit an application for membership to the meeting of Council in September 2005.

DE3	FLOODPLAIN MANAGEMENT PLAN
FILE: FM500 04/05	APV {Folio No. 283672}

SUMMARY:

Reporting on a grant offer for Council's Floodplain Management Program for 2004/2005.



Council has received advice from Hon. Craig Knowles, MP, Minister for Infrastructure and Planning and Minister for Natural Resources, of financial assistance for its Floodplain Management Program for 2004/2005 under the 1:1 Maintenance component.

The offer is in the amount of \$87,200 and is the same amount as for 2003/2004.

The funds are for the maintenance component of the program which include the maintenance of flood control structures and gates, drains, levees, bank protection and the flood alert system.

.....
MAYOR

No advice has yet been received regarding the 2:1 State Assisted Program, the 1:1:1 Commonwealth Assisted component of the program, or the Floodway Voluntary Purchase Project under the Regional Flood Mitigation Program.

Director's Comment:

Council is urged to support the recommendation.

Financial Implications:

Council's 2004/2005 budget makes provision for this level of funding, providing matching funding as required.

Other Implications:

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

2004. 725

RESOLVED:

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

That the offer of financial assistance for 2004/2005 in the amount of \$87,200 for the Maintenance of Flood Mitigation Works be accepted in accordance with the conditions of Financial Assistance for Floodplain Management Program.

DE4	KEMPSEY – FREDERICKTON FLOOD STUDY
FILE: FM510	APV (NRN) {Folio No. 283676}

SUMMARY:

Reporting on the finalisation of the Lower Macleay Floodplain Management Plan - Supplementary Report covering the Floodplain between Kempsey and Frederickton.



Under the State Government's Flood Policy, Council is responsible for the management of flood liable land. Under that policy, the following process has been adopted for floodplain risk management:

1. Flood Study
2. Floodplain Management Study
3. Floodplain Management Plan
4. Implementation of the Plan.

The Lower Macleay Floodplain Management Study (1997) and the Lower Macleay Floodplain Management Plan (1999) covered the area of the Macleay River floodplain below Frederickton.

The Lower Macleay Floodplain Management Plan – Supplementary Report covering the Floodplain between Kempsey and Frederickton has been prepared by Webb, McKeown and Associates. The report covers both the Management Study and Plan stages of the floodplain management process. It provides the basis for the future management of flood liable lands forming part of the Lower Macleay River area between Kempsey and Frederickton.

The production of this plan has been a consultative process which has allowed community input into the issues and the potential solutions associated with Macleay River flooding. Community input on issues was previously gained through two public meetings held in August 2001. In the report, the issues raised are presented together with management options to address the identified problems. A community workshop was held in March 2002 to provide discussion of the recommendations in the draft plan.

Management options were then assessed, a list of recommended options compiled and these actions were then assigned priorities. Table 1 [\(Appendix C\)](#) provides a summary of the Plan. The proposed Timetable of Works specific to this area is summarized in Table 6.1 [\(Appendix D\)](#). Implementation of some of the proposed actions have already been undertaken or commenced.

As part of the Lower Macleay Floodplain Management Plan the 100 year Average Recurrence Interval (ARI) or 1% AEP event was formally adopted as the Flood Standard. During this study (Kempsey to Frederickton) the previous model was extended to produce design levels up to the Kempsey Railway Bridge. Refinement of the model and input data has also resulted in minor changes to some of the levels downstream of Frederickton. The 100 year ARI flood levels and velocities as shown in Figures 2, 3 and 3a [\(Appendix E\)](#) should now be adopted by Council.

Since November 2003, as recommended in the Plan, the reference levels at the Kempsey Traffic Bridge gauge are now quoted in metres Australian Height Datum (m AHD).

The northern end of Old Pola Creek levee has been surveyed. It is programmed that later this year minor releveling of this levee be undertaken to ensure that the floodwaters are distributed evenly across the levee.

Improvements to the Flood Warning System are ongoing. In November 2003, Council officially launched the Macleay Flood Web Page. Work is presently continuing on the development of a Floodphone to provide additional access to flood data such as river heights and rainfall and hence improve the flood warning system.

Discussions have taken place with Kempsey Rural Land Protection Board and the State Emergency Services regarding a stock evacuation survey of the Lower Macleay. Following the undertaking of the survey, management options will be developed for the movement of stock during flood events.

Council needs to formally adopt the Supplementary Report and specifically to adopt the 100 year ARI flood levels and velocities. As Council would be

aware, Webb McKeown and Associates have commenced the next stage of the Lower Macleay Floodplain Management Plan, being Stage 4 for the Kempsey Flood Study.

Director's Comment:

This report provides an important part of Council's Flood Mitigation Program and needs formal adoption to supplement the previous work completed under the Lower Macleay Floodplain Management Plan.

Financial Implication:

There are no financial implications arising from the following recommendation as the majority of the actions in the plan will be undertaken as part of Council's ongoing flood mitigation program. Any specific works will be dependant on available funding.

Other Implications:

The adoption of the Supplementary Report (Kempsey to Frederickton) and the 100 year ARI Flood Levels will mean that these levels will then be used, in determining the Flood Planning Levels as defined in Councils Flood Risk Management Policy.

Director Engineering Recommendation:

1. That the "Lower Macleay Floodplain Management Plan – Supplementary Report covering the Floodplain between Kempsey and Frederickton" be adopted.
2. That the 1 in 100 year ARI flood levels and velocities be updated to those shown in Figures 2, 3 and 3a of that Report.

2004. 726

RESOLVED:

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

That the Director's Recommendation be adopted with the addition of;

3. That the information be referred to the RTA for comment.

Councillor Sowter recorded his vote against the foregoing Resolution.

DE5	COUNCIL ROAD SAFETY OFFICER PROGRAM
FILE: R8-19 NJT	{Folio No. 283677}

SUMMARY:

Reporting on the employment a Road Safety Officer.



2004. 727

RESOLVED:

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

That an application be made to the RTA for the employment of a Road Safety Officer.

**DE6 QUARRY ROAD
FILE: R Quarry Rd NJT COPY: APC {Folio No. 283679}**

SUMMARY:

Reporting on the upgrading of Quarry Road.



Council at its Works Committee meeting on 23rd August 2004, resolved:

“That the Director Engineering prepare a report on the costs and options to upgrade Quarry Road, Frederickton.”

The entire length (3.54km) of Quarry Road is a Dedicated Public Road. At present the sections of this road maintained by Council are:

1. From Collombatti Road in the south to Raymonds Lane for a distance of 1.23km.
2. From Kemps Access easterly for a distance of 1.12km to the entrance to Fullers Mill. This section is gazetted as a B-Double Route.

The remaining middle 1.2km section of Quarry Road, from the entrance to Fullers Mill to Raymonds Lane, is not maintained by Council.

This report relates to the section of Quarry Road east of Kemps Access to Fullers Mill.

It is estimated that to upgrade and seal the western section of Quarry Road from Kemps Access to the entrance to Fullers Mill would cost approximately \$330,000.

Section 94 Funds in the amount of \$18,269 have been collected for roadworks on the section of Quarry Road from Seashore Lane to Kemps Access. This amount will only allow for widening improvements to the existing gravel road over the crest of the hill just to the east of Kemps Access towards Seashore Lane. The widening of this section would alleviate the current concerns relating to traffic safety.

To seal a 100m length of road adjacent to the house at No. 312 Quarry Road would require an increased depth of gravel as well as the seal itself. The total estimated additional cost of providing a 100m section of seal is \$9,300. Funds are not available to seal this section of road.

It is recommended that the available Section 94 funds for Quarry Road be expended on widening and improving the existing gravel road on the crest of the hill east of Kemps Access.

Director's Comment:

Insufficient Section 94 funds are available to address both road widening and road sealing. As additional Section 94 funds become available the road could be sealed or Council may wish to "bankroll" the work now.

Financial Implication

The financial implication from the following recommendation is that the existing Section 94 funds will be used to carry out gravel road improvements on Quarry Road.

Report Implications:

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

2004. 728

RESOLVED:

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

That the Section 94 funds be used to provide widening improvements on Quarry Road between Kemps Access and Seashore Lane.

DE7	INITIAL SEALING OF ROADS POLICY
	FILE: R8-2 NJT (NRN) COPY: PJH {Folio No. 283681}

SUMMARY:

Reporting on the introduction of the Policy for the Initial Sealing of Roads.



Director Engineering Recommendation:

That the Policy for initial Sealing of Roads be adopted. Council at its meeting on 14th September 2004 considered a Notice of Motion from Councillor J H Bowell, on Sealing of Gravel Roads and resolved:

"That council recognises the economic benefit of sealing an unsealed section of a road in future road programs in accordance with the provisions of the transportation infrastructure strategic plan considering:

- *average daily traffic count (adt)*
- *school bus route/tourist route*
- *significant maintenance costs*
- *significant safety issues*
- *dust suppression.”*

Also, at its meeting of 9th September 2003, Council resolved:

“That Council confirms its Policy which states that prior to inclusion in the Capital Works Program any additional projects are justified beyond economic benefit.

Such criteria would include, but not be limited to the following:

- *Average Daily Traffic Count (ADT)*
- *School Bus Route / Tourist Route*
- *Significant Maintenance Costs*
- *Significant Safety Issues*

and that the following assessment criteria be added under Councils policy.

- *Significant and Sacred Indigenous Cultural and Heritage Issues*
- *Sensitive Environmental Issues”.*

A draft policy has been developed and is attached at [\(Appendix F\)](#).

The introduction of Initial Sealing of Roads Policy has been brought about by the increased expectations of the community, and the dwindling resources of Council available to meet these expectations.

It is considered desirable for Council to have a means of comparing relative priorities Shire-wide, for initial sealing of roads. The intent of the Policy is to provide Council with a vehicle to consistently and objectively assess the proposals.

This Policy will provide guidance and instruction on how Council determines which gravel roads are to be sealed. It establishes assessment criteria to be applied prior to inclusion in a Capital Works Program.

For Council to make decisions on requests for capital expenditure, it should analyse and ensure a transparent, methodical and equitable approach, to clearly demonstrate the whole of life costs, and benefits, before funds are expended.

Justification for including projects in the Capital Works Programs

At a minimum Council should ask the following questions:

- What is the purpose of the acquisition?
- Who will pay (now and in the future)?

- Who will benefit?
- What is the standard of provision to be?
- What are the life cycle costs and how will they be met?

The question needs to be asked, "is it cheaper to seal than to maintain a section of road as unsealed?"

It is often felt that sealing gravel roads will save the ongoing costs of maintenance grading and gravel re-sheeting. That is, the more kilometres sealed the greater the savings. It is also felt that not only can roads be maintained and service levels increased, but funds are then freed up to spend on other items as well.

Council needs to be aware that there are significant costs involved in maintaining new sealed roads. They have to be patched, repaired, resealed and rehabilitated over their lifetime.

Returns to the State Grants Commissions indicate that, on average, Kempsey Shire Council spends significantly less per km. per year to maintain its gravel roads than it does to maintain its sealed roads.

These figures only relate to existing funding levels, and do not relate to the true level of funding required to maintain both sealed and unsealed networks.

Present funding shows that it is uneconomic to seal a road if it is:

- maintenance graded less than 3 times per year,
- average daily traffic volumes less than 200 vpd, and
- gravel resheeted on a 10 year cycle.

It must be stressed that when maintenance grading is required more than three times per year, or vehicle counts indicate significant volumes of traffic or, gravel resheeting is required consistently, there is a financial benefit in sealing a road. This has been the basis for Council's decision to seal roads previously.

It is recommended that a separate report be submitted for Council for consideration prior to any future inclusion of Initial Sealing of Roads into the Budget under the Capital Works Program.

It is also recommended that Council allow the sealing of sections of gravel road for dust suppression, subject to the landholder contributing 100% of the cost of a low cost bitumen seal for a maximum distance of 200m, subject to available funding.

A further report will be tabled later in the year, to seek to develop a long-term financial forecast outlining Council's future financial requirements, based on all information relating to asset acquisition, maintenance, and renewal / rehabilitation. Present funding allocations can be used in the calculations, but as previously advised to Council budgets provided for Sealed roads are significantly under funded.

Director's Comment:

This Policy will allow Council to objectively assess and prioritise requests for road sealing and Council is encouraged to adopt the recommendation.

Report Implications:

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

2004. 729

RESOLVED:

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

That the Policy for Initial Sealing of Roads be adopted subject to the inclusion of the words 'per house' after 200m in clause 6.

DE8

**ROAD CONSTRUCTION
FILE: R8-2 NJT (NRN)**

{Folio No. 283685}

SUMMARY:

Reporting on additional information required following the September Roads Inspection.



Council at its meeting on 14th September 2004 considered a report regarding a Roads Inspection held on 9th September 2004 and resolved:

- "1. That a report be submitted to the October meeting of Council with advice relating to;**
- a. the proposal to improve access to St Paul's College*
 - b. the estimated costs to reconstruct Aldavilla Road providing for a staged sealing program*
 - c. the upgrade of Hickeys Creek Road*
 - d. the ongoing sealing of Maria River Road*
 - e. the upgrading of approximately 400 metres of Upper Belmore River Road."*

a. Access to St Paul's College

No records have been found regarding the approval for the existing constructed southern vehicular access into St Pauls College from Sea Street.

The crossfall of the road adjacent to the southern access falls within acceptable guidelines and appropriate standards (3.7%). Whilst Council does not hold any record of the crossfall at this location prior to the reconstruction of the road no significant changes in crossfall or level resulted from that work.

However, the slope of the driveway is excessive (10%), causing vehicles to scrape on the road.

Vehicular accesses are the responsibility of the property owners. It is recommended that St Paul's be requested to reconstruct their driveway to appropriate levels, and that Council approval will need to be sought prior to such work being undertaken.

b. Aldavilla Road

The whole of the Aldavilla Road link has been reviewed and the appropriate standard for this road link determined, as follows:

Aldavilla Road from the intersection of Sherwood Road consists of 4 distinct sections of road geometry.

1. 0.00 - 0.88km is sealed 6m wide. This section of road is new, as it has recently been upgraded to provide access to the New Correctional Facility. Traffic volume is 363 vpd.
2. 0.88 – 1.68km is sealed 3.6m wide. This section of road is narrow, has poor sight distance on crests and curves and requires rehabilitation and widening at an estimated cost of \$95,000. Traffic volume is 130 vpd.

It is proposed that this work be prioritised on the annual Rehabilitation Program and completed when funds are made available.

3. 1.68 – 2.05km is sealed 5m wide. Half of this section of road requires rehabilitation and some minimal widening at an estimated cost of \$60,000. Traffic volume is 130 vpd.
4. 2.05 – 4.64km is unsealed 5.5m wide and is considered adequate for the current usage. The estimated cost of Initially sealing this sections of road is estimated to cost \$390,000. Traffic volume is 67 vpd.

Old Aerodrome Road from the intersection of Aldavilla Road consists of 3 distinct sections of road geometry.

1. 0.00 – 0.77km from Aldavilla Road end is unsealed 4m wide. This section of road is narrow and needs widening to 6m seal with 7m formation. The estimated cost of widening and sealing this section of road is estimated to cost \$120,000. Traffic volume is 120 vpd.

2. 0.77 – 1.77km is sealed 4.5m wide. This section of road is narrow, has poor sight distance on crests and curves and requires rehabilitation and widening. Funding has been set aside to rehabilitate 450m of this section this financial year at an estimated cost of \$72,000. Traffic volume is 120 vpd.

The estimated cost to rehabilitate the remainder of this section is \$90,000

3. 1.77 - 2.79km is sealed 6.0m wide. This section of road is in a reasonable condition. Traffic volume is 587 vpd.

There is a significant length of existing sealed road in both Aldavilla Road and Old Aerodrome Road in need of rehabilitation and widening. The total estimated cost of such works is \$245,000.

The total estimated cost of sealing the unsealed sections of both Aldavilla Road and Old Aerodrome Road is \$510,000.

Therefore the estimated total project cost is \$755,000.

c. Hickeys Creek Road

The road to Taylors Arm consists of 3 roads - Hickeys Creek Road, Billybyang Creek Road, and Sundowners Road within Kempsey Shire. The length of gravel road within Kempsey Shire is 5.8km. Current traffic volume is approximately 80 vpd.

The estimated cost to widen and upgrade to a 7m gravel road is \$540,000.

The estimated cost to provide a two-lane sealed road is \$720,000.

The existing sealed length of Hickeys Creek Road requires significant rehabilitation. The estimated cost to rehabilitate sections of this road is \$315,000.

d. Maria River Road

The preliminary estimated cost of sealing the remaining 12km of unsealed road is \$2.5 million, which is beyond Councils current financial capacity to fund. Traffic volume is 90 vpd.

e. Upper Belmore River Road

The estimated cost of sealing a 400m section of road 4.0m wide is \$40,000. Traffic volume is 62 vpd.

The road is sealed for 1.6km from the intersection of Loftus Road, of which 720m is in urgent need of rehabilitation at an estimated cost of \$72,000. This work has been earmarked for rehabilitation, but due to the extent of roads that require rehabilitation, and limited resources, this project has had to be deferred.

These roads are by no means a complete list of roads for which initial sealing has been requested.

Council as part of the Development Application process has collected Sec94 Contributions on the understanding that roads will be sealed at some time in the future. John Lane Road is an example of this, where significant Council funds were expended on this road as Sec94 funds allowed for less than half the cost of constructing a sealed road.

It is recommended that no further action concerning these roads be taken at this time until these and other projects are assessed under the proposed Initial Sealing of Roads Policy and that these roads be reconsidered as part of the Condition of Roads Report to be prepared for the February Council meeting.

Director's Comment:

As per the report.

Report Implications:

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

2004. 730

RESOLVED:

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

That the projects be listed for consideration in the report to be tabled on the Condition of the road network at the February Meeting of Council.

DE9	DEVELOPMENT OF A LANDSCAPE INFRASTRUCTURE DEVELOPMENT PLAN FOR HORSESHOE BAY RESERVE FILE: R3-21 GJW (NRN) COPY: APC {Folio No. 283686}
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SUMMARY:

Reporting on the Development of a Landscape Infrastructure Development Plan for Horseshoe Bay Reserve.



As the Horseshoe Bay Plan of Management has now been accepted by Council, it is proposed that a Landscape Infrastructure Development Plan be drawn up to guide future development landscaping of the area. It is proposed that a landscape architect be engaged to carry out the work.

Director's Comment:

The development of a Landscape Infrastructure Development Plan is the next step in guiding improvements to this significant reserve area.

Financial Implication:

The financial implication of the following recommendation would be the allocation of \$10,000 in Section 94 Outdoor Recreation and Open Space District Contributions toward the development of the Plan.

Other Implications:

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

2004. 731

RESOLVED:

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

That \$10,000 in Section 94 Contributions be allocated toward the development of a Landscape Development Infrastructure Plan for Horseshoe Bay Reserve, South West Rocks.

DE10	REMOVAL OF CAMPHOR LAUREL TREE ADJACENT TO 65 LORD STREET, EAST KEMPSEY FILE: T11-4 GJW (NRN) {Folio No. 283688}
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SUMMARY:

Reporting on the removal of a Camphor Laurel tree adjacent to 65 Lord Street, East Kempsey.



A request has been received from the residents of 65 Lord Street to remove a large Camphor Laurel tree adjacent to their property. Complaints have been registered with Council in regards to the tree dating back to February 1999. The issues involved are flooding caused by the blocking of stormwater drainage by leaves and roots and structural damage to the house from the root system of the tree.

The tree is not considered dangerous and is not listed on Council's Tree Priority List.

Director's Comment:

As per the report.

Financial Implication:

There are no financial implications of the following recommendation as the tree will be removed using Council's Tree Maintenance allocation.

Other Implications:

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

2004. 732

RESOLVED:

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

That the Camphor Laurel tree adjacent to 65 Lord Street, Kempsey, be removed.

DE11	KEMP STREET PLAYING FIELDS
	FILE: R3-20 GJW (NRN) COPY: APC {Folio No. 283689}

SUMMARY:

Reporting on the upgrading of Kemp Street No. 1 soccer oval.



Kemp Street Playing Fields are utilised for Soccer, Baseball and Cricket and have developed into the major soccer fields in Kempsey.

It is proposed that Kemp No. 1 soccer field be upgraded over a number of years to bring it up to a regional facility standard. This would include fencing, top dressing and levelling of the playing surface and the installation of tiered seating.

A grant application is being prepared for the Department of Tourism, Sport and Receptions Regional Facilities Programme requesting funding to match Council's allocation to the project. It is proposed to draw funds from Council's Sports Facilities Development Fund.

Stage 1 of the project will be topdressing and levelling of the playing surface.

Director's Comment:

The Kemp Street playing fields have been utilised for some regional soccer tournaments and quite a few regional and State Baseball Events. To further enhance the area it would be worthwhile and would support local sports Associations in their quest for larger carnivals.

Financial Implication:

The financial implication of the following recommendation would be the allocation of \$10,000 from Council's Sports Facility Development fund for the 2004/05 financial year.

Other Implications:

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

2004. 733

RESOLVED:

Moved: Cl. Hunt

That \$10,000 be allocated from the Sports Facility Development Fund towards levelling and topdressing of Kemp No. 1 Sports Field.

DE12 QUESTIONS WITHOUT NOTICE
FILE: C18-28 JC (NRN) {Folio No. 283690}

SUMMARY:

Reporting on Questions Without Notice from the Council meetings of 15th July 2004, 10th August 2004, 24th August 2004, 1st September 2004 and 14th September 2004.



Responses to Councillors Questions Without Notice are listed for information.

Meeting of 15th July 2004

Councillor E A Green
File: R Sherwood Rd

(Folio No. 278800)

That the Director Engineering would supply a copy of the rehabilitation program for the Sherwood Road / Old Aerodrome Road area.

Included on roads inspection 9th September 2004.

0.0 – 1.45km	Sherwood Rd	Reseal Rehabilitation	2004 / 05
3.6 - 4.1km	Sherwood Rd	Reseal	2004 / 05
4.5 - 4.8km	Sherwood Rd	Realignment	2004 / 05 Roads to Recovery
4.8 - 5.2km	Sherwood Rd	Rehabilitation	2004 / 05
1.1 - 1.5km	Aerodrome Rd	Rehabilitation	2004 / 05



Ordinary Meeting of 10th August 2004

Councillor J H Bowell
File: R8-24

(Folio No. 280352)

That the Director Engineering would consider the need for additional street lighting outside the Showground in Sea Street, Kempsey, and in the South Street Industrial area in South Kempsey.

Quotation sought for Sea Street from CountryEnergy. Review of Industrial area to be undertaken to assess requirements.



Extra Ordinary Meeting of 24th August 2004

Councillor B R Sowter

File: R Collombatti

(Folio No. 281137)

That the Director Engineering would negotiate with the school bus company regarding the possible relocation of the pick up point at Billybyang Creek Road which is adjacent to Mr Mordue's property.

Site meeting held on 17th September 2004. Council staff and a representative from Busways were in attendance. The bus company representative informed the concerned residents that they will endeavor to relocate the pick up point to the satisfaction of the property owners in the area.

Councillor R H McWilliam

File: R8-2

(Folio No. 281138)

That the Director Engineering would follow up the procedure for sweeping loose gravel after resealing and patching work.

Instructions issued to ensure gravel buildups are removed promptly.

Councillor J H Bowell

File: R8-24

(Folio No. 281142)

That the Director Engineering would investigate the need for re-location of a power pole opposite the newsagent in Crescent Head which is on the roadway.

Discussions initiated with CountryEnergy, who are reviewing options.

Councillor R H McWilliam

File: F4

(Folio No. 281149)

That the Director Engineering would arrange for "No Fishing" signage to be erected at Perrotts Bridge at Jerseyville.

Signs installed 13th September 2004.



Extra Ordinary Meeting of 1st September 2004

Councillor J H Bowell

File: B6-62

(Folio No. 281434)

That the Director Engineering would discuss with the consultant the second bridge crossing plans currently on exhibition, which show the access from South Street being a T-intersection and the traffic problems this may generate.

Issue has been referred to consultant for consideration.

Councillor J H Bowell
File: R Pacific Hwy

(Folio No. **281435**)

That the Director Engineering would follow up action on an invitation from the Minister for Roads for Council to make a submission to Mr Forward from the RTA regarding the Highway traffic noise problems through Frederickton and Kempsey.

Letter dispatched.

Councillor R H McWilliam
File: B3-5

(Folio No. **281463**)

That the Director Engineering would investigate the Mattys Flat boatramp area where a rail is only held together by wire and the floating pontoon is coming apart.

Pontoon removed, repairs carried out on floating pontoon – rubbers replaced.

Councillor B R Sowter
File: R8-19

(Folio No. **281465**)

That the Director Engineering would contact the Principal of the Aldavilla School regarding the need for parents to park on the school side of the road so children do not have to cross the road as a pedestrian crossing at this location would not be approved.

Contact yet to be made.

Councillor E R Walker
File: R8-29

(Folio No. **281466**)

That the Director Engineering would raise with the RTA the possibility of installing cameras through the Kempsey CBD to deter speeding heavy vehicles.

Matter being discussed.

Meeting of 14th September 2004

Councillor D F Saul
File: R Belmore Rd L/B

(Folio No. **282574**)

That the Director Engineering would investigate the overhanging trees protruding onto the road at 410 Left Bank Road Belmore River.

Quotes to lop trees being obtained.

Councillor D F Saul
File: R7-1

(Folio No. **282576**)

That the Director Engineering would investigate the river bank erosion near the property of 671 Summer Island Road.

Matter being investigated.

Councillor R H McWilliam

File: R Maria River

(Folio No. 282578)

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

Awaiting announcement of guidelines for Roads to Recovery Program.

Councillor E R Walker

File: R First Ln

(Folio No. 282582)

The Director Engineering would investigate the condition of First Lane due to the increased traffic caused by the second set of traffic lights recently installed in Smith Street.

Maintenance grading carried out on 24th September 2004.

Councillor J C Gribbin

File: P6-2

(Folio No. 282598)

The Director Engineering would further investigate why the Weeds Officer had a Budget rent a car.

Council's Noxious Weeds Officer, Paul Leddy, resigned in March 2004. There was a 6 week gap between Paul Leddy's resignation and the appointment of Greg Egan to the position on a temporary basis. No inspectorial work was carried out for 6 weeks, leaving \$8,000 in the Noxious Weeds inspectorial allocation at the beginning of June 2004. Unless the full allocation is expended in each financial year, a corresponding amount is deducted from the Department of Agriculture's grant funding for the next financial year.

Council's Horticultural Advisor arranged to hire a vehicle, as no other Council vehicle was available, to undertake roadside and private property inspection for 4 weeks and expend the available funds.

2004. 734

RESOLVED:

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

That the information be noted.

DE13

WORKS IN PROGRESS

FILE: R8-2 KJF (NRN)

{Folio No. 283691}

SUMMARY:

THIS IS PAGE 104 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 12TH OCTOBER 2004

.....
MAYOR

Reporting on Works in Progress.



ROADS

REGIONAL ROADS

Sealed

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

MR198 (South West Rocks Road) at Benelong Haven is scheduled for rehabilitation works. This work will commence in October 2004.

Heavy Patching on MR7737 (Crescent Head Road) is currently underway and should be completed in early October.

Shoulder maintenance and reseal preparations are to commence early October on MR 75 (Armidale Road).

1.1.1.1.1.1.1.1.1 LOCAL ROADS

1.1.1.1.1.1.1.1.2 Sealed Rural/Local

Pavement maintenance work on the sealed road network is continuing.

Shoulder maintenance on Second Lane has been completed.

The rehabilitation of a section of Great North Road is currently underway. The work will include a minor widening of the pavement and drainage works to alleviate the standing water alongside the roadway.

1.1.1.1.1.1.1.1.3 UNSEALED RURAL

Gravel Resheeting

The gravel resheeting of Back Creek Road has been completed.

Nagles Falls Road is due to be resheeted during the October.

1.1.1.1.1.1.1.1.4 Maintenance Grading

The "Shire East" roads maintenance crew is currently in the Aldavilla Area (Area E5). The crew will move to the South Kempsey/Yessabah Area (Area E6) upon completion of area E5

Roads graded during this month;

First Lane
Saleyards Road
Ptolemeys Access
Cedar Crossing Road
Hughes Access
Everinghams Lane

Third Lane
Upper Collombatti Road
Johnsons Access
Roses Road
Collombatti
Tamban Road

The "Shire West" roads maintenance crew is currently in the Tooumbee Area (Area West 4). The crew will move to the Temagog Area (Area W5) upon completion of area W4.

Roads graded during this month;

Dowling Falls Road
Warbro Road

Mopparabah Road
Willi Willi Road (west of Tait's Bridge)

TOWN AND VILLAGE STREETS

Kempsey Town Improvement

Gladstone Street in Kempsey is scheduled to undergo rehabilitation works in late October. This work will involve replacement of the broken kerb and gutter on the eastern side and rehabilitation of the road. This project is part of the Roads to Recovery program.

Crescent Head Town Improvement

Drainage work, kerb and gutter, and road works are scheduled for Korogora Street. This work is due to commence at the end of October.

South West Rocks Town Improvement

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

Frederickton Town Improvement

Kerb and Gutter works has been completed in Great North Road between Creek Street and Hughes Place. The work involved the placing of Kerb and Gutter on the southern side and widening the roadway. Some minor drainage work was also completed during the construction.

Stuarts Point Town Improvement

Kerb and Gutter works has been completed in Ocean Avenue. This project is part of the Roads to Recovery program.

Pedestrian Access Mobilisation Plan (PAMP)

The PAMP Works in Belgrave and Marsh Street have been completed.

FLOOD MITIGATION

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

The Glenrock Drain Flood Structure is currently undergoing concrete maintenance works. This work involves the dewatering of the site; the grit blasting of the concrete structure; replacement of steel where needed; and the repairing of concrete surfaces. The floodgates will be renovated at the same time.

The Kinchela Creek Flood Gates will undergo concrete remedial works and general maintenance at the end of October. This work will involve the dewatering of the site; the grit blasting of the concrete structure; replacement of steel where needed; and the repairing of concrete surfaces. The floodgates will be renovated at the same time.

BRIDGES / STRUCTURES

Specific Maintenance

The new bridge at McCoys Creek on Willi Willi Road has been completed and the bridge is open to traffic. The next step is the removal of the causeway as part of a NSW Fisheries initiative to reinstate the creek bed levels. This work will commence mid October.

1.1.1.1.1.1.2

1.1.1.1.1.1.3 *HORTICULTURE*

Coastal Weeds Rehabilitation Project

Continuing. Spraying carried out at Middle Head and South West Rocks.

A meeting was held on 15th September with Department of Environment and Conservation at Arakoon to discuss ongoing coastal weed control operations. The main focus of discussions was the co-ordination of future weed control operations between the Department of Environment and Conservation and Council.

Upper Macleay Riparian Weeds Project

Stage 1 completed - to continue with the eradication of regrowth in the areas treated over the past 6 months. Work will commence in October 2004.

1.1.1.1.2 Playgrounds

Play equipment has been installed in Entrance Street Reserve, South West Rocks. The equipment was purchased in the last financial year. Installation

was delayed while information regarding the age demographic in the area was investigated.

The installation of play equipment in Ella Hennessy Park, West Kempsey has commenced.

The Horticultural Advisor is working on a playground strategy to highlight future requirements and funding sources.

Sporting Facilities

Summer season change over completed.

A review of Council's Fees and Charges in regards to the use of Sports Fields has commenced and will be completed prior to the preparation of budget estimates for 2004-2005.

An application to the Department of Tourism, Sport and Recreation's Regional Sports Facilities Grants Scheme is being prepared for the Boyter's Lane Sports Fields.

A copy of the application form has been forwarded to all Sports User groups.

Parks

Landscape Infrastructure Development plans are being developed for the Crescent Head foreshore and Horseshoe Bay, South West Rocks.

Bindii Spraying is now completed in the Kempsey Shire Council parks and Sporting Fields with the aim to control and reduce the numbers of Bindii and any other broadleaf weeds.

Maintenance Review

Consultants, Howell Facilities spent 3 days carrying out inspections of Council's Parks and Reserves. They have set up maintenance schedules for each area and returned them to allow Council staff to add additional information. The initial report rated the condition Council's Parks and Reserves between good and excellent. They also made very positive comments in regards to the natural attributes of the assets that Council has currently under its control and the skills levels in Council staff being high.

NOXIOUS WEEDS

Greg Egan is still acting in the role of Noxious Weeds Inspector and has been representing Kempsey Shire Council at the Mid North Coast Weeds Advisory Committee monthly meetings.

- Planned Bitou Bush spraying is now mostly completed for the season, although a few areas are being treated by Spot Spraying. This way any of the native species that are now flowering are not affected.

- A control programme for Giant Parramatta Grass is almost completed for Council roads and reserves. Spraying will commence in the first few weeks of October.
- The GPG inspections are also for Urban streets with control plans now well under way for the treatment of this invasive weed in town. In October streets will start being treated with Taskforce as it is registered to use from September to February.
- As a result of Notification letters that have been sent out informing landowners of infestations and the need to prevent GPG from spreading and reducing numbers, landowners have been contacting council with feedback and control plans for their properties.
- There have been a few new sites where Groundsel Bush has been identified and these new infestations will be programmed for control.
- Bindii Spraying is now completed in the Kempsey Shire Council parks and Sporting Fields with the aim to control and reduce the numbers of Bindii and any other broadleaf weeds.
- A mapping and control program is also being worked on for infestations of Mother of Millions in the Kempsey Shire.
- A 12 Month Weed Control Program is being put together for Noxious Weeds control in Kempsey Shire Council.
- Kempsey Shire Council 2003/2004 Annual Report for Noxious Weeds for Department of Primary Industries has been completed.

1.1.1.2 BUILDING SERVICES

Work completed last 4 weeks

- Ongoing maintenance to amenities.
- Aged Care Units – miscellaneous repairs.
- Works Depot –
 - Relocate Stores Compound.
 - Install sediment fences to designated areas.
- South West Rocks Tip – Install concrete slab for waste oil tank.
- Frederickton Cemetery – Install self-contained pump station to Unisex toilet.
- Crescent Head Water Treatment – Replace doors.
- Pools painting for 2004/05 season opening.

Work proposed next 4 weeks

- Works Depot
 - Maintenance to gutters and down pipes (continuing).
 - Upgrade Locker Room/Shower (continuing).
- Timber Bollards – Manufacture a total of 300 (continuing).
- South West Rocks SES – install concrete slab and awning.
- Crescent Head – Repair ordinance fencing to Comara and Noongah Terrace (continuing).
- Kempsey Tip – Insulate roof to ticket/entry office.
- Clyde Street Mall – Repaint lampposts (continuing).
- Works Depot: - Prepare hardstand area for Vehicle Shed.
 - Slab and Skillion for Parks and Gardens Shed.
- Gladstone Hall: Extensions for gallery.
- Kempsey Pool: Restoration of 25m pool.

1.1.1.2.1.1 Implications:

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

2004. 735

RESOLVED:

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

That the information be noted.

DIRECTOR ENGINEERING SUPPLEMENTARY REPORT

DE14 (SUPP.)	RURAL FIRE SERVICE FILE: F3-30 KJF (NRN)	{Folio No. 283879}
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SUMMARY:

Reporting on the NSW Rural Fire Fighting Fund allocation.



Details of the approved allocations for the 2004/2005 Rural Fire Fighting Fund have been provided to Council. Details are shown at [\(Appendix G\)](#).

The total cost of the service is \$1,130,077.53 with Council's contribution at \$150,300.31 including a reimbursable charge of \$50,283.25. Therefore,

Council's total cost for 04/05 will be \$100,017.06 which is within the budget allocation provided.

It is interesting to note the increase in budget for Maintenance/Repairs has been increased to \$123,100 for this year, in line with Councils request. Unfortunately Council is still to learn of the RFS intentions with respect to expenditure beyond the approved budget for Maintenance/Repair over the past 2 years. Following the Group of Councils meeting in Kempsey this is being pursued through the Regional office.

Of major concern is the inordinate rise in the proportion of Statewide Programs. Last years charges totalled \$273,780. This years charges total \$423,382 an increase of 54%. Whilst a breakdown of charges is provided, no explanation is made as to why the increase is so high. This may be an issue to raise with the Commissioner or Assistant Commissioner (Finance), Trevor Anderson.

Of major concern also is the deferment yet again of a vehicle for Hat Head. Only one vehicle is scheduled for replacement this year, being a Category 2 Dual Cab Appliance for South West Rocks. This is the second year the proposed new vehicle for Hat Head has been deferred. It seems incongruous that, with an extra \$30M announced by the Minister for new vehicles across the State and a notably old fleet of vehicles serving this Fire District, only one vehicle is replaced this year.

It is also noted that the provision of toilets for Bellbrook RFS Unit has been deferred.

Director's Comment:

Council may like to communicate further with the Commissioner on these issues.

Other Implications:

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

2004. 736

RESOLVED:

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

That the information be noted.



PRESENTATION

At 12.37pm Mrs Billie Crawford from the Macleay Historical Society made a presentation to Council on the history of Local Government in the Macleay Valley.



At this stage 1.05p.m. the Meeting adjourned for Luncheon and upon resumption at 2.10p.m. all present at the adjournment were in attendance with the exception of Councillor Saul.



DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

DCCS1	STATEMENT OF BANK BALANCES AS AT 30TH SEPTEMBER 2004	APC
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SUMMARY:

Submitting the Statement of Bank Balances as at 30th September 2004.



[\(Appendix A\)](#)

Financial Implication

There are no financial implications arising from this report.

2004. 737

RESOLVED:

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

That the information be noted.

DCCS2	STATEMENT OF INVESTMENTS AS AT 30TH SEPTEMBER 2004
FILE: *	APC

SUMMARY:

Submitting the Statement of Investments as at 30th September 2004.



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 that Statement of Investments.

Financial Implication

There are no financial implications arising from this report.

2004. 738

RESOLVED:

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

That the information be noted.

DCCS3	REVIEW OF RENT MACLEAY RIVER HISTORICAL SOCIETY
FILE: H5-2 TIH	{Folio No. 283693}

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

DCCS4	HACC SERVICE RE-DEVELOPMENT NON-RECURRENT FUNDING
FILE: C10-4	JLM (NRN) {Folio No. 283695}

SUMMARY:

Reporting on the successful application of non-recurrent funding from the Department of Ageing, Disability and Home Care.



The Department of Ageing and Disability has approved a non-recurrent funding grant of \$30,000 for the purpose of providing safe garaging the HACC funding community bus and to extend outdoor access to building to address OH & S issues.

It is a requirement of the this non-recurrent funding grant that the Council seal be placed on the funding agreement and mailed back to the Department of Ageing, Disability and Home Care.

Financial Implication

The financial implication of the following recommendation would be nil.

Other Report Implications:

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

2004. 739

RESOLVED:

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

That the Council seal be placed on the non-recurrent funding agreement between the Department of Ageing, Disability and Home Care and Council for \$30,000.

DCCS5	KEMPSEY LIBRARY USER SURVEY JULY 2004
FILE: L4-2 GB (NRN)	{Folio No. 283699}

SUMMARY:

Reporting on the results of the Kempsey Library User Survey conducted in July 2004.



“All in all I think this library is one of our greatest public assets within the shire” - Survey respondent.

The survey was administered by members of the Friends of the Library at Kempsey, F.O.L.K., who were helping with the library’s book sale, during the week of the 26th of July and there were 90 respondents. It is too small a sample to make much of it, but indicative nevertheless.

1. What do you like best about this library? Most people nominated staff (35) followed by service (28) which I would consider to be the same as staff. Other items named were books (27) toy library (15) the rest were nominated by fewer than 10 people: layout, web, computer, amenities, accessibility, holiday programmes and homework centre.
2. What do you dislike about this library? The highest number, 7 each were for amenities and layout, followed by age of books, lack of toys, opening hours – they would like us open at 9.00 - and the return shute.
3. If you could change one thing about this library... The highest number, 13 each were for amenities – coffee lounge, reading room, armchairs and more and newer books the rest were very similar to the previous question, they also want more computers.
4. If you had \$10000 to spend on this library ...The highest number (35) nominated more books, then more amenities (16), more toys (14) longer hours and more staff.
5. Do you use the library website and how often. 78 said no and some did not know about it, 12 use it with varying regularity.
6. The last question just requested any further comments. The majority of comments on staff, service were generally complimentary, they would like a bigger toy library.

Members of staff are certainly to be congratulated. Their hard work and terrific service ethic has obviously been noticed and is appreciated by users. And to finish by quoting one respondent *“a very big and heartfelt thank you to all the helpful, co-operative and responsive library staff”*. He is not alone in these sentiments.

We have also taken a snapshot of the number of volunteer hours donated to the libraries each week.

Hat Head	10
Stuarts Point	8
South West Rocks	16
Kempsey	61.5
total	95.5 hours per week

Financial, Policy, Statutory and ESD Implications

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

2004. 740

RESOLVED:

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

That the information be noted.

DCCS6 AUSTRALIA DAY AND ACCESS COMMITTEE'S STANDING ORDERS FILE: P12-3 COPY: B9-2A MLB (NRN) {Folio No. 283701}
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SUMMARY:

Reporting on the adoption of Standing Orders for the Australia Day and Access Committees in accordance with Council's requirements.



In accordance with Council's resolution of the 22nd June 2004 both the Australia Day and Access Committees have met to develop aims & objectives, terms of reference, membership, timeframes, and standing orders. Below are the details relating to each Committee

Australia Day

As this Committee is a 355 Committee of Council the Committees Aims and Objectives are to hold a Successful Australia Day function for the Shire.

The Membership is made up of Clr B Green, Clr T L Hunt, Margaret Mottee, Melanie Booth and secretarial services provided by Sam Nean (Community Services Admin Trainee)

A copy of the standing orders are attached at [\(Appendix C\)](#)

Access Committee

The aims and objectives of the Access Committee are set out in Council's policy C21.8. – Disability Access. [\(Appendix D\)](#)

The Membership is made up of Clr R McWilliam, Madeleine Mainey, David Corbett, Ron Gibbosn, Paul Phillips, Pat Oldfield and secretarial services provided by Melanie Booth

A copy of the standing orders are attached at [\(Appendix E\)](#)

Financial, Policy, ESD Implications

There are no Financial, Policy or ESD Implications arising from this report.

2004. 741

RESOLVED:

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

That the information be noted.

At this stage 2.11pm Councillor Saul entered to the Chamber.

DCCS7	CROWN LAND ASSESSMENT AT SOUTH WEST ROCKS FILE: LA5054 (279869) TIH (NRN) {Folio No. 283703}
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SUMMARY:

Reporting on advice received back from the Department of Lands concerning the Crown Lands Assessment at South West Rocks.



At Council's meeting on the 10th August 2004 Council considered at report concerning the possibility of allocating some Crown land at South West Rocks for an Aged Care Facility. Council resolved:-

1. *That the information be noted.*
2. *That Council organise a meeting with Stakeholders with an interest in acquisition of land for infrastructure at South West Rocks.*

As one of the main stakeholders the Department of Lands was contacted to determine a date and time to hold this meeting. In a letter dated the 28th September 2004 (see attached at [\(Appendix F\)](#)) The Department of Lands has indicated that *"The Department's involvement in the proposed stakeholder's meeting is deemed to be premature"*

In light of the letter is Council still of the view to go ahead with this meeting of stakeholders excluding the Department of Lands?

Financial, Policy, Statutory and ESD Implication

There are no Financial, Policy, Statutory or ESD Implications

Director Corporate and Community Services Recommendation:

For Council determination.

2004. 742

RESOLVED:

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

1. That Council advise the Department of Lands that it would review this matter in February 2005 in conjunction with the budget considerations for 2005 / 2006.
2. That the Department of Lands be asked to commit in writing their offer to contribute funding in the 2004 / 05 financial year to the Master Environmental Plan for this area.
3. That the Minister for Lands be advised of this action.

DCCS8

PROPOSED YARRAVEL CEMETERY

FILE: C4-13

MLB (NRN)

{Folio No. 283704}

SUMMARY:

Reporting on a financial analysis of costs involved with the Proposed Yarravel Cemetery.



At Council's meeting of the 8th April 2003 a report was considered on the progress of the Proposed Yarravel Cemetery. It was resolved:

"That a report be presented to Council at the same time as the D.A. application showing funds spent and funds committed in comparison to the original budget."

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

To date \$246,964.10 has been spent on the acquisition and application for the proposed Yarravel Cemetery.

A full cost comparison is provided at [\(Appendix G\)](#)

It should be noted at the time of the preparation of the original budget this budget was prepared on the basis of a cemetery similar to Council's existing ones which would require the clear felling of land. The current Cemetery Masterplan is more in suiting to the landscape.

At the time the land was selected a rezoning was not considered necessary, nor was the need for a full flood study.

The need for the rezoning is still questionable, however, the rezoning was undertaken to ensure the DA could not be challenged on a technicality. The flood study did not change the intended position of the burial sites from the Draft Master Plan submitted in 2003. It did, however, provide more data on the flooding characteristics of the valley for future reference.

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.

Since the original budget additional costs have been incurred as a result of the need to appoint consultants and to more than compensate for the matters raised by the objectors. This to date represents \$86,508.58 of the Actual costs.

The project has \$339,145 left in the budget and the developments first stage will be limited to this cost. It is anticipated to cover the DA conditions eg: road works etc.

Financial Policy Implications, Statutory Implications and ESD Implications

All Financial, Statutory and ESD implications have been met.

Director Corporate and Community Services Recommendation:

For information of Council.

2004. 743

RESOLVED:

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

That the information be noted.

DCCS9	COMMERCIAL LICENCE FEES
FILE: P12-21	KRW (NRN) {Folio No. 283705}

SUMMARY:

Reporting on the introduction of Licence fees for Commercial Activities on Council controlled and managed Lands and Beaches.



The introduction of a Licence for commercial activity on Council managed lands and beaches, is aligned with the Kempsey Shire Council Event Management Policy C21: 22 Clause 9. [\(Appendix H\)](#)

All commercial vendors, businesses or activities that wish to operate on Council lands will be required to apply for a Commercial Licence from Kempsey Shire Council before permission to occupy will be given.

These will include all and any profit making business, taking part in an Event at the request of the Event organiser and it will be the responsibility of the organiser to ensure the business has secured their licence before being allowed to set up for the Event.

Surf Schools will be required to apply for and secure a licence to carry out any activity associated with a Surf School on any Council managed Land or Beach.

The following schedule of charges is for Commercial Licences to be considered for inclusion into the Kempsey Shire Council 2004 – 2005 Fees & Charges.

***Surf Schools – Licence to operate a surf school
\$1,000 per annum, or \$20 per week of operation for
seasonal operators, with the maximum number of
Surf School licences for Kempsey Shire to be no
more than 3.***

***Commercial Activities – Firework Displays, Carnival /
Amusement Rides, Helicopter Flights (approved by
Council), any commercial retail outlet and any activity
of commercial gain by any body or person whose
main income is derived from such activity, shall pay a
fee of \$50 per day of operation.***

Comments by Director

The introduction of Commercial Licences for activities of financial gain will give Council the necessary control over persons and companies that in the past have taken advantage of free space and no cost opportunity to conduct a commercially based business.

The Licence for Surf Schools will help control this type of activity to an acceptable level on Kempsey Shire Beaches and limiting the number of Surf Schools will help to maintain minimum impact to visitors to the Macleay by Surf Schools and at the same time providing opportunity for well managed and run businesses to establish in the Macleay.

Financial Implications

There are no financial implications

Policy Implications

There are no Policy Implications

Statutory Implications

The introduction of the Commercial licences and associated fees will need to be advertised and the enforcement of the Licences will be the responsibility of Kempsey Shire Council.

ESD Implications

Will enable Council on going control and monitoring of activities in environmentally sensitive areas.

Director Corporate and Community Services Recommendation:

That the Fees and Charges contained in this report be adopted for inclusion into the 2004 – 2005 Kempsey Shire council Fees & Charges.

2004. 744

RESOLVED:

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

1. That the Director's Recommendation be adopted with the addition of the words 'excluding markets' under commercial activities.

2. That this matter be referred back to the Director Corporate and Community Services for a further report including all proposed charges for markets and similar activities and include the provision for penalties for non-compliance.

DIRECTOR CORPORATE AND COMMUNITY SERVICES SUPPLEMENTARY REPORT

DCCS10 (SUPP.)	FINANCIAL STATEMENTS FOR THE TWELVE (12) MONTHS TO 30 JUNE 2004	{Folio No. 283880}
	FILE: A2-21 APC (NRN)	

SUMMARY:

Reporting on the requirements in relation to the preparation and audit of the Financial Statement to June 30 2004.



Council's Financial Statements for the twelve (12) months to June 30 2004 have been completed and are currently being audited.

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

1 Whether or not the Council's annual financial reports have been drawn up in accordance with:-

the act and the regulations; and

the Local Government Code of Accounting Practice and Financial Reporting; and
the Local Government Asset Accounting Manual; and
the Australian Accounting Standards; and

- 2 Whether or not those reports present fairly the Council's financial position and operating result for the year; and
- 3 Whether or not those reports accord with the Council's accounting and other records; and
- 4 Whether or not the signatories know of anything that would make those reports false or misleading in any way.

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

The Local Government Act provides that Council's financial reports must be prepared and audited within four months after the end of the year, ie by 31st October. Council's auditors will conduct the audit in the week commencing 11 October 2004.

Attached at [\(Appendix D\)](#) are copies of the Statement of Financial Performance and Financial Position for the year ended 30 June 2004.

An extraordinary item of \$4,480m being the write on of sewer mains not previously recognised in Council's accounts is shown on the Statement of Financial Performance.

In comparison with the previous year:-

Operating Revenue increased by 8.7% to \$34.8m
Operating expenses increased by 1% to \$35.5m
Total equity increased to \$367m.

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

Implications

The Statement complies with statutory guidelines provided under the Local Government Act. There are no financial or policy implications arising from the following recommendation.

2004. 745

RESOLVED:

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

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

- a) **The financial reports fairly represent the financial position of Kempsey Shire Council as at 30 June 2004; and**

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

DCCS11 (SUPP.)	AFFIXING OF COUNCIL'S SEAL FILE: H6-2 TIH (NRN)	{Folio No. 283881}
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SUMMARY:

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



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

Acceptance of funding from Department of Housing

Funding has been granted for the continuation of employment and associated costs of the Community Development Worker in the West Kempsey Renewal Project.

For Council to secure this funding it is necessary that both copies of the Acceptance of Funding be signed under Council's seal.

Financial Implications

That funding will be made available by the amount of \$28,100

2004. 746

RESOLVED:

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

That Council authorises the affixing of the seal to the Department of Housing Funding Agreement.

DIRECTOR BUSINESS ENTERPRISES REPORT

DBE1	VISITOR CENTRE SERVICE FEE
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SUMMARY:

Reporting on the introduction of a service fee for brochure display at Council's Visitor Information Centres.



The Kempsey Shire Council maintains Visitor Information Centres at Kempsey and South West Rocks. Information Services operate at a net cost to Council of approximately \$160,000 per annum. In an effort to hold down the increase in their costs, and to recoup something from those businesses that directly benefit from the Centre it is proposed to introduce an annual fee for the display and distribution of brochures within both Visitor Information Centres.

Council are keen to see businesses which benefit from tourism expenditure contribute to the promotion and distribution of their advertising brochures.

Accordingly an annual fee of \$165 (GST inclusive) is proposed to be levied on businesses that avail themselves of utilising the Visitor Centre for display and distribution of their brochures.

All monies raised from this initiative will be SOLELY dedicated to promotion and marketing of the Macleay Valley Coast.

Council can expect resistance to the new charge and there may be a withdrawal of brochures from the Visitor Centres. However, the strategy needs to be given time to allow those who withdraw to recognise the value the service has on their businesses.

Director's Comment:

Nil

Financial Implication

The financial implication of the following recommendation would be nil.

Other Implications

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

2004. 747

RESOLVED:

*Moved: Cl. Powell
Seconded: Cl. Sowter*

That Council give 28 days public notice of the proposal to introduce an annual fee of \$165 for businesses, which display their promotional brochures at Council's Visitor Information Centres.

SUMMARY:

Reporting on the tenders for the design and construction of the proposed Water Treatment Plant to improve water quality supplied to South West Rocks.



Kempsey Shire Council is considering the construction of a new Water Treatment Plant (WTP) to supply 6.0 ML/d of high quality drinking water to the town of South West Rocks, with provision to upgrade the WTP to a net output capacity of 10 ML/d at some point in the medium term. Council have acquired land at 25 Frederick Kelly Street, within the Spencerville Industrial Estate to site the WTP.

A key objective of KSC is that the WTP shall be designed to minimise operational costs particularly with regard to operator, chemical and power requirements.

Membrane filtration has been selected as the preferred technology for the proposed South West Rocks WTP. Hunter Water Australia (HWA) has developed a technical and performance specification for the WTP. The project delivery method will be Design and Construction and the Contractor will be required to provide all aspects of the project.

A selective tender approach was chosen to ensure that a small number (3-4) of high quality, complying proposals would be received for the project. Expressions of Interest (EOI) were sought to allow pre-qualification of experienced companies and the development of a short-list of organisations that would be invited to tender for the contract.

Over 30 document packages were distributed to interested parties in subsequent weeks, indicating wide interest in the project. Prior to submitting EOIs, potential contractors were required to attend a compulsory site meeting on 13th November 2003. At the site meeting, attendees had the opportunity to inspect existing assets and make enquiries of KSC and HWA personnel. An information package including plans of existing water and wastewater conveyance systems and a site plan of 25 Frederick Kelly Street was distributed to all attendees. The EOI submission period closed on Friday, 28th November 2003.

EOIs were lodged at KSC's Tender Box where they were registered by Council officers before forwarding to HWA. Eight (8) EOIs were received. Following an assessment of the submitted EOIs, HWA recommended that Kempsey Shire Council invite the following organisations to submit a tender, conforming to the Specification prepared by HWA, for the design and construction of the works:

- Thames Water Australia
- John Thompson Engineering
- Veolia Water Systems Australia
- Ionics Watertech

Companies not short-listed had a number of attributes as listed below:

- The firm had not designed or constructed a similar membrane treatment plant of this type, size or process previously in Australia or
- There were some fundamental process risk areas identified due to lack of process design teams or experienced membrane specialists being located in Australia or
- The proponent's references had indicated problems with commissioning or handing over the membrane process in previous project.

This report documents the process of assessment of tenders for the South West Rocks WTP. It sets out the assessment criteria and tender review process, culminating in a recommendation of a preferred tenderer for the project.

The tender for the design and construction of the South West Rocks Water Treatment Plant (WTP) closed on 30 April 2004. Four (4) tenders were received which ranged in price from \$3.7-\$5.9million – the budget allowance is \$3.32million for the Water Treatment Plant.

A project management allowance in addition to this amount of 10% has also been allowed for contract and construction management.

A contingency allowance in addition to this amount of 12.5% has also been allowed to manage uncertainties during the project arising noise management, groundwater and geotechnical, modifications to the site, proximity to marine environment, and variations.

The assessment team for this project comprised:

Peter Dennis	Manager, Process & Operations (HWA)
Jeremy Smith	Project Manager (HWA)
Paul Thompson	Manager, Projects (HWA)
Artur Majerowski (HWA)	Principal Engineer, Water Treatment
Mark Dawson	Environmental Engineer (HWA)
Glenn Pearson	Manager Macleay Water
Craig White	Technician Co-ordinator, Macleay Water
Sharon McLanders	Design Draftsperson, Macleay Water

The tender assessment process was separated into three discrete phases:

- Phase One – Initial review of all tenders submitted against selection criteria and selection of a shortlist for further consideration.
- Phase Two – Exchange of correspondence on issues that required clarification. Half-day workshops were then held with HWA, KSC

personnel and each of the short-listed tenderers. The aim of this phase was to facilitate determination of a preferred tenderer.

- Phase Three – Final negotiations with the preferred tenderer to resolve technical and commercial issues prior to entering into a contractual arrangement.

This report has been prepared at the completion of Phases One and Two and recommends to Council a preferred tenderer.

Management of Project Risks

The following issues and risk areas have been identified with regard to this project:

- ***Selection of the treatment process that best meets the needs of the community. The concept report completed by HWA in 2001 identified at the time that membrane filtration was the preferred treatment process.***
- Different tenders will have different implications in terms of capital and long term operating (or lifecycle) costs. For example some options will need high level of operator supervision, some higher power costs and others greater chemical costs. Some low cost capital options may have very high operating cost implications for Macleay Water. The tender selection process needs to be able to determine the best lifecycle cost option for this project.
- Ensuring that the contractor has due consideration for asset life with respect to the assets and individual equipment put forward in the tender.
- Ensuring that the chosen design and process meets Kempsey Shire Council's overall needs.
- The selected contractor has the necessary skill and experience:
 - With building water treatment plants of this type.
 - Working in a quality (ISO 9001) environment.
 - Demonstrated track record with Occupational and Health & Safety.
 - Selected appropriate and skilled sub-contractors.
 - Able to put together and commit to an effective project team that is able to work with HWA and Kempsey Shire Council.

Key Assessment Criteria

The selection criteria were divided into two sections – financial and non-financial.

The financial criteria included the capital cost and any difference in the operating cost (ie membrane replacement costs, power, chemical, operator time and depreciation). Capital costs were adjusted so that items omitted from a particular tender (and required by the specifications) or items which were obviously inferior, were added to the tender price – the result of this adjustment resulted in an increase in tender sums by between \$69,719 and \$144,996.

The non-financial criteria involved scoring each tender against 20 - 25 items under major headings of:

- Project Delivery (experience, technology, team assessment, referee reports, project management and quality systems);
- Process and Water Quality (raw water/oxidation/coagulation/flocculation, stabilisation, membrane filtration, monitoring & control, water quality, chemical dosing, and other) and
- Site Layout & Functionality (site layout, site functionality, noise abatement, vehicular access)
- These criteria are discussed fully in the subsequent sections of this report.

Financial Criteria

Lifecycle cost is determined by factoring in the capital and operating costs to ascertain the full costs associated with the purchase and subsequent operation of an asset. It enables comparison between options which may have differing capital cost and operating cost tradeoffs and enables selection of the best overall cost options for Council to adopt.

The capital cost is often relatively easy to ascertain however operating costs of various options can be more difficult to determine.

The following costs therefore need to be taken into account in assessing the submitted tenders:

- Tendered capital cost.
- Membrane replacement cost.
- Sludge treatment and disposal cost.
- Operating labour cost – some options may involve far less supervision than others.
- Energy costs.
- Electrical and mechanical maintenance costs.
- Chemical usage.

Non Financial Criteria

1. Process & Water Quality

The key candidate process for consideration for the South West Rocks WTP is membrane filtration. The following key factors need to be taken into consideration in regard to process selection and water quality:

- The water quality that the process is capable of producing
 - Turbidity, particle counts and true colour.
 - Bacteriological quality.
 - Disinfection by-products (THM's).
 - Organic removal capability (TOC,DOC,BDOC).
 - Iron, aluminium and manganese.
 - Ability to stabilise water (alkalinity, pH, CCPP).
 - Hydrogen sulphide removal.

- Process reliability and stability.
 - How will the treatment plant handle different bore combinations?,
 - ***What are the risks associated with ongoing operation of the plant? A review of the P& IDs will ascertain overall process integrity. The process design can also be reviewed for appropriate placement of instrumentation, chemical dosing and valving.***
- Does the process proposed have any issues in terms of disinfection by-products and meeting potential future water quality guidelines in this and other areas?
- Efficiency of the process and backwash recovery system.
- Treatment sludge handling and disposal.
- Assessment of chemicals proposed in the treatment process and sizing of tanks.
- Instrumentation and process control.

2. Site Layout and Functionality

Each tender was evaluated in terms of the due consideration to asset life. Contractors will often go for the least cost option which may not be the best overall economic decision. The specification conveyed Kempsey Shire's philosophy in terms of asset selection decisions. The tenderer needed to demonstrate due consideration to asset selection to minimise overall costs. A key consideration was the ability of the tenderer to demonstrate that they have taken due consideration to least overall cost solutions in the asset selection process.

The proposed layout of the plant on the site is also a consideration. The following key factors were taken into account:

- Ability to fit into existing site building.
- The compactness of the process plant.
- Provision and ease of future augmentation on proposed site.
- Site layout – is it functional and allow easy access and effective operation of the plant.
- Layout of plant office, laboratory and chemical storage areas.
- Due consideration to environmental factors such as visual amenity, noise.

3. Contractor Performance & Ability to Deliver the Project

Selecting the appropriate contractor is essential to ensuring the project is delivered to meet client expectations. In 2003, Expressions of Interest were invited for the Design and Construction of a 6 ML/d Membrane Filtration Plant at South West Rocks. From the expressions that were received, the preferred tenderers for the project were selected with a key criteria being their past performance and ability to deliver the project.

Tendering Process

A specification for the South West Rocks WTP was prepared by HWA and invited tenders were called in February 2004. A pre-tender workshop was held in Newcastle on 27th February 2004 to fully brief prospective tenderers on the project.

Tenders for the design and construction of the South West Rocks Water Treatment Plant (WTP) closed on Friday, 14 May 2004.

Phase One Review

Four tenders were lodged at KSC's Tender Box with the following contract sums:

<u>Tenderer</u>	<u>Contract Price</u>
John Thompson Engineering/BRW (JTE)	\$3,696,413
Veolia Water Systems Australia (VWSA)	\$4,040,285
Thames Water Projects Australasia (TWPA)	\$5,060,074
Ionics/Wakool Water	\$5,858,900

The initial assessment of lifecycle cost as indicated by the net present value includes capital expense, supplied operating costs and membrane replacement costs.

<u>Tenderer</u>	<u>Net Present Value (20 yr @ 7%)</u>
TWPA	\$8,622,808
JTE	\$5,991,488
VWSA	\$5,842,693
Ionics	\$8,704,092

The following tenderers were short-listed following the Phase One review:

- John Thompson Engineering/BRW
- Veolia Water Systems Australia
- Thames Water Projects

Phase Two Assessment

1. Introduction

The objective of Phase Two of the tender assessment process was to select a preferred tenderer with whom final negotiations could take place.

In the lead up to the Phase Two Workshops, tenders were sent Post Tender Clarification requests. Responses to the requests were used to clarify each proposal and to allow adjustments to the tendered price where the proposal was considered inadequate in detail or non-compliant with the Specification.

The final Post Tender Clarification request also included an outline of the workshops and presentation.

2. Overview of Workshops

Half-day workshops were held with each of the short-listed tenderers in Newcastle on 1st and 2nd September 2004. Tenderers were required to prepare a brief presentation on each of the key areas of interest including:

- Process and Water Quality,
- Site Layout and Functionality,
- Project Delivery Capability.

Each of these presentations was followed by questions from the assessment team and discussion on any relevant areas of project risk. This process was very useful in further exploring each tenderer's offer and in clarifying and discussing any areas of concern.

Following the workshops the selection team reviewed in detail the financial and non-financial assessment criteria for the three shortlisted tenderers. As a guide to point scoring the following framework was used:

- | | |
|----|---|
| 10 | Best Practice and Innovative |
| 9 | Best Practice |
| 8 | Exceeds Industry Standards |
| 7 | Industry Standard / Reliable / Proven |
| 6 | Meets Industry Standards with minor modifications |
| 5 | Acceptable |
| 4 | Acceptable with minor modifications |
| 3 | Acceptable with moderate modifications |
| 2 | Acceptable with major modification |
| 1 | Unacceptable |

3. Selection of the Preferred Tenderer

Following the process outlined above an overall evaluation was undertaken by HWA Assessment Team and KSC personnel following the Workshops. The summary results of this evaluation are presented in Table 1.

The following points should be noted in reviewing the table:

The overall non-financial rating is weighted depending on the relative importance the assessment team placed on the key criteria prior to the assessment process.

The adjusted capital cost is derived from adding (or subtracting) costs from the base tender price to make allowance for tender omissions or allowances to ensure tenders are assessed on fair basis. Note that not all these adjustments will be incorporated into the final contract since the purpose is to equitably compare tenders.

The lifecycle cost as indicated by the Net Present Value (NPV based on 20 years of operation at a 7% discount rate) includes capital expense, supplied operating costs and membrane replacement costs.

Table 1 – Summary of Assessment Criteria after Phase Two

Criteria	JTE	VWSA	TWPA
Non Financial			
Process & Water Quality	58.0	50.5	55.0
Design & Layout	56.0	32.0	42.0
Ability to Deliver	52.0	61.5	57.5
Non Financial Score	56.5	43.3	49.4
Non Financial Rank	1	2	3
Financial			
Tendered Capital	\$3,696,413	\$4,040,285	\$5,060,074
Adjusted Capital	\$3,841,409	\$4,110,004	\$5,060,074
Net Present Value	\$5,324,201*	\$5,912,412	\$7,124,216
Financial Score	63.0	53.4	33.6
Financial Rank	1	2	3
Overall Score	59.8	48.3	41.5
Overall Ranking	1	2	3

* JTE's Phase Two NPV reduced markedly due to the credit that can be applied for shutting down the aeration system in Hat Head National Park. JTE's was the only tendered process that could eliminate the need for pre-aeration. An expected power saving of the order \$25,000 per annum will result.

In summary JTE performed best overall in both the non-financial and financial assessment criteria. Details are shown in [\(Appendix A\)](#).

JTE was selected as the preferred tender on the following basis:

- They scored highest on the overall weighted non-financial assessment criteria.
- Both the tendered and adjusted tendered capital prices were the lowest by a significant margin.
- They demonstrated to the assessment team that they had a sound water treatment process and had the skills and capability to deliver the project.

The assessment team has initiated further discussion with JTE in order to resolve any remaining issues before entering into a contractual arrangement. These issues include:

- Liaison on commercial conditions.
- Finalisation of technical issues raised at tender workshop.
- Resolution of technical discrepancies between the proposal and the Specification

Project Cost Reconciliation

The final contract sum is above the initial budget estimate for the treatment plant of \$3.3 million (not including contingency). The reasons for the increase are:

- General increased pricing in the market place, reflecting the high level of project activity,
- Inclusion of on-site water treatment sludge dewatering as required by the NSW Department of Energy and Utilities, and
- Provision of space for fluoridation chemical storage and dosing equipment (as required by NSW Department of Health) requiring the adoption of a more costly water treatment sludge thickening process.

Total Contract Cost

Table 2 summarizes additions and reductions as a result of the process to arrive at a recommended contract sum for this project. The assessment team has carefully reviewed any price adjustments to ensure they represent good value to Council and the Community. Details of the recommended inclusions and exclusions are presented in [\(Appendix B\)](#).

Table 2 – Recommended John Thompson Engineering Contract Sum.

Recommended Inclusions and Exclusions	Price (GST excl)
Tender sum	\$3,696,413
Total Price Variations	\$206,070
Revised contract price	\$3,902,483

Table 3 summarises the recommended project cost allowances for project management and contingencies (eg. sound attenuation, CO2 dosing, geotechnical, encountering groundwater and modifications to the existing concrete slab at the site).

Table 3 – Recommended Additional Project Cost Allowances

Additional Project Costs	Price (GST excl)
Contingency @ 12.5%	\$487,810
Project Management @ 10%	\$390,248
Geotube sludge management system (PC Item, Subject to regulatory requirements)	\$59,650
Total Additional Cost Allowance	\$937,708
<i>Fluoridation facility (subject to Department of Health funding) (not included in overall project cost)</i>	<i>\$144,118</i>

Within this Gross Provision is included a cost of \$82,389 to re-design and re-locate equipment to allow for installation of fluoride dosing equipment (see Appendix B). This should be recouped from the Dept of Health together with the additional \$144,118 estimated cost of installing the dosing equipment.

It is considered unlikely that the full amounts for Contingency (12.5%) and Project Management (10%) will be required but the percentages adopted are considered normal for a project of this type and size.

The \$59,650 for sludge management will not be required if the state government (DEUS) grants a Liquid Trade Waste licence to discharge waste to the sewerage system.

Manager Finance's Comment:

The current budgetary provision for the works is \$3,304,278 comprising:

- \$ 188,151	<i>Section 64 Funds</i>
- \$ 166,712	<i>Revenue Funds</i>
- \$1,949,415	<i>Loan funds on hand</i>
\$1,000,000	<i>Loan Fund Approval 2004/05</i>

Should the additional costs of \$1,535,463 be funded by way of loans, the annual cost to the Water Fund is estimated to be \$138,828. Council's debt service ratio would increase by 0.5%.

Alternative funding options include the sale of the surplus land acquired by Council adjacent to the Sherwood bore fields and the use of available augmentation reserve funds of \$300,000. Any funding shortfall would need to be financed from loans.

Conclusion: Council finance the additional costs associated with the project as follows:

- ***Augmentation Reserve \$300,000***
- ***Sale Surplus Land (Say \$500,000)***
- ***Loan Funds \$700,000 to be included within the 2005/06 Water Fund budget.***

It is proposed that should bridging finance be required prior to 30th June 2005, such funding would be made available by way of an internal loan from the Sewer Fund.

Financial Implication:

The financial implication of the following recommendation would be:

- ***the provision of up to \$4,840,191 comprising \$3,304,728 from the existing 2004/05 Water Supply budget allowance for the SWR Water Filtration Plant plus the raising of funds for an additional amount up to \$1,535,463.***

- *The provision of ongoing operational and maintenance funds to the order of \$120,000 per annum.*

Director Business Enterprises Recommendation:

1. That Council endorses the engagement of John Thompson Engineering Pty Ltd to undertake the design and construction of a new water treatment plant at South West Rocks subject to satisfactory negotiation of outstanding commercial conditions.
2. That Council authorizes the General Manager to finalise negotiation of outstanding commercial conditions [\(Appendix C\)](#) and enter into a contract with John Thompson Engineering Pty Ltd, including affixing of Council's seal where required.
3. That Council approves the continued engagement of Hunter Water Australia to assist Macleay Water with project management and contract administration responsibilities.
4. That Council approves budgetary changes in line with the above financial implications and the comments from the Manager Finance.

MOVED:

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

That the Director's Recommendation be adopted.

2004. 748

RESOLVED:

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

That the MOTION be PUT.

2004. 749

RESOLVED:

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

That the Director's Recommendation be adopted.

DBE3	JERSEYVILLE SEWERAGE SCHEME
FILE: S8-35	GRP {Folio No. 283708}

SUMMARY:

Reporting on the progress of construction of the Jerseyville sewerage system.



At the Council meeting of 9th March 2004 Council resolved to undertake a selective tendering process to design and construct a vacuum sewerage system at Jerseyville.

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MAYOR

Expressions of Interest were received from two only companies; New England Excavations Pty Ltd (NEE) and Vacuum Sewer Services Australia Pty Ltd (VSS) both of who submitted tenders.

Tendered prices excluding GST were NEE - \$857,000 and VSS - \$1,637,097. This equates to approximately \$21,500/lot and \$41,000/lot which is not considered viable.

Due to the high tender amounts Macleay Water contacted Airvac-RSM Pty Ltd (the subcontractor for NEE) to quote for supply only of specialist Vacuum Sewerage Equipment and provide consultation services with the view that construction of the system may be undertaken by Council's direct management resources more cost effectively.

The Airvac-RSM Pty Ltd offer in respect of this project which includes; design, supply of vacuum valves, supply of electrical and mechanical items for the pump station, commissioning of the system, training of operators and some consultation is - \$196,000. Our estimate for civil works by Council is \$424,000. Total cost estimate for the project is \$620,000. There is a risk of this cost increasing somewhat during the construction stage due to environmental issues with acid sulphate soils likely at depths of 1m to 3m (see map [\(Appendix D\)](#)) and dewatering requirements due to the high water table.

Options open to Council are:

- Do nothing – Existing septic system would remain with associated environmental concerns.

The existing septic tank systems are polluting the groundwater, which is only just below surface. This in turn is most likely to affect the adjacent river water quality, both from groundwater and surface water flows.

This is considered unsustainable in the longer term from an ecological sustainability viewpoint.

- Joint Venture Vacuum System, total estimate \$620,000 or approximately \$15,500/lot as outlined above.
- *Low pressure sewerage system which comprises an individual grinder pump station for each property with common rising mains.*

Each pump is supplied with power from the household's power supply and the householder pays the electricity cost. However, most schemes have a reduction in the sewerage rate of around \$20 to compensate the householder for power used.

In the case of Sydney Water where these systems operate, electricity running costs are paid by customers and are estimated at \$32-\$40/annum for an averaged sized household. Sydney Water justifies these ongoing electricity costs by working with the customer to provide a connection

point location, which could significantly reduce the connection costs for customers.

Estimated cost is based on figures available from Sydney Water and Wagga Wagga Council on installed schemes. Total estimated cost is \$462,000 or approximately \$11,500/lot.

- Conventional and modified gravity systems with the construction and operational disadvantages, which were previously reported to Council. The estimated cost to construct a conventional gravity system is \$335,000 (\$8,500 per lot), which includes completing a pumping station, rising main and gravity collection sewers. Due to the depths of these pipelines it is certain that extensive dewatering will be required and significant treatment of soil and water to neutralise acid sulphate material. This estimated cost is therefore very uncertain. There is a very high risk that this work would have a significant detrimental effect on the residential properties and the natural environment, resulting in escalated costs. Because of the risks it is strongly recommended that this option be avoided if at all possible.

Director's Comment:

The situation at Jerseyville is complex. Overcoming current and future environmental pollution issues is going to cost a lot in terms of \$/property.

It is made more complex because the theoretically cheapest option for a conventional system is very high risk and unpredictable from an ESD viewpoint. It may eventually result in being the most expensive option.

The tenders received verify that any solution is uncertain and contains some risk.

The least risk is offered by keeping all work as shallow as possible. That is, vacuum or low-pressure systems.

It is considered that further investigation of the advantages and disadvantages of a low-pressure system is warranted before a final decision is made.

Council has levied a Sewerage Local Loan Rate of \$261.00 for 2004 / 05 on Jerseyville properties and landowners have been advised that Council expects the scheme to be operational by mid 2005.

Financial Implication:

The financial implication of the following recommendation would be minor costs for further investigations.

The current budget for the scheme is \$400,000.

Other Implications:

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

2004. 750

RESOLVED:

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

1. That neither of the two tenders for design and construction of a vacuum sewerage system be accepted.
2. That further investigations be made into the low-pressure grinder pump systems.
3. A further report be made to Council following this investigation.

**DBE4 FLEET MANAGEMENT
FILE: P6-2 MSW (NRN)**

{Folio No. 283709}

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 September.

Plant No.	Description	Amount (GST exc)
VW2209	Trailer 4.5 tonne GVM (awaiting supply – Macleay Water North Team)	\$11,975

The following items of plant have been purchased from funds contributed by Environmental services.

Plant No.	Description	Amount (GST exc)
V2205	Ford Falcon – Environmental Services	\$24,577.00
V2206	Holden Commodore – Environmental Services	\$24,549.00

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

Plant No.	Description	Amount (GST exc)
V1735	Toyota Dyna Dual Cab - Auctioned	\$3,809.00
	Various Small Plant - Auctioned	\$976.00

Director's Comment:

Nil.

Report Implications:

THIS IS PAGE 137 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 12TH OCTOBER 2004

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MAYOR

The purchases are within Budget provisions.

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

2004. 751

RESOLVED:

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

That the information be noted.

DBE5	QUESTIONS WITHOUT NOTICE
FILE: C18-28 JC	(NRN) {Folio No. 283711}

SUMMARY:

Reporting on Questions Without Notice from the Council meeting of 14th September 2004



Responses to Councillors Questions Without Notice are listed for information.

Meeting of 14th September 2004

Councillor R H McWilliam

File: G1-2

(Folio No. 282577)

That the Director Business Enterprise would investigate the need for bins to be placed at the fish cleaning tables at Back Creek, South West Rocks.

Bins can be placed at the fish cleaning tables but would require daily clearance to prevent build up of putrescible waste and odours

At present the trade waste truck does not service SWR daily, so it would be the responsibility of Civic Maintenance to clear the bins.

Ongoing issues at other cleaning tables, particularly at Crescent Head, such as removal of bins, overflowing rubbish and odour complaints have caused many of the bins to be removed from the area and people are required to take their waste away with them.

This then causes the problem of putrid waste being placed in street bins or left on the bank of the river or boat ramps.

Director Business Enterprises Recommendation:

That the information be noted.

2004. 752

RESOLVED:

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

1. That the Director's Recommendation be adopted.
2. That investigations be conducted and a report be brought back to Council on the cost of bins being provided at all fish cleaning tables in the shire.

DBE6	WORKS IN PROGRESS		
	FILE: W1-2	GBS (NRN)	{Folio No. 283712}

SUMMARY:

Reporting on Works in Progress.



WATER SUPPLY

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

Works Completed for last 4 weeks

1. Bulk water meter installed at Link Road, Sherwood.
2. Sherwood Road watermain replacement from Hillview Drive to Aerodrome Road – complete.
3. Remove Piggybacks at Clybucca – complete.

Works Proposed for next 4 weeks

1. Install Meters on all bore pumps – continuing.
2. Tenders for South West Rocks Water Treatment Plant – ongoing.
3. Monitoring and testing of dam - continuing.
4. Sherwood Prod Meter replacement – continuing.
5. Stuarts Point Sludge Trial/Removal – continuing.
6. Meter Replacement Program – continuing.
7. Belgrave Falls rising main – continuing.
8. Crescent Head Water Treatment Plant fencing and upgrade – continuing.
9. Remove Piggybacks at Bellimbopinni – commenced.

10. Tenders sought for pipes – Tozer Street mains replacement.

MONTHLY WATER CONSUMPTION

	September 2004 Kilolitres
1.1.1.2.1.1.1.1.1 Kempsey Dam	55,781
1.1.1.2.1.1.1.1.2 Belgrave Falls	0
<i>Bellbrook</i>	1,414
<i>Crescent Head</i>	17,904
<i>Hat Head</i>	6,996
<i>Sherwood – Lime Plant</i>	220,525
<i>South West Rocks</i>	50,582
<i>Stuarts Point</i>	20,513
<i>Willawarrin</i>	1,339
Total Consumption	375,054

Kilolitres to Financial Year to Date: 975,146 kl

Applications for connection in September – 11

SEWERAGE

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

Works Completed last 4 weeks

1. De-sludge lagoon West Kempsey STP – complete.

Works Proposed for next 4 weeks

1. Sewerage Pump Stations Fall Prevention Systems – manufacture and install – continuing.
2. South West Rocks Sludge Trial - continuing.
3. South West Rocks sewer rehabilitation - continuing.
4. Fence repairs, sewer installations and pump stations - continuing.
5. Infiltration repairs East and South Kempsey continuing.
6. Tender process – Jerseyville sewer – continuing.
7. Manhole Repair/Renewal Program SWR R1 and R2 catchment – continuing.
8. Sewer Infiltration Studies K6 catchment – continuing.

9. Hand rails Pasveer Channel Islands – South West Rocks and South Kempsey Sewerage Treatment Plants – continuing.
10. De-sludge lagoons Gladstone Sewerage Treatment Works.
11. West Kempsey Sewerage Treatment Works – Sludge Trial.

SALEYARDS

Works Completed during last 4 weeks

1. Normal maintenance and operation.
2. New display screens installed in Selling Ring.
3. Development application for truckwash facility/water treatment ponds approved.

Works proposed for next 4 weeks

1. Construction of new truckwash facility. Plans being prepared.
2. Construction of water treatment ponds. Tenders to be called.
3. Redesigning of drafting yards and laneways to be prepared.
4. Commence safety works program.
5. Engage consultant to prepare overall concept/feasibility plans.

AIRPORT

Works Completed during last 4 weeks

1. Normal maintenance and operation.
2. Annual Safety Inspection of Airport conducted (awaiting formal report)

Works proposed for next 4 weeks

1. Normal maintenance and operation.
2. Installation of Hazardous Goods Signage as per CASA direction
3. Investigation into replacement of adjoining property fences
4. Preparation of brochure prospectus for future uses of airport land

CARAVAN PARKS

Crescent Head

Works completed over last 4 weeks

1. Boom gates installed.
2. Landscape Works in car park area.
3. Concrete works (paths, driveways, median islands).
4. Installation of watering system for village green area.

Works proposed for next 4 weeks

1. Final bitumen sealing of internal roads.
2. Design improvements to day use area.
3. Topsoil and seeding of camp sites.
4. Final tree lopping and removal.
5. Up-grade of internal signage.

WASTE SERVICES

Works Completed during last 4 weeks

1. Normal operation and maintenance.
2. Installation of various signage at KWR&DF.
3. Shredding of Green Waste at South West Rocks Transfer Station.
4. September MidWaste meeting held at Greater Taree Council.
5. Ongoing drainage works at KWR&DF.
6. Installation of spillways and erosion control measures at KWR&DF.

Works proposed for next 4 weeks

1. Normal Operation and Maintenance.
2. Sign off on JSA's for Waste Collection and Disposal Area.
3. Recycling of damaged SULO and Bulk Waste Bins from Depot.
4. Recruitment of Recycling Project Officer.
5. Advertise Specification for two (2) new Waste Collection vehicles.
6. October MidWaste Meeting at Hastings Council.

7. Development of new waste agreements for collection staff.

Baths

Works completed during last 4 weeks

1. Ongoing Kempsey Pool Site upgrade works.
2. Continued repair of Kempsey pool pipework to address numerous breaches and leaks.
3. Continued OH&S Works at Kempsey Pool.
4. Internal works of Multi Purpose Room at Crescent Head Baths.
5. Start of Season commenced 26th September 2004.
6. Electrical Report on Earth Leakage at all pools by electrical contractor.

Work proposed for next 4 weeks

1. Repair and upgrade of entire pipe network to and from 33m pool at Kempsey.
2. Site Restoration.
3. Redevelopment of "Open Space" area at Kempsey.
4. Replacement of eastern fence at Crescent Head.
5. Relocation of fencing at Kempsey Pool.
6. Completion and utilisation of 25m pool at Kempsey.

Director's Comment:

Nil.

Report Implications:

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

2004. 753

RESOLVED:

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

That the information be noted.

GENERAL MANAGER'S REPORT

SUMMARY:

Council's report on outstanding reports and resolutions.



Following is listed each Director's outstanding reports and resolutions up to and including 14th September 2004 meeting of Council.

OUTSTANDING REPORTS / RESOLUTIONS**Director Environmental Services**

10.8.04 DBE1	Hat Head Sewerage Progress – Further report be submitted on CNL powers under LG Act to enforce premises to connect.	Letters have been sent to those who are not connected.
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Director Engineering

14.10.2003 DE9	That suitable flood free land be identified to house the Gladstone SES Unit.	Land being reviewed.
9.12.2003 DE1	That the Director Engineering report on the possibility of Council running a trial of computerised floodgates.	Details being pursued.
13.1.2004 DE13	Stuarts Point footbridge – repairs to be carried out as a matter of urgency at a cost \$15000 from working funds.	Awaiting confirmation of contractor's arrival.
22.6.2004 DE1	Horseshoe Bay Reserve Plan of Management - referred to workshop - adopt amended draft plan excluding those relating to future of caravan park - future C/P be subject to further negotiation with Dept. Lands	Negotiations with Dept. of Lands initiated.
	Kempsey Women's Refuge demonstration March 28/10/04 – Application referred back to review proposed route and appropriate documentation to be completed.	Awaiting paperwork from Kempsey Women's Refuge.
14.9.04 DE1	Settlers Way sealing of Section to be Considered with overall roads reports in February.	Deferred until February 2005

Director Corporate & Community Services

8.6.2004 DCCS9	Incident Vandalism Kempsey Shire - report - Community Safety Council endeavour formulate strategies address vandalism problem	Computer program being sorted out.
15.7.2004 D1 & DCCS4	Structural and funding policy – Kempsey District Hospital. Council to facilitate workshop to develop a partnership with health related organisations.	Workshop to be organised. In association with NOM H2-10 10.8.04
10.8.2004 NOM H2-10	Port Macquarie & Kempsey Hospital networking of services - invite Chris Crawford to meet with Council.	Letter sent 17.8.04 inviting Mr Crawford to meet with Council. Awaiting response.
10.8.2004 DCCS1	Aged care facility SWR crown land assessment - LA5054 - organise meeting with stakeholders with an interest in acquisition of land for infrastructure.	Meeting with stakeholders yet to be organised. Report to October Meeting.
10.8.2004 DCCS7	Donation SWR Rotary Club community project equivalent to DA fees paid approved - review following Dec accounting period.	To be reviewed after December 2004.
14.9.04 DCCS9	Appointment of Council's Solicitors	In the process of negotiating terms with Solicitors.

Director Business Enterprise

8.6.2004 NOM	Stuarts Point sewerage scheme request Dept. Energy Utilities & Sustainability support Council progressing.	Process to identify preferred options in underway. Report to Council when completed. Expected by end of 2004.
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.
1.9.04 DBE3 SUPP	K Pool Infrastructure – replace existing pipe-work and de-commission small wading pool and restore area – longer term planning investigate developing new aquatic facilities including heated 25 metre pool.	Res 1 and 2 due for completion at the end of October. Res 3 is ongoing.
1.9.04 DBE1	Long term Tourism Strategic Plan. Councillor representation on working party – Councillor Hayes and Bowell nominated and S Read	Res 1 – Complete Res 2 – Strategic Plan to Management on 13.10.04
14.9.04	Airport Strategic Options –	Res 1 – underway

DBE4	allocate \$7000 for production of prospectus inviting ideas for development – tenure of Airport committee be extended to 30.12.04 Safety Inspection \$3890 – request report to CNL on all Airport Land and Current usage	Res 2, 3 – complete Res 4 – not started
14.9.04 DBE1 CONF	LT98 Akubra Place – Fredo Pies and Ice Cream renewal lease proposal – report back to Council on legal status of subleasing arrangements	Awaiting Legal advice

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	Meeting with the Department of Lands, unable to be arranged as yet. The Roads Act is currently being reviewed.
24.8.04 GM2	Macleay Valley CST Tourism Strategic Plan – subject to receipt updated draft plan, all implications of implementing actions be reported to CNL.	Awaiting amended Strategic Plan to be prepared and presented to Council.

Financial Implication

There are no financial implications arising from this report.

2004. 754

RESOLVED:

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

That the information be noted.

GM2	CANDIDATE ELECTION EXPENDITURE
FILE: E5	AVB (NRN) {Folio No. 283715}

SUMMARY:

To table returns of Candidates Election Expenditure in respect of the Election held on 27th March 2004.



Candidates for the Local Government Election held on 27th March 2004 were required to complete a return identifying political contributions, fundraising proceeds and electoral expenditure incurred.

The Election Funding Authority has forwarded to Council the returns received to date and these are tabled at the Council meeting and are available for public inspection if requested.

Report Implications

There are no Statutory, Policy or Financial Implications arising from this report.

2004. 755

RESOLVED:

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

That the information be noted.

GM3	RESOURCE SHARING			
	FILE: C18-36	AVB	(NRN)	{Folio No. 283716}

SUMMARY:

To examine the options available for the continuance of the Resource Sharing Project.



I attach [\(Appendix A\)](#) a report presented to a meeting of the Mid North Coast Group of Councils held on the 22nd September on Resource Sharing.

Gainger Management Services were engaged to investigate Resource Sharing options and a copy of their report has been forwarded to Councillors under separate cover.

The Group of Councils has resolved: -

- a) That all Councils be requested to formally endorse in principle the Strategic Alliance Project initiated by the Mid North Coast Group of Councils.
- b) That the decisions of the Councils be brought back to the November meeting of the Group and in the meantime the workshops be held and Mr Ken Gainger be engaged for this process.

Kempsey Shires request to have a meeting comprising two Councillors from each Council in the Group to discuss the reports from the consultants and the General Managers was considered in conjunction with the discussion on the above resolution.

The Mid North Coast Group of Councils does not employ a Secretariat to support the organisation and the secretarial function is carried out by staff

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MAYOR

from the host meeting Council. For this reason consultants such as Gainger Management Services need to be engaged to undertake special projects such as this.

Gainger Management Services is to organise, prepare for, and conduct separate workshops relative to each of the five agreed priority resource sharing options, namely: -

- Staff Training
- Human Resources/Workplace Safety
- IT/GIS
- Town Planning Services
- Roads, Infrastructure Services, Joint Tendering of Works/Supply Contracts and Plant Management

These workshops will analyse the options and the issues relating to them and develop agreed and achievable performance targets and implementation priorities.

The cost of the consultancy is \$1100 per day plus expenses with the expected total of consultancy of \$16500 being shared equally by the eight councils.

The recommendations of the General Managers if adopted would establish a Board of Management comprising General Managers. The work that the Board would oversee would be the implementation by each Councils staff of the decisions made by the Group of Councils in respect of Resource Sharing. The Board would report to the quarterly meetings of the Group of Councils.

Report Implications

Council's contribution to the project would be approximately \$2500.

2004. 756

RESOLVED:

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

1. **That Council endorse in principle the recommendations of the General Managers presented to the Mid North Coast Group of Councils on the 22nd September 2004.**
2. **That provision from working funds be made for a contribution towards the consultancy to workshop the Resource Sharing options.**

GM4

BETTER PRACTICE

FILE: C18-37 AVB

{Folio No. 283717}

SUMMARY:

To advise Council of the Promoting Better Practice in Local Government program being introduced by the Department of Local Government.



Promoting Better Practice in Local Government is a review process as part of the Local Government reform program. The program aims to improve the viability and sustainability of Councils and the way Councils conduct their activities and to ensure good governance.

In the 2004/05 State Budget the Department of Local Government has been allocated resources to employ five (5) Financial Investigators to carry out reviews of Councils, either individually or on a regional basis of up to four (4) Councils. At the recent Local Government Mangers' Australia Conference the Deputy Director of the Department, Ross Woodward gave an overview of the program.

The review process involves five stages – preparing, assessing, checking, analysing and reporting. Councils are required to complete a practice checklist and a self-assessment matrix, which is a strategic view of Council and its proven capacity to improve. It asks Council to explore what it is trying to achieve, how it delivers its priorities, what it has or has not achieved and what it has learned and plans to do next.

The Review Team analyses performance data and local circumstances. The types of information considered by the reviewers before going on-site includes:-

- The demographics of the Council area
- Community and social issues
- Development constraints or pressures
- The types of activities Council is involved in
- Councils organisational structure and staffing
- Management plans and processes
- Comparative information
- Councils financial position
- Seriousness and number of complaints and the results of Councils self assessment

This will be followed by fieldwork to gather evidence to support the Department's analysis of Councils performance, meetings with senior staff and Councillors and following Council processes. Conclusions will be made supported by data, documents and other reports. An exit interview will be conducted with the General Manager and the Mayor and a report forwarded to Council. Council will be required to draw up an action plan in response to the recommendations in the report.

The Department envisages reviewing every Council over the next three (3) years. A review such as this if done by a consultant would be very expensive. I believe Council should take advantage of this initiative and request the Department to give priority to a full review of Kempsey Shire Council. This will enable the Council to take the initiative and introduce policies and procedures that will improve our performance and customer service delivery.

Economic Implications

The review will make recommendations to improve Council's performance. Council will need to allocate financial resources to implement any recommendations.

Social Implications

Recommendations could impact on service delivery of a social nature.

Environmental Implications

Recommendations could impact on service delivery of an environmental nature.

2004. 757

RESOLVED:

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

That Council request the Department of Local Government to conduct a full review of Kempsey Shire Council under its Promoting Better Practice program.

GM5	APPLICATION FOR HALF-DAY HOLIDAYS 2005
FILE: P12-9 MAM	{Folio No. 283718}

SUMMARY:

Reporting that applications have been made for two half-day holidays in the Kempsey Shire for the year 2005.



Council has received two applications for half-day Public Holidays in the year 2005.

The Central North Coast National Agricultural Society Ltd will be holding their 124th Annual Show on Tuesday and Wednesday April 5 and 6, 2005. They have applied for a public holiday for the afternoon of Wednesday, April 6, 2005.

The Kempsey Race Club will be holding the Kempsey Cup on Wednesday May 4, 2005. They have applied for a half-day holiday on that afternoon.

Council has given notice of the applications to local Chambers of Commerce and the proposed dates have also been published in Council's advertising pages in either or both the Macleay Argus and the Macleay Valley Happynings in the weeks commencing September 6, 13 and 20, 2004. Public comment was invited on the proposed half-day holidays and the closing date for submissions was set at September 24, 2004.

No submissions on the proposed half-day holidays were received this year.

For the past three years, the following statement, which highlights a business' responsibility in relation to these half-day holidays, has been advertised in the lead up to these holidays. "Local public holidays are gazetted under the Banks and Banks Holidays Act of 1912. This act requires that banks are closed on local public holidays. An appointed local holiday under the Act benefits employees who have an industrial award, agreement or contract of employment which confers a right of paid absence (or penalty rates in lieu) on the local public holiday. In the absence of such express coverage within an applicable industrial instrument, the conferring of the benefit of a local public holiday to employees is entirely within the discretion of individual employers."

As a result of a request from the Kempsey and District Chamber of Commerce last year, Council designed A4 posters advising people of the holidays and inviting visitors to attend the events. Prior to the events, the posters were provided to the Macleay Business Enterprise Centre for distribution and were hailed as a success.

Should Council resolve to approve these proposed half day holidays, the Director General of the NSW Department of Industrial Relations must be notified in writing by mid November to allow for gazettal and for the dates of the holidays to be advertised in the Government Gazette in December 2004.

Financial Implication

The two (2) half day Public Holidays represents a cost of approximately \$42,800.00 for the wages and salaries of Council staff.

2004. 758

RESOLVED:

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

That Council make application to the Director General of the NSW Department of Industrial Relations for two half-day holidays in the Kempsey Shire for the year 2005.

GM6	LGMA AWARDS		
	FILE: A3-2	AVB	{Folio No. 283719}

SUMMARY:

To outline Council successes in attaining Management Excellence Awards.



Kempsey Shire Council does a lot of things well and I am proud to say is a leader in many management procedures and systems. We do not however promote ourselves. How often do you pick up Local Government trade magazines and see other Councils beating their drum?

This year a concerted effort is being made to reverse this trend. One of my outputs for 2004/05 is to, "Take advantage of opportunities to promote Council through the publication of articles that promote Council's leadership in the Local Government Industry".

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MAYOR

Several articles have been published and we have nominated for awards. Council has already been advised that we won the 2003 R H Dougherty Award for, "Excellence in Communication".

Council has now been advised that it has received a special commendation in the National Diversity At Work Awards for its designated Aboriginal Streets Enhancement Team.

At the Local Government Manager's Australia Conference, Council was announced as the winner of the Gold Management Excellence Award for our "Eat Healthy – Skip to the Beat" project. This was a West Kempsey Community Renewal Project designed to get kids motivated to eat well and exercise and to educate their parents about the importance of a balanced diet.

Economic Implications

There are no economic implications arising from this report.

Social Implications

The social implications are the introduction of healthy lifestyle designed to reduce heart disease and diabetes and the creation of employment in an area of need.

Environmental Implications

There are no environmental implications arising from this report.

General Manager's Recommendation:

That both, Mavis Symonds, Project Co-ordinator and Ron Palmer, Manager Human Resources be thanked for their initiatives.

2004. 759

RESOLVED:

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

That the General Manager's Recommendation be adopted and that Ms Symonds and Mr Palmer be invited to attend the next Council meeting to be acknowledged by Council.

GM7	LOCAL GOVERNMENT RETIRMENT SCHEME CONTRIBUTIONS
FILE: S10-14A AVB (NRN)	{Folio No. 283720}

SUMMARY:

To notify Council of its obligations to contribute superannuation payments again from the 2004/05 year.



Advice has been received from the Local Government Superannuation Scheme that the Council contribution 'holiday' will cease as from 1st July 2005.

The holiday has been in place from 1st July 1998 due to investment returns and has saved Council substantial budgetary provisions each year since. Council will once again be required to contribute to that scheme at the rate of 1.9 times the employee contribution. In addition, the 2.5% additional basic benefit (in place since 1st April, 1988) will continue to apply. It does not apply where an employee has reached 180 points. The current employee contributions total approximately \$19,000 per month. There are approximately 90 current employees covered by this scheme.

As this is the 'original' scheme the majority of those employees are older, long-term employees. Council's requirements under this scheme will obviously reduce in the longer term as these employees either retire or reach maximum points where no further Council contributions are payable. New employees, employer contribution is covered by the Commonwealth Superannuation Guarantee Surcharge.

Economic Implications

From information currently to hand Council will need to make the following provisions in its future budgets in respect of this scheme:

***Employee contribution (monthly) \$18,500
(Subject to Employer contribution only)***

Employee contribution (annually) \$222,000

Employer contribution (x 1.9) \$421,800

Basic benefit (2.5% of annual salaries) \$95,000

Sum of Employer contribution and basic benefit \$516,800

Plus: 4% wage/salary increase (\$20,672), say \$537,500

Social Implications

Council will have less funds in its budget to finance its programs from the 2004/05 year.

Environmental Implications

Nil.

2004. 760

RESOLVED:

Moved: Cl. Hunt

That the information be noted.

GM8

COMPARATIVE STATISTICS

FILE: G11

AVB

(NRN)

{Folio No. 283721}

SUMMARY:

Reporting on comparisons made between Kempsey shire and other Councils as outlined in the Department of Local Government Comparative Information Guide.



The Department of Local Government has released its comparative information on New South Wales Local Government Councils for 2002-2003. I have compiled a comparison between Kempsey and twenty other Councils that are either coastal or regional Councils of a similar population ([Appendix B](#)). The third last column of the comparison ranks Kempsey between lowest and highest for each classification.

A word of caution to those examining the statistics. You need to access, in respect of each classification, whether a low ranking is good or bad. For example Kempsey Shire is ranked number 2 for debt service ratio which is bad as that means that it has the second highest cost of servicing debt while it has the 19th highest average rate per residential assessment which is good because that means it has the 3rd lowest residential rates of those Councils in the comparison.

The information is only of limited value as in many cases it does not compare apples with apples. For example, Kempsey Shires average domestic waste charge has a ranking of 18 (4th lowest) but does this mean we are good or does it mean that we are not providing the level of service provided by other Councils eg. Kerbside recycling?

To evaluate Councils performance three financial classifications are important. These are the Debt Service Ratio, Unrestricted Current Ratio and the Capital Expenditure Ratio.

The Debt Service Ratio assesses the degree to which revenues from ordinary activities are committed to the repayment of debt. It is generally higher for Councils in growth areas where loans have been required to fund infrastructure, such as roads and water and sewerage works. There is no set benchmark for the Debt Service Ratio, according to the Department. The use of loan funds for infrastructure improvements and other capital purposes is considered to be prudent financial strategy allowing for contribution to the cost of the asset through its life by the community.

The formula used for this indicator is:-

NET DEBT SERVICE COST X 100
REVENUE FROM ORDINARY ACTIVITIES

Councils Debt Service Ratio for water and sewerage works is very high. The Debt Service Ratio for General Fund is under 10% and is considered average. The reduction of the General Fund Loan program for 2004/05 will further reduce this percentage. Council's financial strategy for some considerable time has been to fund water and sewerage capital works from loan funds. This has differed from other Councils who have developed reserves for this class of works. Council has started to build up reserves in water and sewerage but this is a long-term strategy that will not show results for some time unless the transfers to reserves are drastically increased.

The Capital Expenditure Ratio assesses a Councils ability to replace or add to capital assets, compared with the consumption (depreciation) of assets. It does not include land, water and sewerage assets.

The formula used for this indicator is:-

$$\frac{\text{TOTAL 2002/03 PROPERTY, PLANT AND EQUIPMENT} - \text{TOTAL 2001/02 PROPERTY, PLANT AND EQUIPMENT X 100}}{2002/03 DEPRECIATION EXPENSE}$$

Councils Capital Expenditure Ratio of 0.95 indicates that Councils rate of depreciation exceeds the increase in asset value. This is dependent largely on the decisions of Council to finance new or replacement assets, as opposed to the expenditure, on operating activities. It also depends on the categorisation of expenditures. Some Council's for instance categorise gravel re-sheeting and road rehabilitation expenditure as a capital expense where we do not. Another item which impacts heavily on this ratio is the level of depreciation. Are our depreciation rates compatible with the depreciation rates of other Councils?

The Manager Organisational Effectiveness has been in touch with our auditors and with the Local Government Managers Australia, Mid North coast Finance Mangers and is endeavouring to arrange a meeting to discuss some of these issues with a view to developing a uniform approach.

The Unrestricted Current Ratio is a measure of a Councils ability to meet its financial obligations, such as paying for goods and services supplied. A ratio of less than 1.5:1 is seen as unsatisfactory. Council's ratio for 2002/03 was 1.26.

The formula used for this indicator is:-

$$\frac{\text{CURRENT ASSETS LESS ALL EXTERNAL RESTRICTIONS}}{\text{CURRENT LIABILITIES LESS SPECIFIC PURPOSE LIABILITIES}}$$

The ratio is not calculated by the Department based on financial information supplied but is calculated by each Council and is a note in the statements.

Once again the figure can vary depending on how the Council treats its accounts. If creditors as at 30th June are paid on or before the 30th June this improves this ratio figure. What is a Restricted Liability and what isn't a Restricted Liability or what is a Current Liability and what isn't a Current Liability will also have a bearing on the calculation of the ratio. These issues will be referred to the meeting of Finance Managers.

Economic Implications

In order to maintain acceptable ratio Council will need to examine the way that it allocates its expenditure priorities.

Social Implications

Nil.

Environmental Implications

Nil.

2004. 761

RESOLVED:

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

That the information be noted.

GM9	DIRECTOR ENVIRONMENTAL SERVICES
	FILE: S10-04-452 AVB (NRN) {Folio No. 283722}

This item GM9 was moved into the Confidential Section of the Meeting.

GM10	STATE COVER MUTUAL LTD
	FILE: I3-12 AVB (NRN) {Folio No. 283723}

SUMMARY:

Nominations for the position of Directors are now open.



StateCover Mutual Ltd is the Local Government self-insurance company for workers compensation insurance.

The constitution of StateCover Mutual Limited allows each Council member to nominate a person for Director of the Company. The person nominated must be either:-

- A Councillor of a Council member
- A General Manager of a Council member or
- An employee of a Council member

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MAYOR

Two persons representing Council members are to be elected as Directors at the Annual General Meeting of the Company from those nominated. Nominations need to be received by 20th October for the Annual General Meeting to be held on the 17th November 2004.

Does Council wish to nominate a Councillor as a Director?

Economic Implications

Nil.

Social Implications

Nil.

Environment Implications

Nil.

General Manager's Recommendation:

For the determination of Council.

2004. 762

RESOLVED:

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

That no action be taken.



LATE BUSINESS – DATE FOR WORKS INSPECTION

2004. 763

RESOLVED:

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

That this matter be dealt with at this meeting as it is deemed by the Mayor to be a matter of great urgency.

2004. 764

RESOLVED:

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

That a Works Inspection be conducted on Monday, 8th November 2004 commencing at 9.00am.



QUESTIONS WITHOUT NOTICE

Councillor B R Sowter

Councillor Sowter was advised:-

- 1 That the Director Engineering would investigate the establishment of a better caravan parking area for Kempsey in the Forth Street area and arrange suitable signposting and advertising.
- 2 That the Director Engineering would follow up the work needed at the Smithtown Boatramp to level a hump near the ramp which makes reversing of trailers difficult.
- 3 That the Acting Director Environmental Services would be submitting a report to the next Council meeting regarding a dwelling erected without approval in the Fishermans Reach area which had been the subject of complaints received by Councillors.
- 4 That in regard to flood height data, the Acting Director Environmental Services advised that an application is assessed on its merits when received including the requirement for the floor height to be 500mm above the existing flood height level data and such a requirement for additions to dwellings approved with different flood data levels these would also be assessed on their merits.

Councillor R McWilliam

Councillor McWilliam was advised:-

- 1 That the Director Engineering would investigate the need for leveling of the road pavement in Gordon Young Drive, South West Rocks at the beginning of the newly sealed section.
- 2 That the Director Corporate and Community Services would make contact with Ms Nicky Perkins regarding the youth category in the Kempsey Art Prize which is for high school students only at the request of the sponsor, the Arts Council.
- 3 That the site options and costs for the proposed information signs for the industrial area at South West Rocks are being assessed by the Director Engineering and it would be likely that the sign would be erected in Lindsay Noonan Drive.
- 4 That the Director Engineering had not as yet received a response from the Department of Infrastructure Planning and Natural Resources regarding the access road to the Jewbite at South West Rocks.

Councillor T Hunt

Councillor Hunt was advised:-

- 1 That the Acting Director Environmental Services was aware of land in Frederickton that had been clear felled and Council's Compliance Officer had sent a letter to the owner.
- 2 That the Compliance Officer had sent a letter to the landowner in Quarry Road, Frederickton where caravans and a number of vehicles were on this land.
- 3 That this Council had not requested asbestos clearance certificates has reportedly done by Ashfield Council but it was an applicants requirement to meet the Australian Standards in any work involving asbestos material.
- 4 That the Director Engineering would arrange for a further chevron sight board to be provided on the chord of the curve at the Loftus Road/ Belmore River Right Bank Road intersection so that Belmore River Right Bank Road becomes evident earlier in transit around the curve.

Councillor J Gribbin

Councillor Gribbin was advised:-

- 1 That the Director Engineering would follow up a previous request to attend to some dead trees overhanging Phillip Drive at South West Rocks which are above the walkway/cycleway in some places.

Councillor J H Bowell

Councillor Bowell was advised:-

- 1 That the Director Engineering had not yet received full details of recent vandalism at South Kempsey Park that had damaged the cricket pitch area on South Kempsey Oval.
- 2 That the Acting Director Environmental Services would investigate the use of premises at 296 River Street where sheds had been erected and a number of vehicles parked on the footpath area.
- 3 That the Director Engineering had not received a response from the Department of Infrastructure Planning and Natural Resources regarding the Mattys Flat Plan of Management, development of a marina and a vessel sewerage pump-out facility.
- 4 That the Director Engineering was aware of the movement of the causeway in Queen Street, South Kempsey and would monitor this further prior to considering imposing any load limit.
- 5 That in regard to Walls subdivision application, Council would be making a submission to the Department of Infrastructure Planning and Natural Resources regarding conditions of consent concerning water and sewerage contribution requirements.



MOTION FOR COMMITTEE

2004. 765

RESOLVED:

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

That Council form itself into the Committee of the Whole, and at this stage the meeting be closed to the public to permit discussion of the confidential business items listed for the reasons as stated in the Agenda.



This item GM9 was moved into Confidential Section from Open Council for the reason that it is a personnel matter concerning particular individuals (Local Govt Act Section 10A (2)(a)).

GENERAL MANAGER’S CONFIDENTIAL REPORT

GM9 DIRECTOR ENVIRONMENTAL SERVICES
FILE: S10-04-452 AVB (NRN) {Folio No. 283722}

SUMMARY:

To consult with Council regarding the appointment of the Director Environmental Services.



2004. 766

RECOMMENDED:

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

That the information be noted.



**DIRECTOR ENVIRONMENTAL SERVICES
CONFIDENTIAL REPORT**

DES1 UNAUTHORISED STORAGE CONTAINER
FILE: LA 1711 RBP {Folio No. 283724}

SUMMARY:

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

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MAYOR

This report is considered on a confidential basis as it contains information that would, if disclosed, prejudice the maintenance of the law (Local Govt Act Section 10A(2)(g)).

Discussion of this matter in an Open Council meeting may jeopardize or compromise legal action in the Land and Environment Court.



2004. 767

RECOMMENDED:

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

That the information be noted.

DES2	SUBDIVISION - SMITHTOWN		
	FILE: T6-04-093	AJC (NRN)	{Folio No. 283725}

This item DES2 was WITHDRAWN.



GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	LEGAL MATTERS		
	FILE: L3-1	AVB (NRN)	{Folio No. 283726}

SUMMARY:

Reporting on the current position regarding legal matters.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it involves advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).



2004. 768

RECOMMENDED:

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

That the information be noted.

At this stage Councillors Bowell and Walker retired from the Chambers and apologised for non-attendance at the remainder of the meeting.

Councillor Gribbin advised Council he no longer had a pecuniary / conflict of interest in this matter as he had resigned as a member of the Friends of South West Rocks.

GM2	LEGAL MATTERS			
	FILE: L3-1	AVB	(NRN)	{Folio No. 283727}

SUMMARY:

Reporting on the current position regarding legal matters.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it involves advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).



2004. 769

RECOMMENDED:

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

That the information be noted.

GM3	LEGAL MATTERS			
	FILE: L3-1	RBP	(NRN)	{Folio No. 283728}

SUMMARY:

Reporting on the current position regarding legal matters.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it involves advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).



2004. 770

RECOMMENDED:

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

That the information be noted and that Council continue with the assessment.



REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE

Upon resumption of Open Council, the following Report of the Committee of the Whole was submitted by the General Manager.



ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2004. 771

RESOLVED:

*Moved: Cl. Hunt
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 5.36p.m.

