



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 13th April 2004 commencing at 9.02am.

PRESENT:

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

General Manager, A V Burgess; Director 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.



ASSESSMENT OF ITEMS LISTED IN CONFIDENTIAL BUSINESS PAPER

2004. 213

RESOLVED:

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

That the items listed in confidential business paper be considered in the confidential section of the meeting.



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 9TH MARCH 2004

2004. 214

RESOLVED:

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

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 9th March 2004, be adopted subject to minute number 2004.178 under item DBE3 Swimming Pools being amended to read:-

That the two Councillors nominated to be on the community committee be Councillor Howell and Councillor Bowen.



MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 23RD MARCH 2004

2004. 215 **RESOLVED:** *Moved: Cl. Howell*
Seconded: Cl. Hunt

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 23rd March 2004, be adopted.



PUBLIC FORUM

2004. 216 **RESOLVED:** *Moved: Cl. Sowter*
Seconded: Cl. Gribbin

That this item be deferred until Mr Francis arrives.

1 - Mr Paul Francis addressed Council regarding NOM3 Pacific Highway.



CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports NOM3.

2004. 217 **RESOLVED:** *Moved: Cl. Howell*
Seconded: Cl. Green

That the report relating to Public Forum - item NOM3 Pacific Highway be dealt with immediately.

NOM3	PACIFIC HIGHWAY		
	FILE: R Pacific Hwy	KJF	{Folio No. 273212}

Notice is hereby given that I intend to move the following motion at the Ordinary meeting of Council scheduled for Tuesday, 13th April 2004.

2004. 218 **RESOLVED:** *Moved: Cl. Howell*
Seconded: Cl. Sowter

That a report be submitted to a Council meeting in May on the outcome of the meeting with the RTA, the consultants, Council and stakeholders in regard to the Pacific Highway upgrade, held on 20th February 2004.



ADOPTION OF AGENDA ORDER OF BUSINESS

2004. 219 **RESOLVED:** *Moved: Cl. Howell*
Seconded: Cl. Hunt

THIS IS PAGE 2 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

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MAYOR

That items DCCS2, DCCS6 & DCCS9 be dealt with in conjunction.

2004. 220

RESOLVED:

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

That the remaining Agenda Order of Business be adopted.

MAYORAL MINUTE

M1	MAYORAL ENGAGEMENTS FOR MARCH / APRIL
FILE: C18-25	MAYOR (NRN) {Folio No. 273200}

SUMMARY:

Reporting on the Mayoral Engagements since the previous Council meeting, on the 9th March.



Wednesday 10th March

- Attend Homestart Graduation – Kempsey – 10.00am
- Seniors Luncheon – Kempsey Macleay RSL Club – 12.30pm
- Land Release Strategy Meeting – Civic Centre – 2.00pm

Friday 12th March

- Meeting with Senior Assistant Maclean – Gaol Site, Aldavilla

Monday 15th March

- Attend Kempsey West Primary School - Young Leadership Conference – Marsh Street, West Kempsey

Tuesday 16th March

- Meeting with representative from Calypso - Civic Centre
- Meeting with Macleay Argus – Kempsey

Wednesday 17th March

- Morning with Holy Trinity Play Centre – South West Rocks
- KAP Evaluation – Civic Centre – 4.00pm
- Kempsey Town Centre Master Plan Committee Meeting – Civic Centre – 5.30pm

Thursday 18th March

- Meeting with Professor Rob Sanson-Fisher – Reduce Alcohol Related Harm – Committee Room – 3.45pm

THIS IS PAGE 3 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

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MAYOR

Friday 19th March

- Mid North Coast Community Housing Meeting – Committee Room
- Naturalisation Ceremony – South West Rocks

Monday 22nd March

- Yarrahapinni Wet Lands Committee Meeting

Tuesday 23rd March

- Planning Meeting of Council

Wednesday 24th March

- Local Traffic Committee Meeting – Civic Centre

Thursday 25th March

- Kempsey TAFE Annual Graduation and Awards Presentation Night – Kempsey Macleay RSL Club – 7.00pm

Friday 26th March

- Draw Raffle at West Kempsey Primary School Fete – Marsh Street, Kempsey

Tuesday 30th March

- IPWEA – Engineering Excellence Awards - Toorooka

Wednesday 31st March

- Attended Shires Association Meeting in Sydney

Monday 5th April

- L J Hooker Road Safety Breakfast

Tuesday 6th April

- Councillors' Induction Day

Wednesday 7th April

- Many Rivers Violence Prevention Unit – witness official signing of Partnership Agreement

Thursday 13th April

- Ordinary Meeting and Extra-ordinary Meeting of Council

THIS IS PAGE 4 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

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MAYOR

As well as the day-to-day functions of the position.

Thank you to all the Councillors and Staff who represented me, and or supported me, at official functions over the past month, it is very much appreciated.

Financial Implications

The financial, statutory and policy implications of this report are nil.

2004. 221

RESOLVED:

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

That this information be noted.

GENERAL MANAGER'S EXTRAORDINARY REPORT

B1	ELECTION OF MAYOR	
	FILE: C18-15 AVB (NRN)	{Folio No. 273201}

SUMMARY:

The Local Government Act 1993 provides that the election of the Mayor shall be held within three (3) weeks of election day, and in the intervening years between Council elections the election of Mayor is to be held during the month of September.



The 2003/2004 Mayoral allowance has been fixed at \$27,395 per annum and a motor vehicle is provided for "business use" with "private use" on a user pays basis.

Nominations

Clause 2 Schedule 3 Local Government (Elections) Regulation provides that nominations for Mayor must be in writing, signed by two (2) Councillors (one of whom may be the nominee), and the nominee must consent in writing to the nomination.

Nominations are to be "delivered or sent to the returning officer", that is the General Manager, who shall announce the names of the nominees at the council meeting at which the election is to be held.

A nomination form for both Mayor and Deputy Mayor is provided to Councillors.

Method of election

Where only one (1) Councillor is nominated, that Councillor is declared elected.

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MAYOR

Where more than one (1) Councillor is nominated, the Council is to resolve whether the election is to proceed:-

- ◆ by preferential ballot;
- ◆ by ordinary ballot; or
- ◆ by open voting

Preferential ballot and ordinary ballot are secret ballots, whereas open voting means by a show of hands or similar means.

Preferential Ballot

The ballot-papers are to contain the names of all the candidates. Councillors are to mark their votes by placing the number "1", "2" and so on against the various names so as to indicate the order of their preference for the candidates.

Ordinary Ballot

Under ordinary ballot, the General Manager is to decide the manner in which votes are to be marked on the ballot-papers.

Counting

The counting process is virtually the same for both preferential ballot and ordinary ballot where there are only two (2) candidates, (i.e. the candidate with the higher number of votes is elected).

However where there are three (3) or more candidates the counting process for:-

- (i) ordinary ballot requires the one with the lowest number of votes to be excluded and further votes taken until such time as only two (2) candidates remain;
- (ii) preferential ballot requires the successful candidates to secure an "absolute majority" of votes (i.e. a number more than one-half the number of formal unexhausted ballot papers). If an absolute majority is not obtained on first preference votes, the candidate with the lowest number of votes is excluded and the second preferences on those ballot papers are transferred to the remaining candidates.

If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and transferring the votes in order of the voters preference is repeated until one candidate has received an absolute majority of votes.

The General Manager advised Council that there had been only one (1) nomination for the position of Mayor, being that of Councillor Janet Hayes and declared Councillor Hayes elected Mayor for the ensuing term.

B2

ELECTION OF DEPUTY MAYOR

FILE: C18-15 AVB (NRN)

{Folio No. 273204}

SUMMARY:

Section 231 of the Act provides that Councillors **may** elect a Deputy Mayor, and any such election may be for the Mayoral term or a shorter term.



The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor, or If the Mayor is prevented from exercising the function; or if there is a casual vacancy in the office of Mayor.

Section 249 provides that “a council may pay the Deputy Mayor (if there is one) a fee determined by the council for such time as the Deputy Mayor acts in the office of the Mayor. The amount of the fee so paid must be deducted from the Mayor’s annual fee”.

The procedure for election of Deputy Mayor is the same as for the election of Mayor.

The General Manager advised Council that there had been only one (1) nomination for the position of Deputy Mayor, being that of Councillor Brian Sowter and declared Councillor Sowter elected Deputy Mayor for the ensuing term.

B3

FIXING OF DATE, TIME AND PLACE OF ORDINARY MEETINGS

FILE: C18-22 AVB (NRN)

{Folio No. 273205}

SUMMARY:

Section 9 provides that “a council must give notice to the public of the times and places of its meetings”.



Section 365 requires that Council “meet at least 10 times each year, each time in a different month”.

The present practice is to hold Ordinary meetings of Council at the Civic Centre, West Kempsey, on the second Tuesday of each month commencing at 9.00 am.

2004. 222

RESOLVED:

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

That Ordinary Council meetings be held on the second Tuesday of each month commencing at 9.00am.

B4	FIXING THE TIME AND MANNER OF GIVING NOTICE OF ORDINARY AND EXTRA-ORDINARY MEETINGS
FILE: C18-22 AVB (NRN)	{Folio No. 273206}

SUMMARY:

Section 367 provides that “the General Manager of a council must send to each Councillor, at least 3 days before each meeting of the council, a notice specifying the time and place at which the meeting is to be held and the business proposed to be transacted at the meeting. Notice of less than 3 days may be given of an extraordinary meeting called in an emergency”.



The following resolution would be appropriate if the present arrangements are to continue:-

“That the period of notice to be given in respect of Ordinary and Extraordinary meetings be at least 72 hours, and in respect of Estimates Meetings, seven days clear notice, however, if an Extraordinary meeting of the Council needs to be held at short notice, notice of such Extraordinary Meeting must be given either verbally or in writing by the General Manager as circumstances warrant and the period of notice shall be entirely at the discretion of the Mayor.”

2004. 223

RESOLVED:

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

That the period of notice to be given in respect of Ordinary and Extraordinary meetings be at least 96 hours, and in respect of Estimates Meetings, seven days clear notice, however, if an Extraordinary meeting of the Council needs to be held at short notice, notice of such Extraordinary Meeting must be given either verbally or in writing by the General Manager as circumstances warrant and the period of notice shall be entirely at the discretion of the Mayor.

B5	STANDING AND SPECIAL COMMITTEES
FILE: C18-13 AVB (NRN)	{Folio No. 273208}

SUMMARY:

Clause 33 Local Government (Meetings) Regulation provides that:-

"A council may appoint or elect such committees as it considers necessary, and that council decides the number of councillors to comprise the committee, and the functions of the committee."



Council's present arrangement is to have two (2) standing committees , a Planning Committee and a Works Committee.

The Planning Committee has full delegation, comprises the full Council, and currently meets on the fourth Tuesday of each month commencing at 9.00am. The Planning Committee deals with all Planning matters.

The Works Committee's function is to carry out inspections of any Council related matters and generally its inspections are conducted in the afternoon on the same day as the Planning Committee. This allows any Works Committee matters consisting of Planning issues e.g. Development applications, to be determined on that day as the Planning Committee can be re-convened after the Works Committee inspection.

The following resolutions would be appropriate if the present arrangements are to continue:-

- 1 *That a Planning Committee of the full Council, with delegated authority, meet on the fourth Tuesday of each month commencing at 9.00am to deal with reports covering all Planning matters.*
- 2 *That a Works Committee comprising the full Council be appointed for the purpose of carrying out inspections of any matters affecting the functions of Council, and that the Works Committee have delegated authority to determine matters provided that the quorum for any meeting of seven (7) members is present, and that Works Committee meetings and inspections be held on the same day as the Planning meeting and/or on a needs basis as determined by Council or the Mayor.*

2004. 224

RESOLVED:

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

- 1 **That a Planning Committee of the full Council, with delegated authority, meet on the fourth Tuesday of each month commencing at 9.00am to deal with reports covering all Planning matters.**
2. **That a Works Committee comprising the full Council be appointed for the purpose of carrying out inspections of any matters affecting the functions of Council, and that the Works Committee have delegated authority to determine matters provided that the quorum for any meeting of seven (7) members is present, and that Works Committee meetings and inspections be held on the same day as the Planning meeting and/or on a needs basis as determined by Council or the Mayor.**

B6

APPOINTMENT OF DELEGATES TO COMMITTEES

FILE: C18-22 AVB (NRN)

{Folio No. 273209}

SUMMARY:

THIS IS PAGE 9 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

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MAYOR

Reporting on the appointment of delegates and representatives to committees.



Council has established various Council committees and has representation on a number of community committees. The appointment of Councillor delegates and community representatives usually takes place on the same day as the Mayoral election each year.

Council at its meeting on 23rd March 2004 resolved that the appointment of delegates and representatives to the various committees be conducted at the May 2004 ordinary Council meeting.

The following is a listing of the current committees for the information of Council.

- Aboriginal Liaison Committee
- Aged Care South West Rocks
- Airport Committee
- Australia Day Committee
- Bush Fire Management Committee
- Caravan Park Committee
- Coastal and Estuary Management Committee
- Community Services / Community Safety Committee
- Community Tenancy Association
- Ecologically Sustainable Development Plan Steering Committee
- General Managers Performance Review Committee
- Hat Head Sewerage Liaison Committee
- Hospital Action Group
- Kempsey Assistance Patrol Advisory Committee
- Kempsey Area Assistance Scheme Local Ranking Committee
- Kempsey District Silver Band Committee
- Kempsey Masterplan Implementation Committee
- Land Release Task Force Committee
- Local Heritage Committee
- Macleay Development and Promotion Committee
- Macleay District Sports Council
- Macleay Floodplain Project
- Macleay Flood Risk Management Committee
- Macleay River Historical Society
- Melville Community Centre Management Committee
- Mens Accommodation and Resource Centre Committee
- Mid North Coast Regional Arts Board
- PCYC Committee
- Plant Committee
- Saleyards Advisory Committee
- South West Rocks CBD Masterplan Implementation Committee
- South West Rocks Structure Plan Review Committee
- Swimming Pools Community Committee
- Up River Camping and Picnic Area Committee
- Water and Sewerage Steering Committee

West Kempsey Community Renewal Project Advisory Committee
Wigay Cultural Education Park Management Committee
Women in Local Government Committee

At the start of each new Council term, Council advertises for expressions of interest to serve on Committees. The community representatives serve on the committees for the life of the Council. However it will be necessary for the committees to operate between now and the time the community representatives can be appointed.

Council should resolve to retain the current community representatives on committees until the new committees are appointed.

Also the Local Government and Shires Association needs to be advised if Council supports Councillor Bowell continuing as the Shires Association delegate to the State Governments Crown Lands Advisory Committee. It is recommended that the re-appointment of Councillor Bowell be supported and resolution to this effect should be made at this meeting.

Financial Implications

There are no direct financial implications arising from this report.

Policy and Statutory Implications

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

2004. 225

RESOLVED:

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

- 1 That the information be noted.
- 2 That the current representatives on Council's Committees continue until new appointments are made.
- 3 That Councillor J H Bowell be nominated as a Shires Association delegate on the Caravan Park Levy Committee.



NOTICE OF MOTION

NOM1	NATIONAL AUTHORITY FOR PUBLIC HEALTH
FILE: H2-14	TIH
	{Folio No. 273210}

Notice is hereby given that I intend to move the following motion at the Ordinary meeting of Council scheduled for Tuesday, 13th April 2004.

NOTES:

There are a number of public services provided by both Federal and State Governments with an obvious overlap in the administration and bureaucratic process but with the one common denominator – the Community.

In November 2003, Council resolved to make representations to our Federal and State representatives concerning joint funding for capital works programs for public hospitals in New South Wales.

The Shires Association of NSW has welcomed a Federal proposal to fund Medical Clinics and Hospitals in rural areas.

This program will assist to bring Medical Specialists to rural areas.

Shires Association President, Councillor Phyllis Miller said, “The other spheres of Government should follow Local Governments lead”.

Local Government should advocate for a national authority to be responsible for the delivery of public health services throughout Australia.

This could be seen to be a further initiative associated with the paper – Good Health to Rural Communities.

2004. 226

RESOLVED:

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

1. That representations be made to the Australian Local Government Association with a request that consideration be given to a National Authority being responsible for the delivery of Public Health Services, Aged Care and Home and Community Care Services in Australia.
2. That the Shires Association of NSW, the Local Government Association of NSW and the Country Mayors Association be requested to support such representations.

NOM2	LATE REPORTS	
FILE: C18-2	AVB (NRN)	{Folio No. 273211}

Notice is hereby given that I intend to move the following motion at the Ordinary meeting of Council scheduled for Tuesday, 13th April 2004.

2004. 227

RESOLVED:

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

That, unless deemed urgent by the Mayor, no late reports be presented to Councillors after close of business on the Friday afternoon preceding a Council or Planning Meeting.

NOM3

PACIFIC HIGHWAY

FILE: R Pacific Hwy

KJF

{Folio No. 273212}

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

DIRECTOR ENVIRONMENTAL SERVICES REPORT

DES1

**LEP AMENDMENT TO PERMIT COMMUNITY HEALTH
FACILITY AT SOUTH WEST ROCKS**

FILE: T5-90 RBP

{Folio No. 273213}

SUMMARY:

Reporting on submissions received following the exhibition of the draft local environmental plan to permit a community health facility at South West Rocks.



Subject Land: Lot 50 DP1025337 Gregory Street, South West Rocks
Applicant: Health Administration Corporation
Zone: 2(a) Residential

At its meeting of 27th January 2004, Council resolved to amend KLEP 1987 to permit the development of a Community Health Facility at South West Rocks.

By letter of 29th January 2004, the Department of Infrastructure, Planning and Natural Resources was subsequently advised of Councils decision including it's intention to exercise its delegations under Section 65 and 69 of the Environmental Planning & Assessment Act.

Council also requested DIPNR wave the requirement to prepare a local environmental study on the basis that the land is zoned 2(a) Residential and is largely cleared with the exception of some large trees on the western boundary.

By letter of 27th February 2004, DIPNR formally advised that a local environmental study was not required in this case.

DIPNR further requested that Council consider the impacts of traffic and noise; the ability of the building to comply the RFS Planning for Bushfire Protection 2001 Guidelines; an assessment of the likely impact of the proposal on vegetation and wildlife habitats on the bushland to the south/west to the site; a preparation of archaeological assessment; and to consider the requirements of Clause 7(a) of State and Environmental Policy No 71-Coastal Protection.

As the land lies within the coastal zone, DIPNR advised that Council is unable to exercise delegations under Section 69 of the Act to refer the LEP directly to the Minister.

Government Agency Referral

The LES was forwarded to the RTA for comment. As at the date of writing, no comments from the RTA had been received. It should be noted that referral to the RTA was on the basis that it was intended to gain access directly from Gregory Street, which is an arterial road controlled by the RTA. The proponents have now submitted a Development Application for concurrent consideration by Council which provides for access from Steve Eagleton Drive.

In respect to the potential impacts of the proposal, including the requirements of DIPNR the following comments are made.

Bushfire

The "Planning for Bushfire Protection 2001" guidelines do not apply to the proposal as the use is not a Special Purpose Development and is not a Class 1, 2 or 3 building under the Building Code of Australia. It should also be noted that it is intended to construct the building of metal cladding construction set back 5 metres from the adjoining bushland and landscaped with suitable species.

Flora and Fauna

The understory of the site has been cleared with the site supporting 12 large Blackbutts. Of these, it is intended to retain 4 large Blackbutts adjacent to Gregory Street, with a 5th to be retained towards Steve Eagleton Drive.

An assessment of the proposal in respect to the requirements of Section 5A of the EP & A Act relating to the Development Application indicates that the development will not have any significant impact on the habitat of any threatened species.

Although utilised by Koalas for foraging, Blackbutts (*Eucalyptus pilularis*) are not listed under SEPP 44 in respect to considering any impacts on potential Koala Habitats.

On the basis of this assessment, it is considered that the proposed development will not result in any unacceptable impacts on any native flora or fauna.

Aboriginal Archaeology

This site was inspected by representatives of the Kempsey Local Aboriginal Land Council in September 2001 relating to a previous proposal for a Tavern. No artefacts or aboriginal cultural materials were detected and the site has been subjected to considerable surface disturbance.

Noise

Future development has the potential to impact on the amenity of adjoining residences by reason of noise relating to cars utilising the carparking areas and during construction. An assessment of potential noise during the construction phase indicates that provided construction activities are confined to between 7am to 6pm Monday to Friday and 8am to 1pm Saturday with no work on Sunday's or Public Holidays, noise is likely to be well within EPA criteria.

In respect to the operation of the premises which is restricted to daytime use only, it is intended to locate air conditioning units on the southern side of the building facing away from residential areas. The site is immediately adjacent to an existing shopping centre involving considerably larger numbers of traffic movements, including large heavy delivery vehicles which would be screened by the proposed building. Disturbances would be restricted to a limited number of vehicles entering the site from Steve Eagleton Drive. In these circumstances, it is considered that at the Development Application stage, conditions relating to fencing and landscaping could be applied to minimise any impacts to within acceptable limits.

Traffic generation

As a result of potential conflicts relating to accessing the site from Gregory Street in respect to its proximity to the roundabout and the adjoining Bi-Lo complex, the developers propose to gain access from Steve Eagleton Drive. Traffic assessment provided with the Development Application indicates that an additional 144 vehicle movements would be generated on Steve Eagleton which has been designed as a distributor road to eventually connect to New Entrance.

On this basis, it is considered that traffic impacts associated with the development are likely to be acceptable and conditions relating to intersection design and landscaping of parking areas can be applied at the Development Application stage.

SEPP 71 - Coastal Protection

DIPNR has also requested that Council consider the requirements of Clause 7a of the Policy to consider the issues listed in Clause 8 when developing a draft plan. The proposal is considered to be consistent with Clause 8 of the Policy as:-

- a. The proposal is considered to be consistent with the aims of the Policy as it will not impact on any natural cultural recreation or economic attributes of the coastline as it not located in any foreshore area and no adverse impacts on any aboriginal cultural heritage is expected.
- b. The proposal does not affect any access to any foreshore areas.
- c. The proposal does not interfere with any opportunity to provide any new access to any foreshore areas.

- d. The proposal is considered to be an acceptable development as it relates to a large commercial development on one side and residential area on the other and is likely to actually reduce impacts associated with heavy vehicle movements accessing the commercial development.
- e. The proposal will not overshadow any coastal foreshore area or result in any significant loss of views from any public place to any coastal foreshore areas.
- f. The proposal will not impact on any scenic qualities of the coastline.
- g. & h. The proposal will not adversely impact on any threatened species including any fish or marine vegetation.
- i. The subject land does not provide any existing wildlife corridors which have been severed to the east by Gregory Street and to the west to a large extent by subdivisions.
- j. This land is not subject to any coastal processes or hazards.
- k. No interrelationship between land based and water based activities exists.
- l. See "Aboriginal Archaeology".
- m. Any development is required to connect to Councils stormwater system which includes provisions to protect water quality.
- n. The site does not contain any items of environmental heritage, archaeology or historic significance.
- o. The proposal is consistent with the policy in that it is considered to be infill development.
- p. It is considered that the development would not have any significant accumulative impacts and the design incorporates passive solar design elements to minimise future any requirement.

Public Exhibition

The draft LEP was exhibited in accordance with the requirements of the Environmental Planning & Assessment Act, 1979 with 4 objections received, (at the date of writing this report) which may be summarised as follows ([Appendix A](#)):-

**Objection
Planning Comment**

<p>1 Inappropriate site as development will impact on nearby conservation values, should be closer to town</p>	<p>1 The site is considered to be acceptable as:-</p> <ul style="list-style-type: none"> • it is located on the main road and proposed distributor road;
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<p>center.</p>	<ul style="list-style-type: none"> • it is consistent with the South West Rocks Structure Plan in respect to concentrating traffic - generating developments away from the town center; • the development will buffer the effects of large vehicles accessing the Bi-Lo complex, from adjoining residential areas.
<p>2 No rezonings should be allowed until the planning instrument for South West Rocks is updated in accordance with the Parsons Brinkerhoff Report.</p>	<p>2 The purpose of a Structure Plan is to provide guidance for longer term planning of South West Rocks.</p> <p>The proposal is considered to be consistent with the existing South West Rocks Structure Plan. The matters referred to in the Parsons Brinkerhoff Report relate to expansion into undeveloped area. Any future South West Rocks Structure Plan is likely to reinforce the Bi-Lo precinct as the primary commercial area servicing the needs of permanent residents.</p>
<p>3 Proposal is contrary to the Keys, Young study of 1981 which recommends screening development from distributor roads and housing.</p>	<p>3 The Keys Young study is based on planning theory and methodologies, which are 22 years old.</p> <p>Current thinking suggests that screening developments promotes anti-social behaviour and reduces accessibility.</p>
<p>4 The site is in an established wildlife corridor.</p>	<p>4 The site is already zoned for residential purposes which would occupy a greater proportion of the site than currently proposed.</p> <p>See Flora & Fauna.</p>
<p>5 Impact on natural environment has not been addressed.</p>	<p>5 It is considered that the proposal would result in a nett benefit to the environment having regard to the social advantages provided with minimal adverse environmental impacts.</p>
<p>6 Impacts on existing health professions and chemists would be negative.</p>	<p>6 The shortage of public health care facilities in rural areas is well recognized, particularly in growing areas. See above.</p>

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MAYOR

As the report has been written prior to the close of submissions, if any further objections are received and any impacts that come to light from those objections will be reported to Council via a supplementary report.

Planning Comment

It is considered that there is unlikely to be any significant adverse impacts associated with the Development. On the contrary, it is considered that the proposed development is likely to reduce impacts on adjoining residential areas from the existing Bi-Lo complex and the facility will provide a valuable community health asset to the township. On this basis, it is recommended that Council refer the application to the Director-General of Planning to proceed to recommend that the Minister make the Plan.

2004. 228

RESOLVED:

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

- A That Council refer the rezoning to the Department Infrastructure, Planning and Natural Resources requesting that the Minister be recommended to make the plan.
- B That the objectors be advised of Council's decision.

DIRECTOR ENGINEERING REPORT

DE1	FLOODPLAIN MANAGEMENT AUTHORITIES OF NSW
FILE: C11-3	KJF (NRN) {Folio No. 273214}

SUMMARY:

Reporting on the 44th Annual Conference of the Floodplain Management Authorities of NSW.



The Annual Conference of the Floodplain Management Authorities of NSW (FMA) is to be held from 11th to 14th May in Coffs Harbour.

The theme of the conference is sustainable and practical floodplain management and the venue is Novotel Pacific Bay Resort. Full registration by 30th April 2004 costs \$600. Details of the program are attached at [\(Appendix A\)](#).

Council will need to determine its Councillor delegates to allow time for registration.

Director's Comment:

Council has always been a strong supporter of the FMA and will need Councillor representation at this conference.

Financial Implication

The cost of this conference is \$600 and travelling for each delegate and funds would be drawn from the vote for Councillors Travelling, Conference and Seminar Expenses.

Other Implications:

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

Director Engineering Recommendation:

That Councillor delegates be determined.

2004. 229

RESOLVED:

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

That Councillors Sowter and Saul be authorized to attend such sessions of the Floodplain Management Authorities Annual Conference as appropriate.

DE2

REVIEW OF FIRE SERVICES FUNDING

FILE: F3-30 KJF

{Folio No. 273215}

SUMMARY:

Reporting on the release of a consultants report on fire services funding.



The NSW Public Accounts Committee (PAC) has released a consultant's report that demonstrates the impacts of introducing a new property based levy to fund fire services under four difference scenarios. It finds that the majority of fully insured property owners would benefit from a new system.

This report was commissioned as part of the committee's review of fire services in order to provide detailed modelling of the financial impacts of various options for funding of fire services. The report was prepared by Professional Financial Solutions (PFS).

The consultants obtained information about the level of contributions made to the funding of fire services through the current arrangements by households and businesses. They then compared this to the level of contributions that would be made under property levies set at different levels. The four scenarios examined in the report differ in the proportions of the total funding required to be raised from householders and businesses within and outside the Greater Metropolitan Area. The first three are based on:

- the benefit received from fire services
- the service received from fire services
- the use each sector makes of fire services

A fourth scenario combines the criteria in the previous scenarios in order to increase the proportion of property owners who would be contributing less than they do under current arrangements. The report demonstrates that the majority of fully insured property owners would benefit from a new funding system under the fourth scenario.

The Local Government and Shires Association welcome this finding as it supports the submission made to the inquiry. The Associations have advocated a property valuation based levy system to replace the current levies on insurance and local government.

However, the LGSA consider the modelling to be deficient in that it has not included the removal of the current fire services levies on local government. The modellers have assumed that the level of direct contributions from local government remains unchanged as the report focuses on the impact of removing the insurance levy. The report leaves it up to the PAC to consider whether local government should continue to make direct contributions or to pay a levy on local government properties.

The Associations' unequivocal position is that a new fire services funding arrangement must replace both the fire services levy on insurance and the fire services levy on local government. Any new methodology that does not replace the existing fire services levies on local government is not acceptable to the Associations. The Associations have re-emphasised this position to the PAC. Fire services funding reforms in Queensland, South Australia and most recently, Western Australia, all replaced general fire services levies on local government with property based levies.

Written comments on the consultants report are to be forwarded by 16th April 2004.

It is felt that Council should support the LGSA by making a written submission to the PAC, particularly as the current arrangement of levy's on Local Government are severe imposts with little or no input.

Director's Comment:

The current arrangement of funding for fire services is complex and inequitable, particularly as more and more people are not insuring property. Any new funding arrangement should be straightforward and property based.

Other Implications:

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

2004. 230

RESOLVED:

Moved: Cl. Hunt

That a submission be made to the NSW Public Accounts Committee on arrangements for funding fire services in line with the position of the LG&SA.

DE3	FEES AND CHARGES FOR USE OF RESERVES AND SPORTS FIELDS OTHER THAN SPECIFIED
FILE: A2-12 KJF (NRN)	{Folio No. 273216}

SUMMARY:

Reporting on the need to introduce Fees and Charges for Reserves and Sports ovals for activities other than those of specific use.



Kempsey Shire has, at present, two Markets being held on Council Managed Lands. South West Rocks Markets are held on the Horseshoe Bay Reserve Day Visitor Area and Crescent Head Markets held on the Day Visitor Area of the Caravan Park Reserve. Another application for Markets has been received from Stuarts Point Sports Association.

At present there are no Fees and Charges listed for such activities on such areas of Council Managed Land as mentioned above.

It is recommended that the amount of \$100 per day be set as a Fee for the use of Kempsey Shire Council Managed Lands for Activities such as market Days, Carnivals, Circuses and other activities outside the accepted scope of use for those areas.

Director's Comment:

Activities such as Markets, Carnivals and Circuses are using public land to run what is, in fact, as a business. Also, the public's enjoyment of the area is restrained and costs for cleaning and rubbish removal are not by Council. Such a fee as recommended will partially redress this issue and Council is urged to support the Recommendation.

Financial Implications:

The financial implications of the following recommendation are that Council would recover some of the cost for administering applications of these events.

Policy Implications:

Events Management Policy C21:22 would need to be amended at point 8 for the inclusion of a point 8.7. Fee for use of Council Managed areas outside the scope of an areas general use, for such activities as Markets, Carnivals, Circuses.

ESD Implications:

The implications to Environmentally Sustainable Development are that activities outside those of the general scope for use for areas currently available can be assessed and identified for the possible future provision of an area or areas for special use.

Statutory Implications:

The statutory implications under the Local Government Act 1993 No. 30 Division 2 "Use and Management of Community Land" may require a revision of the Plan of Management for some areas to include activities outside the presently identified activities of the area.

2004. 231

RESOLVED:

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

That the Fee of \$100 for the use of Council managed community land, for activities outside the general scope of use for those areas, be included into Kempsey Shire Council Fees and Charges for 2004/2005 and that the necessary changes to Council's Event Management Policy be implemented.

DE4

MID NORTH WEIGHT OF LOADS GROUP

FILE: R8-190

KJF (NRN)

{Folio No. 273218}

SUMMARY:

Reporting on collection of fines



At Council's meeting of 9th March 2004, in considering a delegates report on the Mid North Weight of Loads Group Meeting, Council resolved:

"That the information be noted and that an enquiry be made into the collection of fines".

Enquiries were made through the Group secretariat, Gloucester Shire Council, and the following information received.

Figures over the last 4 months show that the Group is getting an initial return of about 75% from SEINS. ie ~75% fines are paid on time.

Of the rest, a further 10% (approximately) pay after further contact or are prosecuted if they don't pay within a reasonable time. All this is conducted by the Infringement Processing Bureau (IPB) as part of their service (at a fee of \$17 per SEINS notice). The IPB sends the group a monthly cheque for fines received, less their fee.

The remaining 15% elect the option (given on the infringement notice) to have the matter heard before a magistrate (ie. court election option). Court elections are notified to the group by the IPB. The group then arranges the court appearances through local solicitors (depending on locations).

The above applies to all breaches that fall within the fixed penalty system. The Group only gets involved in the court elections, not the failure to pay.

Breaches that exceed the max limits of the fixed penalty system are prosecuted directly by the Group (with out reference to IPB).

Director's Comment:

This information reinforces the benefits of being part of the Weight of Loads Group.

Other Implications:

There are no financial, policy or statutory implications from this report.

2004. 232

RESOLVED:

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

That the information be noted.

**DE5 STORMWATER DRAINAGE
FILE: D5-2 COPY:LA12138 APV (NRN) {Folio No. 273219}**

SUMMARY:

Reporting on requests to extend stormwater drainage pipes at 18 Hillview Drive, Aldavilla.



At the meeting on 9th March 2004, Council was advised:

“That the matter of stormwater drainage in Hillview Drive in view of the provision of S94 of the Roads Act will be reviewed by the incoming Council.”

Council has, since 1992, received several requests from the owners of Lot 23, No. 18 Hillview Drive, Aldavilla, to extend the piped stormwater drainage line through their property.

At the time of construction of the subdivision, Council required the subdividor to provide stormwater pipes some 30m into the private lot and to finish the stormwater line with either a headwall or silt collector/energy dissipater. This arrangement was accepted practice at the time and allowed for the stormwater generally to be transported to a point beyond the likely site of the dwelling.

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MAYOR

In rural residential subdivisions in the Aldavilla area alone, there are some 14 such piped outlets existing. In a number of situations Council has had to extend the original pipeline in order to ensure the stormwater would be discharged onto the property without any impact on the dwelling later constructed. With the limited funds available for this work (\$5,000 in 2003/04), priority has been given to extending pipelines, where they affect a dwelling, to beyond the dwellings.

On the property at 18 Hillview Drive, Council has extended the pipeline on three occasions such that the pipeline now extends more than halfway through the block and well clear of the dwelling.

The issue has been previously considered by Council on several occasions, the last occasion being in 1999. A copy of the report is attached at [\(Appendix B\)](#). Following the Works Inspection, it was resolved that:

“Council not proceed with the extension of stormwater drainage pipes at 18 Hillview Drive, Aldavilla, and that the funds allocated be redirected to maintenance and repair of urban drainage”.

Subsequent correspondence with Council’s Solicitors, Department of Local Government and NSW Ombudsman has reinforced this position. A copy of the letter from NSW Ombudsman is attached [\(Appendix C\)](#).

Section 94 of the Roads Act 1993 states:

1. A Roads Authority may, for the purpose of draining or protecting a public road, carry out drainage work in or on any land in the vicinity of the road.
2. The Roads Authority must pay compensation to the owner of the land for any loss or damage arising from the exercise of any power under this section.

Section 94 gives Council, as the roads authority, the authority to carry out drainage work on a property. At Lot 23, Hillview Drive, an easement, to drain water, 3m wide, exists. It is considered that the rights relating to the easement supplants any authority Council would have under Section 94. The stormwater pipes and stormwater flow generally follow the line of the easement.

Until such time as all other properties have commensurate attention from Council, it is recommended that no further action be taken on Lot 23, No. 18 Hillview Drive.

Director’s Comment:

Council has a backlog of minor stormwater projects and priority for attention should be determined keeping such concerns in mind.

Other Implications:

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

Director Engineering Recommendation:

That the extension of stormwater pipes at 18 Hillview Drive, Aldavilla, be listed for consideration on Council's proposed Stormwater Program, with priority given to those properties where the proximity of the stormwater outlet affects existing dwellings.

2004. 233

RESOLVED:

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

That the extension of stormwater pipes at 18 Hillview Drive, Aldavilla, be listed for consideration on Council's proposed Stormwater Program.

PRESENTATION

At this stage 10.25am the Mayor made a presentation to Mr Ron Bannerman with a Seniors Week Achievement Award for fund raising for cancer research.



At this stage 10.30am the Meeting adjourned for Morning Tea and upon resumption at 11.06 a.m. all present at the adjournment were in attendance.



DE6	SECOND BRIDGE CROSSING - KEMPSEY	
	FILE: B6-62 APV (NRN)	{Folio No. 273220}

SUMMARY:

Reporting on the current status of the Second Bridge Crossing project.



Council, at its meeting on 9th March 2004, resolved:

"That a report be prepared and come back to Council on the implications of the deferral of the second bridge crossing."

In 2000 the Roads and Traffic Authority, together with Council and the Department of Housing, were involved extensively in the production of the South Kempsey Traffic Study. A major recommendation of the study was the construction of a new river crossing over the Macleay River adjacent to the Railway Bridge. This study concurred with the findings of the Travers Morgan Study in 1995 of the benefits of a second bridge crossing.

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MAYOR

The construction of a second bridge crossing at Kempsey would remove a large proportion of local traffic from the Highway. It would improve local access to community facilities and significantly improve Highway travel during normal and holiday peak conditions.

The Roads and Traffic Authority then provided \$50,000 for a feasibility assessment for a second river crossing at South Kempsey. Gutteridge, Haskins and Davey were engaged by Council to undertake the assessment. The Feasibility Study was endorsed by Council at its meeting of 11th September 2001.

The Study involved consultation with local residents, government and statutory authorities, an environmental assessment, a geotechnical investigation, hydraulic and hydrological investigation, bridge investigation and conceptual design, bridge approach and local road network investigation and economic analysis.

An option was developed for a bridge structure that provides a bridge at grade with one clear span of 35m and a bridge clearance height of up to 5.5 metres. The remaining spans would be generally 20m spans.

Revised preliminary costs were estimated at \$7,067,000 of which \$3,400,000 is provided for the construction of the bridge itself, \$987,000 for the northern and southern approaches and the remaining \$2,680,000 for the upgrading of the local road network and intersections and pre-construction investigations.

The final conclusion indicates an attractive project with respect to road user economic benefits in relation to cost. The analysis showed that, for the base case (7% discount and 1.5% traffic growth per annum), the Benefit Cost Ratio was 7.5 with a Net Present Value of \$40.2M.

In 2003, the RTA advised Council that funding in the amount of \$200,000 was available for Council to continue with the environmental assessment, geotechnical studies and design work on the project.

Tenders were called with the lowest tender submitted by Cardno MBK in the amount of \$396,000. Council at its meeting on 14th October 2003 resolved that Cardno MBK be engaged to undertake professional services to the value of \$200,000. This would allow the investigation, concept design and environmental studies to be undertaken.

Cardno MBK were subsequently engaged and a report on their investigations is anticipated in June 2004.

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

Following the investigations a decision would be made by the RTA on whether funding would be provided for the actual construction. It should be noted that there is no commitment at this point from the RTA to fund the construction. If the project were to proceed, Council would also need to negotiate with the RTA regarding its contribution to the project. No agreement has been reached at this time regarding Council's contribution.

The Pacific Highway through Kempsey is reaching its capacity as a two-lane road. The Travers Morgan (1995) and RoadNet (2000), and now the GHD Report, all found that the proposed new river crossing would be effective in reducing the volume of local traffic using the Kempsey Bridge. The proposed new crossing will carry up to 700 vehicles per hour, which would be removed from the Highway. It would result in the Highway having less congestion, easier access from side streets, and a greater capacity to handle holiday traffic. The new river crossing would also allow greater flexibility in programming for the Pacific Highway upgrade. The preferred location for the new crossing also provides direct access for local traffic from South Kempsey to West Kempsey and Kempsey CBD.

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

At the Value Management Study for the Pacific Highway Upgrade, the RTA indicated that the construction of the Second Bridge Crossing may allow deferral of the Kempsey Bypass.

Council has tentatively set aside \$505,000 and \$495,000 from loan funds for 2004/05 and 2005/06 respectively for the second bridge project. Council's contribution may be significantly greater, as the RTA has indicated that Council's required contribution may be up to 50% of the total project cost estimated at, \$7.1M.

If the project proceeds, Council's contribution may be as high as:

2004/05	\$ 100,000	Detailed Design
2005/06	\$1,725,000	Construction
2006/07	\$1,725,000	Construction

The benefits of the Second Bridge Crossing are highly dependant on the timing of the Pacific Highway Upgrade around Kempsey. Council should await the outcomes of the Stage 1 investigations by Cardno MBK before committing further to the project. By this time further information may have been obtained from the RTA regarding the proposed timing of the Pacific Highway Upgrade.

The deferral of the project would allow the proposed loan funds to be utilized on other necessary Council projects to replace existing infrastructure in the short term. However, if the project is to proceed in say 2 years time, loan funds will be required.

Director's Comment:

The benefits from this project are substantial but dependent on the timing of the Highway Upgrade project. Should the Bypass be confirmed and commence in the short term, the opportunity to draw substantial funds from the RTA may be lost. When the Stage 1 report is received, Council may wish to pursue the RTA to complete the project promptly.

Report Implications:

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

2004. 234

RESOLVED:

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

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

DE7

**DAMAGE TO COUNCIL'S ROADS
FILE: R8-2 MGR (NRN)**

{Folio No. 273221}

SUMMARY:

Reporting on the damage to Council's roads as a result of the recent summer storms.



During January and February 2004, summer storms, with very intense rainfalls over short durations, have caused severe damage to the gravel surface and drainage systems on a number of roads in the upriver portion (ie Western Section) of the Shire.

The first intense thunderstorm occurred late Sunday afternoon, 11th January 2004, and was centred on the Willi Willi Road area affecting Warbro Brook, Willi Willi and Carrai Roads. The thunderstorm lasted about 45 minutes and dropped 63mm of rain.

At that time a works team was finalizing gravel-resheeting work in Warbro Brook Road and was diverted to undertake immediate repairs to the above roads.

The next severe thunder storm struck in the afternoon of Friday, 13th February 2004, in the Pee Dee and Five Day Creek areas, causing damage to Toose Road, Pee Dee Road, Armidale Road and Five Day Creek Road. Reports indicated a rainfall of approximately 75mm in about 60 minutes, causing severe surface damage.

THIS IS PAGE 28 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

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MAYOR

At the time of this storm the Bellbrook crew was conducting maintenance grading work on the gravel section of Armidale Road and were able to commence remedial repairs to Armidale Road on Monday, 16th February 2004.

The last intense rainfall in the upriver region occurred on Monday 23rd February 2004 affecting Five Day Creek area and added to the damage caused by the storm on Friday 13th February 2004.

The following is a summary of extra costs to carry out the storm repair work above normal costs of maintenance grading in the affected areas:

Warbro Brook Rd	\$22,061	
Carrai Rd (To Councils Boundary)	\$10,712	
Brassils Creek Rd	\$ 1,911	
Armidale Rd (MR75)	\$20,000	estimated
Five Day Creek Rd	\$22,185	estimated
Toose Rd	<u>\$22,000</u>	estimated
	Total	\$94,169

At the Council meeting of 23rd May 2004, during Questions without Notice, Councillor Hayes was advised:

“That the Director Engineering would arrange for investigation of any storm damage to Council’s roads from the storm on this Tuesday, 23rd March 2004.”

Rainfall for this event was mostly in Kempsey and the Lower Macleay. There has been no significant damage to Council’s road network from this event although there has been a notable increase in potholes on bitumen roads. Council’s Tar Patching Unit has been working extra hours to address this problem.

Gravel road maintenance across the Shire will necessarily be curtailed for the remainder of the year, as some 90% of the budget is expended only ¾ of the way through the year.

Director’s Comment:

The recent storms have severely impacted on Council’s road network and, without an increase in funds, further maintenance on gravel roads will be reduced in line with budgetary constraints.

Financial Implications:

Financial implication from this report is a severe reduction in maintenance funds for the remainder of this financial year.

Other Implications:

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

2004. 235

RESOLVED:

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

That the information be noted.

DE8 SOUTH KEMPSEY PARK REST AREA
FILE: LA18897 COPY: APC NJT {Folio No. 273223}

SUMMARY:

Reporting on a grant received from the RTA to carry out improvement works at South Kempsey Park Rest Area.



Council has received a grant of \$76,000 from the RTA to carry out improvement works at South Kempsey Park Rest Area. This is in addition to the previous grants of \$74,000 in 2001/2002, and \$50,000 in 2002/2003.

The grant of \$76,000 provides funding for the upgrading of the rest area with upgraded and additional log barrier fencing, road rehabilitation and sealing works, additional lighting, additional garbage bins, and additional picnic tables.

This much needed influx of funding provides Council the opportunity to provide an improved facility and to increase the attractiveness of Kempsey to the travelling public.

Director's Comment:

Council's staff have been actively pursuing the RTA for additional funds to upgrade the Park for an official Rest Area. Council is urged to accept the grant.

Report Implications:

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

2004. 236

RESOLVED:

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

That the grant in the amount of \$76,000 from the RTA for improvement works at South Kempsey Park Rest Area be accepted.

DE9 REGIONAL ROAD REPAIR PROGRAM
FILE: R8-2 COPY: APC NJT {Folio No. 273224}

SUMMARY:

THIS IS PAGE 30 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

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MAYOR

Reporting on advice received regarding a grant under the Regional Road Repair Program.



Under the Regional Road Repair Program, the RTA provides 50% of funding for rehabilitation projects on Regional Roads. The current Repair Program is for the period 2003-2007. Projects submitted by Councils in the Northern Region were prioritised by the RTA.

Kempsey Council submitted eight (8) projects for consideration, with only one project being successful. The successful project is the rehabilitation of a section of South West Rocks Road, adjacent to Benelong Haven, from 21.5km to 22.37km east of the Pacific Highway. The project was listed for funding in 2006/2007.

Council has received advice from the RTA that funding for this project can now be made available this financial year, which would allow the project to be brought forward.

This section of South West Rocks Road is in urgent need of repair. It is considered that Council should not defer repair of this section for another 2 years.

Total project cost is estimated at \$185,000 with 50% funding from the RTA. Although RTA funding is for the 2003/04 financial year, advice has been received that Council can expend RTA funds this financial year with Council expending its share in 2004/05. It is anticipated that work will commence on this project in June 2004 and carry over into July 2004.

It will be necessary for Council to set aside its share of \$90,000 from the 2004/05 Regional Road Block Grant.

The acceptance of this grant from the RTA to bring forward this project may require the deferring of several Council projects scheduled for this financial year. A report on the status of projects will be prepared for the estimates meeting later this month.

Financial Implication:

The financial implication from the following recommendation is that Council will need to allocate \$90,000 from the 2004/05 Regional Road Block Grant for this project.

2004. 237

RESOLVED:

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

1. That the grant for \$92,500 under the Regional Road Repair Program be accepted.
2. That \$92,500 be allocated from the 2004/05 Regional Road Block Grant for Council to fund its share of the project.

SUMMARY:

Reporting on advice received on the 2003/2004 Safety Around Schools Program Funding.



Council has received advice from the RTA relating to additional funding under the 2003/2004 Safety Around Schools Program. The RTA has contributed 50% of the projected estimate of costs as listed below:

	RTA	Council	Total
Frederickton Public School	\$1,500	\$1,500	\$3,000
South West Rocks Public School	\$5,000	\$5,000	\$10,000
Crescent Head Public School	\$10,750	\$10,750	\$21,500
St Paul's High School	\$3,000	\$3,000	\$6,000
Total	\$20,250	\$20,250	\$40,500

1. Frederickton Public School

Construct missing length of footpath from school gate to bus stop in Great North Road.

It is recommended that Council's contribution of \$1,500 be provided from the 2003/04 Frederickton Town Improvement allocation.

2. South West Rocks Public School

Construct footpath from school gate to Sturt Street.

It is recommended that Council's 50% contribution of \$5,000 be provided from the 2003/04 South West Rocks Town Improvement Funds. Savings were made on the Arthur St project.

3. Crescent Head Public School

Construct footpath in Pacific Street and Killuke Crescent from school gate to Baker Drive. Seal access road for school bus.

Council's 50% contribution of approximately \$5,000 to the footpath in Pacific Street will be met by adjoining landholders under Council's Policy for Contributions to Works for footpaths.

It is recommended that Council's 50% contribution of \$5,750 to works in Killuke Crescent and adjacent park, be provided from Sec 94 Funds for Passive Recreation in Crescent Head

4. St Paul's High School

Construct bus waiting area and footpath in Sea Street.

Council can meet its share of funds from savings in the Traffic Facilities vote.

Director's Comment:

Council is urged to support the recommendations.

Financial Implication

The financial implications from the following recommendations are that:

- 1. \$1,500 be provided from the Frederickton Town Improvement Funds.***
- 2. \$5,000 be provided from the South West Rocks Town Improvement Funds.***
- 3. \$5,750 be provided from the Sec. 94 funds for Passive Recreation at Crescent Head.***
- 4. \$3,000 be provided from Traffic Facilities Funding.***

Report Implications:

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

2004. 238

RESOLVED:

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

- 1. That \$1,500 allocated under the 2003/2004 Safety Around Schools Program for Frederickton Public School be accepted, and that Council's contribution of \$1,500 be provided from the Frederickton Town Improvement Funds.**
- 2. That \$5,000 allocated under the 2003/2004 Safety Around Schools Program for South West Rocks Public School be accepted, and that Council's contribution of \$5,000 be provided from the South West Rocks Town Improvement Funds.**
- 3. That \$10,750 allocated under the 2003/2004 Safety Around Schools Program for Crescent Head Public School be accepted, and that Council's contribution of \$5,750 be provided from the Sec. 94 funds for Passive Recreation at Crescent Head.**
- 4. That \$3,000 allocated under the 2003/2004 Safety Around Schools Program for St Paul's High School be accepted and that**

Council's contribution of \$3,000 be provided from the Traffic Facilities vote.

**DE11 REGIONAL ROAD TIMBER BRIDGE PROGRAM
FILE: B6-2 COPY: APC NJT (NRN) {Folio No. 273226}**

SUMMARY:

Reporting on the Regional Roads Timber Bridge Program.



At the Council meeting on 9th March 2004, Council considered a report on the Regional Road Timber Bridge Program and a copy of the report is attached as [\(Appendix D\)](#). Council resolved:

“That the Director report back to Council with traffic data for each bridge, alternate routes available and social and economic impacts of not replacing.”

As reported previously it is estimated that the cost of replacement of the 5 timber bridges on Regional Roads in Kempsey Shire, including approach roadworks, is \$4.17M. With the RTA contribution of 50% of the total cost of the replacement of the bridges, Council will need to find its share, i.e. \$2.085M, over the 7 years of the program. The estimates shown are indicative only for planning purposes. Exact costs will be subject to final design, and negotiations regarding apportionment between Council staff and the RTA.

No provision has been made in the forward estimates for such funding and Council's funding sources are limited. It would seem unwise to utilise more than, say, \$120,000 per annum from the Regional Road Block Grant Program for this program, due to the consequent reductions on the roadworks program.

Council is providing a reserve fund for Bridge Construction but this is currently earmarked for Council's Bridge Construction program for bridges on Local Roads, and any diversion of funds will delay works on Council owned bridges.

Approximately \$155,000 to \$202,500 per year would need to be sourced from either Loan Funds, Revenue or Working Funds. Loans funds would seem most affordable.

The RTA has sought a funding profile under the program, and Council has not committed any funds at this stage. Table 1 outlines the likely funding profile over the 7-year life of the program:

TABLE 1

Bridge	Estimate	Year	Funding Proposed		Loan Funds	Total
			RTA	Regional Road Block Grant		
Woolshed Gully (\$160,000)	\$160,000	2004/05	\$80,000	\$80,000		\$160,000
Nulla Nulla Ck (\$915,000)	\$390,000	2004/05	\$195,000	\$40,000	\$155,000	\$390,000
Nulla Nulla Ck	\$525,000	2005/06	\$262,500	\$100,000	\$162,500	\$525,000
Perrets Bridge (\$1,000,000)	\$40,000	2005/06	\$20,000	\$20,000		\$40,000
Perrets Bridge	\$580,000	2006/07	\$290,000	\$120,000	\$170,000	\$580,000
Perrets Bridge	\$380,000	2007/08	\$190,000	\$60,000	\$130,000	\$380,000
Mungay Ck (\$815,000)	\$215,000	2007/08	\$107,500	\$60,000	\$47,500	\$215,000
Mungay Ck	\$600,000	2008/09	\$300,000	\$115,000	\$185,000	\$600,000
Devils Nook Ck (\$1,280,000)	\$10,000	2008/09	\$5,000	\$5,000		\$10,000
Devils Nook Ck	\$625,000	2009/10	\$312,500	\$120,000	\$192,500	\$625,000
Devils Nook Ck	\$645,000	2010/11	\$322,500	\$120,000	\$202,500	\$645,000
TOTAL	\$4,170,000		\$2,085,000	\$840,000	\$1,245,000	\$4,170,000

TABLE 2

Bridge	Road	Location	Chainage (km) from Kempsey	Length (m)	No of Spans	Erected	Traffic (Average Daily Traffic Count)
Perrets Bridge	South West Rocks Rd	Jerseyville	30.73	38.5	3	1935	1500
Woolshed Gully	Armidale Rd	Temagog	23.83	8.3	1	1936	892
Mungay Ck	Armidale Rd	Willawarrin	25.36	36	4	1938	795
Devils Nook Ck	Armidale Rd	Bellbrook	43.46	36.4	4	1939	240
Nulla Nulla Ck	Armidale Rd	Bellbrook	50.74	48	4	1936	276

This program has been forwarded to the RTA.

The timber bridges are approximately 70 years old. The estimated life of a timber bridge is 50 years. Significant funds are currently being spent on these bridges (\$105,000 for Devils Nook Bridge in 02/03, \$40,000 for Mungay Creek Bridge in 00/01). All the bridges are single lane and, over the next few years, will require a significant injection of funds to maintain their serviceability.

Perrets Bridge

This bridge is a single lane bridge over Spencers Creek at Jerseyville on South West Rocks Road.

The existing bridge provides a link between Kempsey and the Lower Macleay area, and South West Rocks.

South West Rocks Road is a Regional Road under the care and control of Kempsey Shire Council. Council receives funds under the Regional Road Block Grant Program to maintain or improve this road.

It is considered that this funding for South West Rocks Road would be in jeopardy if Perrets Bridge was not replaced at some future stage.

There are alternative routes to South West Rocks via Summer Island Road from Smithtown and Plummers Lane from the Pacific Highway. These alternate routes would not be considered as satisfactory for the fast growing township of South West Rocks, the present tourist road status, school and community bus routes, emergency vehicles, freight deliveries, inconvenience, and people commuting to places of work.

Residents on the east side of Spencers Creek in Jerseyville itself, as well as, Kinchela and Hat Head residents will be unable to access South West Rocks, or the Pacific Highway to the north, unless they head south to Smithtown and then north again along Summer Island Road and then Plummers Lane

Bridges on the Armidale Road

The timber bridges on Armidale Road provide an important link for the residents of the Upper Macleay.

If Nulla Nulla Creek and Devils Nook Bridges were not replaced, no alternative access can be provided to the Bellbrook, Comara and other Upper Macleay Residents. The only alternative access is via the tablelands towards Armidale.

The only alternative access to Woolshed Gully and Mungay Creek Bridge would be a diversion to the western side of the Macleay River along Willi Willi Road and back over Toorooka Bridge. This is not considered a serious alternative.

The lack of bridges at these locations would deny access to Kempsey and the Pacific Highway, for commercial, schooling, commuting to places of employment, and emergency services.

A copy of a map showing the location of these bridges together with photos will be circulated to Councillors.

It is considered that Council should accept this unprecedented opportunity to obtain 50% funding to replace and widen these bridges. Even without this funding, Council would be required to provide a significant injection of funds into the maintenance and upgrading/replacement of these bridges.

Director's comment:

Council needs to be aware of the requirement to set aside funding over the next 7 years as its contribution to this program and is urged to support the recommendation.

Other Implications:

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

Financial Implications:

The financial implications from the following recommendation is that \$120,000pa be set aside from the Regional Road Block Grant for the next 7 years, and that provision of \$155,000 to \$202,500pa be made in future budgets to fund the balance of Council's contribution.

Director Engineering Recommendation:

1. That the proposed Regional Road Timber Bridge Programme be endorsed.
2. That \$120,000pa be set aside from future Regional Road Block Grant funding, and that provision of \$155,000 to \$202,500 per annum be made in future budgets to fund the balance of Council's contribution to the Regional Road Timber Bridge Program.

2004. 239

RESOLVED:

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

That this item be deferred until the May 2004 Council meeting.

DE12	QUESTIONS WITHOUT NOTICE	{Folio No. 273228}
	FILE: C18-28 JC (NRN)	

SUMMARY:

Reporting on Questions Without Notice from the Council meetings of the 20th March 2001, 14th May 2002, 13th January 2004, 20th January 2004 and 12th February 2004.



Responses to Councillors Questions Without Notice are listed for information.

Meeting of 20th March 2001

Councillor Sowter

File: D5-2

(Folio No: 211596)

That the Director Engineering would investigate a drainage problem in Croads Esplanade, Smithtown, at the Smithtown Traffic Bridge where water runs down the footway into a resident's backyard.

Pipes have been installed in this location. Works completed.

THIS IS PAGE 37 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

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MAYOR



Meeting of 14th May 2002

Councillor Sowter

File: R8-2

(Folio No. 234526)

That the Director Engineering will investigate contracting out of roadside slashing.

Suitable contract being compiled, with service standards, assessment criteria, clear description of areas to be mown and requirements for Insurance and OH&S.



Meeting of 13th January 2004

Councillor Sowter

File: R Kinch R/B

(Folio No. 268227)

That the Director Engineering would investigate the need to replace post and guard rails along Kinchela Creek road that were cut off during a house removal some years ago.

Guardrails removed, options being investigated.



Meeting of 20th January 2004

Councillor J H Bowell

File: R Pacific Hwy

(Folio No.268563)

That the Director Engineering would investigate the RTA plan currently on exhibition, closing 30th January 2004, relating to the Pacific Highway improvements from Carri Street to Hill Street and whether a submission has been sent by Council.

Copy of formal submission provided to Councillor Bowell. Discussions ongoing with RTA.

Meeting of 12th February 2004

Councillor Bowell

File: R Pacific Hwy

(Folio No.269866)

That the Director Engineering had not received advice when the RTA Noise Task Force would visit Frederickton but this would be followed up with the RTA.

Meeting tentatively set for 13th April 2004.

THIS IS PAGE 38 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

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MAYOR

Councillor R Bowen

File: R8-19

(Folio No.270033)

That the Director Engineering would investigate the situation regarding drainage outside Aldavilla school which was raised at Council on 13th May 2003 and was to be referred to the Department of Education. Also the Director Engineering would investigate parking outside the Aldavilla School and whether there was a need to refer this to the Traffic Committee.

Referred to in report to Council on Roads to Recovery Funding at Council's meeting of 8th July 2003. Council resolved to list the construction of a concrete dish gutter on the western side of Sherwood Road, south of Armidale Road at an estimated cost of \$20,000 in a future R2R program.

The reshaping of the existing drains and shoulder will be undertaken under the roads maintenance program and scheduled for completion by May 2004.

Meeting held with Department of School Education representatives and RTA on 12th June 2003 but no positive outcomes achieved as Department feel they have done all that is required.

Meeting of 9th March 2004

Councillor Powell

File: RSaleyards

(Folio No.271422)

That the Director Engineering would investigate the maintenance grading of Saleyards Road.

Scheduled for maintenance in September 2004.

Councillor Powell

File: W5

(Folio No.271439)

That Engineering would investigate the cost of replacing pole capping at Smithtown Wharf.

Details and responsibilities being reviewed.

Councillor Powell

File: LA12138

(Folio No.271437)

The matter of the stormwater drainage in Hillview Drive in view of provisions of S94 of the Roads Act 1993 will be reviewed by the incoming Council.

Report to 13th April 2004 Council meeting.

Councillor Bowen

File: I3-2

(Folio No.271444)

That the Director of Engineering would conduct risk assessments of structures on Council's road reserves.

Details being reviewed.

Councillor Sowter

File: R7-1

(Folio No.271441)

That the Director Engineering would investigate the current situation with the riverbank at Gladstone and advise Mr Morley of the Gladstone Tidy Towns Committee.

Listed for Works Inspection.

Councillor Sproule

File: S10-41

(Folio No.271442)

That the Director Engineering would investigate the possibility of Parks & Gardens staff being included in CPTED training (in house).

Arrangements made.

Meeting of 23rd March 2004

Councillor J H Bowell

File: R Armidale

(Folio No.272511)

That the Director Engineering was aware of the poor condition of the road surface at the intersection of Armidale Road and Sherwood Road and it was proposed for reconstruction in the near future. The Director Engineering would also investigate the status of two access roads in the area in the vicinity of the Spotted Frog restaurant.

Armidale and Sherwood Roads being listed for repair work in conjunction with modification to traffic island. Attention to the access roads will also be undertaken.

Councillor J H Bowell

File: F11

(Folio No. 272513)

That the Director Engineering would investigate the dangerous condition of footpaths at the following three locations;

- Pavers in front of Action supermarket in Belgrave Street
- Lifted concrete in front of the Many Rivers building in Elbow Street
- The footpath in John Street west side between Verge Street and Austral Street.

Footpaths inspected, appropriate repairs will be undertaken in line with Council Policy.

Councillor J Hayes

File: R8-27

(Folio No. 272522)

That the Director Engineering would investigate the need for maintenance to the kerb and gutter as reported by Mr Rogers in front of the Community House in Stuarts Point.

Plans being prepared for K & G in Ocean Ave, from Banksia Street to Forth Avenue. Construction to commence after Easter.

Councillor J Hayes

File: R8-3

(Folio No.272524)

That the Director Engineering would arrange for investigation of any storm damage to Council's roads from the storm on this Tuesday 23rd March 2004.

Report to 13th April 2004 Council meeting.

Report Implications:

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

2004. 240

RESOLVED:

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

That the information be noted.

DE13

WORKS IN PROGRESS

FILE: R8-2 KJF (NRN)

{Folio No. 273229}

SUMMARY:

Reporting on Works in Progress.



ROADS

Regional Roads

Sealed

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

Strengthening and sealing on MR 7740 (Stuarts Point Road) at chainage 5.05 to 5.57km has been completed and has been line marked.

Rehabilitation of 325m of road on MR75 (Armidale Road) has commenced. The location of this work is immediately west of the Nook Creek Bridge.

Black Spot remedial works on MR198 (South West Rocks) involving realignment and rehabilitation of some sections of MR198 in the Austral Eden area, is anticipated to commence in late April.

Raising of a couple of sections of MR198 – South West Rocks Road is underway as part of the flood mitigation program.

The rehabilitation of a section of Crescent Head Road is scheduled to commence by late April. The work will involve the rehabilitation of 1.35km of road approximately 12.5km from the Pacific Highway intersection. It is anticipated that this work will take 6 weeks to complete.

LOCAL ROADS

Sealed Rural

Pavement maintenance work on the sealed road network is continuing.

Second lane will receive some remedial treatment in conjunction with the construction of boom gates at the railway crossing. This work will be completed once the Rail Infrastructure Corporation has finished their work.

UNSEALED RURAL

Gravel Resheeting

Only Hickeys Creek road remains unfinished on the gravel resheeting program and this work is scheduled for May 2004.

Maintenance Grading

The “Shire East” roads maintenance crew is currently finishing in the Crescent Head Area (Area East 8) and then moving to the East Kempsey/Belmore Area (Area East 1).

Roads graded the during this month;

Yabsleys Lane
Blaire Lane
Trappauds Road

Bruce’s Lane
Old Coast Road

The “Shire West” roads maintenance crew is currently busy with maintenance grading in the Five Day Area (Area West 2).

Roads graded the during this month;

MR75 Armidale Road

Five Day Creek Road

The “Shire West” crew will thereafter continue with maintenance grading in Warbro Area (Area West 3).

TOWN AND VILLAGE STREETS

Kempsey MasterPlan

The RSL Club Carpark/York Lane intersection works have been completed. CountryEnergy is to install lights to finalise this project and this work will commence in March 2004 and should be finalised by end of April 2004.

The Belgrave Street master plan works has been postponed pending a number of alternative designs.

Hat Head Town Improvement

Stage 2 of the drainage works around the intersection of Fern and Straight Streets will commence in April 2004.

South West Rocks Town Improvement

Sturt Street, Pacific to Seaview Street, is to be widened to accommodate two-way traffic. This work is scheduled for June.

Stuarts Point Town Improvement

Kerb and Gutter works has been completed in Marine Parade between Ninth and Thirteenth Avenue. This work will compliment the existing kerb and gutter on each side street and complete the formalisation of the western side of Marine Parade.

South West Rocks MasterPlan

The kerb and gutter and associated works at the Paragon/Memorial Avenue intersection, in line with the MasterPlan, Stage two, has been completed and included traffic islands and foot paving around the Paragon/Memorial Avenue Street area.

Further work under this program involving footpath on the northern side of Livingstone Street adjacent to the new retaining wall between the caravan park and the road has been completed and the fencing installed.

Roads to Recovery projects

Ocean Avenue in Stuarts Point will receive some attention shortly with kerb and gutter and road works to commence in March 2004.

Mitchell Street (McIntyre to Pacific Streets) in South West Rocks is currently receiving kerb and gutter and the road will be widened and reformed. This work will be completed by the end of April 2004.

Construction works of the new intersection of Gowings Hill Road and Marys Bay Road is currently underway. However, work has temporarily been suspended to allow the fill to settle. As part of this project, the remaining gravel section of Marys Bay Road will be sealed with funding from Section 94 Contributions.

FLOOD MITIGATION

THIS IS PAGE 43 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

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MAYOR

General maintenance and repair of the floodgates on Kinchela Creek and Belmore River flood structures is continuing. The concrete maintenance repair work on the Belmore Head works structure is currently underway and repair work is scheduled for completion by the end of April.

BRIDGES / STRUCTURES

Specific Maintenance

Specific maintenance on Fullers Creek Bridge (Nook Creek Road) is to commence in May. This bridge is the last on the specific maintenance program.

A new bridge will be constructed at McCoys Creek where the road is currently being serviced by a causeway. This project will commence in late May and is scheduled for completion by the end of June.

HORTICULTURE

Coastal Weeds Rehabilitation Project

Continuing, using Council's existing funding, removing Bitou Bush from roadways in the coastal zone and follow up work at Goolawah and Middle Head.

Pioneer Concrete has offered to provide \$10,000 worth of funding towards the control of coastal weeds. The preferred site for the use of the funding is the dunal area of Goolawah Lagoon, as a follow up to aerial spraying completed last winter.

Upper Macleay Riparian Weeds Project

Meeting held with Bellbrook CDEP to discuss training and supervision of Aboriginal trainees who will carry out weed control work on Aboriginal land in the Upper Macleay.

Plans of Management

Horseshoe Bay Plan of Management – reviewing submissions received.

Plan for Verge Street Ovals continuing - awaiting feedback from User Group

Tree Planting and Maintenance

Tree planting in Gregory Street, South West Rocks, commenced. Planting to continue in April.

Playground Conference

Horticultural Advisor, Greg Williams, attended the annual Kidsafe Playground Conference in Sydney.

Sporting Facilities

Winter sports fields changeover has been completed.

Capital Works

South Kempsey Cricket Pitch

Soil and irrigation installed.

Stuart's Point

Storage shed under construction.

NOXIOUS WEEDS

Weed Control Spraying carried out at:

- Smithtown Bridge
- New Entrance Road, South West Rocks
- Sherwood Road
- Macquarie Street, South Kempsey
- South West Rocks Road
- Plummers Lane
- Crown Reserves at South West Rocks and Jerseyville.

BUILDING SERVICES

Work completed last 4 weeks

- Ongoing maintenance to amenities.
- Aged Care Units – miscellaneous repairs.
- Cabins relocated to waste management sites SWR/Stuarts Point.
- Verge Street – repairs to grandstand/seats/handrails/windows.
- Provision of Training Room – Works Depot – complete.
- SWR Boatcover – install pedestrian rail – complete.
- SWR – Supply and install loop-top terrace fencing to retaining wall in Livingstone Street – complete.
- Works Depot - EPA – Pavement Works – Work 100% complete.

Work proposed next 4 weeks

- Works Depot - Maintenance to gutters and down pipes
- Upgrade Locker Room/Shower (continuing)

THIS IS PAGE 45 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

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MAYOR

- Two community representatives with relevant experience knowledge or skills.
- One Aboriginal representative and
- Kempsey Shire Council staff (1)
- This committee may also report to the Arts and Cultural Development Committee as well as to the Director Corporate and Community Services.

The committee would be serviced by the Community Services Department and be the responsibility of the Director of Corporate and Community Services.

Comments by Director

Now is the appropriate time to form this Committee

Financial Implications

Financed from fund raising activities undertaken by Gallery committee. Funding, if needed, would be mainly for training of volunteer staff.

Policy Implications, Statutory Implications and ESD Implications

Nil.

Director Corporate and Community Services Recommendation:

1. That Council form the Kempsey Community Gallery Committee with the delegation to establish and manage the Community Gallery at Gladstone.
2. That Council nominate its delegate to the Committee.

2004. 242

RESOLVED:

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

That this item be deferred until the May 2004 Council meeting.

The following reports DCCS2, DCCS6 and DCCS9 were dealt with in conjunction.

DCCS2	FUNDING FOR KEMPSEY DISTRICT HOSPITAL
FILE: H2-10	TIH (NRN) {Folio No. 273231}

SUMMARY:

Reporting on correspondence received from the Minister for Health, Morris Iemma MP.



The following was received by Council on 16th March 2004:-

"I write in response to your representations of 19 August 2003 on behalf of Kempsey Shire Council concerning funding for Kempsey District Hospital following the release of the Mid North Coast Area Health Service Asset Strategic Plan 2003. The delay in replying is regretted.

I am advised by Terry Clout, Chief Executive Officer, Mid North Coast Area Health Service, that the Asset Strategic planning is a process that compares existing capabilities and asset capacity to future service needs and requirements. The plan also identifies gaps and the most appropriate means to overcome them.

Thirty-six recommendations were identified for the refurbishment, renovation or replacement of a number of buildings within the Area Health Service including Kempsey District Hospital. Mr Clout advises that the Area has prioritised its capital works plan having regard to current and projected service demand, current building condition and functionality and future asset requirements.

All Area Health Services in NSW are required to prepare Asset Strategic Plans for state-wide consideration and prioritisation. I am advised that the Mid North Coast Area Health Service Plan is currently with NSW Health for consideration for inclusion in the State's Capital Works program and subsequent funding.

I have been advised by the Department of Health that, at this stage, the Forward Asset Acquisition Program is fully committed. The Project Feasibility Plan may be given further consideration when the Department prepares the 2004/05 Forward Asset Acquisition Program, but no commitment can be made to the project during the term of this Government.

Mr Clout advises that the former Minister for Health Craig Knowles visited the Mid North Coast in March 2003 to open the Mental Health and Maternity wings at Kempsey and, at the time, expressed his continued support for the eventual development of a new purpose built facility at Kempsey. However, there was no commitment made to construct a new hospital within four years.

I will pass your congratulations on to the Area Health Service on the initiatives included in their Area Asset Strategic Plan.

If any further information is required in relation to this matter please contact Mr Terry Clout, Chief Executive Officer, on 65882941 or Ms Maureen McGovern, Executive Officer, Kempsey District Hospital on 65626155."

Comments by Director

Information noted, monitoring of progress will be ongoing.

Financial, Policy, Statutory and ESD Implications

There are no Implications arising from this Report.

Director Corporate and Community Services Recommendation:

That the information be noted.

DCCS6	INCREASE OF PRESENTATIONS TO EMERGENCY DEPARTMENTS ACROSS THE MNCAHS INCLUDING KEMPSEY DISTRICT HOSPITAL	FILE: H2-10	TIH (NRN)	{Folio No. 273235}
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SUMMARY:

Reporting on correspondence received from the Minister for Health, Morris Iemma MP.



"I write in response to your letter of 17 December 2003 concerning Kempsey District Hospital.

Mr Terry Clout, Chief Executive Officer of the Mid North Coast Area Health Service (MNCAHS), advises me that there has been an increase in presentations to Emergency Departments across the MNCAHS including Kempsey District Hospital. To address this increase in presentations, Kempsey District Hospital nursing staff numbers have been increased with the staffing in the Emergency Department further enhanced over the Christmas and Easter periods.

I am further advised that there is no reduction in the number of surgical cases undertaken at Kempsey District Hospital. In fact, in the comparable seven-month period, 843 operations were undertaken in this financial year and 833 operations last financial year. Currently the surgical ward provides day surgery from Monday to Friday and this better reflects the type of surgery conducted at Kempsey District Hospital.

Mental Health Services have been enhanced after hours within the Emergency Department at Kempsey through the provision of an on-call VMO psychiatrist service. This service is available to Emergency Department staff for consultation regarding diagnosis and treatment planning for presentations where there is a mental health component. This complements the existing services available to the community and further supports the valuable work of the mental health inpatient unit.

Mr Clout also advises that two additional doctors commenced employment in February 2004. A further doctor is expected to commence employment in the Emergency Department in March 2004.

Thank you for bringing your concerns to my attention. Should you have any further queries please contact Ms Maureen McGovern, Executive Officer, Kempsey District Hospital on 65620211."

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MAYOR

Comments by Director

Information noted and monitoring of the situation will be ongoing.

Financial, Policy, Statutory and ESD Implications

There are no Implications arising from this Report.

Director Corporate and Community Services Recommendation:

That the information be noted.

DCCS9	LEVELS OF SERVICE AT KEMPSEY DISTRICT HOSPITAL	FILE: H2-10	TIH (NRN)	{Folio No. 273251}
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SUMMARY:

Reporting on the public rally and petition to the Members of New South Wales Legislative Assembly regarding the levels of service at Kempsey District Hospital.



The Council's Social Plan recognises the need to maintain the level of service provided by the Kempsey District Hospital (KDH) to that of at least a level 3 - 4 hospital and that Council should lobby to ensure that this standard is met.

Background

Consultation with medical practitioners has confirmed that if the service standards and levels at the hospital are downgraded then some of the local GPs would have to think long and hard about their preparedness to remain in Kempsey to practice.

Rightly or wrongly there is a public perception that the level of service at the KDH is being downgraded and that action needs to be taken to ensure that the public are satisfied with the levels of service.

The Mid North Coast Area Health Service, I am sure are doing the best they can with the resources they have, but the resources are not enough to meet the community's expectations, and I believe realistic expectations, of the levels of service at the KDH. Recent events and circumstances have led the MNCAHS to take some drastic measures to keep services operational and their actions are to be applauded but again these steps would not have been necessary if the hospital was adequately resourced.

The Kempsey Hospital Action Group (HAG) organised a public rally on Monday 22nd March and a petition to be presented to the State Parliament.

Attached at [\(Appendix C\)](#) is a blank copy of the petition and a letter from the HAG which Council is asked to support.

Comments by Director

The Social Plan supports lobbying for retention for a grade 3 - 4 hospital.

Financial Implication

There are no financial implications arising from this report for Council.

Social Implications

The social implications are important to ensure that the services provided by the KDH meet realistic community expectations and the needs of the medical practitioners in the Shire.

Director Corporate and Community Services Recommendation:

That Kempsey Shire Council supports the position taken by the HAG and endorses the submission of the petition and accompanying letter.

2004. 243

RESOLVED:

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

1. That the information be noted.
2. That Kempsey Shire Council supports the position taken by the HAG and endorses the submission of the petition and accompanying letter.

DCCS3	STATEMENT OF BANK BALANCES AS AT 31ST MARCH 2004 APC
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SUMMARY:

Submitting the Statement of Bank Balances as at 31st March 2004.



[\(Appendix A\)](#)

Financial Implication

There are no financial implications arising from this report.

2004. 244

RESOLVED:

Moved: Cl. Hunt

That the information be noted.

DCCS4	STATEMENT OF INVESTMENTS AS AT 31ST MARCH 2004 APC
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SUMMARY:

Submitting the Statement of Investments as at 31st March 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. 245

RESOLVED:

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

That the information be noted.

DCCS5	DADHC FUNDING FILE: C10-4 COPY: APC TIH	{Folio No. 273233}
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SUMMARY:

Council has been offered Department of Ageing Disability & Home Care funding to operate a centre based day care service at South West Rocks



The Minister for Ageing and Disability Services, Hon. Carmel Tebbutt MLC, has offered Council funding to establish a respite day care at South West Rocks in response to the growth in the ageing population. Funding is for \$75,000 ongoing and \$40,000 non-recurrent to purchase a vehicle to transport clients and equipment. The project would ideally be located at Boronia Gardens Activity Room and employ a co-ordinator with diversional therapy and nursing qualification.

Comments by Director

This is an opportunity for Council to establish a much needed service that is totally grant funded.

Financial, Policy, Statutory and ESD Implications

This service will be fully grant funded.

2004. 246

RESOLVED:

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

That Council accept the funding for South West Rocks to establish a respite day centre.

DCCS6	INCREASE OF PRESENTATIONS TO EMERGENCY DEPARTMENTS ACROSS THE MNCAS INCLUDING KEMPSEY DISTRICT HOSPITAL	FILE: H2-10 TIH (NRN)	{Folio No. 273235}
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This report was dealt with earlier in the meeting in conjunction with report DCCS2.

DCCS7	KEMPSEY SHOWGROUND PLAN OF MANAGEMENT (POM)	FILE: LA2942 TIH (NRN)	{Folio No. 273246}
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SUMMARY:

Reporting on an invitation from the consultants appointed by the Kempsey Showground Trustees for Council to attend a Public Community meeting to discuss the future planning of the Showground.



Background:

During the term of the last Council it was resolved that Kempsey Shire Council would not accept trusteeship of the Showground until the Showground facilities were upgraded by the Dept Lands to a standard acceptable to Council's risk insurers. The cost of these works was conservatively estimated to be in the vicinity of \$160,000 (minimum). The works have not been done and Council has an ex officio member on the Trust appointed by the Minister for Lands – the person holding the position of Director of Community Services at Council.

The Showground is an important community asset that has sadly been neglected and is in dire need of upgrading.

The present Trustees have commissioned the consultants Wappett and Partners to prepare a Plan of Management to guide the future development of the Showground. The cost of the POM being met from a grant by the Department of Lands.

Councillors may be interested in attending the public consultation meetings to be held at the Showground on Thursday 15th April commencing at 7.30pm with a follow up meeting on Thursday 6th May 7.30pm.

Comments by Director

The Heritage listed buildings at the Showground have in most cases past their “used by date” and are no longer an asset but a liability to the trustees. The proposed Slim Dusty project may provide a much needed income stream and the POM should address all of these issues and more!

The sustainability of the showground will depend on the future developments and this POM is the start.

Financial, Policy, Statutory and ESD Implications

There are no Implications arising from this Report.

2004. 247

RESOLVED:

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

That the information be noted.

DCCS8	RENTAL INCREASE COUNCIL'S HOMES FOR THE AGED
	FILE:LA1800 COPY:LA3435 JMC(NRN){Folio No. 273249}

SUMMARY:

Reporting on the need to increase the rent payable at the Homes for the Aged.



At present Council charges the following rents for units at Council's Homes for the Aged.

Leith Street single unit	\$130 per fortnight
Leith Street single unit – 2 occupants	\$142 per fortnight
Leith Street double units	\$160 per fortnight
Tozer Street	\$116 per fortnight

It is proposed that the rent payable for the units be increased per fortnight to the following amounts:-

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MAYOR

Leith Street single units	\$132 per fortnight
Leith Street single unit – 2 occupants	\$144 per fortnight
Leith Street double units	\$162 per fortnight
Tozer Street	\$120 per fortnight

It is suggested to increase Tozer Street rental by \$4 per fortnight compared to \$2 per fortnight for the Leith Street units as the Tozer Street units have been refurbished and improved bringing the units in line with the Leith Street unit's standard.

Sixty (60) days written notice is required to be given to any tenants if the rent is to be increased. This notification will result in the new rental rate starting to be collected after the 1st July 2004.

The 14 Boronia Gardens Aged Units at South West Rocks and the 8 units at 9 Jack Williams Crescent, West Kempsey are jointly owned by Council and Office of Community Housing, where the rent is 25% of the tenant's assessable income. These rents are reviewed in May and November of each year.

Comments by Director

Noted.

Financial Implications

The financial implication of the following recommendation would be increased rental income for aged units.

Policy, Statutory and ESD Implications

There are no Policy, Statutory and ESD Implications arising from this Report.

Director Corporate and Community Services Recommendation:

That the rental payable be increased as follows:-

Leith Street single units	\$132 per fortnight
Leith Street single unit – 2 occupants	\$144 per fortnight
Leith Street double units	\$162 per fortnight
Tozer Street	\$120 per fortnight

After the 1st July 2004.

2004. 248

RESOLVED:

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

That the rental payable be increased as follows:-

Leith Street single units	\$134 per fortnight
Leith Street single unit – 2 occupants	\$146 per fortnight
Leith Street double units	\$164 per fortnight

Tozer Street

\$122 per fortnight

After the 1st July 2004.

DCCS9	LEVELS OF SERVICE AT KEMPSEY DISTRICT HOSPITAL
FILE: H2-10	TIH (NRN)
	{Folio No. 273251}

This report was dealt with earlier in the meeting in conjunction with report DCCS2.

DIRECTOR BUSINESS ENTERPRISES REPORT

DBE1	REVIEW OF BUSINESS ENTERPRISES
FILE: S10-45	GBS (NRN)
	{Folio No. 273253}

SUMMARY:

Reporting a review of Council's business activities.



At Council's meeting of 9th March 2004 it was resolved:

"That the General Manager prepare a review of Council's business enterprises Caravan Parks, Saleyards, Airport and Swimming Pools for the incoming Council."

This resolution arose from discussions on a report from the Saleyards Committee and reference to future strategic direction for provision of services.

A. CARAVAN PARKS

Council is the "owner" of six (6) Caravan Parks, which are located on Crown Lands.

(Note: Council also operates a primitive camping ground at Goolawah Reserve. This activity is not included in this report).

Two (2) of the Parks, being Horseshoe Bay and Macleay Valley Holiday Centre at South West Rocks, have been leased for terms of 11 years (due 2009) and 20 years (due 2015 with 10 year option) respectively.

Council has no direct involvement in the management of these two Parks. The net return to Council from the leases is approximately \$80,000pa.

The recently prepared Draft Management Plan for Horseshoe Bay reserve provides for retention of the Caravan Park in the short-term, and that a detailed feasibility study be undertaken to determine its long-term future.

In respect of the other four (4) Parks, being Crescent Head, Hat Head, Stuarts Point, and Grassy Heads, Council operates the business with a management company, (Family Holiday Experiences Pty Ltd) contracted to provide broad based management services under a two (2) year contract which expires 30th June 2005.

Council is responsible for the oversight of the contractor and to drive the development and promotion of the Parks and surrounding day visitor areas.

Council will be required to make a decision on the future method of operation of the Parks (ie. day labour, contract management, lease, etc) by approximately November of this year in readiness for changeover July 2005.

Major Issues

1. Compliance

The 4 Shore Holiday Parks have not been fully compliant with current regulations. A program of works estimated at approximately \$1.5M has been commenced to upgrade the Crescent Head Park. Upgrading works are required at each of the other three (3) Parks, however the details and likely costs are unknown at this stage – awaiting survey, design, and preparations of estimates.

It is Council's intention that all Parks will be brought up to regulatory standard by the end of 2004.

2. Day Visitor Areas

Each of the 4 Shore Holiday Parks have adjacent day visitor areas, and with the exception of Stuarts Point, each has an access road used by the general public running through the Park.

This generates management, operational and security problems for all Park operators.

The maintenance and management of the day visitor areas is undertaken by the Contract Manager's staff as part of their Park duties, and as such the cost is absorbed into Caravan Park costs.

There has been increasing demand for improved amenities (toilets, changerooms, picnic tables, BBQ's, walkways, landscaping etc.) on the day visitor areas. These items have in the past been considered in conjunction with the capital works programme for the Caravan Parks, however this has led to the situation whereby funds which would otherwise have been available for reinvestment in the "business" to ensure ongoing viability, being diverted to other activities ie. day visitor area improvements.

Items of this nature which have been listed for consideration in the 2004/05 Budget include –

- i) public amenities at Crescent Head (near Surf Club) - \$120,000
- ii) pathway around Crescent Head Surf Club - \$ 17,000
- iii) 2nd footbridge over Killick Creek - \$220,000
- iv) development of Willow Park, Crescent Head - \$120,000
- v) public toilet and changeroom at Hat Head - \$ 80,000
- vi) develop area on south side of Korogora Creek - \$ 30,000
- vii) relocate public amenities at Stuarts Point - \$ 80,000

Council has recently resolved to adopt the approach that day visitor area improvements should be funded from general purpose revenue.

3. Management Plan

On 23rd March 2004 Council adopted a Management Plan for the 4 Shore Holiday Parks. This Plan was developed over a 6 month period and included a public consultation phase.

There is increasing “opinion” that greater areas of foreshore land should be returned for day visitor usage or made more readily accessible for the general public.

As part of the works on Crescent Head Park there has been a downsizing of sites, from 272 to 217, with the creekside and oceanside areas now more visually and physically available for the general public.

To enable the Parks to retain their economic viability it has been Council’s strategy that as tourist sites are lost, they should be replaced with a pro-rata number of profit making cabins (ratio approximately 4 tourist sites = 1 cabin). However the installation of cabins requires a significant capital outlay in the first years (\$70,000 for a deluxe cabin) and this investment has been a problem for Council.

The Draft Budget of 2004/05 provides for 5 new cabins at Crescent Head at a total installed cost of \$350,000. The installation of cabins at Hat Head and Stuarts Point Parks has been deferred.

4. Grassy Heads

The Grassy Heads Park (80 sites) is a “poor performer” and generally operates at a loss in Council’s accounts. The Park requires further capital outlay (say \$350,000 over the next 5 years) which will further deteriorate its financial performance.

Council needs to closely examine the future of this Park.

The State Government has recently agreed to the handover of significant tracts of Crown Land around Stuarts Point/Grassy Heads to

National Parks, including the lands surrounding the Grassy Heads Caravan Park.

In this context Council has resolved to have discussions with NP&WS.

5. Flood Liable Lands

Council's current Floodplain Management Policy restricts the installation of rigid structures (including cabins) on flood prone areas of Caravan Parks in each Park, and particularly Stuarts Point, which is all flood prone.

The Floodplain Management Policy is to be reviewed generally along the lines of adopting a merit based risk management approach.

6. Financial

The surplus from the operation of the 4 Shore Tourist Parks is approximately \$280,000pa.

The surplus is used to fund –

a)	Goolawah Reserve	-	\$ 50,000
b)	Horseshoe Bay Reserve	-	\$ 65,000
c)	Other Crown Reserves	-	<u>\$ 30,000</u>
			\$145,000
d)	Capital Works on Caravan Parks		<u>\$135,000</u>
			<u>\$280,000</u>

(Note: If the cost of maintenance of the day visitor areas and the costs of Paid Lifesaving, Beach Cleaning, etc. were excluded the operating surplus would be in the vicinity of \$400,000p.a.).

Loan repayment commitments are increasing, with approximately 23% of gross revenue committed to debt servicing.

The substantial input of funds into upgrading the Parks, and in the installation of cabins, is lowering the short-term profitability of the Parks but will, in the long-term, improve their viability and ensure that they retain/improve market share.

B. SALEYARDS

The Kempsey Regional Saleyards were constructed on the present site in 1969. In recent years Council has had to inject substantial funds (approximately \$850,000) to maintain and upgrade its infrastructure assets.

Council is promoting the Kempsey Saleyards as a Regional facility, placed strategically between the other major centres of Taree in the south and Grafton in the north.

With restructuring occurring within the industry, and significant upgrading of Saleyards infrastructure required to keep in front of regulations – EPA, OH&S, and meat industry – it is likely that near neighbouring Saleyards at Macksville and Wauchope will struggle to survive.

If Council is to continue to provide the service the following issues must be addressed –

- i) Environment matters relating to effluent disposal and noise.
- ii) OH&S requirements for Council staff, Agents, and general public.
- iii) Upgrading of facilities to meet current and future industry standards eg. National Livestock Identification Scheme, Meat Standards Australia, etc.
- iv) Financial viability.

Discussions have commenced with the Agent to review current fee structures and method of operation in an endeavour to improve Council's position. These discussions have included options such as:-

- a) sale of the facility
- b) lease (long or short term), and
- c) lease on a daily basis.

Financial

The net loss on the Saleyards operation as shown in the 2004/05 Budget is \$10,691 (after allowing for loan repayments of \$48,365 funded from the Environmental Rate Levy).

The loss will increase to approximately \$60,000pa in future years after allowing for a nominal provision of \$50,000pa for future upgrading. However, the need for further capital expenditure to meet the requirements of a modern saleyards facility will more likely greatly exceed this provision, and hence the losses in future years can be expected to grow.

The profitability, or otherwise, of saleyards is largely dependent on throughput of cattle numbers. Income projections for 2004/05 are based on 30,000 head of stock.

Whilst it would be reasonable to expect that a Regional Saleyards facility in Kempsey would attract additional numbers from neighbouring areas, the trends towards bypassing Saleyards via direct consignment of cattle to meatworks and feedlots may minimise any net gains.

In assessing Council's strategic position on the position of Saleyards services, Council also needs to consider the holistic "community good" benefits derived from employment generation and other economic gains from shopping locally etc.

C. AIRPORT

There have been three (3) reports to Council in relation to the Airport in the last two (2) months. A copy of these reports is attached as follows:

THIS IS PAGE 60 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

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MAYOR

- i) Report DBE1 to meeting of 12th February 2004 [\(Appendix A\)](#)
- ii) Report DBE2 to meeting of 9th March 2004 [\(Appendix B\)](#), and
- iii) Report DBE2 to meeting of 23rd March 2004 [\(Appendix C\)](#).

Council resolved on 23rd March 2004 –

“That various Options be referred to the new Council and a community based Committee with a view to developing a preferred option for the future management of airport assets and infrastructure”.

It is expected that this process can be worked through during the May to July period.

Financial

The cost of maintaining the current service level is approximately \$95,000pa.

The 2004/05 Draft Budget has been formed on the basis of Council decommissioning night landing facilities and the non-directional beacon (NDB), and adopting a minimalist approach to maintenance. Should Council accept this approach a saving of \$60,000 could be achieved.

Council needs to be aware that continued operation of the airport placed a “duty of care” upon Council, and as a consequence may create a liability in respect of safety and reasonably foreseeable risk.

D. SWIMMING POOLS

As with the Airport, there have been a number of reports to Council recently in respect of swimming pools.

These reports are attached as follows:-

- i) DBE7 to meeting of 13th January 2004 [\(Appendix D\)](#).
- ii) DBE10 to meeting of 12th February 2004 [\(Appendix E\)](#).
- iii) DBE3 to meeting of 9th March 2004 [\(Appendix F\)](#).

A progress report on the deliberations of the community based Committee is submitted on a separate report to this meeting. The final outcomes are unlikely to be achieved for some months.

Financial Implications

The 2004/05 Draft Budget provides for net total expenditure of \$612,504 on Public Baths facilities. This represents an increase of approximately \$280,000 over 2003/04, and includes the \$190,000 for OH&S compliance programs at Kempsey and the three (3) village pools.

Director’s Comment:

As per report.

Report Implications:

The financial implications are outlined in the body of this report.

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

Director Business Enterprises Recommendation:

For consideration by Council.

2004. 249

RESOLVED:

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

That the information be noted.

DBE2	BUSINESS INCENTIVE POLICY
FILE: I2-2 COPY: PJH	KEO (NRN) {Folio No. 273254}

SUMMARY:

Reporting on the development of a Business Incentive Policy for Kempsey Shire.



The development of a Business Incentive Policy is an initiative by the Macleay Development and Promotion Committee. The draft Policy, which is attached as [\(Appendix G\)](#) has been developed in consultation with and participation of the Director Environmental Services.

This Policy is aimed at assisting new and existing businesses establish or expand within the Kempsey Shire. Specifically the Policy provides for the following:

1. Provision of accurate and current information on the local economy.
2. Consistency and transparency in assessing development applications.
3. Assistance in the application for State and or Federal Government grants programs and funding.
4. Assistance in locating temporary or permanent business premises.
5. Assistance in business, product or industry promotion.
6. Introduction to business and community networks locally and regionally.

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MAYOR

7. Where development consent is required to undertake a business development, which satisfies the criteria for assistance, Council will give priority to the assessment of any Development Application.

Director's Comments:

The objective of a documented Business Incentive Policy is to promote Kempsey Shire as a desirable business location and that potential or existing businesses have access to a customer service environment committed to supporting their activities and pursuits.

Report Implications:

The Macleay Development and Promotion Committee under delegated authority from Council and subject to budgetary provisions will determine the extent of financial assistance provided based on the individual merits of each case. Funding for this incentive will be provided through the Project budget allocation for the Economic Development Office.

There are no statutory implications arising from this report. Adoption of the Recommendation will establish a Council Policy.

2004. 250

RESOLVED:

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

That Council adopt the Business Incentive Policy.

DBE3

HOME BASED BUSINESS REPORT

FILE: I2-2 KEO (NRN)

{Folio No. 273255}

SUMMARY:

Reporting on a review of the Home-Based Business sector and the implications for Kempsey Shire Council.



Demographic, societal and work place changes combined with rapidly evolving technology have caused dramatic growth in home-based businesses in recent years. This rapidly growing business sector is a major employer and source of future employment growth. Based on statistics from other Australian local government areas it is estimated that there are in excess of 1000 home-based businesses in the Kempsey Shire.

In recognition of this almost hidden area of employment within the Shire the Hastings BEC was commissioned by the Economic Development Office to review home based businesses leading to guide Council in assisting home-based businesses. There is an opportunity to proactively develop and grow this business sector and thus employment.

It is acknowledged that Council presently does not have a comprehensive Home-Based Business Policy.

The Home-Based Business Plan was presented to the Macleay Development and Promotion Committee on 22nd March 2004. The following resolution was passed.

“That Kempsey Council be requested to collate current Council Policies and regulations affecting Home-Based Business, and develop a new draft Policy”.

Director’s Comment:

Nil.

Report Implications:

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

Assistance will be provided by the Councils existing staff and resources.

2004. 251 **RESOLVED:** *Moved: Cl. Hunt
Secoded: Cl. Bowell*

That Council request the Acting Director Environmental Services to collate existing Council Policies associated with Home-Based Businesses and develop a new draft Policy.



2004. 252 **RESOLVED:** *Moved: Cl. Saul
Secoded: Cl. Sowter*

That Council move into Workshop to hold discussions on items DBE4 and DBE5.

2004. 253 **RESOLVED:** *Moved: Cl. Bowell
Secoded: Cl. Saul*

That Council resume the order of business and consider items DBE4 and DBE 5 in conjunction.

DBE4	THE IMPACT OF BEST-PRACTICE MANAGEMENT GUIDELINES ON WATER SUPPLY PRICING
	FILE: W1-2 AMB (NRN) {Folio No. 273256}

SUMMARY:

Reporting on the impact of new best-practice management guidelines on water supply pricing.



New 'best-practice guidelines' for water utilities have been received in the form of the final draft copy of the 'Guidelines for Best-Practice Management of Water Supply and Sewerage' for comment. There are significant impacts for the Kempsey Shire for the pricing of water supply/sewerage/liquid trade waste and the eligibility for funding assistance via the Country Towns Water Supply and Sewerage Programme. This report describes the impacts and the opportunities available to Council with regards the water supply pricing for the 2004/5 financial year.

The final draft of the 'Guidelines for Best-Practice Management of Water Supply and Sewerage' pose considerable impact on Macleay Water's user-pays water supply pricing. User-pays water pricing used 'previous guidelines' and Council's recent resolution (23/3/04 DBE3 2004.206) regarding draft water pricing for the 2004/5 financial year was also based on the 'previous guidelines'. Other portions of the same resolution requesting further reports are also impacted.

There has been a shift in the user-pays pricing direction compared to that previously required by the best-practice guidelines. For water supply, previously the water access charges were to cover the cost of infrastructure renewals (pipes, pump stations etc), the usage charges were to cover the operational costs (licensing, chemical, power, etc). There were similar implications for sewerage access and usage charges. The final draft best-practice guidelines indicate that:

- usage charges for residential properties should contribute 75% of the revenue derived from residential accounts
- usage charges for non-residential properties should contribute 50% of the revenue derived from non-residential accounts

Macleay Water's income streams for usage charges do not meet the required percentages. For the 2003/4 financial year, residential usage charges are projected to contribute approximately 33% of residential revenue and non-residential usage charges contribute 11% of non-residential revenue. The significant gap would need to be addressed by increasing the usage charge and decreasing the access charges. A rough trial will be provided at the Council meeting but was not determinable at the time of writing this report (the financial model is not designed to give clear answers on % of usage revenue from each major customer sector). However, given that Macleay Water has several significant water usage customers across the agricultural, tourism, education and manufacturing industries, the impacts of such changes in usage charges to those businesses would be significant and the impacts would need to be carefully considered. As such, a change of revenue split between access and usage charges is not recommended until the impacts are apparent and the 'Guidelines for Best-Practice Management of Water Supply and Sewerage' are more defined and settled; this being well into the 2005/6 financial year.

As well as the shift in direction user-pays accounts a discretionary usage pricing for residential water supply has been introduced. The discretionary usage is effectively an inclining block pricing for high residential water use. 'Normal' water usage would be charged at the 'normal' usage rate and discretionary water use would be charged at 150-200% greater than 'normal' use. The level of consumption at which this higher usage charge applies should be no greater than 450 kl/a. If applied to our current water supply pricing this means normal residential usage would be charged at \$0.80/kl and discretionary usage would be charged at \$1.20/kl-\$1.60/kl. Discretionary usage does not apply to non-residential water usage and non-residential usage is charged at 'normal' usage prices no matter what the level of consumption. The intention of the discretionary pricing is improve residential water conservation, allowing reasonable usage for households but where household usage is excessive and likely to be wasteful; the consumer will pay a penalty.

Average water consumption for Macleay Water customers under user-pays water is difficult to predict at present but using the first 6-months consumptions residential customer in the winter and spring months consume in the range of 0-250kl. It is believed that the introduction of user-pays water pricing would give an annual reduce the total residential consumption by approximately 15%. The customers most likely to reduce consumption are those with higher (discretionary) use.

It is proposed that there be no change in the current direction for 2004/5 water supply pricing. At present it is impossible to correctly financially model residential discretionary use and its impacts. It is not possible to determine the level of discretionary use of Macleay Water customers, given that user-pays pricing is likely to impact on the level of discretionary use. A determination of the changing pattern of water consumption following the introduction of user-pays water pricing cannot be made until at least July 2004. In addition, even if data were available the DEUS' financial model does not have this capability but it is hoped this will be rectified in the coming few months.

Director's Comment:

Since the final outcome of this State Government policy is unclear at this time, and the fact that Kempsey Shire Council cannot comply with all proposed requirements in the short term, it is proposed that any major shifts in pricing structures are put on hold until the real impact on consumers can be accurately assessed.

Financial Implications:

There is minimal financial implication from the following recommendations since the exercise is aimed at being revenue neutral.

Report Implications:

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

Director Business Enterprises Recommendation:

THIS IS PAGE 66 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

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MAYOR

1. That the information be noted.
2. That Council proceeds as resolved in resolution 2004.206 from the meeting of 23rd March 2004.

DBE5	IMPACT OF NEW BEST-PRACTICE MANAGEMENT GUIDELINES ON SEWERAGE PRICING	
	FILE: W1-2 AMB (NRN)	{Folio No. 273257}

SUMMARY:

Reporting on the impact of new best-practice management guidelines on sewerage pricing and financial assistance eligibility



New 'best-practice guidelines' for water utilities have been received in the form of the final draft copy of the 'Guidelines for Best-Practice Management of Water Supply and Sewerage' for comment. There are significant impacts for the Kempsey Shire for the pricing of water supply/sewerage/liquid trade waste and the eligibility for funding assistance via the Country Towns Water Supply and Sewerage Programme. This report describes the impacts and the opportunities available to Council with regards the sewerage and liquid trade waste pricing, liquid trade waste pricing and potential funding assistance for Stuarts Point, Bellbrook and Willawarrin sewerage schemes.

Upon receipt, Macleay Water staff were greatly concerned at the impacts of the final draft of the 'Guidelines for Best-Practice Management of Water Supply and Sewerage', as there were considerable changes between the final draft best-practice document and the previous best-practice document. The Department of Energy & Utilities (DEUS) issued the 'new guidelines' on 29/3/04 (see [Appendix H](#)) – Executive Summary and covering letter). It was indicated that this was a consultation opportunity for all local water utilities before the draft final guidelines were gazetted. Macleay Water's proposed user-pays sewerage and liquid trade waste pricing used the 'previous guidelines'. Council recently resolved (24/2/04 DBE1 2004.139) to adopt the sewerage and liquid trade waste pricing for the purposes of public exhibition and consulting with the community, the intention being to implement user-pays sewerage and liquid trade waste pricing in the 2004/5 financial year. It was also apparent that the final draft best-practice document meant that Macleay Water would be ineligible to apply for State Government funding for the Stuarts Point, Bellbrook and Willawarrin sewerage schemes until at least 2005/6 financial year.

There has been a shift in the user-pays pricing direction compared to that previously required by the best-practice guidelines and staff are unable to fully assess the effects. For sewerage, the access charge for non-residential customers is now to be reflective of the customer's peak load on the sewerage system, that is, not necessarily related to the water meter size. The residential sewerage pricing remains a uniform annual sewerage bill per

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MAYOR

residential property. At present, there is no way to incorporate peak load access charges into the sewerage financial model and there is no readily available data on the peak loads of the Kempsey Shire's non-residential sewerage customers. Staff are unable to assess the impact of peak load access charges in terms of remaining compliant with the full cost-recovery, the long-term financial sustainability of the sewerage business and minimising of customer bills. It is also not determinable, at present, what impact peak load access charges may have on residential sewerage customers, which non-residential customers may qualify for peak load access charges, or, the quantum of the reduced impact to non-residential customers offered by peak load access charges.

To be eligible to pay a dividend from the sewerage fund to the general fund, or, to be eligible for financial assistance under the government's Country Towns Water Supply and Sewerage Program 'substantial compliance' with each of the six criteria in the Guidelines is required. The 6 criteria are listed in Table 1 and compliance assessment includes passing two audits, a compliance audit and an independent financial audit. A review of the detailed compliance check lists for each of the 6 criteria showed that Macleay Water currently complies with only 1 criteria; performance reporting. However the Integrated Water Cycle Management Strategy will be completed later this year enabling the outcomes to be the basis for Strategic Business Plans, the Demand Management Plans and Drought Management Plans. Concurrently, Developer Charges Plans are being developed for the whole water and sewerage services areas of the Shire. Staff determined the earliest that compliance with the six criteria could be achieved was the 2005/6 financial year and this timeframe is very optimistic.

Table 1 – 6 criteria for dividend and financial assistance eligibility

- | |
|---|
| <ul style="list-style-type: none">• Strategic Business Planning• Pricing and Developer Charges (including Liquid Trade Waste Approvals)• Demand Management• Drought Management• Performance Reporting• Integrated Water Cycle Management |
|---|

Given the new information available to Council, it is proposed to defer the introduction of user-pays sewerage and liquid trade waste pricing until the 2005/6 financial year. The impact on the non-residential customers posed by the proposed sewerage and liquid trade waste pricing is significant for many non-residential customers and the impact of sewerage and liquid trade waste pricing comes on top of the impacts of user-pays water supply. Macleay Water would aim to redetermine and exhibit sewerage and liquid trade waste pricing before the budget development for the 2005/6 financial year, giving customers reasonable awareness time of the upcoming pricing changes.

Deferring the introduction of user-pays sewerage and liquid trade waste pricing would have the following positive aspects.

- Allow the financial modelling to be fair and transparent – impacts on each customer sector would be apparent and opportunities to minimise impacts would be known

- Allow the best-practice guidelines to become settled - Macleay Water would not lose customer confidence should the best-practice guidelines change again during the final draft consultation process
- Provide customers with reasonable advance knowledge of the changing sewerage and liquid trade waste pricing – the issues of reasonable notice for customer sectors that budget on calendar years (tourism and education) was raised as a concern by Council at the February workshop on sewerage and liquid trade waste pricing.
- The financial modelling would incorporate the new water consumption patterns – the pricing would be developed following 12 months of user-pays water pricing

The negative aspects of deferring the sewerage and liquid trade waste pricing would include;

- ineligibility to pay a dividend to the general fund – ineligible
- ineligibility for financial assistance towards the Stuarts Point, Bellbrook and Willawarrin sewerage schemes

However, the above ineligibilities would occur with or without the deferral of the sewerage and liquid trade waste pricing.

Although deferring the sewerage and liquid trade waste pricing, it would still be beneficial for Macleay Water to continue with Stage 1 of the liquid trade waste pricing; the 12-month amnesty period for liquid trade waste customers to become compliant with their pre-treatment facilities. The amnesty period involved Macleay Water facilitating customer's compliance through provision of information, on-site inspections and establishment of an accurate liquid trade waste customer database. This would effectively mean that no ground was lost by the deferral of the sewerage and liquid trade waste pricing, as liquid trade waste customers would be given an opportunity to avoid the steep penalty usage charges for noncompliant pre-treatment facilities. To enable this amnesty period to function, the liquid trade waste officer would be need to be employed for the commencement of the 2004/5 financial year.

Council also needs to consider the potential to rate Bellbrook, Willawarrin and Stuarts Point for unconnected sewerage. Previously Council has rated the communities of new sewerage schemes for unconnected sewerage rates during the design and construction phase of the sewerage scheme. Given that Bellbrook, Willawarrin and Stuarts Point sewerage schemes are no longer likely to be eligible for financial assistance in the 2004/5 financial year, the possibility of charging an unconnected sewerage rate for these communities should also be deferred.

The opportunity to submit comments on the final draft 'Guidelines for Best-Practice Management of Water Supply and Sewerage' closes on April 16 2004. Macleay Water would like to express in a submission its disappointment that such a significant shift in the Guidelines was left so close to the deadlines for pricing compliance (in the previous guidelines July 1, 2004) and at a time when most Council's were already well into the preparations of budgets. It would also be apt to mention the loss of credibility with our customers that such a shift in State Government policy poses on water utilities.

Director's Comment:

Since the final outcome of this State Government policy is unclear at this time, and the fact that Kempsey Shire Council cannot comply with all proposed requirements in the short term, it is proposed that any major shifts in pricing structures are put on hold until the real impact on consumers can be accurately assessed.

Financial Implications:

There will be minimal financial implication from the following recommendations since the exercise is meant to be revenue neutral. There will, however, be a reduction in income of \$95,000 if unconnected rates are not charged at Stuarts Point, Bellbrook and Willawarrin.

Report Implications:

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

Director Business Enterprises Recommendation:

- 1. That Council defers the introduction of the "best-practice" sewerage and liquid trade waste pricing structure.**
- 2. That Council defer the introduction of unconnected sewerage rates for Bellbrook, Willawarrin and Stuarts Point for 12 months.**
- 3. That Council rescind resolution 2004. 139 (24/2/04 DBE1).**
- 4. That Council continue with the proposed 12-month amnesty period for liquid trade waste customers and the employment of the liquid trade waste officer using the sewerage working funds.**
- 5. That Council note Macleay Water's intention to lodge a submission on the final draft of the 'Guidelines for Best-Practice Management of Water Supply and Sewerage'.**

2004. 254

RESOLVED:

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

That items DBE4 and DBE5 be deferred for consideration in conjunction with the budget at the Extraordinary Meeting of Council to be held Thursday 29th April.

2004. 255

RESOLVED:

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

That the social and financial implications of the water and sewerage pricing guidelines be referred to Country Mayors and the Shires Association Annual Conference.

SUMMARY:

Reporting on the progress of the Swimming Pool Committee.



At the Council Meeting of the 12th February 2004, it was resolved that an advisory Committee be formed to review the draft business/management plan and consultation process and make a recommendation to the April meeting of Council in relation to the future provision of public bathing facilities.

This committee comprises the following members:

Councillors: To be filled (previously Councillors Bowell and Bowen)

Council Staff: Jeff Clegg- Organisational Effectiveness
Wayne Landkroon - Facilities Management Coordinator
Greg Hehir – Youth Development Worker

Community Representatives:

Margo Johnston
Ian Simpson
Robyn Peterie
Heather Hudson
Andrew Lavers
Kay Marchment
Linda Smith
Penny Tamblyn
Tracie Townsend

The committee have met on two occasions since its inception and have been involved in the collation and information extraction from the survey, which was available to Shire residents from all pools, libraries and the Civic Centre. A copy of the survey form is attached at [\(Appendix I\)](#).

At the committee meeting of 31st March 2004, preliminary survey results were made available to the committee by Robyn Peterie, who had volunteered to process all the survey returns. The Facilities Management Coordinator has processed the survey returns from the 200 random posted surveys.

Of the 200 posted surveys, 70 were returned. The number of returns from surveys made available to the general public exceeded 400.

Preliminary results and tables are included as [\(Appendix J\)](#).

It has become evident that from the returns, the general consensus is to keep all the pools open and perhaps look at an Aquatic Centre as an additional

service. The statistics indicate that the key areas of improvement to be made to the pools are:

- Extended hours of operation
- Extended Season (October holidays – after Easter)
- More shade
- Heating of 1 or more pools.

There is currently only one Councillor appointed to the Committee, as a replacement needs to be made for Russell Bowen.

The Swimming Pool committee has decided that in light of the survey responses, it will not look at the development or planning for an Aquatic Centre, but will instead focus on issues such as:

- Additional uses for the pools and programs to increase patronage at the pools.
- Investigate the possibility of heating one or more of the pools (25m, 50m or village pool)
- Possible extension or variation of hours and season length to encourage extra patronage.
- Provision of a report to Council detailing individual issues raised by the survey returns that are to be addressed through management
- To look at the styles of management available (staff, contract lease agreements) and other similar pool operations in NSW.

Director's Comment:

It was originally intended that the Committee's findings would have been available for consideration by Council in conjunction with 2004/05 Budget deliberations. The Committee's report is unlikely to be finalised before June.

Report Implications:

The draft 2004/05 Budget has been formed on the basis of Council's four (4) public bathing facilities continuing to be operated in a similar manner to previous years, with increased expenditure to cover OH&S and other staffing issues.

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

2004. 256

RESOLVED:

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

1. That the information contained herein be noted.
2. That a Councillor to replace Russell Bowen be appointed to the Swimming Pool Committee.

3. That the Swimming Pool Committee provide a detailed report of their findings and recommendations to the June meeting of Council.
4. That a letter of appreciation be sent to Robyn Peterie in recognition of her valuable contribution in entering, compiling and analysing the survey data.

Councillors Walker and Green were nominated for the Swimming Pool Committee.

2004. 257

RESOLVED:

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

That the conduct of a ballot to determine the Council's delegate on the Swimming Pool Committee be held later in the meeting following the luncheon adjournment.

DBE7	FLEET MANAGEMENT FILE: P6-2 MSW (NRN)	{Folio No. 273259}
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SUMMARY:

The Fleet Management Business Plan adopted by Council requires that Council be advised of Plant purchases each month.



There have been no plant purchases for the month of March.

Financial Implications

There are no financial implications arising from the following recommendation.

2004. 258

RESOLVED:

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

That the information be noted.

DBE8	CHANGES TO THE STUARTS POINT, WILLAWARRIN AND BELLBROOK SEWERAGE LIAISON COMMITTEES FILE: S8-23, S8-31, S8-32 EU	{Folio No. 273260}
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SUMMARY:

Representative member changes to the Stuarts Point, Willawarrin and Bellbrook sewerage liaison committees



Due to the proposed development of sewerage services at Stuarts Point, Willawarrin and Bellbrook, Council formed three sewerage liaison committees to provide information flow between Council and the relevant communities. There is a sewerage liaison committee formed for Stuarts Point, Willawarrin and Bellbrook.

The original representatives, not including Council staff, on the two committees were:

Stuarts Point:	Willawarrin	Bellbrook:
Councillor Russell Bowen	Councillor Terry Hunt	Councillor Terry Hunt
Chris Nelson	David Wilkonson	Lyn Gleeson
Bruce Haigh	David Horsburgh	Anthony Fitzpatrick
Ian Tolson	Geoff Gill	Peggy Angrove-Lineham
Terry Parkhouse		

Peggy Angrove-Lineham from Bellbrook has sadly past away. A replacement representative was sought to give balanced representation of the community and expressions of interest were sought in the "Up River News". Carol Dunlevie of Bellbrook is the recommended replacement.

A new community organisation recently formed in Stuarts Point, the Stuarts Point District Community organisation (SPADCO). To gain good community representation, a representative from SPADCO was sought for the Stuarts Point sewerage liaison committee, the recommended representative is Nikki Smith. At around the same time Bruce Haigh advised that he could no longer be a committee representative as he was moving away from the area. As such there is no replacement required for Bruce Haigh as the addition of Nikki Smith will maintain the original numbers and cross section of interests within the committee.

Russell Bowen was the Councillor representative on the Stuarts Point committee, however as he is no longer a standing Councillor, a new representative is required. Council needs to elect a new Councillor representative for this committee.

Russell Bowen has expressed interest in staying on the committee. He has particular experience to offer the Stuarts Point liaison committee as he was a member of the Water Management Committee that was involved in the development of the water-sharing plan for the Stuarts Point aquifer. He is also a fellow irrigator and as such would be helpful regarding effluent reuse issues.

Director's Comment:

As per Report.

Report Implications:

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MAYOR

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

Director Business Enterprises Recommendation:

1. That Council accept Carol Dunlevie as the replacement for Peggy Angrove-Lineham on the Bellbrook sewerage liaison committee.
2. Accept the addition of Nikki Smith and the loss of Bruce Haigh on the Stuarts Point sewerage liaison committee.
3. Elect a Councillor to replace Russell Bowen as Councilor representative on the Stuarts Point sewerage liaison committee.
4. Accept the continued participation of Russell Bowen on the Stuarts Point sewerage liaison committee.

2004. 259

RESOLVED:

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

1. That Council accept Carol Dunlevie as the replacement for Peggy Angrove-Lineham on the Bellbrook sewerage liaison committee.
2. Accept the addition of Nikki Smith and the loss of Bruce Haigh on the Stuarts Point sewerage liaison committee.
3. Accept the continued participation of Russell Bowen on the Stuarts Point sewerage liaison committee.

DBE9

**WORKS IN PROGRESS
FILE: W1-2 GRP (NRN)**

{Folio No. 273261}

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. Watermain adjustment for Mary's Bay Road roadworks – Stage 2 complete.
2. 300Ø Stop Valve installed at Stuarts Point.
3. Meter Replacement Program in North area – complete.

THIS IS PAGE 75 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

.....
MAYOR

4. Macleay Street, Frederickton – 0.3km new main stage 1 RTA roadworks complete.
5. Two Hills Lane, Seven Oaks – 1.6km new water main complete.

Works Proposed for next 4 weeks

1. Install Meters on all bore pumps – continuing.
2. Invite Tenders for South West Rocks Water Treatment Plant.
3. Monitoring and testing of dam continuing.
4. Bulk water meter installation Potters Hill Reservoir continuing.
5. Remove 375 Tee and 300 stop valve to deaden old main to Smithtown Reservoir Site.
6. Preliminary works Stage 2 RTA job, Macleay Street, Frederickton.
7. Eliminate watermain dead ends, Crescent Head.

MONTHLY WATER CONSUMPTION

	March Kilotres
<u>Kempsey Dam</u>	173,130
<u>Belgrave Falls</u>	0
<i>Bellbrook</i>	635
<i>Crescent Head</i>	14,335
<i>Hat Head</i>	5,836
<i>Sherwood – Lime Plant</i>	810
<i>South West Rocks</i>	36,556
<i>Stuarts Point</i>	15,907
<i>Willawarrin</i>	651
Total Consumption	247,860

Kilotres to Financial Year to Date: 2,187,649kl

Applications for connection in March – 21

SEWERAGE

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

Works Completed for last 4 weeks

1. Sewer Extensions, Edgar Street, Frederickton.
2. De sludge lagoon at Crescent Head Sewerage Treatment Plant – complete.

THIS IS PAGE 76 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

.....
MAYOR

3. RTA Stage 1 – Sewer adjustments Macleay Street, Frederickton – 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. South West Rocks storage shed continuing.
5. Fence repairs, sewer installations and pump stations continuing.
6. De sludge lagoon at South West Rocks Sewerage Treatment Plant – recommenced.
7. Manhole repair/renewal program, South West Rocks R1 catchment – continuing.
8. Sewer main rehab Polwood Street – continuing.
9. Infiltration repairs East and South Kempsey continuing.
10. West Kempsey STW – Humas Tank Bypass.
11. Commence Tender process – Jerseyville sewer.

A. SALEYARDS

Works Completed during last 4 weeks

1. Normal maintenance and operation.
2. Tenders for Kiosk operation – completed.
3. Installation of skylights in roof – completed.
4. Develop 2003/04 Capital Works Program.

Works proposed for next 4 weeks

1. Normal maintenance and operation.
2. Develop Risk Management Manuals.
3. Seek expressions of interest in sponsorship.

4. Commence Environmental Protection Works (upgrade effluent treatment).
5. Design Truckwash.

AIRPORT

Works Completed during last 4 weeks

1. Normal maintenance and operation.
2. Reduced maintenance and operation related to Macair withdrawal.
3. Audit of additional maintenance requirements.
4. Removal of terminal assets (chairs, tables, plants, water fountain).

Works proposed for next 4 weeks

1. Disconnection and withdrawal of night landing facilities.
2. Reduced maintenance schedule.

CARAVAN PARKS

Crescent Head

Works Completed during last 4 weeks

1. Implement Safety Plan (Inductions, Safety Equipment, Inspections and Meetings).
2. Project start up for Stage 2 (Lakeside Hydraulics, Electrical and Landscaping)
3. Engage Hydraulics Subcontractor.
4. Installation of main Hydraulics services to Lakeside sites.
5. Installation of main Electrical service to Lakeside sites.
6. Attend Caravan Parks quarterly inspections.
7. Produce Caravan Park Management Plan documentation.
8. Landscaping to main bank area.
9. Close down site for Easter Holiday break.

Works proposed for next 4 weeks

Crescent Head

1. Specify and order Powerheads for Oceanside.
2. Install Powerhead bases for some site before Easter break.
3. Call for quotes and engage Cabin supplier.
4. Scope and Commission Landscape Design Works.
5. Coordinate works around booking after Easter Holidays

Other Parks

1. Develop Specification for Hat Head, Stuarts Point and Grassy Head design packages

WASTE SERVICES

Works Completed during last 4 weeks

1. Normal operation and maintenance.
2. Continued grading of landfill roads.
3. Formation of alternative site roads to new cell.
4. Phase 2 capping works continues – material stockpiling.
5. Landfill cell construction 70% completed.
6. Improvement drainage and diversion of stormwater systems continues.
7. Relocation of Recyclable stockpiles.
8. Stabilisation of dams (vegetation) continues.
9. Installation of Waste Oil Facility.
10. Planting of vegetation at Stage 1 Capping area.
11. Sealing of roads at Waste Transfer Station Facility - Design

Works proposed for next 4 weeks

1. Sealing of roads at Waste Transfer Station Facility – Seek Quotes.
2. Installation of Signage at Transfer Station (rain delayed).
3. Complete construction of new landfill cell at KWR&DF.
4. Bunding of waste oil facility at KWR&DF and SWR WTS
5. Seek quotes for civil works for Phase II Capping

6. Continued grading of landfill roads.
7. Continue KWR&DF site stabilisation and storm water upgrade works.

DEPOT

Works completed during last 4 weeks

1. Construction of parks and gardens hardstand and completion of wash-bay hardstand – completed.
2. Construct pedestrian pathway – completed.

Work proposed for next 4 weeks

1. Request quotes for contractor to install undercover parking.
2. Construct new compound.
3. Demolish timber loading dock in compound.
4. Install pedestrian fence.

BATHS

Works completed during last 4 weeks

1. Normal operation.
2. Continued implementation of OH&S upgrades.
3. Job Safety Analysis reports for pools completed.
4. DA for Kempsey Pool Backwash System sought.
5. Automated Pump and Line investigations conducted
6. Kempsey Pool Site upgrade works.

Work proposed for next 4 weeks

1. Seek quotes for backwash system at village pools.
2. Continued upgrade of automated dosing and pipework.
3. Season end – increased site upgrade works at all pools.

Director's Comment:

Nil.

Report Implications:

THIS IS PAGE 80 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

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MAYOR

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

2004. 260

RESOLVED:

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

That the information be noted.

GENERAL MANAGER'S REPORT

GM1

OUTSTANDING REPORTS / RESOLUTIONS

FILE: C18-2 AVB (NRN)

{Folio No. 273262}

SUMMARY:

Council's report on outstanding reports.



Following is listed each Director's outstanding reports up to and including 12th February 2004 meeting of Council.

OUTSTANDING REPORTS / RESOLUTIONS

Director Environmental Services

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Director Engineering

13.5.2003 DE2	Bridge Naming	Draft policy being reviewed.
9.9.03 DE1	Point Plomer Rd - report costs to upgrade sections of road - not proceed with works until consultants reports & public consultations completed - consider Sacred Indigenous Cultural and Heritage issues	Progressing.
14.10.2003 DE9	That suitable flood free land be identified to house the Gladstone SES Unit.	Land being reviewed.
6.11.2003 DE1	Sports field improvements funding - Section 94 funds be allocated - report be submitted on budgeted \$240,000 & additional \$80,000 be prepared Boyter's Lane works program.	Plans and details being compiled.

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 NOM5	Street lighting Middleton Street Railway Overpass – report be submitted re costs and be included in 2004/05 budget if necessary	Options being reviewed and awaiting reply from Country Energy.
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.
9.3.2004 DE6	Stormwater drainage River Street West Kempsey - discharge to Lot11 be redirected as per option 2 at cost \$13,500 from working funds - improvements between Short & Wide Streets be listed for 2004/05 town improvement program.	Awaiting final design plans.

Director Corporate & Community Services

13.1.2004 DE7	NSW Coastline Cycleway – investigate alternative means of funding – if none can be found Council not continue with program	Investigations still proceeding.
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Director Business Enterprise

9.3.2004 DBE1	Jerseyville Sewerage Scheme - tendering process construct vacuum sewerage reticulation scheme \$345,000 - funds from SWR Sewerage Treatment Works augmentation allocation - DBE recommend on tenders - investigate cost connection sporting fields Boyters Lane and residences.	Expressions of interest being invited on 13th April.
9.3.2004 DBE2	Kempsey airport - business / management plan be prepared and cost options presented extraordinary meeting 23 March - draft management plan be submitted May Council meeting for formation committee and stakeholder consultations - preferred option by July.	Management Plan to May meeting.
9.3.2004	Swimming pools - \$100,000	Community committee submitting

DBE3	2004/05 budget village pools high priority works - \$10,000 2003/04 reallocate Kempsey pool infrastructure investigations - Councillors Bowell and Bowen nominated for community committee - committee consider option operation pools in similar manner.	progress report to 13th April meeting.
9.3.2004 DBE4	Crescent Head swimming pool - construction multi purpose room proceed - reallocate funds from kiosk floor \$3,070 and rubber expansion joint \$2,700 - Council publicly recognise Crescent Head pool clubs donation.	Room will be constructed in off season.
9.3.2004	Saleyards Committee report on meeting 16.2.04 - item 4.7 referred back to committee.	Item 4.7 to be considered at next committee meeting.

General Manager

9.12.2003 D3	Local Govt. & Natural Resource Forum 2/12/03 - prepare submissions, review natural resource management methods, investigate and pursue establishment ROC from Taree to Tweed Shire.	Submissions forwarded organisational structure and committee structure will be investigated when reports submitted to Council. One ROC from Tweed to Taree being investigated by Mid North Coast Group of Councils.
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Financial Implication

There are no financial implications arising from this report.

2004. 261

RESOLVED:

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

That the information be noted.



PRESENTATION

At this state 12.47pm, Bob Higgins, Pacific Highway Manager, attended Council to report on the outcomes of the Noise Task Force.



At this stage 1.04pm the Meeting adjourned for Luncheon and upon resumption at 2.07pm all present at the adjournment were in attendance.

THIS IS PAGE 83 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

.....
MAYOR



At this stage 2.07pm the ballot to determine the Councillor delegate on the Swimming Pool Committee (item DBE 6) was held and following the ballot the General Manager advised that Councillor Green was elected to the Committee.



GM2	LGMA NATIONAL CONGRESS	
	FILE: A3-2	AVB (NRN)
		{Folio No. 273263}

SUMMARY:

To summarise opportunities for Councillors to attend Seminars on Local Government Management.



Each year the Local Government Managers Association conduct a National Conference which is held on a rotational basis in each state. This year the National Conference is to be held from the 23rd to 26th May at the Melbourne Convention Centre. The National Conference will be preceded by the 2004 International Best Practices Symposium from the 21st to 22nd May.

The Symposium is presented by LGMA, International City/Country Management Association and the NZ Society of Local Government, Managers and is six case studies that highlight outstanding examples of Local Government practice in Australia, New Zealand, Asia and North America. This is a great learning opportunity and the event isn't due back in Australia until 2008.

The six case studies are:-

❑ **A Community Service Resolution (India)**

Almedabad Municipal Corporation has achieved extraordinary outcomes by turning upside-down a cumbersome, inefficient and obstructive date management system to provide surprising outcomes.

❑ **Ethnic Engagement (Australia)**

Darebin City Council boasts a highly successful program that improved council's relations with a diverse ethnic community including a memorandum of understanding with ethnic representative groups.

❑ **IT as a Paying Proposition (USA)**

Fairfax County, working with five technology platforms, has increased revenue, dampened costs increases and improved citizen services during periods of rapid growth.

❑ **Green for Growth (New Zealand)**

THIS IS PAGE 84 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

.....
MAYOR

Kaikoura Council serves a small coastal tourist town based around whale watching and like activities. Recognising a sustainable environment is closely linked to its economic future, the Council committed to Green Globe 21, an international accreditation program.

❑ **Capturing Graduates (Australia)**

Ten New South Wales Councils have devised a program to counter the universal difficulties of attracting high calibre graduates to Local Government.

❑ **Multi Council Collaboration (New Zealand)**

The General Managers from five district Councils have initiated a highly successful collaboration program around a "Shared Services Forum".

The National Conference is a major Local Government conference in Australia and attracts both Staff and Councillors delegates. The Conference has combined sessions to hear keynote speakers and concurrent sessions divided into Community, Organisation and People Streams. The Conference would be extremely beneficial for Councillors. A copy of the program is attached [\(Appendix A\)](#). I will be attending both the Symposium and the Conference.

Report Implications

There are no Statutory or Policy implications. The cost of the Symposium is \$575.00 and the Conference is \$1095.00, added to this is the cost of airfare and accommodation.

General Manager's Recommendation:

That Council determine whether any Councillor should attend the Symposium and Conference.

2004. 262

RESOLVED:

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

That Council not be represented by a Councillor at the LGMA Conference this year.

GM3	CODE OF CONDUCT
FILE: C18-3 COPY: PJH AVB (NRN) {Folio No. 273264}	

SUMMARY:

To recommend changes to the Code of Conduct.



The Local Government Act requires that within 12 months after each ordinary election Council, review its Code of Conduct and make such changes to it as it considers appropriate.

The Code is attached [\(Appendix B\)](#)

The Code is a collection of policies referred to in policy C24.8 Summary Code of Conduct and was developed by consultants engaged by Council some years ago.

The following changes are suggested:-

- **Purpose** - page 1
Alert readers to the fact that other policy documents are part of the Code of Conduct.

C24.1 Councillors and Staff: Interaction and provision of information to C24.5 internal reporting of corruption - maladministration, and serious and substantial waste - protected disclosures.

C24.7 Gifts and Benefits
C24.9 Conflict of Interest
- **Breaches of the Code** - page 8
Add referral to the Department of Local Government for action under the Local Government Act. This is normal practice and will fit in with proposed legislative changes to be introduced shortly.
- **Sanctions C24.1** - page 13
Add referral to the Department of Local Government for action under the Local Government Act.
- **Implementation Plan to policy C24.1** - page 14
Update staff nominated to supply information to Councillors to current Managers list and Mayor / General Manager Personal Assistant.

Report Implications

There are no financial or statutory implications arising from this report. Changes need to be made to policies C24.8 and C24.1.

General Manager's Recommendation:

That the changes as outlined in the report be made to Council's Code of Conduct.

2004. 263

RESOLVED:

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

That Council's Code of Conduct with the amendments detailed in the report be adopted with the addition of the following amendment:-

That on Page 4 under heading 'Gifts and Benefits' under subheading 'token gifts and benefits' the third sentence to read;

“Acceptance of these gifts should be avoided. If it is likely to be seen as compromising you as a Councillor or staff member you must decline the offer.”

- ***Purpose – page 1***
Alert readers to the fact that other policy documents are part of the Code of Conduct.

C24.1 Councillors and Staff: Interaction and provision of information to C24.5 internal reporting of corruption - mal-administration, and serious and substantial waste – protected disclosures

C24.7 Gifts and Benefits
C24.9 Conflict of Interest

- ***Breaches of the Code – Page 8***
Add referral to the Department of Local Government for action under the Local Government Act. This is normal practice and will fit in with proposed legislative changes to be introduced shortly.
- ***Sanctions C24.1 – Page 13***
Add referral to the Department of Local Government for action under the Local Government Act.
- ***Implementation Plan to policy C24.1 – Page 14***
Update staff nominated to supply information to Councillors to current Managers list and Mayor/General Manager Personal Assistant.

GM4	DELEGATION OF AUTHORITY		
	FILE: D2-1	COPY: D2-2	COPY: PJH
	AVB (NRN)		{Folio No. 273265}

SUMMARY:

To recommend changes to delegations of authority conferred by Council.



The Local Government Act required that delegations of Authority must be reviewed during the first twelve months of each term of office.

Council delegates functions to both the Mayor and the General Manager. The General Manager in turn delegates his functions to other staff. A copy of the delegations to the Mayor and General Manager are attached

[\(Appendix C\)](#)

The General Manager is delegated all of the functions of Council under the Local Government Act 1993 and related Acts except for the functions specified in Schedule 2 of the policy. This allows for the day-to-day operation of the Council and for activities to be undertaken in a timely manner.

Suggested changes to the delegations to the General Manager are:-

Schedule 2

- xvi** determination of applications for development consent under the Environmental Planning and Assessment Act or for approval under the Local Government Act, except where objections have been lodged ***and where the application does not comply with relevant plans and policies.***

Note: This reflects proposed amendments to DCP 30, which incorporates Council's Public Notification Policy.

- xvii** determination of applications for development consent or approval which involve a variation under SEPP 1 or s83 of the Local Government Act of a prescribed standard or a Council policy, ***except where the Director General of DIPNR has either granted concurrence, or advised Council that concurrence may be assumed, or as otherwise may be provided for in the relevant Council policy.***

Note: This reflects current delegations which were amended by Council resolution of 21 November 2000, following changes to concurrence provisions under the EP&A Act and the inbuilt variations provided for under Clause 2 (f) of DCP 22.

The section relating to bush fires needs to be deleted from the Mayors delegation as these are now responsibilities of the Commissioner of Rural Fire Services.

Report Implications

There are no financial or statutory implications arising from this report. The suggested changes will require amendments to policy C24.2 and C24.3.

2004. 264

RESOLVED:

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

That Policy C24.2 Delegation of Authority to the General Manager and Policy C24.3 Delegation of Authority to the Mayor be amended as outlined in the Report.

SUMMARY:

To advise Council of legal advice received regarding the interpretation of maintained road.



Section 38(2) of the Roads Act 1993 provides that on closing a former road.

- (b) In the case of a public road that was previously vested in a Council (other than a public road in respect of which no construction has ever taken place) remains vested in the Council.

The Department of Lands is taking the view that unmade sections of a maintained road falls under, "Other than a public road in respect of which no construction has taken place". This means that if Council were to make application to close roads at the end of a constructed road that are surplus to our needs the proceeds of the sale would be paid to the Department. I understand that the Department of Lands is soon to become a Statutory Authority and will be required to pay a dividend to the State Government. The Department sees this as a means of raising income.

Council resolved in January to obtain legal advice on the Department of Lands interpretation of an un-maintained section of road. Council has also submitted a motion to the Shires Association Conference to clarify that income produced from the sale of roads that form part of a constructed road is returned to the Council.

Council's legal advisers agree with our interpretation of the Act, that is, that an unmade section of a road that forms part of a constructed road is a constructed road, but currently there is no case law that supports that view. Council's solicitors suggest that we select a section of unmade road, make application to the Department of Lands, verify their position as to where the proceeds of the sale are to go and then challenge that interpretation at law.

Report Implications

There are no statutory or policy implications arising from this report. If the proceeds of the sale of unmade roads are to go to the Department then Council would not be making applications to close roads which would result in the loss of potential revenue.

General Manager's Recommendation:

That Council test the Department of Lands interpretation of a constructed road by submitting an application for a road closure.

That Council challenge an interpretation that requires the proceeds of the sale to be paid to the Department of Lands.

2004. 265

RESOLVED:

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

1. **That Council test the Department of Lands interpretation of a constructed road by submitting an application for a road closure.**
2. **That Council challenge an interpretation that requires the proceeds of the sale to be paid to the Department of Lands.**
3. **That Council inform the LGSA, Country Mayors and Mid North Coast Group of Councils of its actions.**

GM6	2004 COMMUNITY SURVEY	
	FILE: C18-38 MAM (NRN)	{Folio No. 273270}

SUMMARY:

Reporting that a Community Survey was undertaken in 2004 and a summary of the results are contained within this report.



Data collected during the past four years of Council surveys has provided Council with an understanding of how important Council services are to residents and how satisfied those residents were with Council's performance of those services. In a number of cases, programs have been implemented to improve services in line with the survey results. In 2003, the survey was redesigned to provide additional information to Councillors and Management and, in 2004, a further change has taken place with both the content and the methodology to increase the amount of information available to assist with the management planning process. The survey was developed in consultation with Councillors and management.

The 2004 Community Survey was conducted by Micromex Marketing Services using a structured questionnaire and administered on a computer aided telephone system. The survey was conducted during the period 18th February to 1st March 2004 from 5.00pm to 8:30pm on Monday to Thursday in the Kempsey Local Government Area. The sample consisted of a total of 300 residents. The selection of respondents was by means of a computer based random selection process. Individuals in the household, 16 years or older, were selected using the 'last birthday' selection procedure. On completion of the survey, additional interviews were conducted where certain sections were underrepresented. A quota sampling procedure was used to eliminate the need for heavily weighting the survey.

The compliance rate achieved was 56%, which represents a good cross section of the community and provides a sound basis for gauging community opinion. A sample size of 300 residents provides a maximum sampling error

THIS IS PAGE 90 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

.....
MAYOR

of plus or minus 5.8% at 95% confidence. Interviewing was conducted in accordance with IQCA (Interviewer Quality Control Australia) Standards and the Market Research Society Code of Professional Conduct.

The major results will be advertised in the Macleay Valley Happynings and a media release will be prepared informing residents of the major findings. A copy of the full survey report will be available to download from the website.

The complete survey results are comprehensive and involve a full explanation of each of the findings, the methodology and a copy of the survey questions ([Appendix D](#)). For the purposes of this report, a brief synopsis of results has been provided below.

PART A

Section 1 – All services and facilities covered in the survey – whole of Council perspective

Those areas in the quadrant analysis (high importance/low satisfaction) and gap analysis (large performance gap) that require attention, in priority ranking, were:

- Provision of recycling facilities
- Maintaining road surface
- Generating local employment opportunities
- Improving the overall condition of roads
- Noxious Weed control
- Youth services and facilities
- Planning for an ageing community
- Provision of services and facilities for an ageing community
- Council's response time to requests
- Managing development in the Shire
- Consultation with the community
- Services and facilities for people with disabilities
- Image of Kempsey Shire in the eyes of people who do not live in the area

Section 2

Sport, Recreation and Culture

The services or facilities that were rated high in importance and low in satisfaction were:

- Parks, Picnic & BBQ areas
- Swimming pools
- Playgrounds

Those services or facilities that scored high importance and high satisfaction ratings were:

- Beach patrol
- Libraries

Respondents were asked to indicate their preference for either of the two following options:

- The four pools that are currently provided at Kempsey, Crescent Head, South West Rocks and Gladstone which operate for a six month period only
- An all year round covered aquatic centre in one central location featuring heated pools

The majority preferred the option of the four pools that are currently provided.

Respondents were asked whether they believed there was a need to provide swimming pools at beach resort areas. 59% of the respondents did not believe that public swimming pools should be provided at beach resort areas.

Caring for the Community

The services or facilities that were rated high in importance and low in satisfaction were:

- Youth services and facilities
- Planning for an ageing community
- Provision of services and facilities for an ageing community

The service that scored a high importance and a high satisfaction rating was:

- Services and facilities for people with disabilities

Caring for the environment

The services or facilities that were rated high in importance and low in satisfaction were:

- Provision of recycling facilities
- Noxious Weed control

The services that scored a high importance and a high satisfaction rating were:

- Reliable water and sewerage systems
- Garbage services
- Litter control

Roads

The service or facility that was rated high in importance and low in satisfaction was:

- Maintaining road surface

The service that scored a high importance and a high satisfaction rating was:

- Improving the overall condition of the roads

Urban and Economic development

The services or facilities that were rated high in importance and low in satisfaction were:

- Managing development in the Shire
- Generating local employment opportunities
- Image of Kempsey Shire in the eyes of people who do not live in the area

Respondents were asked to suggest ideas that would help project a favourable image of the Shire to the outside world. 109 suggestions were made and three specific groups of issues arose that were the most significant. These were:

- Cleaning up of the area
- Beautification
- Safety and security

Communication and customer service

The services that was rated high in importance and low in satisfaction were:

- Council's response time to requests
- Consultation with the community

The services that scored a high importance and a high satisfaction rating were:

- Provision of information on Council's activities

The most significant source of information was through Council's weekly advertisements in the Argus or Happydings.

Dealing with Council staff

- 42% of respondents had face-to-face contact with Council staff. More than 85% described Council staff as being 'professional', 'courteous' or 'helpful'. 7% were negative in their opinion.
- 34% of respondents had telephone contact with Council staff. More than 78% described Council staff as being 'professional', 'courteous' or 'helpful'. 11% were negative in their opinion.
- 15% of respondents had written contact with Council staff. 56% were 'satisfied' to 'very satisfied' while 36% were 'dissatisfied' to 'very dissatisfied'.
- 13% of respondents had visited Council's website. Of these, 88% found it to be 'important' to 'very important'. There was a high degree of satisfaction with the website with 68% of those who had visited it rating in the range 'satisfied' to 'very satisfied'.

PART B

Planning for the future

Respondents were asked to rate the importance to them of eleven issues that related to Council's planning for the future. The most important issues were:

- Community safety
- Provision of an operational airport

The least important issue was:

- Encouraging vibrant active town centres

In conclusion, the gap analysis shows that the priority issues identified in the survey to be addressed by Council are:

- Provision of recycling facilities
- Maintaining road surface
- Generating local employment opportunities
- Improving the overall condition of the roads
- Noxious Weed control

In planning for the future, the priority issues are:

- Community safety
- Airport
- Selling of surplus Council assets to generate income to fund high priority services and facilities
- A bridge link between South West Rocks and Stuart Point

In direct dealings with Council, the priority is to address:-

- The way written contact with the community is handled.

Financial Implication

The Community Survey was conducted within budget allocation.

2004. 266

RESOLVED:

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

1. That the information provided by the public in response to the community survey be considered when planning for the future.
2. That the community be informed through the media, website and/or community newsletters of programs and initiatives introduced by Council as a result of the survey findings.



LOCAL TRAFFIC COMMITTEE

MINUTES OF THE MEETING OF THE LOCAL TRAFFIC COMMITTEE
HELD ON WEDNESDAY, 24th MARCH 2004, IN THE COUNCIL
CHAMBERS COMMENCING AT 9.30AM.

2004. 267

RESOLVED:

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

That the report of the Local Traffic Committee meeting held 24th March 2004 be adopted.

PRESENT:

Mayor, Councillor Janet Hayes, **Mayor**, Rod Dale, **Andrew Stoner's Representative**, Senior Constable Wayne Lollback, **Kempsey Police**, Graham Carthew, **Roads & Traffic Authority**, Keith Finnie, Neil Thomson.

A G E N D A

1. APOLOGIES

Andrew Stoner, MP, Member for Oxley.

2. PREVIOUS MINUTES

2.1 The minutes of the meeting of 25th February 2004 were adopted by Council at its meeting on 9th March 2004.

RECOMMENDATION

That the information be noted.

3. BUSINESS ARISING

Nil.

4. GENERAL BUSINESS

4.1 **Dondingalong Road/Gowings Hill Road**
Ref: T7 (270675)

RECOMMENDATION

*Moved: Rod Dale
Seconded: Graham Carthew*

That the intersection be reconstructed to improve sight distance.

4.2 **New Entrance Road and Entrance Street, South West Rocks**
Customer Request: W34826

RECOMMENDATION

*Moved: Rod Dale
Seconded: Graham Carthew*

THIS IS PAGE 95 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY
SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

.....
MAYOR

1. That medians be constructed to physically restrict and direct turning and through vehicle movements when funds permit.
2. That centre linemarking be provided to direct traffic flow.

4.3 ANZAC Day Services – South West Rocks
Ref: P12-21 (268780)

RECOMMENDATION

Moved: Rod Dale
Seconded: Wayne Lollback

That approval be granted to the South West Rocks RSL Sub Branch to conduct an ANZAC Day Street March in South West Rocks, subject to completion and submission of Council's Event Management documentation.

4.4 ANZAC Day Services – Stuarts Point
Ref: P12 – 21 (271340)

RECOMMENDATION

Moved: Rod Dale
Seconded: Wayne Lollback

That approval be granted to the Stuarts Point RSL Sub Branch to conduct an ANZAC Day Street in Stuarts Point, march subject to completion and submission of Council's Event Management documentation.

4.5 ANZAC Day Services – Lower Macleay
Ref: P12-21 (271341)

RECOMMENDATION

Moved: Rod Dale
Seconded: Wayne Lollback

That approval be granted to the Lower Macleay RSL Sub Branch to conduct an ANZAC Day Street March in Gladstone, subject to completion and submission of Council's Event Management documentation.

4.6 ANZAC Day Services – Kempsey
Ref: P12-21 (271341)

RECOMMENDATION

Moved: Rod Dale
Seconded: Wayne Lollback

1. That approval be granted to the Kempsey RSL Sub Branch to conduct an ANZAC Day Street March in Kempsey, subject to
 - (i) completion and submission of Council's Event Management documentation.
 - (ii) A Road Occupancy licence being obtained from the RTA.
 - (iii) Police concurrence.

4.7 Kundabung Endurance Ride
Ref: P12-21 (271638)

RECOMMENDATION

*Moved: Graham Carthew
Seconded: Rod Dale*

That approval be granted to Kundabung Macleay Endurance and Pleasure Riders Club Inc to hold the 15th Annual Endurance Ride on 29th and 30th May 2004 using Smiths Creek Road subject to completion and submission of Council's Event Management documentation.

**4.8 Holiday Traffic Arrangements - Easter
Ref:**

RECOMMENDATION

*Moved: Rod Dale
Seconded: Wayne Lollback*

1. That the existing approved traffic arrangements be applied.
2. That the signage at Bellimbopinni School be reviewed by the RTA.

5. OTHER BUSINESS

5.1 Emergency Vehicles – Access to Highway

Concerns from NSW Ambulance, supported by NSW Fire Brigades, with delays, due to traffic congestion, accessing the Pacific Highway. Situation reviewed but no solution readily identified.

RECOMMENDATION

*Moved: Rod Dale
Seconded: Graham Carthew*

That the information be noted.

5.2 Lights Proposal – Smith Street

Draft plan provided by the RTA to the Committee. On Public display 4th April 2004.

RECOMMENDATION

*Moved: Graham Carthew
Seconded: Rod Dale*

That the information be noted.

5.3 Review of Bus Services in NSW

Summary of review discussed.

RECOMMENDATION

*Moved: Graham Carthew
Seconded: Rod Dale*

That the information be noted.

5.4 Trucks parking in Urban Street

Complaints to Council regarding trucks parking in urban areas, at all times of day and night.

RECOMMENDATION

*Moved: Rod Dale
Seconded: Graham Carthew*

That NSW Police review the areas of concern.

5.5 Pedestrian Refuge – Belgrave Street

Options for pedestrian refuges reviewed and discussed.

RECOMMENDATION

*Moved: Rod Dale
Seconded: Wayne Lollback*

That Option 1, followed by Option 2, be recommended for installation.

5.6 Melville High School – Cross Country Race

RECOMMENDATION

*Moved: Wayne Lollback
Seconded: Rod Dale*

That further discussions be held with the school.

6. NEXT MEETING

The next meeting is Wednesday, 12th May 2004, commencing at 9.00am.

7. CLOSURE

The meeting closed at 11.30am.



QUESTIONS WITHOUT NOTICE

Councillor J H Howell

Councillor Howell was advised:-

1. That the Director Environmental Services had issued instructions to L J Hooker to remove illegal advertising signs and it was not proposed to issue infringement notices in relation to these signs.
2. That the Director Environmental Services would investigate parking in disabled parking zones by unauthorized vehicles and would contact Woolworths regarding the policing of disabled parking spaces within the Woolworths property.
3. That the Director Corporate and Community Services was unaware at the time of sealing of the access road to Kinki Cemetery that this particular road was a Crown road. The sealing involved approximately

100 metres and was urgently needed due to the poor condition of the access road.

4. That the members of the Macleay Development and Promotion Committee that had visited Goulburn and Yass regarding the affects of their highway bypass had been invited to submit their comments back to the committee.
5. That the Mayor was not aware of developments regarding a possible police academy in Kempsey but would make enquiries.
6. That the Director Environmental Services would investigate possible establishment of a truck depot in the River Meadows area which appears evident by the number of trucks using Middleton Street South Kempsey.
7. That the Director Corporate and Community Services would pursue a copy of the Hogan Report on Aged Care and would also make contact with Coffs Harbour City Council seeking details on how they fund their aged care facilities.
8. That the Plan of Management for Horseshoe Bay South West Rocks did include the Point Briner Area.



Councillor E A Green

Councillor Green was advised:-

1. That the Director Environmental Services would investigate the possible health hazard of vacant premises within the Kempsey CBD area due to the presence of mould in some of the premises.

Councillor J C Gribbin

Councillor Gribbin was advised:-

1. That the Director Business Enterprise was aware that reducers could be fitted by licensed plumbers as a way to achieve water meter size reductions however, it has been found that such reducers have minimal effect due to the length of pipe.
2. That the Director Business Enterprise would provide Councillor Gribbin with copies of previous reports detailing the replacement cost of water meters in Kempsey Shire.
3. That the exhibition and objection periods for developments are normally ten (10) calendar days, however this is a minimum period and can be extended by Council depending on the circumstances.

4. That the Director Engineering would provide Councillor Gribbin with a map showing the area known as Matty's Flat which is in the vicinity of the boatramp area.
5. That the Director Engineering was aware of the type of gravel used by the Council patching machines and the need for placement of warning signs would be investigated.
6. That the Director Engineering would investigate the need for more street lighting in the industrial area at South West Rocks.
7. That the Director Business Enterprise would provide Councillor Gribbin with a copy of the standard lease document entered into by staff for the use of Council vehicles and a copy of the policy regarding the standard of vehicles offered to staff.

Councillor T L Hunt

Councillor Hunt was advised:-

1. That the Director Engineering would arrange to publicize preferred parking areas for semi-trailers in the Kempsey Shire Urban areas.

Councillor R H McWilliam

Councillor McWilliam was advised:-

1. That the Director Engineering would investigate stormwater run off from Links View Estate South West Rocks with water running through established homes in the vicinity of Mr R Bright's residence.
2. That the Director Engineering would investigate potential falling trees and branches adjacent to the pathway in Brighton Park South West Rocks opposite 63 Landsborough Street.
3. That the Director Engineering would investigate broken kerb and gutter at the corner of Prince of Wales Avenue and Paragon Avenue outside Elders Real Estate.
4. That the Director Engineering would investigate the subsiding of Council land outside 69 Landsborough Street South West Rocks which could be due to a sewerage main.
5. That the Director Engineering would investigate the poor road surface on Gordon Young Drive South West Rocks and would advise Councillor Mc William when it was listed for maintenance.
6. That the Director Environmental Services would seek a consent condition related to the proposed Community Health Facility at South West Rocks whereby it could not be used for any Methadone program without a separate development application being lodged.

7. That the Director Engineering noted Councillor Mc Williams comments that the police and members of the public had made comment to him regarding the safety issue and lack of warning signs following bitumen road sealing.

Councillor D F Saul

Councillor Saul was advised:-

1. That the Director Engineering had arranged removal of dangerous playground equipment from the Bellbrook playground and there is currently no plan to upgrade this playground with new equipment, however the funding of new equipment is something the community as a group may wish to pursue.



Councillor B R Sowter

Councillor Sowter was advised:-

1. That the Director Business Enterprise is currently reviewing garbage routes and would investigate possible extension to the Collombatti Rail area.
2. That the Director Environmental Services was aware of the recent court case against Shoalhaven Council in relation to their Tree Preservation Order. The issue of approval to remove a tree is really an interpretation of the policy and the Director would review our procedures in light of the Shoalhaven case.
3. The Director Environmental Services had issued an order regarding the unused garage at Frederickton and Officers had inspected the second garage which was reported to have occupants residing in it.
4. The Director Corporate and Community Services was not a member of the current Slim Dusty Heritage Committee but understood that the current situation was that fund raising was continuing and Council is represented on this committee by the Tourism Services Manager.
5. That the Director Engineering expected maintenance attention to occur to Back Creek Road Kinchela in approximately one (1) month.

Councillor E R Walker

Councillor Walker was advised:-

1. That the Director Engineering would raise the matter of the median strips in Belgrave and Smith Streets and their condition at the upcoming Kempsey CBD Masterplan meeting.
2. That the Director Engineering would raise the matter of possible centre parking in Belgrave Street at the upcoming Kempsey CBD

Masterplan meeting however the width of Belgrave Street would prevent this type of parking.

3. That the Director Business Enterprise would supply Councillors Walker and Green with OH & S reports on Council's swimming pools.
4. That the water from the Stuart McIntyre Dam was not meant as a back up supply but water is pumped into the Dam from the bores for treatment and then for general use and the dam water had been back on line for approximately six (6) months.

Councillor J H Howell

Councillor Howell was advised:-

9. That the Director Environmental Services was aware that a development application had been lodged in relation to the Old School House at South West Rocks and the Director would refer this matter to the Heritage Committee.

Councillor R H Mc William

Councillor Mc William was advised:-

8. That the Director Environmental Services would investigate the occupation of the Old School House at South West Rocks.

Councillor E A Green

Councillor Green was advised:-

2. That the Director Business Enterprise would provide Councillor Green with the necessary papers before the Swimming Pool Committee meeting to be held Wednesday 14th April.



MOTION FOR COMMITTEE

2004. 268

RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Sowler*

That Council form itself into the Committee of the Whole, and at this stage the meeting be closed to the public to permit discussion of the confidential business items listed for the reasons as stated in the Agenda.



GENERAL MANAGER'S CONFIDENTIAL REPORT

THIS IS PAGE 102 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH APRIL 2004.

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MAYOR

Councillor Walker returned to the Chambers.



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. 271

RESOLVED:

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

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 3.25pm.

