NOTICE OF MEETING

A COUNCIL MEETING
WILL BE HELD ON TUESDAY 21 FEBRUARY 2017
IN THE COUNCIL CHAMBERS
CORNER TOZER AND ELBOW STREETS WEST KEMPSEY
COMMENCING AT 9.00AM

BUSINESS
1 OPENING PRAYER
2 ACKNOWLEDGEMENT OF COUNTRY
3 APOLOGIES
4 DECLARATIONS OF INTEREST
5 ASSESSMENT OF ITEMS LISTED FOR CONFIDENTIAL CONSIDERATION
6 CONFIRMATION OF MINUTES
7 CITIZENSHIP CEREMONIES
8 PUBLIC FORUM / PRESENTATIONS
9 CONSIDERATION OF MOTIONS FOR SUPPLEMENTARY REPORTS AND MOTIONS FOR
   CHANGES TO THE ORDER OF BUSINESS
10 CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM MATTERS
11 CONSIDERATION OF REPORTS RELATING TO A CONSENSUS MOTION
12 MAYOR’S REPORTS
13 STAFF REPORTS
14 RESCISSION MOTIONS
15 NOTICES OF MOTION
16 DELEGATES REPORT
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1 OPENING PRAYER

"Dear Lord, help us in our deliberations today so that our decisions will be for the greater good for the whole of Kempsey Shire - Amen".

2 ACKNOWLEDGEMENT OF COUNTRY

"Council acknowledges that this meeting is being held on the traditional lands of the Dunghutti People".

3 APOLOGIES

That the apology submitted by Councillors for non-attendance at the meeting be accepted and leave of absence granted.

4 DECLARATIONS OF INTEREST

That Councillors’ declared interests be noted.

5 ASSESSMENT OF ITEMS LISTED FOR CONFIDENTIAL CONSIDERATION

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

6 CONFIRMATION OF MINUTES

That the minutes (2016-12-20 minutes).pdf of the ordinary meeting of Kempsey Shire Council dated 20 December 2016 be confirmed.

That the minutes (2017-1-24 minutes).pdf of the extraordinary meeting of Kempsey Shire Council dated 24 January 2017 be confirmed.

RECOMMENDED:

1 That the minutes of the ordinary meeting of Kempsey Shire Council dated 20 December 2016 be confirmed.

2 That the minutes of the extraordinary meeting of Kempsey Shire Council dated 24 January 2017 be confirmed.

7 CITIZENSHIP CEREMONIES
8 PUBLIC FORUM / PRESENTATIONS

Public Forum

1 – Deborah and Rick Edwards will address Council on a non-agenda item – fly issue at Green Leaf Farm.

Presentations

1 At 11.00am Council’s holiday parks business consultant Mike King, from Otium Consulting, will do a brief presentation and answer any councillor questions.

2 Mr Tony Green, Manager Works will conduct a presentation on roads in the shire.

3 Ms Susannah Smith, Manager Economic Development will conduct a presentation on economic development projects.

9 CONSIDERATION OF MOTIONS FOR SUPPLEMENTARY REPORTS AND MOTIONS FOR CHANGES TO THE ORDER OF BUSINESS

That the Agenda order of business be adopted and the late reports be considered in conjunction with the relevant Councillor or Community Strategic Plan reports.

10 CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM MATTERS

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

11 CONSIDERATION OF REPORTS RELATING TO A CONSENSUS MOTION

The following items will be enacted by one motion unless a Councillor or citizen of Kempsey Shire Council requests the item be considered separately.

RECOMMENDED:

That the recommendations contained in items 13.10 – 13.18, 17.1, 18.1 and 20.1 in the current agenda as listed be adopted.

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ITEM 13.1 DUAL OCCUPANCY (DETACHED) AND TWO LOT SUBDIVISION

Contact Person: Erin Fuller - Manager Development Assessment
File: T6-16-400

PURPOSE

The purpose of this report is to seek Council’s consent for a dual occupancy (detached) and two lot subdivision. A variation greater than 10% to the minimum lot size development standard under Kempsey Local Environmental Plan 2013 (KLEP) is sought [Appendix A - Page 1].

Applicant: Hadlow Design Services
Property: Lot B DP330753, 13 Landsborough Street, South West Rocks
Zone: R3 Medium Density Residential

RECOMMENDATION

1 That the variation sought to the minimum lot size development standard in clause 4.1 of the Kempsey Local Environmental Plan 2013 be supported; and

2 That development consent be granted to development application T6-16-400 for a detached dual occupancy and two lot subdivision at 13 Landsborough Street, South West Rocks subject to the conditions contained in [Appendix B - Page 3].

ISSUES

Development consent is sought for the erection of a new dwelling to the rear of an existing dwelling and subdivision of the land so that each dwelling is contained on its own allotment. The proposed lot sizes are 322.4 square metres and 352.0 square metres, neither of which comply with the required minimum lot size of 800 square metres under clause 4.1 of the KLEP. An application has been made pursuant to clause 4.6 of the KLEP to vary the development standard in this instance.

As this relates to an urban standard, Council may assume the concurrence of the Director-General to approve the application.

BACKGROUND

The application has been assessed against the relevant heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979. This report provides a discussion of the key matters arising from this assessment.

Kempsey Local Environmental Plan 2013

Permissibility

Dual occupancies (detached) are permissible with consent on land zoned R3 Medium Density Residential. Subdivision is permissible with consent in accordance with clause 2.6 of KLEP 2013.
Clause 4.1 - Minimum subdivision lot size

Pursuant to this clause, the size of any lot resulting from the subdivision of land in the R3 zone is not to be less than 800 square metres.

Clause 4.6 – Exceptions to development standards

The objectives of this clause are to provide an appropriate degree of flexibility in applying development standards to particular development, and to achieve better outcomes for and from development by allowing flexibility in certain circumstances.

The applicant’s written request seeking to justify the contravention of the minimum lot size development standard is provided at [Appendix C - Page 12].

Development consent can only be granted if Council is satisfied of the following:

<table>
<thead>
<tr>
<th>Requirement/Criteria</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.</td>
<td>The objectives of the minimum lot size development standard, as relevant to the proposal, are to promote the efficient use of residential land, and to ensure that lot sizes have a practical and efficient layout to meet the intended use. In this instance, strict compliance with the minimum lot size is considered unreasonable given these objectives are still achieved, notwithstanding the numerical non-compliance. The proposed lots will each accommodate a dwelling with appropriate vehicular access, adequate solar</td>
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<tr>
<td>Requirement/Criteria</td>
<td>Comment</td>
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<td>----------------------</td>
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<tr>
<td>access, sufficient private open space, and adequate off street car parking.</td>
<td>Clause 4.1A of the KLEP permits a minimum lot size of 300 square metres when in the same application, consent is sought for subdivision and the erection of a dwelling house on each lot resulting from the subdivision. The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity. The current application would comply with clause 4.1A, and therefore be compliant with the KLEP, were it not for the fact that there is an existing dwelling on the lot. Given that the proposal demonstrates adequate residential amenity for the occupants of the two dwellings, as well as no adverse impacts for neighbours, it is considered that a variation to the development standard in this instance is justified.</td>
</tr>
</tbody>
</table>
| That there are sufficient environmental planning grounds to justify contravening the development standard. | The objectives of the R3 Medium Residential zone are:  
- To provide for the housing needs of the community within a medium density residential environment.  
- To provide a variety of housing types within a medium density residential environment.  
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.  
- To encourage urban infill and redevelopment in areas that surround existing or proposed facilities and services.  
The dual occupancy (detached) and subdivision will contribute to the provision of a variety of housing types by providing a housing choice on smaller than standard lot size within a medium density environment. |
| The proposed development will be in the public interest because it is consistent with the objectives for development within the zone in which the development is proposed to be carried out. | Pursuant to clause 64 of the *Environmental Planning and Assessment Regulation 2000*, the Director-General has notified Council of assumed concurrence under clause 4.6 of the *Standard Instrument (Local Environmental Plans) Order 2006*. |
| The concurrence of the Director-General has been obtained. | It is recommended the applicant’s clause 4.6 variation request be supported. |

**Kempsey Development Control Plan 2013**

Compliance with the Kempsey Development Control Plan 2013 (KDCP) is summarised below.

**Chapter B1: Subdivision**

<table>
<thead>
<tr>
<th>Section</th>
<th>Required</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.3</td>
<td>Min slope of 10% (1:6) across frontage for Lots &lt;350m²</td>
<td>YES</td>
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</tbody>
</table>
### Chapter C1: Residential development – Urban areas

<table>
<thead>
<tr>
<th>Section</th>
<th>Requirement</th>
<th>Lot 1</th>
<th>Lot 2</th>
<th>Complies</th>
<th>Meets Desired Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 Density</td>
<td>Min. 95m² site area (Lot 1)</td>
<td>322.4m²</td>
<td>352.0m²</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td></td>
<td>Min. 130m² site area (Lot 2)</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Min. 40m² landscaped area (Lot 1)</td>
<td>150m²</td>
<td></td>
<td>YES</td>
<td></td>
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<tr>
<td></td>
<td>Min. 55m² landscaped area (Lot 2)</td>
<td></td>
<td>106m²</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>5.2.1 Street setbacks</td>
<td>Min. 5m to dwelling</td>
<td>Existing</td>
<td>4.85m</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Min. 6m to garage</td>
<td>18m</td>
<td>6m</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>5.2.2 Side/rear setbacks</td>
<td>Min. 0.9m</td>
<td>1.2m</td>
<td>1.17m</td>
<td>YES</td>
<td></td>
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<tr>
<td></td>
<td>Min. average 1.8m</td>
<td>&gt;1.8m</td>
<td>&lt;1.14m</td>
<td>NO</td>
<td></td>
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<tr>
<td></td>
<td>Min. 675mm setback to roof</td>
<td></td>
<td></td>
<td>YES</td>
<td></td>
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<tr>
<td>5.2.3 Long Walls</td>
<td>Max. 20m length of wall without articulation</td>
<td></td>
<td></td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>5.2.4 Building Height</td>
<td>Max. building height 8.5m</td>
<td></td>
<td></td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>5.2.5 Solar Access &amp; Energy Efficiency</td>
<td>Min. 2 hours overshadowing to living areas and private open space of adjoining development</td>
<td></td>
<td></td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td></td>
<td>Compliance with BASIX</td>
<td></td>
<td></td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>5.2.6 Visual and Acoustic Privacy and Amenity</td>
<td>Avoid overlooking living spaces and private open spaces</td>
<td></td>
<td></td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td></td>
<td>Fences/screening to be provided between front and rear dwellings</td>
<td></td>
<td></td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>5.2.7 Cut and Fill and Retaining Walls</td>
<td>Max. cut and fill 1.5m</td>
<td></td>
<td></td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>5.3 Garages, Carports and Outbuildings</td>
<td>Not to be positioned forward of the building line</td>
<td></td>
<td></td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Garage 6m from lot frontage or 1m behind house facade</td>
<td></td>
<td></td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Side /Rear setback 0.9m for attached garage</td>
<td>0.9m</td>
<td></td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nil side/rear setback for detached garage &lt;36m²</td>
<td>0.5m</td>
<td>N/A</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Compliance with BCA fire rating requirements</td>
<td></td>
<td>To be conditioned</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Requirement</td>
<td>Lot 1</td>
<td>Lot 2</td>
<td>Complies</td>
<td>Meets Desired Outcome</td>
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<tr>
<td>5.4</td>
<td>Private Open Space</td>
<td>Min. 25m² including 4m x 4m area directly accessible from living space</td>
<td>50m² 4m x 4m</td>
<td>26.9m² 4m x 4m</td>
<td>YES</td>
</tr>
<tr>
<td>5.5</td>
<td>Vehicle parking and access</td>
<td>1 covered space and 1 visitor space</td>
<td>2 spaces per dwelling</td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>7.3</td>
<td>Additional Controls for Dual Occupancy Development</td>
<td>Restricted to corner allotments or lots with primary street frontage of 20m</td>
<td>Dual street frontage Min. primary street frontage to each dwelling 13.4m Two street frontages totalling 26.8m</td>
<td>NO</td>
<td>YES</td>
</tr>
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</table>

**Section 5.2.2 - Side setback**

The proposed dwelling provides a minimum average side setback of approximately 1.14 metres to the east, which is less than the required 1.8 metre average. The objective behind this requirement is to minimise any adverse impacts on adjoining properties. In this case, the development complies with the absolute minimum setback of 900 millimetres and the reduced compensatory setback area does not result in any adverse amenity impacts. The adjoining property to the east is occupied by a large two storey residential flat building that is setback two metres from the common boundary. The minor non-compliance in this instance considered appropriate given the desired outcomes behind the development requirement are still achieved.

**Section 7.3 – Additional controls for dual occupancy development in South West Rocks**

Whilst the existing lot does not comply with the required 20 metre primary street frontage, the desired outcomes are still achieved in that the development is compatible with the streetscape and will not have a significant impact on the amenity of the neighbourhood as the land has two frontages. The lot benefits from dual street frontage with the opportunity for each dwelling to address the street to which it fronts, and the subdivision pattern is consistent with the immediate vicinity where lots have been similarly subdivided.

**State Environmental Planning Policy (SEPP) 71 – Coastal Protection and Draft SEPP (Coastal Management) 2016**

The subject site is within the coastal zone as defined under SEPP 71 and within the coastal use area as stipulated in the draft Coastal Management SEPP. The application has been assessed against these instruments, including the NSW Coastal Policy, and is considered satisfactory. The following comments are provided.

The proposal is consistent with the aims and objectives of these environmental planning instruments.

1. The site is not near a foreshore, beach, headland or rock platform and public access to and along the coastal foreshore will not be affected, nor will it create conflict between land and water based activities.

2. The development will not result in the loss of views or create any overshadowing, wind funnelling or loss of views to adjoining or adjacent properties.
3 The development is appropriate for the site and will not impact on the scenic qualities of the locality or the NSW coast.
4 The proposal is not expected to adversely impact on Aboriginal cultural heritage and places.
5 Vegetation removal is not proposed and as such no impacts upon any threatened species or wildlife corridors are not expected.
6 No direct impacts on marine ecosystems are expected, nor any perceived impacts on coastal processes or the surf zone.
7 The type and location of the proposed development is consistent with the objectives of the R3 Medium Density Zone and in the public interest. The bulk, scale and size of the development is consistent with other residential development within surrounding neighbourhood, and will not create any adverse impacts on the area.

Consultation

The application was publicly notified and no submissions were received in relation to the proposed development.
ITEM 13.2 PLANNING PROPOSAL SEAMS ROAD, KUNDABUNG

Contact Person: Robert Pitt – Director Sustainable Environment

File: RZ-16-5

PURPOSE

The purpose of this report is to advise that a Planning Proposal has been prepared to amend Kempsey Local Environmental Plan 2013 (KLEP) to change the minimum lot size for a rural land parcel in Kundabung from 40ha to 10ha.

RECOMMENDATION

That the Planning Proposal and associated documentation be submitted to the Minister for Planning for consideration of issuing a “gateway determination” pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.

ISSUES

The Planning Proposal is to amend the Minimum Lot Size Map for the subject site to 10ha to facilitate a future 3-lot rural subdivision at the site.

BACKGROUND

Pursuant to Clause 55 of the Environmental Planning and Assessment Act 1979, Council has received an application to amend the KLEP to revise the Minimum Lot Size Map for the subject site from 40ha to 10ha. The existing land use zones (RU1 – Primary Production and RU2 - Rural Landscape) will remain unchanged. A full copy of the Planning Proposal and associated reports are appended [Appendix D - Page 14].

Subject Land

The subject land is legally defined as Lot 13 DP878784, 27 Seams Road, Kundabung and is located to the south of Kempsey (15km by road) and north west of Kundabung Village (11km by road). The area is characterised by rural lifestyle blocks with the Maria State Forest located to the north.

The subject land (refer to Figure 1 below) is an irregular shaped lot which has a total area of approximately 58.18ha with Pipers Creek forming the southern boundary. The site is located between Old Coast Road (to the west) and the Pacific Highway to the east.
Figure 1: Subject site (within yellow border) located to the north west of Kundabung Village

Existing Kempsey Local Environmental Plan 2013 Provisions

The current minimum lot size mapping for the subject lot and the immediate vicinity (to the north, west and south) is 40ha. These minimum 40ha lots are zoned RU1 – Primary Production, RU2 - Rural Landscape or RU3 - Forestry. An adjoining area to the east of the subject site has 8ha minimum lot sizes (refer Figure 2 below). These minimum 8ha lots are zoned RU4 – Primary Production Small Lots.
Objectives or intended outcomes of the Planning Proposal

The intention of the planning proposal is to:

- Provide the opportunity for additional rural residential property in the vicinity of Kundabung Village;
- Progress the intent of Council’s *Rural Residential Land Release Strategy* for the Kundabung area; and
- Facilitate the future subdivision of the site into 3 new lots (refer Figure 3 below).

*Figure 2: Existing minimum lot size mapping for the area including and surrounding the subject site (with a yellow boundary)*
Proposed Amendments to the Kempsey Local Environmental Plan 2013

It is proposed to amend the Lot Size Map for this site from 40ha to 10ha.

Figure 3: Indicative future 3-lot subdivision layout.

Justification for the Planning Proposal

Justification for the proposal is summarised as follows:

- The site is not unduly restricted by flooding or ecological constraints;
- The proposed lot size amendments will enable future subdivision which will facilitate positive social and economic benefits for the locality;
- The site is located with ready access to Kempsey and other towns in the region through its proximity to the Pacific Highway;
- The planning proposal will enable the further fulfilment for Council’s strategic rural residential land release aspirations for the Kundabung area;
- Environmental, social and economic impacts are manageable and not considered to be detrimentally significant;
- The proposal satisfies the relevant legislation, planning instruments, strategies, SEPPs and section 117 Directions; and
The proposed lot size amendments are compatible with adjoining land uses.

**Consistency with Relevant State Environmental Planning Policies**

The applicable policies and comments on the consistency of the proposal is provided in the table below:

<table>
<thead>
<tr>
<th>State Environmental Planning Policy</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Environmental Planning Policy No. 14 – Coastal Wetlands</td>
<td>The site does not contain or adjoin land containing SEPP 14 wetlands.</td>
</tr>
<tr>
<td>State Environmental Planning Policy No. 44 – Koala Habitat</td>
<td>The site is not identified as core Koala habitat under Council’s Comprehensive Koala Plan of Management (CKPOM), which satisfies the requirements of SEPP 44. The proposal can comply with the provisions of the CKPOM through retention of vegetation.</td>
</tr>
<tr>
<td>State Environmental Planning Policy No. 55 – Remediation of Land</td>
<td>The proponent advises that there is no historical knowledge that would indicate that the site is contaminated. Searches of the land contamination register and record of notices and contaminated sites notified to EPA have not identified the subject land.</td>
</tr>
<tr>
<td>State Environmental Planning Policy No. 71 – Coastal Protection</td>
<td>This site lies outside the coastal zone and SEPP 71 does not apply.</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Rural Lands) 2008</td>
<td>The application complies with the Rural Planning Principles listed under this instrument as the proposal applies to land with substantial limitations on productive potential; will not impinge on the productive capacity of adjoining rural lands; supports the provision of opportunities for rural residential housing with adequate infrastructure; and will maintain existing biodiversity, and provide protection of native vegetation, water resources and residual portions of regionally significant farmland.</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Infrastructure) 2007</td>
<td>The referral provisions of this SEPP are not triggered by the planning proposal.</td>
</tr>
</tbody>
</table>

**Consistency with Section 117 Ministerial Directions**

The proposal is consistent with the following relevant Ministerial Directions.

<table>
<thead>
<tr>
<th>Directives</th>
<th>Key Requirement</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.2 Rural Zones</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The objective of this direction is to protect the agricultural production value of rural land. A planning proposal must: May be inconsistent unless: 1 Justified by a strategy which: a) gives consideration to the objectives of this direction,</td>
<td>Consistent: The planning proposal will retain the existing rural zoning and is generally in accordance with the Kempsey Shire Rural Residential Land Release Strategy (discussed in greater detail below).</td>
<td></td>
</tr>
<tr>
<td>Directives</td>
<td>Key Requirement</td>
<td>Justification</td>
</tr>
<tr>
<td>------------</td>
<td>-----------------</td>
<td>---------------</td>
</tr>
<tr>
<td>1 Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</td>
<td>b) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</td>
<td>2 Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or is:</td>
</tr>
<tr>
<td>2 Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</td>
<td>c) is approved by the Director-General of the Department of Planning, or</td>
<td>3 In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 Is of minor significance.</td>
</tr>
</tbody>
</table>

**1.5 Rural Lands**

The objectives of this direction are to:

1 Protect the agricultural production value of rural land,

2 Facilitate the orderly and economic development of rural lands for rural and related purposes.

A planning proposal to which clauses 3(a) or 3(b) of 117 Direction 1.5 Rural Lands apply must be consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands)* 2008.

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

1 Justified by a strategy which:

   a) gives consideration to the objectives of this direction,

   b) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and

   c) is approved by the Director-General of the Department of Planning and is in force, or

The site is currently zoned RU1 – Primary Production and RU2 - Rural Landscape. The planning proposal seeks to amend the minimum lot size while retaining the existing rural zoning.

The planning proposal is consistent with the Rural Planning Principles of SEPP (Rural Lands) 2008 as follows

1 The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,

   **Comment:** The site area is 58ha and is surrounded by fragmented rural land that functions as hobby farms and rural residential occupancy. Therefore the productive capacity is already undermined by the historic fragmentation of land in this vicinity. Thus the site can continue to function in a rural lifestyle capacity without impacting on productive land activities/intensive farming uses.

2 Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends,
<table>
<thead>
<tr>
<th>Directives</th>
<th>Key Requirement</th>
<th>Justification</th>
</tr>
</thead>
</table>
| 2           | Is of minor significance. | demands and issues in agriculture in the area, region or State,  
**Comment:** The planning proposal does not impact upon any areas of functional prime agricultural land activity. |
| 3           | Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development, | Comment: The planning proposal will enable the expansion of rural hobby farms in an area where the rural landscape is highly fragmented and strong demand exists for this land use; in the vicinity of the village of Kundabung Village. |
| 4           | In planning for rural lands, to balance the social, economic and environmental interests of the community, | Comment: The planning proposal provides environmental, social and community opportunities for what is a sub-economic rural land parcel. The comprehensive ecological assessment provided identifies measures to mitigate impacts upon the identified environmental values. |
| 5           | The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land, | Comment: The Kempsey Shire Rural Residential Land Release Strategy identifies that this locality contains areas of Regionally Significant Farmland, adjacent Pipers Creek (refer Figure 3). The indicative future subdivision layout proposes to retain each dispersed area of Regionally Significant Farmland as a whole, within the future configuration. The proposal will maintain the identified biodiversity values and protect significant native vegetation. |
| 6           | The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities, | Comment: The planning proposal will ultimately provide for a 1 into 3 rural subdivision which will provide addition... |
### Directives

<table>
<thead>
<tr>
<th>Key Requirement</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>rural lifestyle opportunities in the vicinity of Kundabung Village.</td>
<td>7 The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,</td>
</tr>
<tr>
<td></td>
<td><strong>Comment:</strong> The site has access to a public road network with sufficient capacity for 2 additional lots and the opportunity to readily connect to electricity supply. As a rural lifestyle locality there is no provision or expectation for reticulated water or sewer connections. Each future lot has ample area set aside to establish a dwelling; on-site waste water disposal areas; an asset protection zone; and on-site water capture such as dams and rain water tanks.</td>
</tr>
<tr>
<td></td>
<td>8 Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</td>
</tr>
<tr>
<td></td>
<td><strong>Comment:</strong> The proposal is generally consistent with the Mid North Coast Regional Strategy and the Kempsey Shire Rural Residential Land Release Strategy as an identified local site appropriate for rural-residential development within proximity of an existing settlement and located away from the coast.</td>
</tr>
</tbody>
</table>

### 2.1 Environmental Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas.

A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a local environment plan (LEP) must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".

NA: The site is not identified as an environmental protection zone.
<table>
<thead>
<tr>
<th>Directives</th>
<th>Key Requirement</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.1 Acid Sulphate Soils</strong></td>
<td>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</td>
<td>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulphate soils on the acid sulphate soils planning maps unless the relevant planning authority has considered an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid sulphate soils.</td>
</tr>
<tr>
<td><strong>4.3 Flood Prone Land</strong></td>
<td>The objectives of this direction are: 1 To ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and 2 To ensure that the provisions of a LEP on flood prone land is commensurate with flood hazard and includes consideration of the</td>
<td>A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that: 1 The planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or 2 The provisions of the planning proposal that are</td>
</tr>
<tr>
<td>Directives</td>
<td>Key Requirement</td>
<td>Justification</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>potential flood impacts both on and off the subject land.</td>
<td>inconsistent are of minor significance.</td>
<td>Note: “flood planning area”, “flood planning level”, “flood prone land” and “floodway area” have the same meaning as in the <em>Floodplain Development Manual 2005</em>.</td>
</tr>
<tr>
<td>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**4.4 Planning for Bushfire Protection**

The objectives of this direction are:

1. To protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bushfire prone areas, and

2. To encourage sound management of bushfire prone areas.

A planning proposal must:

1. Have regard to *Planning for Bushfire Protection 2006*,
2. Introduce controls that avoid placing inappropriate developments in hazardous areas, and
3. Ensure that bushfire hazard reduction is not prohibited within the asset protection zone.

Complies:

The Bushfire Hazard Assessment provided by Hopkins Consultants, dated November 2015 (the report), which has been prepared to meet the aims and objectives of the NSW Rural Fire Service’s *Planning for Bushfire Protection 2006* and Section 2 of AS 3959-2009, has measures sufficient to minimise the impact of bushfire.

Recommendations made in the report include:

1. Access is to be via Right of Way (RoW) and the access is to be a minimum of 6m in width for its entire length. This includes the access to the existing dwelling.
2. Either side of the RoW is to be cleared to a minimum width of 10m and maintained as an inner protection area.
3. Building envelopes are to be located as per the mapping provided with the report.
4. Post subdivision approval, site specific bushfire threat assessments must be carried out for any dwelling constructions on the site.
<table>
<thead>
<tr>
<th>Directives</th>
<th>Key Requirement</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.1 Implementation of Regional Strategies</strong></td>
<td>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy: (a) is of minor significance, and (b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.</td>
<td>Consistent: The planning proposal is consistent with the Mid North Coast Regional Strategy 2009 (MNCRS) which sets the following objectives for rural residential development: ...any new planning for rural residential settlement should focus on land close to an existing urban settlement, away from the coast, away from areas that may in the future have value as urban expansion areas, where significant vegetation clearing would not be required and where current or potential future primary production will not be affected. The Growth Area Map 6 – Kempsey within the MNCRS identifies a Growth Area for the village of Kundabung. While the development site is located outside of the indicated growth area, the subordinate Kempsey Shire Rural Residential Land Release Strategy has identified that the subject locality is within the Kundabung Land Release area. In accordance with the MNCRS, this proposal can accommodate additional rural residential housing without adverse impact on primary production land or environmental values in the vicinity of the site.</td>
</tr>
</tbody>
</table>
| **6.1 Approval and Referral Requirements** | A planning proposal must: 1 Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and | Complies: The planning proposal does not include any provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, other than those already required by existing “Integrated
<table>
<thead>
<tr>
<th>Directives</th>
<th>Key Requirement</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</td>
<td>Development provisions and State Environmental Planning Policies”.</td>
</tr>
<tr>
<td></td>
<td>a) the appropriate Minister or public authority, and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Not identify development as designated development unless the relevant planning authority:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</td>
<td></td>
</tr>
</tbody>
</table>

**6.3 Site Specific Provisions**

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

A planning proposal that will amend another environmental planning instrument in order to allow a particular

Complies:

The planning proposal seeks to reduce the minimum lot size map as it applies to the site. The current and proposed land use for
## Directives

<table>
<thead>
<tr>
<th>Development Proposal to be Carried Out Must Either:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Allow that land use to be carried out in the zone the land is situated on, or</td>
</tr>
<tr>
<td>2. Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</td>
</tr>
<tr>
<td>3. Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</td>
</tr>
</tbody>
</table>

A planning proposal must not contain or refer to drawings that show details of the development proposal.

## Justification

The site is consistent with the current zoning and is therefore consistent with item 4(a) of the section 117 directions. The proposal does not propose any additional development standards or requirements to those already contained in the relevant zone and supporting KLEP provisions.

## Consistency with the Kempsey Shire Rural Residential Land Release Strategy

The subject site is located within the Kundabung land release area contained in the *Kempsey Shire Rural Residential Land Release Strategy* (strategy). The locality specific issues for consideration of a planning proposal in the Kundabung land release area are discussed in Table 1 below.

### Table 1: Kundabung land release area locality specific issues

<table>
<thead>
<tr>
<th>Locality Specific Issues</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The means of rationalising access to facilitate an efficient pattern of subdivision whilst minimising access points to the Pacific Highway.</td>
<td>Existing access arrangements for this property are via a right of way (RoW) through the Maria State Forest to the Pacific Highway. Proposed access is to be via a RoW through to Old Coast Road instead.</td>
</tr>
<tr>
<td>Noise impacts from the Pacific Highway.</td>
<td>The site is located some 1.3km west of the Pacific Highway, separated by state forest and noise from the highway is not considered to be significant.</td>
</tr>
</tbody>
</table>
| The relationship of the area to potential fauna corridor linkages. | The eastern margin of the site is identified as being within the Pipers Creek wildlife corridor. As identified in the flora and fauna assessment provided, the site has been heavily cleared and only }
<table>
<thead>
<tr>
<th>Locality Specific Issues</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>scattered remnant vegetation remains. The planning proposal does not require additional clearing.</td>
<td></td>
</tr>
<tr>
<td>The means by which vegetation retention can be maximised, whilst satisfying bushfire requirements.</td>
<td>A bushfire threat assessment report has been provided which identifies that proposed building envelopes (and required asset protection zones) can be accommodated without any significant vegetation removal.</td>
</tr>
<tr>
<td>The extent of the 1 in 100 year flood.</td>
<td>Pipers Creek delineates the southern boundary of the subject site. Notwithstanding, the balance of the site is elevated and outside of the 1 in 100 year average recurrence interval flood area.</td>
</tr>
<tr>
<td>Noise impacts from an existing sawmill.</td>
<td>The sawmill is located in proximity of the Kundabung village, about 3km south east of the subject site. The noise impacts from this sawmill are not considered to be audible with the Pacific Highway lying in between.</td>
</tr>
<tr>
<td>Fragmentation of identified regionally significant farmland.</td>
<td>As identified in figure 3 above, the subject site contains fragmented areas of regionally significant farmland. The planning proposal will retain each portion of regionally significant farmland within each proposed lot, in its entirety.</td>
</tr>
<tr>
<td>Need to provide access to Stage 3 areas via Smiths Creek Road.</td>
<td>Smiths Creek Road provides a rational single entry point to the Pacific Highway for the 714ha of land contained within the Stage 3 release area. Presently Smiths Creek Road is sealed from the highway to Crowther Drive. It is envisaged that with the collection of section 94 contributions from the Stage 1 and 2 release area subdivisions, that the sealing of the western portion of Smiths Creek Road can ultimately be undertaken. Thus, the proposal will have access to the Pacific Highway via Old Coast Road and Smiths Creek Road (though unsealed, which is satisfactory given that it is proposed to retain the current rural zoning).</td>
</tr>
<tr>
<td>Unknown 2A and 2B Koala habitat.</td>
<td>As identified earlier, a flora and fauna assessment has been provided. The report identifies compliance with Council’s CKPoM and the means to ensure that Koala feed trees are retained (which would be applied in a development consent for any future subdivision of the site).</td>
</tr>
<tr>
<td>Bushfire prone land.</td>
<td>The site is partially identified as bushfire prone land. A bushfire threat assessment report has been provided which identifies that the proposed development can meet the requirements of Planning for Bushfire Protection 2006.</td>
</tr>
<tr>
<td>Class 5 acid sulfate soils.</td>
<td>The site is identified as containing class 5 acid sulfate soils. As expanded upon earlier in this report, the proposal can comply with the section 117</td>
</tr>
</tbody>
</table>
Locality Specific Issues | Response
---|---

The planning proposal applies to land identified as stage 3 of the Kundabung land release area. Part 7 of the strategy prescribes the methodology for variations to land release staging (which is set out in Table 2 below).

**Table 2: Part 7 Variations to this strategy**

<table>
<thead>
<tr>
<th>Circumstances to be demonstrated</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The premature subdivision of the land will not result in the uneconomic provision of public infrastructure, including, but not limited to road access</td>
<td>The proposal is to retain the existing rural zoning and enable a minimum lot size of 10ha for a 1 into 3 lot subdivision (rather than a minimum 4ha lot rural residential subdivision which is also permissible). Consequently, the proposed access arrangement will utilise Council’s existing rural roads network. The number of vehicle trips to be generated from the proposed development will not pose any significant issues for this locality and will not require additional public infrastructure.</td>
</tr>
<tr>
<td>The land will be serviced by a bitumen sealed road in accordance with KDCP</td>
<td>The provision was intended to apply to rural residential subdivisions down to 1-4 ha. The proposal site will retain the existing RU1 and RU2 zoning. The KDCP states that rural subdivision (zones RU1, RU2, RU3 and RU4) does not require the sealing of road pavement unless a new road is to be provided or an extension to an existing sealed road is required, as long as all-weather 2-wheel drive public roads exist. The Old Coast/Smiths Creek road network provides acceptable all weather access which is also suitable for essential services usage.</td>
</tr>
<tr>
<td>The land will not result in any unacceptable potential conflict with existing agricultural, commercial or industrial land uses</td>
<td>The subject area comprises extensively of fragmented rural land with the subject lot (at 58ha) being one of the larger land parcels. Land parcels immediately to the east of the subject site are zoned RU4 – Primary Production Small Lots, where the minimum lot size is 8ha (refer Figure 2 above). As this rural land is marginally economic, there are no identified land uses that would be significantly constrained by the rural hobby farms proposed to be created.</td>
</tr>
<tr>
<td>The proposal will not result in any significant oversupply of land within the locality, having regard to any existing zoned land or approved subdivisions</td>
<td>Council has received few planning proposals for any stages of the Kundabung land release area. The proposal will provide limited opportunity for rural hobby farms that is not currently being met.</td>
</tr>
<tr>
<td>The proposal is consistent with the objectives of this strategy as referred to in Section 1.1</td>
<td>This planning proposal is entirely consistent with the objectives of this strategy as stated in section 1.1.</td>
</tr>
</tbody>
</table>
Economic and Social Impacts

The planning proposal notes economic and social benefits – including the provision of additional local housing stock, the sustained growth of the Kundabung area (including local shops and services) and the provision of further large lot rural-residential housing stock.

Public Infrastructure

The site is to have flood-free access via a right of way through a neighbouring property to Old Coast Road. Electricity supply is available for connection. Onsite water and septic arrangements will apply.

Community and Public Agency Consultation

Consultation will be undertaken with the state and commonwealth authorities should the Director General determine to allow the planning proposal to proceed as part of the overall public exhibition and consultation for the planning proposal post gateway determination.

Community consultation is proposed to be undertaken in accordance with any conditions specified in the gateway determination and Kempsey Shire Council’s rezoning policy and procedure 1.1.9, Section 3 - Public Notification and Consultation, including any specific requirements of the LEP Review Panel.
ITEM 13.3  KEMPSEY LOCAL ENVIRONMENTAL PLAN 2013 AMENDMENT NO. 7 – PLANNING PROPOSAL – 22 NORTH STREET, WEST KEMPSEY

Contact Person: Robert Pitt - Director Sustainable Environment  File: KLEP2013-AM-7

PURPOSE

The purpose of this report is to advise of the outcomes of the consultation/public exhibition for a planning proposal to amend Kempsey Local Environmental Plan 2013 (KLEP) to re-zone a land parcel in West Kempsey from B1 (neighbourhood centre) to R1 (general residential).

Subject Land: Lot 34 DP261268, 22 North Street, West Kempsey.

RECOMMENDATION

That Council exercise delegation from the NSW Department of Planning and Environment to make the Kempsey Local Environmental Plan amendment.

ISSUES

On 17 November 2016, Council resolved:

‘That the Planning Proposal and associated documentation be submitted to the Minister for Planning for consideration of issuing a ‘gateway’ determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.’

The Department of Planning issued a gateway determination to proceed with the planning proposal on 11 December 2015. ‘Written Authorisation to Exercise Delegation’ of the Minister’s functions under S59 of the Environmental Planning and Assessment Act 1979, was also granted. A copy of the gateway determination incorporating the authorisation for delegation is attached [Appendix E - Page 220].

The planning proposal was placed on public exhibition from 16 February 2016 to 14 March 2016. No submissions or objections to the proposal were received. The gateway determination required consultation with the NSW Rural Fire Service (RFS). RFS provided comment on 1 March 2016 with no objections to the proposal.

After public exhibition, it came to Council’s attention that the subject land may be contaminated as it was previously part of a sawmill operation sometime in the 1970s, when the site was zoned industrial. The land owner was requested to provide a preliminary contaminated land assessment to determine if any historic land activities left the land in a contaminated state. A contaminated land assessment was carried out which concluded that the site is suitable for residential land use with a negligible presence of soil contaminants detected.

Final Steps

The NSW Department of Planning has issued Council delegation to make the plan. Council is now requested to resolve to use the delegation in completing the plan.
This will involve a report back to the NSW Department of Planning, obtaining legal advice from the Parliamentary Counsel, the General Manager’s final signature on the amended planning instrument and then publication on the NSW Legislation website.
ITEM 13.4 KEMPSEY LOCAL ENVIRONMENTAL PLAN 2013 AMENDMENT 13 – PLANNING PROPOSAL – BLAIRS LANE, SOUTH KEMPSEY

Contact Person: Robert Pitt - Director Sustainable Environment  File: KLEP2013-AM-13

PURPOSE

The purpose of this report is to advise of the outcomes of the Consultation/Public Exhibition for the planning proposal for draft Kempsey Local Environmental Plan 2013 (KLEP) Amendment No 13.

The planning proposal is to amend the KLEP to revise the land zone map as it applies to the subject land parcel to ‘R5 – Large Lot Residential’ and revise the applicable lot size map to a minimum lot size of 1ha.

RECOMMENDATION

That Council exercise delegation from the NSW Department of Planning and Environment to make the Kempsey Local Environmental Plan amendment.

ISSUES

On 21 June 2016, Council resolved:

‘That the Planning Proposal and associated documentation be submitted to the Minister for Planning for consideration of issuing a “gateway determination” pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.’

The Department of Planning issued a gateway determination to proceed with this planning proposal to amend the KLEP on 14 July 2016. In addition ‘Written Authorisation to Exercise Delegation’ of the Minister’s functions under S59 of the Environmental Planning and Assessment Act 1979, was also issued by the NSW Department of Planning and Environment. A copy of the gateway determination incorporating the authorisation for delegation is attached [Appendix E - Page 225].

The planning proposal was placed on public exhibition from 22 November 2016 to 20 December 2016. No objections to the proposal were received. Agency submissions were received from the required consultation with the NSW Rural Fire Service (RFS); Office of Environment and Heritage (OEH); and NSW Trade and Investment (Department of Mineral Resources). No community submissions were received. A copy of the RFS, OEH and Department of Mineral Resources agency submissions are attached [Appendix G - Page 231].

None of the agency submissions ‘objected’ to the planning proposal, rather the RFS and the Department of Mineral Resources submissions have provided standard comment in regard to required considerations for the future development of land against the relevant legislative provisions. The OEH submission is more detailed and a summary of the matters raised, and comment on these matters, is provided below:

1  Recommends the preparation of an Aboriginal cultural heritage assessment report in support of the planning proposal
Comment

An Aboriginal Heritage Information Management System (AHIMS) search (through the OEH website) for the subject site has been provided. The AHIMS search undertaken on 4 March 2016 identifies:

- No Aboriginal sites are recorded in or near the location; and
- No Aboriginal places have been declared in or near the above location.

The site is substantially cleared, is planted in pasture and has been extensively grazed (with the exception of riparian vegetation to be retained adjacent Pola Creek on the eastern boundary of the site). Additionally, three detached dwellings are located on the site.

2  Recommend an amendment to the proposed E2 - Environmental Conservation Zone on the Pola Creek boundary

Comment

It was proposed that the extent of remnant riparian vegetation along Pola Creek (being the eastern boundary of the subject site) be rezoned from RU2 – Rural Landscape to E2 – Environmental Conservation. OEH have recommended that a portion of the proposed E2 – Environmental Conservation boundary be moved westward (refer Figure 1 below) to provide a minimum 30m vegetated buffer along Pola Creek to protect the identified endangered ecological community in this locality.

It is recommended that the planning proposal be revised to reflect the amended boundary, as sought by OEH, prior to proceeding to the plan making stage. This amendment will not materially impact on the proposed future subdivision sought.
Recommends the requirement for a flood study to identify the various categories and hazard level of flood waters within Pola Creek in accordance with the floodplain development manual (2005) and ensure that any land use zoning is commensurate with the flood risk and hazard

Comment

As stated in the Council report of 21 June 2016 for the subject planning proposal, the site is not mapped as flood prone in Council’s flood risk management policy and is outside the mapped extent of the Glenrock Pola Creek floodway. Localised flooding has been identified for parts of the land adjacent the Pola Creek frontage along the eastern edge of Lot 121 DP754400.

The 1 in 100 year flood level in this vicinity is estimated at RL 6.72m Australian height datum (AHD) with a flood planning level at RL 7.22m AHD. Council’s graphical information system indicates site levels from reduced level (RL) 20m AHD at the corner of Blairs Lane and Wedlock Close down to RL 8m AHD at the edge of existing clearing. All proposed lots would have at least 1,000m of flood free land, in accordance with Council’s policy. Accordingly, the recommended flood study is considered onerous and unnecessary in this instance.

Final Steps

The NSW Department of Planning has issued Council delegation to make the plan. Council is now requested to resolve to use the delegation in completing the plan.

This will involve a report back to the NSW Department of Planning, obtaining legal advice from the Parliamentary Counsel, the General Manager’s final signature on the amended Planning Instrument and then publication on the NSW Legislation website.
ITEM 13.5 DELIVERY PROGRAM – SIX MONTH REPORT

Contact Person: Kathy Oliver – Director Community Engagement  File: F12/423-05

PURPOSE

This report aims to provide a summary of progress with the activities from Operational Plan 2015-2016 as they reflect progress with the deliverables identified in the Delivery Program 2013-2017.

RECOMMENDATION


ISSUES

Nil

BACKGROUND

Section 404(5) of the Local Government Act 1993 requires that the General Manager ensure regular reports are provided to the Council with respect to the principal activities detailed in its delivery program. Progress reports must be provided every six months. Council’s planning is based on our long term community strategic plan which sets out the community’s vision for the Macleay Valley in 2036. In accordance with legislation, sitting under the community strategic plan is a four year delivery program.

Kempsey Shire Council’s community strategic plan, Macleay Valley 2036, is built around four main themes: Healthy, wealthy, safe and social. The table below demonstrates that the majority of deliverables within the plan have been completed. A separate governance table is included as services and actions contained within the plan relate to the operations of the Council, not directly to any theme.

<table>
<thead>
<tr>
<th>Theme</th>
<th>Percentage of Services / Actions Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Healthy</td>
<td>91%</td>
</tr>
<tr>
<td>Wealthy</td>
<td>98%</td>
</tr>
<tr>
<td>Safe</td>
<td>98%</td>
</tr>
<tr>
<td>Social</td>
<td>95%</td>
</tr>
<tr>
<td>Governance</td>
<td>97%</td>
</tr>
</tbody>
</table>

Kempsey Shire Council – ordinary meeting 21 February 2017
Summary of all Performance

A comprehensive Progress Report on the Delivery Program is attached in [Appendix H – Page 240].
ITEM 13.6 QUARTERLY BUDGET REPORT

Contact Person: Deanna O’Neill – Manager Finance

File: F12/644-03

PURPOSE

Reporting that the budget review for the quarter ending 31 December 2016 has been prepared for all funds.

RECOMMENDATION

That the budget review for the period ending 31 December 2016 is adopted and the variations contained therein are approved and financed from the sources as indicated.

BACKGROUND

The budget review has been prepared for the quarter to 31 December 2016.

In preparing the budget review every effort has been made to maintain the underlining budgeted cash result which was adopted by Council in the 2016/2017 Operational Plan.

The following documents are presented for Council’s information as [Appendix I - Page 338]:

- Report by the Responsible Accounting Officer that the quarterly budget review statement indicates that Council’s projected financial position will be satisfactory at year end.
- Budget review income and expenses statement which includes reference to a notes section detailing significant budget variances.
- Budget review capital budget.
- Budget review cash and investment position.
- Budget review key performance indicators (KPI). KPIs incorporated within the annual financial statements have been included within Council’s budget review documentation.
- Contracts statement detailing any contracts entered into within the quarter.

BUDGET SUMMARY

A comparison of the estimated financial result of each fund for the quarter is as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Original Budget</th>
<th>December Budget Review</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Nil</td>
<td>$38,344 (D)</td>
<td>$38,344(D)</td>
</tr>
<tr>
<td>Water</td>
<td>Nil</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Sewer</td>
<td>Nil</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The Budget Review reveals a deficit of $38,344 for the December quarter.

**Surplus Variations**

**Increased Income:**
- Rezoning Application Fees $33,500
- Disposal of concrete at Landfill $126,000
- Member council contributions towards noxious weeds calendar $9,000
- K&G contributions $45,000
- Domestic waste management services charges to owner $55,917

**Decreased Expenditure**
- Removed $75,000 salary budget for Swimming Pool Inspector and $24,000 for vacant Parking Officer position. Both offset by reduced income.
- Reduction of $8,075 in operational costs for South West Rocks tourist parks due to savings.
- Funds transferred back to reserve.
- Budget for Safer Communities Officer reduced by $7,788 due to reduction in RMS funding as per below.
- $23,000 efficiency savings achieved throughout the organisation.

**Deficit Variations**

**Decreased Income:**
- Removed $64,500 for revenue from swimming pool inspections due to position remaining vacant.
- Income of $10,495 from sale of souvenirs at the visitor information centre removed as Council no longer sell souvenirs.
- Income from parking fees reduced by $15,800 as lower than budget parking monitoring being undertaken.
- RMS funding for Safer Communities Officer reduced by $7,788 as position was vacant for 6 months.
- Reduction of $100,000 in expected interest on investments due to lower than anticipated cash flow and interest rates.

**Increased Expenditure:**
- Additional $17,000 required for maintenance of scales, rings and general repairs at saleyards.
- Additional $31,455 required at airport for mowing and drainage works.
- $8,764 transferred from caravan park’s reserves to fund additional operational expenditure within 4 Shore Tourist Parks.

**General Fund – Accumulated Surplus (Working Funds)**

Working funds comprise those uncommitted funds held by Council from surpluses generated in previous years. Working funds are readily convertible to cash in the short term. The working funds provide Council with a buffer against the impact of significant unbudgeted financial imposts.

Council’s current working fund balance is:
- Balance as at 1/7/2016: $1,230,535
- 2016/2017 Budgeted (D): $-38,344
- Balance 30 June 2017: $1,192,191
Water Fund

The review reveals the budget remains in balance with no changes. The accumulated fund surplus as at 30 June 2017 is estimated to be $523,669.

Sewerage Fund

The review reveals no changes within the Sewerage Fund. The accumulated fund surplus as at 30 June 2017 is estimated to be $839,752.
ITEM 13.7 COUNCIL POLICIES

Contact Person: Daryl Hagger – Director Corporate Management

PURPOSE

For Council to adopt the Policies detailed in the report.

RECOMMENDATION

That the following policies as amended be adopted:

- Development Control Policy (1.1)
- Lands under Kempsey Shire Council Jurisdiction Policy (1.2)
- Enforcement and Compliance Policy (1.3)
- Business Incentives Policy (1.5)
- Waste Services Policy (1.6)
- Companion Animal Management Policy (1.7)
- On-Site Sewage Management (OSSM) Policy (1.8)
- Mining Activities in the Kempsey Shire Council Area Policy (1.9)
- Customer Service and Public Notification Policy (2.1)
- Ageing and Disability Policy (2.2)
- Media and Community Awareness and Engagement Policy (2.3)
- Cultural Policy (2.5)
- Grant Funding Policy (2.6)
- Health, Wellbeing and Recognition Policy (2.7)
- Library Service Policy (2.8)
- Public Art Policy (2.9)
- Request for Assistance Policy (2.10)
- Social Planning Policy (2.11)
- Roads Policy (3.1)
BACKGROUND

A review of Council’s policies has been undertaken over the past four months. A copy of each Council Policy with track changes show where changes are recommended is attached in Appendix J – Page 354.

Following are details of proposed amendments for each Policy:

Development Control Policy (1.1)
Add procedure 1.1.18 – Interim Developer Contributions Credits
A Public Notification Policy/Procedure for DAs and/or amending the development control plan (DCP) is to be developed and be reported to council.

Lands Under Kempsey Shire Council Jurisdiction Policy (1.2)
• Clause 8 – add “in accordance with procedure 1.2.4” at the end of the sentence

Enforcement and Compliance Policy (1.3)
• No change at this time. The NSW Ombudsman’s Office has provided a new Model Compliance and Enforcement Policy intended to be used by councils as a foundation for their policy and guidelines. A new policy and guidelines/procedure will be developed to replace the existing policy and be reported to council.

On-site Sewerage Management Policy (1.8)
• No change at this time. Part of the 2016/2017 Operating Plan is to undertake risk mapping of the shire for on-site sewerage management. This has been completed and the process of reviewing the policy, section of the development control plan and procedures is now progressing. This process may eliminate one of these documents and may lead to a review of others. Once completed the results will be reported to council.

Ageing and Disability Policy (2.2)
• Objective – delete clause 2 “To provide case management for those who may be at risk of early or inappropriate institutionalisation.”
• Policy – delete existing clause 1 “Support people to be able to choose to live independently in their own home.”
• Policy – delete existing clause 2 “Work in partnership with key stakeholders to advocate for expansion of respite care options for frail older people and people with a disability.”
• Policy – existing clause 7 delete “Improve” and replace with “Advocate for improved”
• Policy – delete existing clause 8 “Provide information and referrals in relation to disability and aged care.”
• Policy – delete existing clause 9 “Facilitate or support disability education and training programs.”
• Policy – existing clause 11 – delete “Secure” and replace with “Support groups seeking”
• Delete reference to procedure 2.2.2 – Action

Media and Community Awareness and Engagement Policy (2.3)
• Clause 2 – delete “community engagement” and replace with “Communications”
• Clause 2 – add “and respond to the media in a timely manner” at the end of the sentence

• Insert new clause 3 “The Communications team is responsible for coordinating media liaison, responding to media requests and issuing proactive information to media representatives” and renumber remaining clauses

• Existing clause 3 – delete “responsible for media liaison and public relations and are” and add “with the Mayor the spokesperson on matters of Council policy, strategy and community significance. The General Manager will be the spokesperson on operational matters and may authorise directors, managers or specialist staff to speak to the media.” after “activity”

• Existing clause 4 – add “and without informing the Communications team” after “light”

Public Art policy (2.9) has been completely rewritten

Sewer Services Policy (3.2)

• Insert new clause 1 “To permit new and renewed connections in accordance with procedure 3.3.1”

• Existing clause 1 – delete “#1” and replace with “D12”

• Existing clause 2 – delete “Community Infrastructure” and replace with “Water Supply and Sewerage”

• Existing clause 2 – delete “Strategy/”

• Existing clause 4 – add “or maintenance accessibility. Such permission is” after “community infrastructure”

• Existing clause 10 – delete “of the village or” and replace with “such as” after “constraints”

• Existing clause 10 – add “suitable” after “insufficient”

Water Supply Policy (3.3)

• Delete clause 5 “Kempsey Shire Council will permit rural water connections to the water supply system and will not guarantee a minimum or maximum water pressure, or a minimum water quality standard.”

Asset Management Policy (3.4)

• Delete reference and commentary to “Organisational Context”

Conditions of Employment Policy (5.5)

• Clause 2 – add “disabled and cultural and language diverse (CALD)” after “Aboriginal”

• Clause 4 – delete “corporate” and replace with “the development of future leaders and
achieving the Council” after “contributes to”

- Clause 5 – delete “basis” and replace with “process” after “procedural”
- Clause 6 - add “the work we do and the decisions we make for” after “transparency into”
- Procedure 5.5.1 - Recruitment and Appointment to include procedures 5.5.30 - Relocation Expenses; 5.5.48 - Interview Expenses and 5.5.59 - Confirmation of Employment
- Procedure 5.5.9 - Hours of Work to include procedures 5.5.17 – Overtime; 5.5.58 - Variable Working arrangements and 5.5.64 - Rostered Day Off and Flexible Working Arrangements
- Procedure 5.5.41 - Leave procedure to include 5.5.31 - Special Leave; 5.5.61 - Purchased leave; 5.5.66 - Christmas Holiday Period Close-down and 5.5.67 Emergency Service Leave
- Procedure 5.5.10 - Fit for Work to include 5.5.45 – Immunisation procedure
- Procedure 5.5.19 - Study Assistance to include 5.5.20 - Learning and Development procedure
- Procedure 5.5.24 - Equal Employment Opportunity and EEO Management Plan to include 5.5.25 - Aboriginal Employment procedure

Work Health and Safety Policy (5.6)

- Objectives – add “and commit to, so far as reasonably practicable” after “To provide”

Return to Work Policy (5.7)

Insert new clause 2 “To support the return to work where reasonably practicable an employee with a non-work related injury in duties suitable to their physical capabilities in accordance with procedure 5.5.10 - Fit for Work.”

Records Management Policy (5.8)

- Clause 1 – add “paper” after “electronic sources and”
- Insert new clause 5 “All staff must create full and accurate records of business, comply with records management policies and procedures and protect records from unauthorised access.”
- Existing clause 6 – delete “all offices and depots”
- Existing clause 7 – add “and comply with specified operating procedures” after “consistent”
ITEM 13.8 DELEGATIONS OF AUTHORITY PROCEDURE

Contact Person: Daryl Hagger – Director Corporate Management  File: F12/1854

PURPOSE

To adopt Delegations of Authority Procedure for the Mayor, General Manager and committees of Council.

RECOMMENDATION

That the delegations listed in the delegation of authority procedure be adopted.

ISSUES

In accordance with Section 380 of the Local Government Act council delegations must be reviewed during the first twelve months of each term of office.

BACKGROUND

The draft Delegation of Authority Procedure (5.1.3) with track changes is at attachment [Appendix K – Page 470].

The changes contained in the draft delegation of authority procedure are primarily to incorporate recent changes to the Local Government Act. These changes are reflected in the following parts of the procedure:

- Page 2 – Authority to Delegate – Part 3, section 377 of the Act
- Page 4 – Delegation to the Mayor – Part 1, section 226 of the Act

Other changes which are minor in nature are contained in the following parts of the procedure:

- Page 1 – Introduction – Part 2 a) and 2 b) – general commentary to reflect the current documents and practice in place
- Page 2 – Terms of Delegation – Part 4 b) – removing the requirement to review delegations from ‘annually’ to ‘as required’
- Page 5 – Delegations to the Mayor – Part 3, Schedule 1, Representation – deleted wording as it is incorporated in changes to section 226 of the Act
- Page 5 – Delegations to the Mayor – Part 3, Schedule 1, Monitoring – updated references to documents included in section 226 of the Act
- Page 7 – Delegation to the General Manager – Schedule 2 h) – deleted clause as this is now set in the legislation and covered by schedule 2 d)
• Page 8 – Delegations to Section 355 Committees of Council – Part 4 c), Kempsey District Silver Band – deleted ‘Host an annual Carols by Candlelight event’ as this is now undertaken by the Kempsey District Chamber of Commerce

• Page 8 – Delegations to Section 355 Committees of Council – Part 4 d), Kempsey Community Gallery Committee – replaced ‘Kempsey’ with ‘Macleay Valley’
ITEM 13.9 PUBLIC EXHIBITION OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2017

Contact Person: Robert Pitt – Director Sustainable Environment
File: F12/1683

PURPOSE

The purpose of this report is to advise that the draft Environmental Planning and Assessment Amendment Bill 2017 (Amendment Bill) has been placed on public exhibition seeking submissions and feedback from stakeholders and the community.

RECOMMENDATION

That Council endorse the matters raised within the following report to form the basis of a submission to the draft Environmental Planning and Assessment Amendment Bill 2017

ISSUES

The Amendment Bill [Appendix L - Page 479] proposes a broad raft of changes to the Environmental Planning and Assessment Act 1979 (the Act), being the primary piece of planning legislation for New South Wales. The amendments, although broad, are not as comprehensive as previously proposed under the earlier and now lapsed Planning Bill 2013. The public consultation period for the amendment bill is from 10 January 2017 to 10 March 2017.

Local Government NSW provided an initial response on the amendment bill to Council on 9 January and this is included in [Appendix M - Page 594].

The amendment bill comprises 10 schedules, with each schedule proposing amendments to different parts of the Act. These schedules are laid out in the Bill Guide January 2017, in [Appendix N - Page 596] (along with the other consultation documents being Summary of Proposals January 2017 [Appendix O - Page 636] and Stakeholder Feedback January 2017 [Appendix P - Page 687]).

The following matters provide a summary of proposed changes of most relevance to Council.

• Community Participation Plan

Councils will be required to prepare a community participation plan identifying how it will undertake community participation in regard to plan making, planning proposals, planning assessments and planning decisions. These requirements can be incorporated into a broader community engagement strategy. It is noted that such a plan would incorporate Council’s existing notification procedures.

• ‘Major Development’ Consultation

The Summary of Proposals January 2017 (summary document) identifies that the Amendment Bill will contain provisions to make regulations whereby “members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made”. The Department has stated in the summary
document that before making the regulations, it will conduct a pilot “with selected local councils to trial different incentive mechanisms and administrative approaches”.

The Amendment Bill also updates the current minimum mandatory public exhibition timeframes for planning proposals, development applications and other matters.

**SUBMISSION:**
Council supports the right of the community to be informed about planning matters. Schedule 2, Part 2, Division 2.6 Community Participation in the Amendment Bill states (specifically clause 2.23(2)(f) and Part 2 General Provisions, clause 23) that the community affected by proposed “major development” are to be consulted by the proponent prior to the lodgement of the development application. While this measure potentially has merit, there are no further details provided as to how this consultation is to be held, which must be genuine and not token in nature. Associated regulations are required to layout a defined process to be followed by the proponent to ensure a rigorous and formalised procedure is adhered to, including the need to demonstrate how feedback has been addressed in the proposal.

- **Statement of Reasons for Decisions**

The summary document proposes that ‘decision-makers will be required to give reasons for their decisions. This will help community members to see how their views have been taken into account. The Department will develop guidance material to help decision-makers set out their reasons’.

**SUBMISSION:**
Schedule 2.1, clause 19 of the Amendment Bill states that public notification of the ‘reasons for decisions’ is to occur for identified development types. The draft provisions appear to require the public notification of all applications for development consent determined by council (whether or not the development application is required to be publically notified by virtue of the scale of development, cost of works etcetera). While the stated intent of providing greater transparency is generally supported, the inclusion of all development application determinations will necessitate increased levels of administration and cost for councils. These provisions should be restricted to major developments only, which would normally apply to matters for the joint regional planning panels and the Planning Assessment Commission are the consent authority.

- **Local Strategic Planning Statements**

The summary document proposes that ‘amendments will require councils to develop and publish local strategic planning statements. Local strategic planning statements will be developed by councils in consultation with the community, and will:

- tell the story of the local government area and set out the strategic context within which the LEP has been developed (including the rationale behind the application of zones and development controls);

- explain how strategic priorities at the regional and/or district level are given effect at the local level; and
● incorporate and summarise land use objectives and priorities identified through the council’s Community Strategic Plan process.

The statements will not be part of the LEP itself, but will help explain the LEP and development control plans. The Local Strategic Planning Statements would have a 20 year horizon and would need to be revisited on a 5 yearly basis.

**SUBMISSION:**
The requirement for a local strategic planning statement is supported and can be readily adopted from Council’s existing strategic planning program, which is proposed to be incorporated in the 2017/21 Delivery Plan. However, the process should not be used to unnecessarily constrain community aspirations by generic state-imposed restrictions.

- **LEP reviews**
  
  Currently the Act does not specify a review period for local environment plans (LEPs). It is proposed to introduce a 5 yearly LEP check, where the council will determine if the LEP should be updated.

- **Standard DCP format**
  
  The Government, in consultation with councils, proposes to develop a standard format for development control plans (DCPs). The format for DCPs will be consistent, however the content “will remain a matter for councils”. Optional model provisions will also be developed through a working group.

- **Integrated Development**
  
  The Amendment Bill will confer step-in powers to the Secretary of the Department of Planning and Environment to prevent delays and resolve agency conflict where integrated development responses are required. Additionally, the department will be taking a leadership role, working with councils and agencies to expedite concurrence and referral workflows.

- **Misuse of section 96 modifications**
  
  The summary document states that “the Act is being amended to prevent planning authorities, including the court, from approving a modification in relation to works already completed, other than in limited circumstances. These limited circumstances are to correct a minor error, misdescription or miscalculation”.

**SUBMISSION:**
Whilst the intent of this reform is noted, this should not apply in circumstances where S96 is an effective remedy to formalise unauthorised development.

- **Complying Development**

  Complying development is identified as low impact development that meets a set of predetermined development standards and can be approved by a private certifier. Under the Amendment Bill complying development will be expanded to also include greenfield development and medium-density housing, specifically:
- dual occupancies – two dwellings on one lot of land;
- terraces – three or more attached dwellings with common street frontage;
- townhouses – three or more dwellings on a lot of land where not all dwellings have a street frontage; and
- manor houses – two storey buildings that contain three or four dwellings.

The Amendment Bill also contains provisions in regards to ensuring greater transparency in regard to the notification of complying development (in limited circumstances), increased investigative powers for council and the establishment of a compliance levy “to support councils in their role in enforcing complying development standards”. Also, certain undefined categories of development will require a council certifier to issue a complying development certificate.

A number of changes are identified in the Amendment Bill and Summary of Proposals January 2017 document to facilitate a broadening of the scope of complying development in the context of development assessment in NSW. Unfortunately, the Summary of Proposals document provided by the department and the Amendment Bill provisions do not include any specifics.

**SUBMISSION:**
Council objects to the burden of upholding complying development standards issued by private certifiers. Proposed amendments should also include greater levels of liability for private certifiers and require that where a complying development is not in accordance with a certificate, that the private certifier must undertake initial prescribed compliance actions, advising the owner of the matters of non-compliance, prior to referring the matter to Council to consider enforcement actions.

Council is also concerned about the expansion in the scope of the complying development category to include medium-density on the basis that these changes will diminish community rights further as increasing gradations of development are relegated to complying development, leaving the community with no opportunity to comment on, or influence these development outcomes.

- **State Significant Development**

  The summary document includes “proposals for improving processes for State Significant Development including:

  - better integration of development consents and other statutory approvals;
  - making it easier to ensure up-to-date monitoring and reporting;
  - providing a clear legislative basis for modern approaches to manage impacts; and
  - closing off the former Part 3A development pathway”

- **Voluntary Planning Agreements**

  The summary document identifies that councils will be subject to additional legislative regulation and Ministerial direction in the formulation of future voluntary planning agreements.
SUBMISSION:
Council objects to revisiting the existing provisions and to unnecessary amendments which would further restrict councils to develop flexible VPAs.

- Local Planning Panels

It is proposed to introduce local planning panels through the Amendment Bill which would:

- update the provisions of the EP&A Act relating to independent hearing and assessment panels and bringing all local planning panels under one framework; and

- give the Minister the power to direct a council to appoint a local planning panel where this is warranted to improve the quality and timeliness of planning decisions in the local area, or manage conflicts of interest or corruption.

Under the proposed amendments and supporting regulations, local planning panels will be established and operate as follows:

- The panels are to comprise three members, with an independent expert chair, another independent expert member and a community representative.
- The panel will not be subject to the direction or control of council except in relation to procedure and the time within which it is to deal with any matter.
- The members are appointed by the council.
- The expert members will be required to have expertise in any of the following areas – planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, tourism or government and public administration.
- The community member is to be appointed from a pool of nominees approved by the council.
- The council will set the rules for which matters go to the panel. It is expected that the vast majority of development applications would continue to be determined by council staff, with the more complex and contentious applications reserved for the local planning panels.
- The NSW Government will publish guidance material to help councils establish the panels, including a model charter and operating procedures.

The new power of direction will also allow the Minister to require that more planning functions are carried out by council staff.

SUBMISSION:
Council has considerable concerns that the Amendment Bill does not provide any details in regard to the Minister’s powers to replace elected representatives with a local planning panel (the details will be contained in the ‘regulations’ which are not publicly available). Council urges the department to develop this matter further with local government before enacting this legislative amendment.

- New Design Object

The Objects of the Act will be amended to include the following:
“... (f) to promote good design in the built environment,”
The intent of this amendment is to elevate ‘design’ as a consideration for both strategic planning and development assessment. The Office of the Government Architect will be developing a “design-led” planning strategy and consult with councils, stakeholders and the community to develop specific initiatives.

**SUBMISSION:**
While the inclusion of the promotion of good design in the Amendment Bill is welcomed, a single superficial reference to good design in the amended Act (without any supporting regulations as to what qualifies as good design and how it can be implemented into development) will be ineffective and open to interpretation and may create an unintended ground for third party appeals.

- **Enhanced enforcement**

  As stated in the material supplied “In 2014, the enforcement system in the EP&A Act was strengthened through the introduction of tiered penalties, improved investigative tools for local councils and new powers for the courts. These amendments were made in order to provide greater deterrence against breaches of consent conditions, and to ensure that proponents who commit breaches are held accountable for any resulting community and environmental harm.”

  “In order to give regulators greater flexibility in improving compliance, we propose to give the Department and local councils the ability to enter into enforceable undertakings with holders of a development consent. Enforceable undertakings are a commonly used tool that can improve compliance outcomes in cases where fines or prosecutions may be less useful. These give the regulator the power to enter into an agreement that then requires the consent holder to rectify harm that has occurred and to commit to improved behaviours in the future”.

  The department will be providing councils with guidance material to assist with these amended provisions.
ITEM 13.10  MACLEAY RIVER ECOHEALTH

Contact Person: Ron Kemsley - Senior Natural Resources Officer

PURPOSE


RECOMMENDATION

That the information be noted.

ISSUES

In accordance with management strategy 24 of the Macleay River Estuary Coastal Zone Management Plan (2012), Council in partnership with the University of New England (UNE), Office of Environment & Heritage, Northern Tableland Local Land Service, the North Coast Local Land Services and DPI Fisheries commenced and finalised an aquatic ecosystem monitoring program (Ecohealth) for the Macleay River.

Ecohealth monitoring program is a standardised means of collecting, analysing and presenting assessments of the ecological condition of riverine and estuarine environments with the aim of providing consistency in ecological monitoring and reporting. The Ecohealth program has also been undertaken in the Hastings, Clarence, Bellinger-Kalang, Richmond, Coffs Harbour catchments, and commenced in the Nambucca catchment.

The information enables Council to determine where the Macleay River and its tributaries are under stress and where to invest in environmental management activities.

In additional to the monitoring program by UNE, DPI Fisheries undertook a monitoring program on the condition of freshwater fish communities in the Macleay Basin. The information derived from the DPI program constituted the freshwater fish monitoring of the Ecohealth program.

The Macleay Ecohealth report (2015-16) is the first baseline dataset for water quality, freshwater macroinvertebrates, and freshwater riparian and geomorphic condition in the Macleay catchment. Forty-four study sites were monitored across the Macleay catchment including 32 freshwater and 12 estuarine sites. Each site was sampled 6 times from April 2015 to February 2016.
Ecohealth indicators

The environmental indicators used for the Ecohealth program, have been chosen to best identify the stressors and pressures that cause change to ecological condition. Ecohealth reports on the condition of key environmental indicators including water quality, riparian (riverbank) vegetation, geomorphology (channel shape) and fish and macroinvertebrates (water bug) communities.

Ecohealth scoring & grading

Information about each of the indicators was collected from 44 sites in 26 waterways across the Macleay catchment over a 13 month period. The monitoring results was used to calculate scores for each indicator and measured against regional and national guidelines for healthy rivers and formulate condition grading.
<table>
<thead>
<tr>
<th>Condition Score</th>
<th>Grade</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>91-100</td>
<td>A</td>
<td>Excellent</td>
</tr>
<tr>
<td>76-90</td>
<td>B</td>
<td>Good</td>
</tr>
<tr>
<td>61-75</td>
<td>C</td>
<td>Fair</td>
</tr>
<tr>
<td>46-60</td>
<td>D</td>
<td>Poor</td>
</tr>
<tr>
<td>0-45</td>
<td>F</td>
<td>Very Poor</td>
</tr>
</tbody>
</table>

**Ecohealth findings**

The overall condition of the Macleay catchment was C-. The estuarine and tableland tributaries were in the poorest conditions. Most of stream networks in the Macleay catchment were in good to moderate geomorphic condition. Riparian condition was poor across most of the Ecohealth sites. The exception being some freshwater tributary sites. Water quality was poor across the catchment, particularly in the Tableland sites. Aquatic macroinvertebrates were very poor in many sub-catchments. Freshwater fish communities were in good condition across the Macleay catchment.
### Table 3.1 Catchment and subcatchment Ecohealth grades for subcatchments in the Macleay.

Geomorphic condition was assessed at the subcatchment scale.

<table>
<thead>
<tr>
<th>System</th>
<th>Water quality</th>
<th>Aquatic Macroinvertebrates</th>
<th>Fish</th>
<th>Riparian Condition</th>
<th>Geomorphic Condition</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Macleay Catchment Overall</td>
<td>D+</td>
<td>D+</td>
<td>B-</td>
<td>D+</td>
<td>C</td>
<td>C-</td>
</tr>
<tr>
<td>Tableland Tributaries</td>
<td>F</td>
<td>D-</td>
<td>C+</td>
<td>D+</td>
<td>C</td>
<td>D+</td>
</tr>
<tr>
<td>Gara River</td>
<td>F</td>
<td>F</td>
<td>D-</td>
<td>D-</td>
<td>C</td>
<td>D-</td>
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<td>Commissioners Waters</td>
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<td>Salisbury Waters</td>
<td>F</td>
<td>F</td>
<td>F</td>
<td>D+</td>
<td>F</td>
<td>F</td>
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<tr>
<td>Apsley River</td>
<td>F</td>
<td>F</td>
<td>C+</td>
<td>B-</td>
<td>B-</td>
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<tr>
<td>Tia River</td>
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<td>D</td>
</tr>
<tr>
<td>Bakers Creek</td>
<td>D+</td>
<td>C</td>
<td>C+</td>
<td>B</td>
<td>B-</td>
<td>C+</td>
</tr>
<tr>
<td>Wollombomi River</td>
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<td>C</td>
<td>C</td>
<td>D+</td>
<td>D+</td>
</tr>
<tr>
<td>Chandler River</td>
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<td>B-</td>
<td>C-</td>
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<td>D+</td>
</tr>
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<td>D</td>
<td>C+</td>
<td>C-</td>
</tr>
<tr>
<td>Freshwater Macleay</td>
<td>C-</td>
<td>D+</td>
<td>C</td>
<td>D+</td>
<td>C+</td>
<td>C-</td>
</tr>
<tr>
<td>Macleay Estuary</td>
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<td>B+</td>
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<td>C</td>
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<td>C-</td>
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<tr>
<td>Five Day Creek</td>
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<td>A-</td>
<td>C-</td>
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<td>A-</td>
<td>D+</td>
<td>D</td>
<td>C-</td>
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<tr>
<td>Warbroo Book</td>
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<td>D+</td>
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<tr>
<td>Mungay Creek</td>
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<td>F</td>
<td>B</td>
<td>C-</td>
<td>C</td>
<td>D</td>
</tr>
<tr>
<td>Dungay Creek</td>
<td>C+</td>
<td>D+</td>
<td>B+</td>
<td>C</td>
<td>C+</td>
<td>C</td>
</tr>
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<td>Collombatti Creek</td>
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<td>C</td>
<td>D</td>
<td>D+</td>
<td>D+</td>
</tr>
<tr>
<td>Belmore River</td>
<td>F</td>
<td>D-</td>
<td>C</td>
<td>D-</td>
<td>D-</td>
<td>D-</td>
</tr>
<tr>
<td>Kinchela Creek</td>
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<td>C+</td>
<td>C+</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>North Arm Macleay River</td>
<td>D-</td>
<td>C</td>
<td>B-</td>
<td>C</td>
<td>C</td>
<td>C-</td>
</tr>
</tbody>
</table>
Ecohealth recommended priority management actions:

The Macleay Ecohealth Report recommended the highest priority should be given to those sites/systems that are in good condition, ensuring riparian condition is maintained, followed by rehabilitation works in sites/systems where degradation has and is occurring with consideration for both long and short-term goals.

Based on the Ecohealth assessment six (6) recommended investment priorities for the short to medium term are as followed:

1. Collaborate with DPI Fisheries to replace the causeway on Dowlings Falls Road (TOOC1). This will significantly improve the longitudinal movement of sediment, water, nutrients and biota such as fish. Combining this with the replacement of the causeway on Moparrabah Road (between TOOC1 and TOOC2) will remove the two significant fish barriers from the Toorumbee Creek subcatchment and reconnect significant areas of good-quality habitat for native fish species.

2. Rehabilitate the saltmarsh community on the left bank of lower Spencers Creek (SPEC1) by working with landowners to fence the riparian zone to exclude stock and remove the invasive *Juncus acutus*. A relatively small investment is likely to significantly improve the saltmarsh habitat over time.

3. Protect subcatchments containing high-quality aquatic ecosystems in Five Day Creek and Nulla Nulla Creek and promote riparian fencing, off-stream watering of stock and regeneration/revegetation of native riparian plants. Despite significant clearing and grazing in Five Day Creek and Nulla Nulla Creek, Five Day Creek supported excellent aquatic macroinvertebrate communities and Nulla Nulla Creek had good water quality.

4. Maintain forested areas in the escarpment ranges and midland hills. These areas are critical in improving the very poor water quality exported from tableland reaches, such as by reducing high nutrient loads.

5. Improve small areas of poor-quality habitat upstream of good-quality habitat in Toorumbee Creek. Riparian fencing and off-stream stock watering in the reaches upstream and downstream of TOOC3 will improve riparian condition, aquatic habitat and water quality upstream of the existing good-quality riparian and aquatic habitat in the upper catchment to good-quality habitat in the mid catchment.

6. Investigate the source of elevated nutrients in the subcatchments of Warbro Brook, Toorumbee Creek, Hickeys Creek, Mungay Creek, Collombatti Creek, Clybucca Creek, Kinchela Creek, Spencers Creek, the Belmore River and the North Arm of the Macleay River.

At this stage it is not recommended that Council endorse these recommendations. Solutions will need to be included in a long term catchment-wide strategy that identifies priorities, funding sources and inter-agencies responses to which Council should have input.

Ecohealth outputs


3. Macleay Catchment Report Card 2016 (brochure) [Appendix S - Page 1170], and

4. Ecohealth Poster [Appendix T - Page 1173].
ITEM 13.11 2016/2017 OPERATING PLAN – ROADS AND BRIDGES PROGRAM SIX MONTH UPDATE

| Contact Person: Tony Green – Manager Engineering Works | File: F12/1859 |

PURPOSE

The six monthly review of the Operating Plan provides an update to the Councillors on the progress of the roads and bridges component.

RECOMMENDATION

That the six monthly review of the roads and bridges program be noted.

ISSUES

The 2016/2017 Operating Plan provided funding for the Roads and Bridges Major Works Programs. Work is progressing. Additional works outside the normal programs for Blackspot and Safer Roads grant funded projects have delayed some planned works and adjustments to the program have been made. Progress and variations to the program are outlined below.

BACKGROUND

Unsealed Roads Program

The program of gravel resheeting of unsealed roads is complete. Works undertaken included:

- Pipers Creek Road (Wirrang Drive to Ballengarra Road).
- Willi Willi Road (Turners Flat Road to Temagog Road).
- Spooners Avenue (Chain O Ponds Road to Collombatti Road).
- Lukes Lane (full length).
- Rainbow Reach Road (Plummers Lane to Suez Road).
- Suez Road (part).
- Sundowner Road (2km back from boundary).

Sealed Roads Program

The following projects in the sealed roads program have been completed:

- Plummers Lane (from Rainbow Reach Road to 1.5km east).
- Armidale Road (from Corangula Road to 1.6km east) - Federal Blackspot Program
- Middleton Street, South Kempsey.
- Gamacks Lane, West Kempsey.

Works are currently in progress at:

- Short Street, West Kempsey.
- Cochrane Street, West Kempsey.
- River Street, West Kempsey.

Significant works are planned for completion in the next four months at:

- Elbow Street, West Kempsey.
- North Street, West Kempsey.
- Kemp Street, West Kempsey.
- Stuart Street, Kempsey.
- Union Lane/Laurels Avenue, East Kempsey.
- East Street, Crescent Head.
- Entrance Street, South West Rocks.
- Wentworth Avenue, South West Rocks.
- Edinburgh Street, South West Rocks.
- Elizabeth Street, South West Rocks.
- Stuarts Point Road (Lukes Lane to Browns Road).
- Trial Bay Access Road.

**Federal Blackspot Program**

- The upgrade of Armidale Road at Corangula under the Federal Blackspot Program has been completed as detailed above. Additional funding was provided by Roads and Maritime Services (RMS) to extend the work beyond the original proposal. The total cost was $530,000.

- A project to improve a “blackspot” on Lighthouse Road, Arakoon, was also funded under this program. However, the proposed work was located within the Arakoon National Park and the potential environmental effects were considered too great for the proposed work to proceed. An alternative project to improve curve warning signage and guideposts along the whole of Lighthouse Road has been approved by RMS and will proceed within the next two months.

**NSW Safer Roads Program**

A proposal to widen and linemark a 1.7km section of Hat Head Road was submitted under the Federal Blackspot Program but was not successful. However, a grant of $20,000 was approved under the NSW Safer Roads Program to improve centreline marking at the location. Negotiations have been completed with RMS to extend the work from South West Rocks Road to the National Park boundary (approx. 4km) but this will require substantial patching of the road at Councils expense. This work is warranted and will be undertaken from road maintenance funds. It is expected to be completed by 30 April 2017.
**NSW Fixing Country Roads Program**

Planning and design for the extension of South Street from West Street to Gowings Hill Road and the rehabilitation of South Street from Macleay Valley Way to West Street is progressing. The work is funded by a grant of $2.25m under the Fixing Country Roads Program and $750,000 from Council funds. It is expected that work will commence in April 2017. The new section of road is proposed to be constructed by contract. This project will not be completed until December 2017.

**Macleay Valley Way upgrade works**

Work at Lord Street, East Kempsey, has been completed. This work included resurfacing of the road, replacement of water mains, kerb and gutter and footpaths and modification to guardrails. The roadworks were fully funded from RMS Pacific Highway handover and maintenance funds.

Work at Macleay Street, Frederickton, is nearing completion. This work included widening and resurfacing of the road, installation of stormwater drainage, replacement of water mains, new or replacement kerb and gutter and replacement of footpaths. The roadworks were partly funded by the RMS under the Pacific Highway handover agreement, partly by the Corridor Masterplan funding and partly by contributions from adjoining owners (kerb and gutter costs where none existed). Work is expected to be completed by mid-March.

**Kerb and gutter replacement program**

In undertaking the 2015/2016 kerb and gutter replacement program it was found that the work cost significantly more than initially budgeted for. These higher costs were a result of:

1. The scope of works proposed in each street only included sections of kerb that were identified as in extremely poor condition. Other sections that warranted replacement generally existed and it was not efficient to not address the issues in the entire street, and
2. It was also apparent that the extent of pavement replacement required for each project is more extensive than allowed for.

The projects not able to be completed in the 2015/16 schedule have been rescheduled for the 2016/17 program and the 2016/172 and future ten year program revised accordingly. The work planned for completion this year now will be:

- Bestic Street, West Kempsey.
- Clarence Ryan Avenue, West Kempsey.
- Collin Colin Tait Avenue, West Kempsey.
- Fernhill Crescent, Aldavilla.
● Hughes Place, Frederickton.

These works will commence immediately after the Frederickton Streetscape works are completed.

Footpath Replacement Program

The footpath replacement program has not yet commenced. Significant footpath replacement works were included in the Macleay Valley Way upgrade works at East Kempsey and Frederickton.

Priority works based on the condition of the footpaths are planned for completion in the next four months at:

● Lachlan Street, South Kempsey (Bloomfield Street to Druitt Street).

● Lord Street, East Kempsey (Macleay Valley Way to Herborne Avenue).

Pedestrian Access and Mobility Plan (PAMP)

Work is in progress on a project to upgrade pedestrian facilities between Railway Street, South Kempsey and Kemp Street, West Kempsey. This work is partly funded by an RMS grant under the Walking Communities Program.

Work to provide footpaving and kerb ramps (as the Priority 1 actions from the PAMP) is planned for completion in the next four months at:

● Gregory Street, South West Rocks (various locations).

● Steve Eagleton Drive, South West Rocks.

● Innes Street, East Kempsey.

● Middleton Street, South Kempsey.

Bridge Renewal Program

The 2016/2017 Bridge Renewal Program included refurbishment of bridges at:

● Saleyards Road (Christmas Creek Bridge).

● Tamban Road (Weisenbucca Bridge).

● Wrights Lane (Pola Creek Bridge).
Austral Eden Inner Road (Whalans Bridge).

The program also included the replacement of bridges at:

- Kinchela Creek Left Bank Road (Knauers Bridge).
- Austral Eden Outer Road (Andersons Bridge).
- Belmore River Left Bank Road (Buchanans Bridge).
- Nulla Nulla Creek Road (MCntyres Bridge).
- Back Creek, South West Rocks (footbridge).

MCntyres Bridge was originally included in the 2015/2016 program but was deferred to 2016/2017 to allow funding for the replacement of the “Oil Terminal” footbridge at South West Rocks to be brought forward to 2015/2016. There have been delays on the latter project due to environmental issues. A review of environmental factors for the rebuilding of the bridge was on public exhibition throughout January 2017. Once this is approved, a timeframe for completion of the work will be determined. The work will be completed as soon as possible.

In addition, due to longer than expected construction time for the Point Briner walkway, replacement of the bridge on Nagles Falls Road did not proceed as planned in 2015/2016 and has been carried over to 2016/2017. The culverts were delivered to site and are awaiting construction next month. Bridge renewal works have been further delayed by the Killick Creek footbridge project and the inability to engage piling contractors.

**Bridge refurbishment projects**

A number of issues have emerged during detailed investigations that require the program to be reviewed:

- The condition of the Christmas Creek Bridge on Saleyards Road has been found to be such that full replacement rather than refurbishment will be more cost effective. It has been included in the replacement program. Additional funding will be required to bring forward the replacement of this bridge.

- The Weisenbucca Bridge on Tamban Road had partially collapsed recently and a 3 tonne load limit had been imposed. A review of the need for this bridge has indicated that major refurbishment was not warranted as it does not directly serve any residents. Its main purpose is to facilitate logging in adjoining state forests. Forests NSW has indicated it is not essential to its operations as there are alternative routes available. It also serves as an access available for bushfire fighting purposes. Remedial work has been undertaken from the routine
maintenance budget allowing the load limit to be increased to 15 Tonnes. This will accommodate any use for fire fighting purposes. The planned refurbishment is not necessary. The funding allocated to this can be used for Christmas Creek Bridge.

- Refurbishment of the Pola Creek Bridge on Wrights Lane has been completed under budget for less than we planned.

- The superstructure of Whalans Bridge over Barnetts Drain on Austral Eden Inner Road is in such a condition that replacement of the girders/deck with a composite structure is more cost effective than major refurbishment. The substructure of this bridge is concrete and full replacement of the superstructure will effectively provide a new bridge. The composite structure has been manufactured off-site and installation is expected to be completed by late March 2017. Additional funding is required but has been reallocated from savings in the projects outlined above.

Bridge replacement projects

- Concrete box culverts to replace the Nagles Falls Road Bridge have been received and are being installed by Councils bridge team.

- Tenders have been called for design and supply of precast bridge components for the Saleyards Road and Knauers bridges. A separate report recommending acceptance of a tender has been presented. It is intended that Councils bridge team will construct these bridges with some assistance by specialist contractors. As advised above, additional funding will be required for Saleyards Road Bridge.

- An order has been placed for manufacture and supply of concrete box culverts for Andersons Bridge. Council work teams will install these culverts and construct the necessary roadworks. The allocated budget is expected to be adequate.

- Investigation of options to replace the Buchanans Bridge girders/deck are continuing and work is programmed to follow completion of the Saleyards Road and Knauers bridges.

- Geotechnical investigations for McIntyres Bridge have been completed. When the outcome of the tenders for precast components for the Saleyards Road and Knauers bridges is known a decision will be made on whether to proceed with design and supply or design and construct for McIntyres Bridge. Due to delays in the bridge program outlined above, this project will not proceed until after June 2017. Replacement of the nearby Schmidts Bridge on Schmidts Access Road is programmed for 2017/2018 and it is now proposed to proceed with construction of both bridges at the same time. This is expected to achieve some savings.

- Investigation of design and environmental issues for replacement of the Back Creek footbridge at South West Rocks indicate that it cannot proceed in 2016/2017 and the funding available is
expected to be insufficient. Replacement of the Back Creek footbridge is proposed to be deferred to 2017/2018 but completion of investigation and design will proceed in 2016/2017 and this will allow for a more accurate costing to be undertaken.

- The replacement of the Oil Terminal Bridge will proceed as soon as environmental issues are resolved and approval obtained from Crown Lands. The estimated cost of this work is $160,000. Adjustment to the program for other projects may be required or alternative resources will be engaged to expedite the program.

**Bridge program funding**

With the proposed adjustments to the program outlined above, some additional funding will be required for those projects to be deferred to 2017/2018 (McIntyres Bridge and Back Creek footbridge). When the investigation and design of these projects has been completed the additional funding required will be included in the 2017/2018 Operating Plan.
ITEM 13.12  TENDER FOR THE SUPPLY AND DELIVERY OF DOMESTIC WATER METERS

Contact Person: Kathy Oliver – Director Community Engagement    File: F12/303-05

PURPOSE

To accept the recommendation from the Tender Evaluation Panel for the supply and delivery of domestic water meters from 1 January 2017 to 31 December 2018.

RECOMMENDATION

1. That the tender from Elster Metering Pty Ltd for the period 1 January 2017 to 31 December 2018 be accepted.

2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2019.

ISSUES

The current contract for the supply of domestic water meters expired on 31 December 2016.

BACKGROUND

The tender was facilitated by Regional Procurement on behalf of the following Councils:- Bellingen Shire, Coffs Harbour City, Kempsey Shire, MidCoast Water, Mid-Western Regional, Muswellbrook Shire, Nambucca Shire, Port Macquarie-Hastings, Singleton and Upper Hunter Shire.

Tenders were received from Elster Metering Pty Ltd and All Valve Industries Pty Ltd.

A panel comprising representatives from Kempsey Shire and Bellingen Shire Councils evaluated and scored the tenders on the following criteria:-

- Tender prices for 20mm meters
- Tender prices for 25mm meters
- Meter design
- Referees
- Quality assurance
- Customer service and
- Ecologically sustainable development.

The evaluation panel recommended that the best fit for purpose tenderer be awarded the Contract. Based on the evaluation results Elster Metering Pty Ltd are recommended as the best fit for purpose tenderer.
The pricing under this tender is marginally lower than the current rate paid by Council whilst an evaluation of pricing available to Council under like agreements has identified that this is the best available pricing in the current market.

A copy of the tender evaluation is attached as [Appendix U – Page 1174] within the confidential section of Council’s business paper. The evaluation report has been provided to Council on a “Commercial in Confidence” basis as it involves commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. (Local Government Act 1993, Section 10A(2)(d)(i)).
ITEM 13.13  TENDER FOR THE DESIGN, SUPPLY & DELIVERY OF PRECAST CONCRETE BRIDGE COMPONENTS FOR SALEYARDS ROAD AND KNAUERS BRIDGES – TENDER No. TQE16/19

Contact Person: Tony Green – Manager Engineering Works  File: TQE 16/19

PURPOSE

To accept a tender for the design, supply and delivery of precast concrete bridge components – deck units, piles, headstocks, abutments, and barriers for Saleyards Road and Knauers Bridges

RECOMMENDATION

1  That the tender by Rocla Pty Ltd in the amount of $290,170.00 (exclusive of GST) be accepted for the design, supply and delivery of precast concrete bridge components for Saleyards Road and Knauers Bridges.

2  That the contract documents be executed under the seal of Council.

ISSUES

The existing Saleyards Road and Knauers (Kinchela Creek Left Bank Road) timber bridges are in poor condition and are included for replacement in the bridge replacement program. Design, supply and delivery of prefabricated bridge components is required to enable the replacement bridges to be constructed.

The tender submitted by Rocla Pty Ltd was found to represent the best value for money and is recommended for acceptance.

The tendered price is in accordance with expectations for this contract.

BACKGROUND

Tenders were invited by the “open tendering” method in accordance with the Local Government (General) Regulation 2005. Tenders closed at 2.00pm on 24 January 2017.

At the close of tenders, eight (8) submissions had been received:

1  Rocla Pty Ltd
2  Australian Construction Group (ACG)
3  Humes - (Holcim Australia) Pty Ltd
4  Waeger Constructions Pty Ltd
5  Shumack Engineering Pty Ltd
6  Structural Concrete Industries  (SCI) Pty Ltd
A Tender Evaluation Panel assessed the tender. One (1) tender was deemed to be non-conforming as it did not offer supply of all the required components.

Details of the tender evaluation are located in [Confidential Appendix V – Page 1178]. This report is submitted on a confidential basis as it involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposing to conduct) business.
ITEM 13.14 TENDER FOR THE SUPPLY AND DELIVERY OF BULK CATIONIC BITUMEN

Contact Person: Kathy Oliver – Director Community Engagement  File: F12/303-05

PURPOSE

To select the best fit for purpose supplier from the submissions received by the Tender Evaluation Panel for the Supply and Delivery of Bulk Cationic Bitumen

RECOMMENDATION

1. That the tender from Downer EDI Works Pty Ltd for the period 1 January 2017 to 31 December 2018 be accepted.

2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 31 December 2019.

ISSUES

The current contract for the supply and delivery of Bulk Cationic Bitumen expired on 31 December 2016.

BACKGROUND

The tender was facilitated by Regional Procurement on behalf of the following Councils:- Armidale Regional, Bellingen Shire, Cessnock City, Coffs Harbour City, Dungog Shire, Kempsey Shire, Liverpool Plains Shire, Muswellbrook Shire, Nambucca Shire, Port Macquarie-Hastings, Singleton, Tamworth Regional, Upper Hunter Shire and Walcha.

Tenders were received from Bitupave Ltd t/as Boral Asphalt, Downer EDI Works Pty Ltd and Fulton Hogan Industries.

Three (3) tender evaluation reviews were conducted by Tamworth Regional Council, Armidale Regional Council and Walcha Council.

The evaluation outcome noted that all tenders were compliant and that rinsing and cleaning rates were not evaluated as part of the final scores.

The panel recommended that Council’s select a best fit for purpose supplier after considering the evaluation undertaken by the panel and the consideration within the review process of non-evaluated criteria, including the level of service and support provided by the current supplier, the quality and frequency of the rinsing and cleaning provided and the level of engagement provided by the current supplier when dealing with conflict resolution and problem solving.

Council undertook its own evaluation based on this report, considering:

- The average amount of bitumen emulsion historically required per delivery (3,001 – 10,000)
- Rinsing and cleaning rates
• Level of service and support provided by current supplier

• User satisfaction of current supply.

Based on this evaluation Downer EDI Works Pty Ltd are recommended as the best fit for purpose supplier.

The pricing under this tender is marginally lower than the current rate paid by Council whilst an evaluation of pricing available to Council under like agreements has identified that this is the best available pricing in the current market.

A copy of the Regional Procurement tender evaluation is attached as Appendix W – Page 1183 within the confidential section of Council’s business paper. The evaluation report has been provided to Council on a “Commercial in Confidence” basis as it involves commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. (Local Government Act 1993, Section 10A(2)(d)(i)).
ITEM 13.15 REALIGNMENT OF PART PEE DEE ROAD, BELLBROOK

Contact Person: Robert Scott – Director Infrastructure Services

File: F12/418-05, LA17154, LA19375

PURPOSE

To consider the acquisition of land for road purposes and the closing of a redundant section of road to be provided as compensation for the acquired land.

RECOMMENDATION

1. That an application be made to the Department of Industry – Lands for the closure of that part of Pee Dee Road now unnecessary following the realignment of the Pee Dee Road Bridge.

2. That the General Manager be delegated authority to sign:
   a) Survey plan of road closure and first title creation.
   b) Deed of acquisition/contract for sale.
   c) Land and Property Information Transfer Form.

3. That the acquired land be dedicated as public road.

ISSUES

Works on the replacement of the bridge on the northern end of Pee Dee Road required the use of adjoining private land. A section of Pee Dee Road is now redundant following the completion of the bridge construction. It is intended to formalise the land acquisition and provide the land comprised in the redundant road as compensation for the acquired private land.

BACKGROUND

The recent replacement of the bridge required realignment of the road formation. With the consent of the adjoining landowner, a new road formation was constructed on private land on the understanding that the land would be acquired by Council once the bridge was completed.

As the bridge is now complete, the section of road formerly used is now closed to traffic. The land contained in the former road can be provided as compensation to the adjoining landowner for the land acquired for the new road. The landowner has agreed to what is, in essence, a land swap.

The area of land to be acquired and the area of road to be closed are shown in the plan attached at [Appendix X – Page 1191].

For the road to be closed and provided as compensation, the procedures as set down in the Roads Act 1993 apply. Accordingly, the proposed road closure has been advertised in The Macleay Argus and public/statutory authorities notified. At the close of the period in which submissions on the proposal could be received, no objections were received. Council is now in a position to apply to the
Department of Industry – Lands for the closure of that part of Pee Dee Road as shown hatched in the aforementioned attached plan.
ITEM 13.16 SUPPLEMENTARY PECUNIARY INTEREST RETURN AND DECLARATION

Contact Person: Daryl Hagger – Director Corporate Management

File: F12/374-05

PURPOSE

To table a Disclosure of Interest Return lodged in accordance with section 450A (2) (c) of the Local Government Act 1993.

RECOMMENDATION

That the lodgement and tabling of the 2015/2016 Pecuniary Interest Return be noted.

ISSUES

A disclosure of Interest return was lodged by Councillor Baxter on 21 December 2016.

Section 450 (2) (c) of the Local Government Act 1993, requires Returns lodged with the General Manager to be tabled at the first meeting after their receipt.

The register of Returns of designated persons is tabled at this meeting for public perusal or by appointment.
ITEM 13.17  STATEMENT OF CASH AND INVESTMENTS

Contact Person: Deanna O’Neill – Manager Finance

PURPOSE


RECOMMENDATION

That the information be noted.

ISSUES

The Local Government Act 1993 requires that Council be notified at each ordinary meeting of details of all monies invested by Council.

A statement of balances and investments is shown in [Appendix Y - Page 1192].
ITEM 13.18 DEVELOPMENT APPROVALS AND CONSTRUCTION CERTIFICATES

Contact Person: Robert Pitt – Director Sustainable Environment  File: N/A

PURPOSE

Reporting that the following applications have been approved for the period of December 2016 and January 2017 includes approvals by Private Certifiers.

RECOMMENDATION

That the information be noted.

BACKGROUND

REPORT DETAILS


2012/LD-00270 Lot 52 DP831029 MARIA RIVER ROAD CRESCENT HEAD
CONTINUED USE OF AN EXISTING BUILDING AS DWELLING
Applicant: MR K J MCLAUGHLIN

2013/LD-00111 Lot 2 DP156101 81 LORD STREET EAST KEMPSEY
CONTINUED USE OF UNAUTHORISED BUILDING WORKS
Applicant: ANDERSON J & ANDERSON N

2015/LD-00014 Lot 20 DP752413 MOPARRABA
CONTINUED USE OF AN EXISTING BUILDING AS A DWELLING
Applicant: TOORUMBEE CREEK PASTORAL CO PTY LIMITED

2015/LD-00345 Lot 219 DP752439 Por 219 239 RIVER STREET GREENHILL
ALTERATIONS & ADDITIONS TO EXISTING DWELLING AND NEW GARAGE
Applicant: MR C R SCHMIDT

2005/LD-00195 REV03 Lot 3 DP1185651 58 LORD STREET EAST KEMPSEY
BOUNDARY ADJUSTMENT, SUBDIVISION & THREE DWELLINGS - STAGED
Applicant: PAUL OSBORNE CONSTRUCTIONS PTY LTD

2014/LD-00335 REV02 Lot 88 DP752422 39 THUNGHUTTI DRIVE BELLBROOK
DWELLING & SHED
Applicant: MR M TAYLOR

2016/LD-00165 Lot 159 DP754441 16 MAY STREET CRESCENT HEAD
DEMOLITION OF EXISTING TWO STOREY DWELLING & CONSTRUCTION OF TWO STOREY DUAL OCCUPANCY
Applicant: COAST ARC PTY LTD
2016/LD-00220 Lot 7008 DP96356 638 CRESCENT HEAD ROAD SOUTH KEMPSEY
SHED (WASTE MANAGEMENT FACILITY)
Applicant: MACLEAY OPTIONS INCORPORATED

2016/LD-00291 Lot 1 DP445196 PHILLIP DRIVE SOUTH WEST ROCKS
PRELIMINARY EARTHWORKS - RESIDENTIAL SUBDIVISION (REFER T6-11-232)
Applicant: SWRUT PTY LTD

2006/LD-00311 REV02 Lot 1 DP1091693 80-82 SMITH STREET KEMPSEY
COMMERCIAL BUILDING
Applicant: MR O GEE

2016/LD-00293 Lot 1 DP1129009 2-14 BELGRAVE STREET KEMPSEY
CINEMA
Applicant: WOODMAN ARCHITECTS

2016/LD-00308 Lot 9 DP1219664 SP64086 157 ARAKOON ROAD SOUTH WEST ROCKS
CONTINUED USE OF AN EXISTING BUILDING AS A SHED
Applicant: WALLS W & WALLS M

2016/LD-00334 Lot 62 DP1045568 23-25 QUEEN STREET GREENHILL
SIX DWELLINGS, STRATA SUBDIVISION & DEMOLITION OF EXISTING SHED
Applicant: HADLOW DESIGN SERVICES

2016/LD-00335 Lot 294 DP819341 161-171 PHILLIP DRIVE SOUTH WEST ROCKS
ADDITIONS TO CARAVAN PARK
Applicant: HADLOW DESIGN SERVICES

2016/LD-00340 Lot 2 DP408341 41 MIDDLETOWN STREET SOUTH KEMPSEY
DWELLING
Applicant: BUILDPLAN CONSULTANTS

2016/LD-00344 Lot 10 DP1041965 104 LIKA DRIVE SOUTH KEMPSEY
CHANGE OF USE OF AN EXISTING BUILDING TO A DWELLING, ADDITIONS AND SHIPPING
CONTAINER
Applicant: DAVISON A & CAMERON H

2016/LD-00357 Lot 4 DP37215 138 BELGRAVE STREET KEMPSEY
RELOCATABLE BUILDING
Applicant: DEX CONSULTING PTY LTD

2016/LD-00360 Lot 22 DP758024 44 CARDWELL STREET ARAKOON
TWO STOREY DWELLING, GARAGE AND SWIMMING POOL
Applicant: MR D J ABELA

2016/LD-00363 Lot 251 DP828591 26 ROY LEWIS CLOSE SOUTH KEMPSEY
ADDITIONS TO EXISTING DWELLING
Applicant: FARRELL S & FARRELL S

2016/LD-00364 Lot 4 DP21647 15 KOROGORA STREET CRESCENT HEAD

Kempsey Shire Council – ordinary meeting 21 February 2017
ALTERATIONS & ADDITIONS TO EXISTING THREE STOREY DWELLING
Applicant: PAUL SMITH BUILDING DESIGN

2016/LD-00373  Lot 1 DP238270 5 GILL STREET EAST KEMPSEY
ADDITIONS TO EXISTING TWO STOREY DWELLING
Applicant: DENNIS PARTNERS PTY LTD

2016/LD-00377  Lot 7 DP844604 BELLBROOK DWELLING
Applicant: BUILDPLAN CONSULTANTS

2016/LD-00388  Lot 1 DP1152962 71 BELGRAVE STREET KEMPSEY
CHEMICAL STORAGE ADDITIONS TO PUBLIC SWIMMING POOL FACILITY
Applicant: KEMPSEY SHIRE COUNCIL

2016/LD-00390  Lot 1 DP1194582 629 PACIFIC HIGHWAY SOUTH KEMPSEY
WAREHOUSE DISTRIBUTION CENTRE & INDUSTRIAL RETAIL OUTLET
Applicant: MUSOLINO R & AYRE-SMITH S

2016/LD-00406  Lot 24 DP752425 331 SILVERWOOD AVENUE TEMAGOG
BOUNDARY ADJUSTMENT
Applicant: MS K F MCINTOSH

2016/LD-00407  Lot 1 DP1144474 AIRPORT ROAD ALDAVILLA
EXTENSION TO FIRE STATION
Applicant: KEMPSEY SHIRE COUNCIL

2016/LD-00408  Lot 14 DP1155813 50 JACK RICHARDSON DRIVE YARRAVEL
DWELLING AND SHED
Applicant: HOTONDO HOMES KEMPSEY

2016/LD-00410  Lot 21 DP713670 401 RIVER STREET GREENHILL
ALTERATIONS AND ADDITIONS
Applicant: MRS J A JEFFERY

2016/LD-00411  Lot 2 DP759080 52-58 MARSH STREET WEST KEMPSEY
PARISH ADMINISTRATION BUILDING
Applicant: WAYNE ELLIS ARCHITECT

2016/LD-00412  Lot 22 DP1155813 4 FREDERICK DYSON CLOSE YARRAVEL
DWELLING, SHED, SHIPPING CONTAINER AND TREE REMOVAL
Applicant: MR D A MARQUETT

2016/LD-00413  Lot 13 DP24371 36 RAWSON STREET SMITHTOWN
ABOVE GROUND SWIMMING POOL
Applicant: MR D B TAYLOR

2016/LD-00418  Lot 20 DP1155813 FREDERICK DYSON CLOSE YARRAVEL
DWELLING
Applicant: CORAL HOMES C/- PROFESSIONAL PLANNING GROUP
2016/LD-00419  Lot 861 DP774380 102 LOVELOCKS CREEK ROAD  TURNERS FLAT
CONTINUED USE FOR EXTENSIONS TO DWELLING AND SHEDS
Applicant: MR T W SHANNON

2008/LD-00004  REV02 Lot 12 DP752435 764 DUNGAY CREEK ROAD  WITTITRIN
CONDUCT OFF ROAD CAR RACE EVENT ANNUALLY
Applicant: KEMSPEY MACLEAY OFF ROAD INC.

2016/LD-00421  Lot 241 DP752437 25 EVERINGHAMS LANE  FREDERICKTON
DWELLING
Applicant: ROBERT B WALKER FUNERALS PTY LIMITED

2016/LD-00422  Lot 131 DP1177499 ACACIA PLACE  YARRAVEL
TREE REMOVAL
Applicant: NEWMAN N & R

2016/LD-00423  Lot 3 DP1190824 131 CARLYLE ROAD  KUNDABUNG
LANDSCAPE MOUND
Applicant: MIDCOAST BUILDING & ENVIRONMENTAL

2016/LD-00424  Lot 4 DP20661 55 LORD STREET  EAST KEMPSEY
CONTINUED USE OF EXISTING CARPORT, and 1.8m FRONT FENCE
Applicant: MR S J HANCKEL

2016/LD-00426  Lot 1 DP341039 30 RIVER STREET  WEST KEMPSEY
ADDITIONS TO EXISTING DWELLING & NEW GARAGE
Applicant: MRS T C POWICK

2016/LD-00429  Lot 61 DP1225117 23 PRIOR CIRCUIT  WEST KEMPSEY
DWELLING AND RETAINING WALLS - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: VOYEE PTY LTD

2016/LD-00430  Lot 62 DP1225117 13 PRIOR CIRCUIT  WEST KEMPSEY
DWELLING AND RETAINING WALL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: VOYEE PTY LTD

2016/LD-00431  Lot 63 DP1071483 41 BUNYA PINE COURT  WEST KEMPSEY
DWELLING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: ESC GROUP PTY LTD

2016/LD-00432  Lot 212 DP861436 2993 SOUTH WEST ROCKS ROAD  JERSEVILLE
BOUNDARY ADJUSTMENT
Applicant: HADLOW DESIGN SERVICES

2016/LD-00433  Lot 121 DP1177499 85 WARATAH DRIVE  YARRAVEL
TREE REMOVAL
Applicant: BAILEY A & BAILEY B

2016/LD-00438  Lot 17 DP1047951 52 MULBURY PLACE  EUROKA
FARM BUILDING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR G D KINGHAM

2016/LD-00439 Lot 11 DP629903 3 WILLIAM STREET FREDERICKTON
ADDITIONS TO EXISTING DWELLING
Applicant: MR M J SPALDING

2016/LD-00440 Lot 14 DP739991 102 MINGALETTA ROAD KUNDABUNG
ALTERATIONS & ADDITIONS TO EXISTING DWELLING
Applicant: HOOPER M & HOOPER D

2016/LD-00098 REV01 Lot 21 DP998272 63 BELGRAVE STREET KEMPSEY
STAGED REDEVELOPMENT OF EXISTING CARAVAN PARK
Applicant: MR N P LEDGER

2002/LD-00647 REV01 Lot 2 DP772306 269-271 RIVER STREET GREENHILL
CHANGE OF USE FROM CHURCH TO CHILDCARE CENTRE - CHANGE OF OPERATING
HOURS
Applicant: MS K WILSON

2007/LD-00393 REV02 Lot 36 DP1175751 29 SPINGFIELDS DRIVE GREENHILL
SUBDIVISION OF 4 LOTS & RESIDUE
Applicant: FULLER M & FULLER R

2016/LD-00441 Lot 19 DP1113014 70 TEAGUE DRIVE SOUTH KEMPSEY
DWELLING
Applicant: PERRY HOMES (AUST) PTY LTD

2016/LD-00442 Lot 7 DP880231 22 CHANNELLS WAY EUROKA
TREE REMOVAL
Applicant: MR C WALSH

2016/LD-00443 Lot 1 DP852705 9 NEWTON CLOSE SOUTH WEST ROCKS
ATTACHED CARPORT
Applicant: BUILDPLAN CONSULTANTS

2016/LD-00445 Lot 29 DP1216132 SP63939 21 GORMAN LANE VERGES CREEK
MANUFACTURED DWELLING & SHED
Applicant: MS J L MAYS

2016/LD-00448 Lot 1 DP1191860 200 ILLA LANGI ROAD CRESCENT HEAD
SHED (SITE 75)
Applicant: BUILDPLAN CONSULTANTS

2016/LD-00450 Lot 1 DP1194582 629 PACIFIC HIGHWAY SOUTH KEMPSEY
REPLACE SIGNAGE - MCDONALDS - KEMPSEY SERVICE CENTRE
Applicant: MCDONALD'S AUSTRALIA LTD

2016/LD-00451 Lot 27 DP1047951 43 MULBURY PLACE EUROKA
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR J C CLEGG

2016/LD-00452 Lot 327 DP1220901 9 ROSEDALE AVENUE SOUTH WEST ROCKS
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR D W SILCOCK

2016/LD-00453 Lot 1 DP1145848 365 BELMORE RIVER RIGHT BANK ROAD BELMORE RIVER
DECK EXTENTIONS - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MRS S E MCGINN

2016/LD-00457 Lot 25 DP246962 25 BRUSHBOX CRESCENT YARRAHEEL
SHED - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR R C COOP

2007/LD-00484 REV04 Lot 842 CLYDE STREET KEMPSEY
COMMUNITY MARKETS
Applicant: MR S ROWE

2016/LD-00103 REV01 Lot 1 DP781381 58 KINCHELA STREET GLADSTONE
ALTERATIONS & ADDITIONS TO EXISTING DWELLING
Applicant: MS M LANCASTER

2016/LD-00458 Lot 452 DP1190136 65 MITCHELL STREET SOUTH WEST ROCKS
DWELLING
Applicant: HADLOW DESIGN SERVICES

2016/LD-00080 REV01 Lot 19 DP1156464 16 TALLOWWOOD PLACE SOUTH WEST
ROCKS
DUAL OCCUPANCY (DETACHED) AND SUBDIVISION
Applicant: HADLOW DESIGN SERVICES

2017/LD-00001 Lot 6 DP19027 12 VERGE STREET SMITHTOWN
RAISE EXISTING DWELLING AND ADDITIONS
Applicant: MRS I M PATTERSON

2017/LD-00002 Lot 1 DP880231 274 MARYS BAY ROAD EUROKA
SHED WITH AMENITIES - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR A DEAN

2016/LD-00312 REV01 Lot 52 DP1154061 907 STUARTS POINT ROAD STUARTS POINT
NURSERY SHADE SHELTER
Applicant: MS C DOBSON FOR YARRAHAPINNI NURSERY P/L

2010/LD-00424 REV03 Lot 1 DP1128633 52 BELLE O'CONNOR STREET SOUTH WEST ROCKS
TWO LOT RESIDENTIAL SUBDIVISION
Applicant: LAND DYNAMICS PTY LTD

2017/LD-00003 Lot 1 DP908396 94 MAINEYS ROAD TURNERS FLAT
ALTERATIONS AND ADDITIONS TO EXISTING DWELLING
Applicant: DEX CONSULTING PTY LTD
2017/LD-00004 Lot 4 DP839097 140 EVERINGHAM'S LANE FREDERICKTON
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MRS A A SWAN

2017/LD-00007 Lot 22 DP2088 127 TOZER STREET WEST KEMPSEY
CARPORT EXTENSION - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MS K A RYAN

2017/LD-00008 Lot 1 DP1191860 200 ILLA LANGI ROAD CRESCENT HEAD
DWELLING (SITE 19) - OLD SITE 17, CARPORT, CONTAINER
Applicant: MR R VAN HULST

2017/LD-00009 Lot 561 DP631437 142 KINCHELA CREEK LEFT BANK ROAD KINCHELA
RELOCATED DWELLING
Applicant: MS T BALDWIN

2017/LD-00010 Lot 12 DP3803 60 KEMP STREET WEST KEMPSEY
ATTACHED CARPORT
Applicant: SHEDS N HOMES MID NORTH COAST

2017/LD-00011 Lot 12 DP776084 53 GAP BEACH ROAD ARAKOON
DWELLING & SWIMMING POOL
Applicant: HADLOW DESIGN SERVICES

2017/LD-00014 Lot 118 DP826640 11 JAMES RAMSAY PLACE WEST KEMPSEY
DWELLING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: CORAL HOMES

2017/LD-00015 Lot 2 DP1207935 EDGAR STREET FREDERICKTON
SHED
Applicant: MID COAST GARAGES & SHEDS

2016/LD-00441 REV01 Lot 19 DP1113014 70 TEAGUE DRIVE SOUTH KEMPSEY
DWELLING
Applicant: PERRY HOMES (AUST) PTY LTD

2016/LD-00377 REV01 Lot 7 DP844604 BELLBROOK
DWELLING
Applicant: BUILDPLAN CONSULTANTS

2017/LD-00016 Lot 21 DP249451 24 HAVEN CRESCENT YARRAVAL
SHED - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: GEANGE J & GEANGE C

2017/LD-00017 Lot 7 DP829661 141 GREGORY STREET SOUTH WEST ROCKS
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: BRADFORD P & BAKER C

2017/LD-00019 Lot 51 DP834341 10A AIRPORT ROAD ALDAVILLA
DWELLING ADDITIONS - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR R B MCGREGOR

2017/LD-00021 Lot 23 DP1113014 40 TEAGUE DRIVE SOUTH KEMPSEY
DWELLING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: LEESON R & LEESON M

2017/LD-00022 Lot 1 DP908396 94 MAINEYS ROAD TURNERS FLAT
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: NEWMAN D & NEWMAN G

2017/LD-00025 Lot 328 DP1220901 11 ROSEDALE AVENUE SOUTH WEST ROCKS
DWELLING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: ARAKOON HOMES PTY LTD

2017/LD-00027 Lot 62 DP1121502 2 PRINCE OF WALES AVENUE SOUTH WEST ROCKS
REFURBISHMENT OF EXISTING CREDIT UNION BRANCH - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: RFS COMMERCIAL INTERIORS PTY LIMITED

2017/LD-00029 Lot 7 DP813532 26 SMOKY RIDGE DRIVE ARAKOON
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR D F ASHLEY

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There were 87 applications approved with a value of $13,078,710.00.

For the financial year to date there have been 357 approvals including 49 modifications approved, with 77.1% approved within 30 days.

The 357 approvals (including 320 sub-applications) have a value of $56,903,526.00.

There are 102 applications awaiting determination for the following reasons:

- DA REQUIREMENTS (DR) 1
- FURTHER DETAILS REQUIRED (FD) 44
- INCOMPLETE APPLICATION (IA) 2
- REFER TO RURAL FIRE SERVICE (LD) (RR) 1
- Being Processed (XX) 54

Council Report on Development Applications refused, withdrawn or rejected

2014/LD-0360 REV02 Lot 3 DP1101768 103 GOULDS LANE CLYBUCCA
CHANGE OF USE TO TRUCK DEPOT
Determination: Withdrawn by applicant
2016/LD-0417 Lot 424 DP710381 15 FELTON LANE HAMPDEN HALL
TWO LOT SUBDIVISION
Determination: Withdrawn by applicant

2016/LD-0446 Lot 342 DP1124895 784 GOWINGS HILL ROAD, Lot 2 DP1201637 GOWINGS HILL ROAD, Lot 38 DP752417 OAKLAND ROAD, DONDINGALONG BOUNDARY ADJUSTMENT & CONSOLIDATION, DWELLING (CONCEPT PLAN) - STAGED DEVELOPMENT
Determination: Withdrawn by applicant

2003/LD-0363 Lot 67 DP754400 BERRYS LANE CRESCENT HEAD COMPOSTING TOILET
Determination: Refused by Council

Council Report on Construction Certificates Building

2015/CB-00317 Lot 291 DP754441 165 POINT PLOMER ROAD CRESCENT HEAD SHED WITH ATTACHED GRANNY FLAT
Applicant: DENNIS PARTNERS PTY LTD

2016/CB-00161 Lot 7008 DP96356 638 CRESCENT HEAD ROAD SOUTH KEMPSEY SHED (WASTE MANAGEMENT FACILITY)
Applicant: MACLEAY OPTIONS INCORPORATED

2016/CB-00249 Lot 294 DP819341 161-171 PHILLIP DRIVE SOUTH WEST ROCKS ADDITIONS TO EXISTING TOURIST PARK
Applicant: HADLOW DESIGN SERVICES

2016/CB-00256 Lot 4 DP816259 LEITH STREET WEST KEMPSEY AGED CARE FACILITY - EXTENSION TO EXISTING CARPARK
Applicant: MR G SWAN

2016/CB-00261 Lot 22 DP31161 33 THIRD AVENUE STUARTS POINT DWELLING
Applicant: BLUE RIBBON QUALITY GROUP PTY LTD

2016/CB-00277 Lot 32 DP1071483 16 BUNYA PINE COURT WEST KEMPSEY DWELLING
Applicant: GOULDER P & GOULDER M

2016/CB-00281 Lot 1 DP238270 5 GILL STREET EAST KEMPSEY ADDITIONS TO EXISTING TWO STOREY DWELLING
Applicant: DENNIS PARTNERS PTY LTD

2016/CB-00288 Lot 1 DP1152962 71 BELGRAVE STREET KEMPSEY CHEMICAL STORAGE ADDITIONS TO PUBLIC SWIMMING POOL FACILITY
Applicant: KEMPSEY SHIRE COUNCIL

2016/CB-00309 Lot 4 DP1022342 NEW ENTRANCE ROAD SOUTH WEST ROCKS EMERGENCY SERVICES TRAINING & STORAGE FACILITY
Applicant: MARINE RESCUE NSW TRIAL BAY
2016/CB-00315 Lot 21 DP713670 401 RIVER STREET GREENHILL ALTERATIONS AND ADDITIONS Applicant: MRS J A JEFFERY

2016/CB-00316 Lot 241 DP752437 25 EVERINGHAMS LANE FREDERICKTON DWELLING Applicant: ROBERT B WALKER FUNERALS PTY LIMITED

2016/CB-00317 Lot 13 DP24371 36 RAWSON STREET SMITHTOWN ABOVE GROUND SWIMMING POOL - COMPLYING DEVELOPMENT Applicant: MR D B TAYLOR

2016/CB-00320 Lot 62 DP1225117 13 PRIOR CIRCUIT WEST KEMPSEY DWELLING AND RETAINING WALL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER Applicant: VOYEE PTY LTD

2016/CB-00321 Lot 61 DP1225117 23 PRIOR CIRCUIT WEST KEMPSEY DWELLING AND RETAINING WALLS - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER Applicant: VOYEE PTY LTD

2016/CB-00322 Lot 63 DP1071483 41 BUNYA PINE COURT WEST KEMPSEY DWELLING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER Applicant: ESC GROUP PTY LTD

2016/CB-00324 Lot 2 DP1194600 125 ARAKOOK ROAD SOUTH WEST ROCKS DWELLING & SHED Applicant: HADLOW DESIGN SERVICES

2016/CB-00325 Lot 1 DP341039 30 RIVER STREET WEST KEMPSEY ADDITIONS TO EXISTING DWELLING & NEW GARAGE Applicant: MRS T C POWICK

2016/CB-00326 Lot 11 DP629903 3 WILLIAM STREET FREDERICKTON ADDITIONS TO EXISTING DWELLING Applicant: MR M J SPALDING

2016/CB-00327 Lot 17 DP1047951 52 MULBURY PLACE EUROKA FARM BUILDING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER Applicant: MR G D KINGHAM

2016/CB-00328 Lot 6 DP22502 289-293 GREGORY STREET SOUTH WEST ROCKS CONSTRUCTION OF MEDICAL CENTRE - PRIVATE CERTIFIER Applicant: HADLOW DESIGN SERVICES

2016/CB-00329 Lot 221 DP617369 2900 SOUTH WEST ROCKS ROAD JERSEYVILLE DWELLING ADDITIONS - PRIVATE CERTIFIER Applicant: MS M L MCGRATH
2016/CB-00330 Lot 29 DP1216132 21 GORMAN LANE VERGES CREEK
MANUFACTURED DWELLING & SHED
Applicant: MS J L MAYS

2016/CB-00332 Lot 22 DP1155813 4 FREDERICK DYSON CLOSE YARRAVEL
DWELLING AND SHED
Applicant: MR D A MARQUETT

2016/CB-00333 Lot 1 DP1145848 365 BELMORE RIVER RIGHT BANK ROAD BELMORE RIVER
DECK EXTENSIONS - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MRS S E MCGINN

2016/CB-00334 Lot 27 DP1047951 43 MULBURY PLACE EUROKA
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR J C CLEGG

2016/CB-00335 Lot 327 DP11220901 9 ROSEDALE AVENUE SOUTH WEST ROCKS
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR D W SILCOCK

2016/CB-00336 Lot 25 DP246962 25 BRUSHBOX CRESCENT YARRAVEL
SHED - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR R C COOP

2016/CB-00337 Lot 26 DP1211895 RACEMOSA CCT SOUTH WEST ROCKS
GARAGE - PRIVATE CERTIFIER
Applicant: BUILDPLAN CONSULTANTS

2016/CB-00338 Lot 2 DP208047 38 ARTHUR STREET SOUTH WEST ROCKS
SHED - PRIVATE CERTIFIER
Applicant: MR R L POLLOCK

2016/CB-00339 Lot 376 DP823789 39-89 GORDON YOUNG DRIVE SOUTH WEST ROCKS
MULTI-PURPOSE BUILDING - PRIVATE CERTIFIER
Applicant: INA OPERATIONS PTY LTD

2016/CB-00340 Lot 19 DP874955 73 BELGRAVE STREET KEMPSEY
CHANGE OF USE TO DENTAL PROSTHETIC CLINIC - PRIVATE CERTIFIER
Applicant: NORTHEY A & NORTHEY B

2017/CB-00001 Lot 6 DP19027 12 VERGE STREET SMITHTOWN
RAISE EXISTING DWELLING AND ADDITIONS
Applicant: MRS I M PATTERSON

2017/CB-00002 Lot 1 DP880231 274 MARYS BAY ROAD EUROKA
SHED WITH AMENITIES - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR A DEAN

2017/CB-00003 Lot 1741 DP551022 9 GOWING STREET CRESCENT HEAD
SECONDARY DWELLING - PRIVATE CERTIFIER
Applicant: MR P F STEVENS

2017/CB-00004 Lot 4 DP37215 138 BELGRAVE STREET KEMPSEY
RELOCATABLE BUILDING
Applicant: DEX CONSULTING PTY LTD

2017/CB-00005 Lot 1 DP908396 94 MAINEYS ROAD TURNERS FLAT
ALTERATIONS AND ADDITIONS TO EXISTING DWELLING
Applicant: DEX CONSULTING PTY LTD

2017/CB-00006 Lot 1 DP120578 14 EAST STREET CRESCEMT HEAD
DECK ADDITIONS - PRIVATE CERTIFIER
Applicant: PAUL SMITH BUILDING DESIGN

2017/CB-00008 Lot 22 DP2088 127 TOZER STREET WEST KEMPSEY
CARPORT EXTENSION - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MS K A RYAN

2017/CB-00009 Lot 14 DP1155813 50 JACK RICHARDSON DRIVE YARRAVEL
SHED
Applicant: BELLETTE T & WILLER L

2017/CB-00010 Lot 1 DP1191860 200 ILLA LANGI ROAD CRESCEMT HEAD
DWELLING (SITE 19)
Applicant: MR R VAN HULST

2017/CB-00011 Lot 19 DP1113014 70 TEAGUE DRIVE SOUTH KEMPSEY
DWELLING - PRIVATE CERTIFIER
Applicant: PERRY HOMES (AUST) PTY LTD

2017/CB-00012 Lot 2 DP1207935 EDGAR STREET FREDERICKTON
SHED
Applicant: MID COAST GARAGES & SHEDS

2017/CB-00014 Lot 118 DP826640 11 JAMES RAMSAY PLACE WEST KEMPSEY
DWELLING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: CORAL HOMES

2017/CB-00015 Lot 21 DP249451 24 HAVEN CRESCENT YARRAVEL
SHED - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: GEANGE J & GEANGE C

2017/CB-00016 Lot 7 DP829661 141 GREGORY STREET SOUTH WEST ROCKS
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: BRADFORD P & BAKER C

2017/CB-00017 Lot 20 DP1155813 FREDERICK DYSON CLOSE YARRAVEL
DWELLING - PRIVATE CERTIFIER
Applicant: APPS J & APPS W
2017/CB-00018 Lot 1 DP1191860 200 ILLA LANGI ROAD CRESCENT HEAD
SHED (SITE 75) - PRIVATE CERTIFIER
Applicant: BUILDPLAN CONSULTANTS

2017/CB-00019 Lot 51 DP834341 10A AIRPORT ROAD ALDAVILLA
DWELLING ADDITIONS - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR R B MCGREGOR

2017/CB-00020 Lot 23 DP1113014 40 TEAGUE DRIVE SOUTH KEMPSEY
DWELLING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: LEESON R & LEESON M

2017/CB-00021 Lot 6243 DP865991 SERRATA LANE FISHERMANS REACH
STORAGE SHEDS - PRIVATE CERTIFIER
Applicant: NAVAGEE PROPERTIES PTY LTD

2017/CB-00022 Lot 1 DP908396 94 MAINEYS ROAD TURNERS FLAT
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: NEWMAN D & NEWMAN G

2017/CB-00023 Lot 54 DP1131221 16 RUDDER STREET EAST KEMPSEY
DWELLING - PRIVATE CERTIFIER
Applicant: MR M L JOHNSTON

2017/CB-00024 Lot 452 DP1190136 65 MITCHELL STREET SOUTH WEST ROCKS
DWELLING - PRIVATE CERTIFIER
Applicant: MCLACHLAN P & MCLACHLAN L

2017/CB-00025 Lot 328 DP1220901 11 ROSEDALE AVENUE SOUTH WEST ROCKS
DWELLING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: ARAKOON HOMES PTY LTD

2017/CB-00027 Lot 12 DP1070433 10 KINCHELA STREET GLADSTONE
DWELLING ADDITIONS - PRIVATE CERTIFIER
Applicant: MCLAREN R & COSTIGAN D

2017/CB-00028 Lot 1 DP745790 15 LORD STREET EAST KEMPSEY
DWELLING ADDITIONS - PRIVATE CERTIFIER
Applicant: MR B T KEOUGH

2017/CB-00029 Lot 54 DP1131221 16 RUDDER STREET EAST KEMPSEY
DWELLING - PRIVATE CERTIFIER
Applicant: MS J L KINNEAR

2017/CB-00031 Lot 7 DP813532 26 SMOKY RIDGE DRIVE ARAKOON
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER
Applicant: MR D F ASHLEY

2017/CB-00032 Lot 62 DP1121502 2 PRINCE OF WALES AVENUE SOUTH WEST ROCKS
REFURBISHMENT OF EXISTING CREDIT UNION BRANCH - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER  
Applicant: RFS COMMERCIAL INTERIORS PTY LIMITED

2017/CB-00034  Lot 1 DP852705 9 NEWTON CLOSE  SOUTH WEST ROCKS  
ATTACHED CARPORT - PRIVATE CERTIFIER  
Applicant: HARVEYSON A & HARVEYSON E

There were 60 applications approved.  
(Please note: This includes approvals by Private Certifiers).

VARIATION TO THE DEVELOPMENT STANDARDS CONTAINED IN KEMPSEY DEVELOPMENT CONTROL PLAN 2013

All development applications determined involving variations to the development requirements contained in Kempsey Development Control Plan 2013 (KDCP) are required to be reported to Council for information.

During the preceding month there were six (6) applications approved involving variations to the development requirements contained in KDCP.

Application number: T6-16-329  
Subject land: Lot 23 DP31938, 4 Ocean Street, South West Rocks  
Description: ATTACHED CARPORT  
Chapter: C1 Residential Development – Urban Areas  
Development requirement: 3500mm  
Proposed: Front setback 700mm  
Desired outcome: DO1, D02, DO3, DO4,  
Objections: Nil  
Planning comment: The site inspection determined the existing streetscape will not be affected as there is approximately 7 metres of grassed road reserve between the front boundary and edge of bitumen and the streetscape will not be compromised. The structure is single storey attached to a two storey dwelling which will still form the dominant feature of the combined development. There is insufficient space elsewhere on the allotment for the proposed development. The amenity of the adjoining properties will not be affected and all other desired outcomes as detailed in Section 5.3 have been complied with.

Application number: T6-16-424  
Subject land: Lot 4 DP20661, 55 Lord Street, East Kempsey  
Description: CONTINUED USE OF DETACHED CARPORT AND 1.8M HIGH FRONT FENCE  
Chapter: C1 Residential Development – Urban Areas  
Development requirement: 3500mm  
Proposed: Front setback 90mm  
Desired outcome: DO1, DO3, DO4
Objections: Nil

Planning comment:

There are existing similar developments in this location. The street is extremely narrow and most residents currently park on the street as off street parking is difficult to achieve due to the steep topography of these sites. Any attempt to remove vehicles from the street is considered preferable as this will allow for safer traffic and pedestrian flows. The applicant has provided a substantial justification with the development application. The amenity of the adjoining properties will not be affected and all other desired outcomes as detailed in Section 5.3 have been complied with.

Application number: T6-14-300
Subject land: Lot265 DP754441, 47 Pacific Street, Crescent Head
Description: CONTINUED USE OF EXISTING BUILDING AS A DWELLING
Chapter: C1 Residential Development – Urban Areas
Development requirement: Section 5.2.1(a)(e): Minimum 5 metre setback to primary street frontage Section 5.2.29a)(i): Minimum side setback of 900mm
Proposed: Setback Front wall 2.0m
Side Setback 300mm
Desired outcome: DO1, DO2, DO4, DO5
Objections: Nil

Planning comment:

Whilst the development requirement of required minimum setback of 5.0m for the dwelling and 900mm for the side setback hasn’t been achieved, the original building was constructed as a shed/workshop to service a proposed dwelling which was to be accessed from Belmore Street and the setbacks complied for this class of building at that time. The structure has since had an open carport added and this has created the side setback encroachment. The existing building has been used as a dwelling for a considerable length of time and has been continually accessed from Pacific Street. The existing adjoining property to the East has a similar front setback encroachment. The existing setbacks do not affect the amenity or solar access of the property or adjoining properties. The desired outcomes and other development requirements will all be achieved.

Application number: T6-16-426
Subject land: Lot 1 DP 341039, 30 River Street, West Kempsey
Description: ADDITIONS TO EXISTING DWELLING AND NEW GARAGE
Chapter: C1 Residential Development – Urban Areas
Development requirement: Minimum 900mm Setback from Side Boundary – Clause 5.2.2 a) i)
Proposed: Proposed 750mm side boundary setback
Desired outcome: DO4
Objections: Nil

Planning comment:

Whilst the development requirement of 900mm side boundary setback hasn’t been provided for, it is considered that in this instance the desired outcomes are still achieved as: the existing dwelling is set back 750mm from the boundary, the proposed works are to maintain the existing dwelling setback; additions are to the rear of the building which maintains neighbourhood streetscape; no views, privacy or overshadowing will be affected; the proposed setback is consistent with the character of the existing dwelling and neighbourhood; and no adverse impacts to adjoining properties are envisaged.
Application number: T6-15-345
Subject land: Lot 219 DP752439, 239 River Street, Greenhill
Description: CONTINUED USE OF AN EXISTING BUILDING AS A DWELLING, ALTERATIONS & ADDITIONS AND NEW GARAGE
Chapter: C1 Residential Development – Urban Areas
Development requirement: Garages, Carports and Outbuildings - Clause 5.3 (c)
Proposed: Setback to lot frontage of 3.0 to 3.5 metres and 0.3 to 0.8 metres behind the house façade.
Desired outcome: D01, D03
Objections: Nil
Planning comment:
Whilst the development requirement of a minimum setback to the lot frontage facing River Street hasn’t been provided for the proposed garage, it is considered that in this instance the desired outcomes are still achieved as the height and position of garage will not dominate the existing building or create any adverse impacts on the existing streetscape. The lot boundary is set back approximately 20 metres from the road formation over a grass verge from River Street. The existing dwelling has a non-conforming setback and the proposed garage is positioned behind the existing house façade with the dwelling remaining the dominant form. Adequate landscaping shall be provided to soften and reduce the appearance of the detached garage (landscaping condition shall be applied to any consent). The proposal will not result in the loss of views or privacy of adjoining residences, will not overshadow adjoining residences or create any additional negative impacts. The proposal will not impact traffic sight distances along Hand Lane or River Street. The proposed access to the garage will be from Hand Lane and given the characteristics of the lot and the non-conforming setbacks of the existing dwelling, any variation to the setback is unlikely to set a precedent.

Application number: T6-16-364
Subject land: Lot 4 DP21647, 15 Korogora Street, Crescent Head
Description: ALTERATIONS AND ADDITIONS TO EXISTING THREE STOREY DWELLING
Chapter: C1 Residential Development – Urban Areas
Development requirement: Clause 5.2.2(d) Side/Rear Setbacks
Proposed: The proposal is for a 1.5m side setback to the West elevation and a minimum of 2.7m rear setback. Although the rear setback complies with the absolute minimum requirement of 2.0m it does not satisfy the average setback requirement of 4.5m. The compensatory area is deficient by 1.6m2
Desired outcome: DO1, DO2, DO3, DO4, DO5, DO6
Objections: One
Summary of Objections: Stormwater disposal concerns. Condition consent to satisfy this objection.
Planning comment:
Whilst the development requirement of Clause 5.2.2(d) hasn’t been provided for the side and rear setback, it is considered that in this instance the desired outcomes are still achieved. The proposed development has been designed to maintain the existing side setback and to extend an existing rear
deck to provide a level open space directly off the living areas of the dwelling. The proposal has been amended to reduce the depth of the deck by 500mm and to provide a privacy screen to the West elevation. These amendments will protect the privacy of the neighbouring properties and the open structure will still allow ventilation and solar access accordingly.
ITEM 13.19 NOTICE OF MOTION NOT INCLUDED IN THE BUSINESS PAPER

Contact Person: David Rawlings – General Manager

File: F12/1934

PURPOSE

To advise councillors that an item has not been placed in the business paper.

RECOMMENDATION

That the information be noted.

ISSUES

A notice of motion has not been included in the agenda as in the opinion of the General Manager the business and the implementation of the business would be unlawful.

Legal advice is being sought to confirm this view. If the matter is considered not to be unlawful it will be included in the next agenda.

BACKGROUND

LOCAL GOVERNMENT (GENERAL) REGULATION 2005

240 Agenda and business papers for council meetings

(1) The general manager must ensure that the agenda for a meeting of the council states:
   (a) all matters to be dealt with arising out of the proceedings of former meetings of the council, and
   (b) if the mayor is the chairperson—any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
   (c) subject to subclause (2), any business of which due notice has been given.

(2) The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.
14 RESCISSION MOTIONS

Nil
15 NOTICES OF MOTION

<table>
<thead>
<tr>
<th>ITEM 15.1</th>
<th>CINEMA PUBLIC PRIVATE PARTNERSHIP REPORT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Person: Leo Hauville - Councillor</td>
<td>File: F12/1377</td>
</tr>
</tbody>
</table>

**PURPOSE**

I intend to move the following motion at the ordinary meeting to be held Tuesday, 21st February 2017

**RECOMMENDATION**

1. That as the December decision was approved without consideration of the yet-to-be received Public Private Partnership (PPP) report from the Office of Local Government, all Councillors will be given up to five minutes to outline their position on the development, which should include addressing the possibility of an adverse finding.

2. The General Manager will report at the March meeting on the costings of deciding to not proceed with the PPP at that time. This will present Council with all options if the PPP report is received with findings that are not fully supportive of the project.

**ISSUES**

This onerous and weighty decision to support the Cinema Project was taken without consideration of the PPP. Councils rarely undertake PPP projects in NSW and care and diligence should be taken accounting for all issues, including ones that may be in the Office of Local Government Report in its PPP report.

**BACKGROUND**

The issue was considered at the October meeting of Council, and a decision was deferred. The same motion was brought to the December meeting, with the absence of Councillor Hauville, and was resolved to proceed by a majority of Councillors present.
ITEM 15.2  PLUMMERS LANE GRANT APPLICATION

Contact Person: Leo Hauville - Councillor

File: R12/88

PURPOSE

I intend to move the following motion at the ordinary meeting to be held Tuesday, 21st February 2017

RECOMMENDATION

1 That Plummers Lane (from Macleay Valley Way to the Jerseyville Bridge) be considered as one of two priority infrastructure projects seeking Grant money from the Building Better Futures fund.

2 This road, if the grant application is successful, will be straightened as per Council planning and brought to the 100 kilometre per hour standard.

3 If unsuccessful in this application, the road will be placed on the yet-to-be funded infrastructure list.

ISSUES

The project will meet all four of the Merit Criteria fully.

The present road was downgraded from a 100 kph road to 80 km road a decade ago. Despite a review there is still an 80 kph limit for the whole 9.6 kilometres.

South West Rocks residents and visitors have to travel Plummers Lane at the lower speed despite the majority (6.6 km) of the road being a 100 kph standard. This causes motorist frustration.

An improved and realigned Plummers Lane will save each resident worker at least 15 hours travel time per year, as well as saving in fuel and wear on his/her vehicle. An improved Plummers Lane will also make it safer for travellers and residents.

The KSC contribution to this upgrade should be from reserves, as sourced for the Cinema project.

BACKGROUND

The road’s speed limit was downgraded allegedly without due process and consideration by the Kempsey Traffic Committee. Instead of downgrading only the problem sections to 80 kph, the whole length was downgraded.

GM Information:

Investigations and negotiations would need to be undertaken to determine the extent of work would be required to bring the road to a standard that the Roads and Maritime would assess as allowing for the 100km/h speed limit. It will be impossible to undertake this work and develop a grant application in the time between the Council meeting and the closing date of the grant round (28 February 2017).
As such to comply with such a resolution as recommended will mean that the application will need to be lodged with a number of assumptions. This means that there is a significant risk to the Council that if the grant is successful Council may still have to find additional funds if the actual works exceeds what is assumed to be required.

The grant funding round requires 50% funding. As this project is not identified in the current adopted plans of the Council the level of funding that is intended to be allocated to the application should be identified. Should the application be successful the source of the funding will need to be identified for the 50% contribution.
ITEM 15.3 SUNSAFE PROMOTION BY COUNCIL

Contact Person: Leo Hauville - Councillor
File: F12/1915

PURPOSE

I intend to move the following motion at the ordinary meeting to be held Tuesday, 21st February 2017

RECOMMENDATION

1. That Kempsey Shire Council will, after consideration of the alarming fact that this area has arguably the highest incidence of Melanoma in the world, devise a proactive Healthy Living Policy to lead Australia and the Kempsey Shire Community in Sunsafe behaviours for all staff.

2. This plan and implementation timetable will be ready for consideration by April Council.

ISSUES

- Leadership by Kempsey Shire Council of the Community is necessary as many people consider themselves as unlikely to have a melanoma or other skin cancers, despite overwhelming facts to the contrary.
- Sunsafe behaviours, such as wearing a hat (not a cap), applying sunscreen, keeping to the shade, and wearing appropriate clothing need constant reinforcement, especially with the youth of our community.

BACKGROUND

“More than 12,500 new cases of melanoma are diagnosed in Australia every year.

Be aware melanoma is often identifiable at an early stage where surgical treatment can result in a complete cure.”

GM’s Information

The recommendation calls for a policy on sun safe behaviour for staff. Through Council’s safe working procedures there are already in place a range of processes and controls to limit the impact of the sun’s rays on employees of the Council undertaking their duties. This has been developed over many years throughout the industry and in conjunction with a range of experts in the field.

The Melanoma Institute if Australia indicates that rates within Australian are the highest in the world.

The NSW Cancer institute provides data on melanoma incidents rates, which shows that rates in the Kempsey LGA are higher than the state average, but among the lowest in the northern NSW region. Other areas have not been reviewed. The Melanoma Institute if Australia indicates that ‘Queensland incidence rate of 71 cases per 100,000 people (for the years 2009-2013), vastly exceeding rates in all
other jurisdictions nationally and internationally.’ As the state average for Queensland exceeds the Kempsey rate it is reasonable to assume there are a range of local government areas in Queensland with significantly higher incident rates.

<table>
<thead>
<tr>
<th>Local Government Area</th>
<th>Count</th>
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<td><strong>NSW</strong></td>
<td><strong>19,559</strong></td>
<td><strong>49.8</strong></td>
</tr>
</tbody>
</table>
ITEM 15.4 AUSTRALIA DAY 2018

Contact Person: Leo Hauville - Councillor
File: F12/15-06

PURPOSE

I intend to move the following motion at the ordinary meeting to be held Tuesday, 21st February 2017

RECOMMENDATION

That the Australia Day Ceremony for 2018 will be held on the actual day, 26th January, 2018. This Ceremony will include announcements of award recipients and Australian Citizenship Ceremonies.

An embargoed Media Release of Award recipients will be released prior to the Day.

ISSUES

There is a debate in the general Australian community of whether the date, 26th January is appropriate. While it is legislated as the date Kempsey Shire Council should continue to recognise it as the National Day.

Local awardees are presented their Award on a day that is not the National Day, belittling the award somewhat in the eyes of some.

Those taking up Australian Citizenship in the Kempsey Shire cannot presently do so on the actual National Day celebrating the positive values and history of our iconic country. Most other Councils do so on the actual day and present the Certificate of Citizenship dated 26th January.

BACKGROUND

- For the past 5 years the ceremony held by KSC has been held on the eve of Australia Day.
- Some other Councils also have a Ceremony on the Eve of Australia Day, but the majority hold it on Australia Day, the 26th January.
- The change to having the ceremony on the Eve was an attempt to increase attendance.
ITEM 15.5 AIRPORT DEVELOPMENT APPLICATION COMMUNITY CONSULTATION

Contact Person: Leo Hauville - Councillor

POURPOSE

I intend to move the following motion at the ordinary meeting to be held Tuesday, 21st February 2017

RECOMMENDATION

1. That the consideration of the Development Application should proceed after a fulsome community consultation process has been undertaken. The consultation should include information mail outs to all residents within 4 km of the airport boundaries, advertising in the print media, an invitation to complete a survey to those affected, and a public meeting prior to the March Council Meeting.

2. A report and recommendation be put to the March Council Meeting, which addresses the community's concerns.

3. Until the prior two actions are completed there will be no forwarding of the DA to the Joint Regional Planning Panel.

4. Kempsey Shire Council will not agree to any new MOU with any enterprise that includes a lease of any part of the airport for longer than 25 years and there be no consideration of converting any leasehold to freehold title at the airport.

ISSUES

- The information provided to Community members has not been appropriate about this development application (DA).
- Some people adjoining the airport land and some along Airport Road and Sherwood Road were sent council information, but the majority of those affected by the DA were not.
- Word of mouth has spread some facts that may be baseless.

BACKGROUND

- Constant low overflights of some areas where many community members live were not considered by KSC to receive information about the DA. These include residents in Sherwood Road, Armidale Road, Ronella Drive, Hillview Drive, Haven Crescent, Park Road, Ponds Way, Eucalypt Place, Link Road, Steeles Creek Road, Warne Drive, Wirraway Crescent, Old Aerodrome Road, Warneton Road, Campbell Place, Cecil Tarrant Drive, Aldavilla Road, Nelsons Wharf Road and Ferrier Drive.
- 2.1 - V2 Customer Service and Public Notification Policy states: "Council shall seek to ensure that all affected residents significantly impacted by potential developments be included in notifications in writing."
General Manager’s Information

As councillors would be aware the development application is to be determined by the Joint Regional Planning Panel (JRPP). Any report to the Council will only be able to relate to Council lodging a submission to the development. The councillors cannot legally direct staff in the assessment of development applications and the contents of the assessment report provided to the JRPP.
ITEM 15.6 KEMPSEY SHIRE COUNCIL PUBLIC PROFILE

Contact Person: Leo Hauville - Councillor

FILE: F12/1929

PURPOSE

I intend to move the following motion at the ordinary meeting to be held Tuesday, 21st February 2017

RECOMMENDATION

1. That Kempsey Shire Council must realign itself with its role as delineated by the 1993 Local Government Act.

2. Kempsey Shire Council is not a business and therefore must divest itself of any awards gained in Business Awards events.

3. Kempsey Shire Council does not have any customers, as it is not a business. Therefore, all references to customers in signage and documentation should be replaced by Community.

4. The Customer Service Centre is therefore to be known as the Kempsey Shire Council Community Service Centre.

5. All Kempsey Shire Council publications/property will clearly show that they are produced by Kempsey Shire Council by having the appropriate signage. This decision of Council will be reflected by expeditiously having such things as Macleay Valley Coast signage and Council owned/leased vehicles, having appropriate signage attached.

ISSUES

- The key performance indicators of council showed a decrease in many areas of Residents KPIs, with the perception that this indicates low alignment with residents’ expectations of Council services.

- The general thrust of most KSC policies and actions have been to promote community, community participation and community service, as demonstrated in there being 324 mentions of Community in the “End of Term Report 2012-2016”. There was no reference to KSC acting as a business.

BACKGROUND

A business operates to make a profit by attracting customers to it venue to sell products or services. This profit is used to pay staff and owners, as well as reinvestment in the business. Community members should be able to attend the KSC Service Centre for a myriad of reasons without thinking they are customers and therefore are able to access a better deal across the road or around the corner.

The 1993 Local Government Act has principles “to guide councils to carry out their functions in a way that facilitates strong, healthy and prosperous local communities.” It does not specify the object of council is to make a profit or pay a dividend to owners.
ITEM 15.7  COUNCILLOR CORRESPONDENCE

| Contact Person: Bruce Morris – Councillor | File: F12/1928 |

PURPOSE

I intend to move the following motion at the ordinary meeting to be held Tuesday, 21 February 2017.

RECOMMENDATION

1. That correspondence addressed to Councillors that is received by Council, be forwarded electronically to Councillors within two business days of receipt.

2. That this requirement be considered for inclusion in Kempsey Shire Council organisational performance measures.

BACKGROUND

Report Summary

It has become apparent that correspondence addressed to Councillors that is received at Council is often delayed, sometimes by several weeks. This is unacceptable and all correspondence addressed to Councillors should be made available in a timely manner. It is considered that two working days should be adequate to register the mail item and electronically forward a scanned copy to the relevant Councillor.

Commentary

Councillors are democratically elected to represent the community. It is important that any correspondence to Councillors from the community is received in a timely manner. Whilst it is acknowledged that all such correspondence must be registered by Council and maintained in accordance with the State Records Act, it is not reasonable for such correspondence to be unnecessarily delayed.
ITEM 15.8  COUNCIL MEETING SCHEDULE – 19 DECEMBER 2017

Contact Person: Bruce Morris – Councillor
File: F12/287-04

PURPOSE

I intend to move the following motion at the ordinary meeting to be held Tuesday, 21 February 2017.

RECOMMENDATION

That the ordinary meeting of Kempsey Shire Council that is scheduled for 19 December 2017 be changed to 12 December 2017

BACKGROUND

Report Summary

The conduct of Councils ordinary meeting on 19 December 2017 allows a limited period of time for the General Manager to action any decisions of Council prior to the close down of many government agencies and commercial businesses for the Christmas New Year period. In the event that any urgent business is actioned at the December meeting, it would be prudent to allow more time to progress such matters.

Commentary

The conduct of the December 2017 council meeting one week earlier provides the General Manager with an enhanced ability to action any urgent resolutions of Council prior to the close down of many Government Agencies and commercial businesses for the Christmas New Year period. The main concern with this change is the extended time period between meetings, particularly given that Council does not normally hold a meeting in January. This concern though can be overcome by holding an extra-ordinary meeting in January to consider urgent business.
ITEM 15.9  MATTERS IN PROGRESS

Contact Person: Bruce Morris – Councillor  File: F12/1930

PURPOSE

I intend to move the following motion at the ordinary meeting to be held Tuesday, 21 February 2017.

RECOMMENDATION

That Kempsey Shire Council includes a “Matters in Progress arising from previous Council Meetings” within the Business Paper for Ordinary Meetings.

BACKGROUND

Report Summary

The inclusion of a “Matters in Progress arising from previous Meetings” section within the Business Paper provides Councillors and the community with a regular update on resolutions of Council that cannot be fully actioned prior to the next ordinary meeting. These matters would continue to be reported on within this section until resolved to be removed by Councillors.

Commentary

The inclusion of a “Matters in Progress arising from previous Meetings” section is a good tool to track Council resolutions that require a lengthy period of time to fully implement. It provides Councillors and the community with an update on progress of outstanding resolutions on a regular basis. Forbes Shire Council successfully incorporates a “Matters in Progress” item within the Business Paper for Ordinary Council Meetings, with this item being a simple table with the subject headings being, Min/CRM No, Subject, Resolution and Progress.
ITEM 15.10  TIMING OF COUNCIL MEETINGS

Contact Person: Bruce Morris – Councillor
File: F12/287-04

PURPOSE

I intend to move the following motion at the ordinary meeting to be held Tuesday, 21 February 2017.

RECOMMENDATION

That ordinary meetings of Kempsey Shire Council that are held at the Civic Centre commence at 5.00pm.

BACKGROUND

Report Summary

The conduct of ordinary meetings of Council with a commencement time of 5.00pm will provide a greater opportunity for community members to attend. This will enhance the openness and transparency of Councils decision making process.

Commentary

The additional cost involved in conducting meetings in the early evening is considered as being a reasonable financial burden to enhance the opportunity for community members to attend.
ITEM 15.11  PARKING FOR KEMPSEY SWIMMING POOL

Contact Person: Anthony Patterson – Councillor  
File: F12/1751

PURPOSE

I intend to move the following motion at the ordinary meeting to be held Tuesday, 21 February 2017.

RECOMMENDATION

That Council installs lay back entrance and exit on Memorial Avenue, Kempsey for use when swimming carnivals and big events are at the pool.

BACKGROUND

This is required for safety of the users of the pool to access the site and also safety traffic as it is a very busy area.
ITEM 15.12  BELGRAVE ST (INTERSECTIONS AND USER REVIEW)

Contact Person: Anthony Patterson – Councillor
File: F12/1910

PURPOSE

I intend to move the following motion at the ordinary meeting to be held Tuesday, 21 February 2017

RECOMMENDATION

Belgrave Street review on all intersections and usage.

- Long term plan of traffic management.
- Problems Gladstone Street Belgrave Street
- Problems exiting service station near rail crossing
- One way street review
- etc.
16 DELEGATES REPORT

Nil
17 COMMITTEE REPORTS

ITEM 17.1 LOCAL TRAFFIC COMMITTEE MEETING HELD ON 7 FEBRUARY 2017

Contact Person: Robert Scott – Director Infrastructure Services  
File: F12/1073-04

PURPOSE

For Council to adopt the minutes of the Local Traffic Committee meeting 7 February 2017

RECOMMENDATION

That the recommendations of the Local Traffic Committee meeting 7 February 2017 be adopted.

ISSUES

A copy of the minutes of the meeting of the Local Traffic Committee 7 February 2017 is at [Appendix E – Page 1196].
ITEM 18.1 KEY PERFORMANCE INDICATORS

Contact Person: Kathy Oliver – Director Community Engagement

PURPOSE

Updating status of key performance indicators.

RECOMMENDATION

That the information be noted.

ISSUES

% projects completed on time and on budget

The South West Rocks Water Recycling system is being delayed waiting on audit and approval from the NSW Office of Water. Based on current indications of when approval will be given this is not likely to proceed until July 2017. Staff will continue to follow up with NSW Office of Water seeking approval to proceed.

The Crescent Head waste management site plan has been delayed due to an underestimation in the work involved in the commencement of the new waste collection contract/service levels. The waste contract has to be prioritised as it must commence operation by 1 July.

The improvements at Rudder Park were over budget due to the demolition and disposal of the old retaining wall. The scope of works was adjusted to minimise the over expenditure. It was not until excavations commenced around the wall that it was found that there were no foundations. This led to a risk that the wall could collapse and a decision to remove it. Overall the costs of disposing spoil and concrete product have increased as they can no longer be provided as fill, as previously done, without stockpiling, testing and crushing any concrete.

The traffic alterations at Smith Street North were implemented behind schedule due to weather not allowing the works to be done before the holiday traffic commenced. The plan to improve the tree plots has been reduced due to the costs now incurred to dispose of concrete.

The Gravel Road re-sheeting program was complete 1 month behind schedule to allow one of the projects to be done in conjunction with an adjacent sealed works project, reducing the costs.

The Flood Risk Management Strategy was due to be completed in December. Due to the cancellation of the October meeting and consideration being deferred to the December it was considered more appropriate to advertise and hold these public meetings after the Xmas break. The matter is planned to come back to the March meeting.

# break & enter, malicious damage crimes

The latest quarterly crime report shows another reduction on the level of the targeted crimes.
$ saved through innovation ($,000)

An additional $70,000 saving has been made as a result of changes put into place from the Information Technology Service Review. While the review has not been finalised, identified changes to refocus the efforts of the staff have been able to be put into place. This has allowed for resources to be freed up to focus on projects that will drive further efficiencies through process automation and productivity improvement tools.

$ variable grant funding received

Additional grants were received for traffic safety projects in Everingham's Lane and North Street, Kempsey as well as Arimdale Road at the intersection of Conrangula Road.

BACKGROUND

Rating System:

<table>
<thead>
<tr>
<th>Rating</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsatisfactory</td>
<td>Equal to or lower than unsatisfactory threshold</td>
</tr>
<tr>
<td>Needs Improvements</td>
<td>Better than unsatisfactory but does not meet expectations</td>
</tr>
<tr>
<td>Meets Expectations</td>
<td>Meets expectations but does not exceed expectations</td>
</tr>
<tr>
<td>Exceeded Expectations</td>
<td>Meets exceed expectations threshold, but less than outstanding</td>
</tr>
<tr>
<td>Outstanding</td>
<td>Equal or greater than outstanding threshold</td>
</tr>
</tbody>
</table>

Monthly Progress Report

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Key Performance Indicator</th>
<th>Meets Expectations</th>
<th>Current Result</th>
<th>Current Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td># Residents</td>
<td></td>
<td>29,600</td>
<td>29,684</td>
<td>3.0 Satisfactory</td>
</tr>
<tr>
<td>% People reporting feeling safe in their homes and public spaces</td>
<td>56%</td>
<td>73%</td>
<td>5.0 Outstanding</td>
<td></td>
</tr>
<tr>
<td># rating of overall satisfaction</td>
<td>2.95</td>
<td>2.81</td>
<td>2.0 Needs Improvement</td>
<td></td>
</tr>
<tr>
<td>% projects completed on time and on budget</td>
<td>85%</td>
<td>68%</td>
<td>1.0 Unsatisfactory</td>
<td></td>
</tr>
<tr>
<td>% requests above current service levels</td>
<td>10.0%</td>
<td>NA</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>% residents above satisfied with Council’s communications</td>
<td>3.00</td>
<td>2.89</td>
<td>2.0 Needs Improvement</td>
<td></td>
</tr>
<tr>
<td># community projects undertaken by groups in the community</td>
<td>6</td>
<td>19</td>
<td>5.0 Outstanding</td>
<td></td>
</tr>
</tbody>
</table>
### Monthly Progress Report

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Key Performance Indicator</th>
<th>Meets Expectations</th>
<th>Current Result</th>
<th>Current Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>% customer enquiries solved before second contact made</td>
<td>60%</td>
<td>43%</td>
<td>1.0</td>
<td>Unsatisfactory</td>
</tr>
<tr>
<td># mean satisfaction rating with customer service</td>
<td>3.34</td>
<td>3.09</td>
<td>1.0</td>
<td>Unsatisfactory</td>
</tr>
<tr>
<td>% of instances where service levels met</td>
<td>80%</td>
<td>89%</td>
<td>4.0</td>
<td>Exceeds Expectations</td>
</tr>
<tr>
<td><strong>Businesses</strong></td>
<td></td>
<td></td>
<td></td>
<td>3.1</td>
</tr>
<tr>
<td># people employed in shire.</td>
<td>12,600</td>
<td>12,226</td>
<td>2.0</td>
<td>Needs Improvement</td>
</tr>
<tr>
<td>$ farm output ($mill)</td>
<td>$143</td>
<td>$139</td>
<td>2.0</td>
<td>Needs Improvement</td>
</tr>
<tr>
<td>$ Gross Regional Product ($mill)</td>
<td>$1,070</td>
<td>$1,261</td>
<td>5.0</td>
<td>Outstanding</td>
</tr>
<tr>
<td>$ investment into the local government area</td>
<td>$29</td>
<td>$277</td>
<td>5.0</td>
<td>Outstanding</td>
</tr>
<tr>
<td>% satisfaction of businesses with council infrastructure</td>
<td>55%</td>
<td>59%</td>
<td>3.0</td>
<td>Satisfactory</td>
</tr>
<tr>
<td># break &amp; enter, malicious damage crimes</td>
<td>885</td>
<td>843</td>
<td>3.0</td>
<td>Satisfactory</td>
</tr>
<tr>
<td>% key development stakeholders expressing satisfaction</td>
<td>50%</td>
<td>NA</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>% positive rating of brand awareness and recognition by businesses.</td>
<td>50%</td>
<td>64%</td>
<td>3.0</td>
<td>Satisfactory</td>
</tr>
<tr>
<td><strong>Visitors</strong></td>
<td></td>
<td></td>
<td></td>
<td>1.0</td>
</tr>
<tr>
<td>$ total visitor spend ($mill)</td>
<td>$140.00</td>
<td>$128</td>
<td>1.0</td>
<td>Unsatisfactory</td>
</tr>
<tr>
<td>% satisfaction of visitors with quality of facilities</td>
<td>51%</td>
<td>NA</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td><strong>Employees</strong></td>
<td></td>
<td></td>
<td></td>
<td>2.6</td>
</tr>
<tr>
<td>$ saved through innovation ($,000)</td>
<td>$117</td>
<td>$76</td>
<td>1.0</td>
<td>Unsatisfactory</td>
</tr>
<tr>
<td>% of staff undertaking discretionary training</td>
<td>52%</td>
<td>88%</td>
<td>5.0</td>
<td>Outstanding</td>
</tr>
<tr>
<td>% staff expressing satisfaction with employment</td>
<td>90%</td>
<td>96%</td>
<td>5.0</td>
<td>Outstanding</td>
</tr>
<tr>
<td>% unplanned leave hours per employee per annum on average</td>
<td>3.9%</td>
<td>4.6%</td>
<td>1.0</td>
<td>Unsatisfactory</td>
</tr>
<tr>
<td># of lost time Injuries per million hours worked</td>
<td>11.00</td>
<td>17.59</td>
<td>1.0</td>
<td>Unsatisfactory</td>
</tr>
<tr>
<td><strong>Government</strong></td>
<td></td>
<td></td>
<td></td>
<td>5.0</td>
</tr>
</tbody>
</table>
### Monthly Progress Report

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Meets Expectations</th>
<th>Current Result</th>
<th>Current Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>% variable grants received from applications made</td>
<td>60%</td>
<td>69%</td>
<td>5.0 Outstanding</td>
</tr>
<tr>
<td>$ variable grant funding received</td>
<td>$2.0</td>
<td>$3.2</td>
<td>5.0 Outstanding</td>
</tr>
<tr>
<td>% agencies and members expressing positive view of activities of council organisation</td>
<td>80%</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Current Result**

2.9 Needs Improvement
## COUNCILLOR QUESTIONS

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>File</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016-12-20</td>
<td>RBP</td>
<td>HD-04-03</td>
</tr>
<tr>
<td></td>
<td>COUNCILLOR B J MORRIS</td>
<td>F12/227-05</td>
</tr>
</tbody>
</table>

**QFN1**

Council resolved by resolution 2016.100 at its May meeting to make representations concerning the draft north coast regional plan. When did this representation occur and what resulted from this representation?

**RESPONSE:**

The representations occurred in the weeks after the Council meeting. Following the initial representations indications were informally provided that the issue would be addressed. The North Coast Regional Plan has not been released. As such we do not know what impact the representations have actually had.

It is considered that a greater awareness of the position and importance of Kempsey as a regional centre was created through the discussions around the draft regional strategy.

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>File</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016-12-20</td>
<td>RBP</td>
<td>WD-03-02</td>
</tr>
<tr>
<td></td>
<td>COUNCILLOR B J MORRIS</td>
<td>F12/227-05</td>
</tr>
</tbody>
</table>

**QFN2**

Has any action been undertaken in relation to point 1 of 2016.137? If so, what has been the outcome?

**RESPONSE:**

Council’s ongoing communication with a range of government agencies and business organisations including the Federal Government’s Department of Industry, Innovation and Science has identified an opportunity to apply for funding to assist with the development of the Kempsey Economic Development Strategy through the Building Better Regions Fund’s Community Investments Stream. This funding pool has been established to fund community building activities including, but not limited to, new or expanded local events, strategic regional plans, and leadership and capability building activities to deliver economic and social benefits to regional and remote communities. The minimum grant amount that can be applied for is $5000 and projects must be completed within 12 months of executing the grant agreement. With funding rounds opening for applications on 18 January 2017, an application is being prepared for stronger regional communities which closes 31 March 2017.

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
<th>File</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016-12-20</td>
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</tr>
<tr>
<td></td>
<td>COUNCILLOR B J MORRIS</td>
<td>F12/227-05</td>
</tr>
</tbody>
</table>

**QFN3**

The DA 2016/LD-00288 In relation to Bucket Brewery; has that been resolved, or are there still matters holding it up and if so what matters are holding it up?

**RESPONSE:**

The matter related to potential contamination as a result of the previous uses was resolved with consent issued on 8 November 2016.
COUNCILLOR M J BAXTER  FILE: F12/227-05
QFNM1
Could we have a report on the upgrading of cabins and facilities at Crescent Head Caravan Park please?
RESPONSE:
The Macleay Valley Coastal Holiday Parks Business Management Plan was endorsed by the Council Trust at its December 2015 meeting. The plan details a proposed five-year $5.8M capital works program that is considered necessary to provide overdue investment in park infrastructure and to continue to grow the parks’ long-term income in an increasingly competitive north coast tourist accommodation market. A final works schedule for the Crescent Head Holiday Park will be subject to further community and stakeholder consultation to ensure broader social, environmental and local amenity issues relevant to the Crescent Head Master Plan and the Crescent Head community are taken into account.

COUNCILLOR M J BAXTER  FILE: F12/227-05
QFNM2
Could we get a report on the expected employment opportunities from the extensions to the prison?
RESPONSE:
Expansion of the Mid North Coast Correctional Centre is in the advanced design phase. A construction start date is yet to be announced. The table below summarises the direct and indirect economic benefits of the MNCCC for the local and broader Australian economies, based on both current and projected job numbers. This data has been sourced from the Economy ID economic modelling platform.

<table>
<thead>
<tr>
<th>Impact Summary</th>
<th>Current</th>
<th>Expansion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct jobs (Kempsey)</td>
<td>195</td>
<td>305</td>
</tr>
<tr>
<td>Flow-on jobs to Kempsey economy</td>
<td>316</td>
<td>495</td>
</tr>
<tr>
<td>Jobs (Australia)</td>
<td>510</td>
<td>798</td>
</tr>
<tr>
<td>Output (Kempsey)</td>
<td>$60M</td>
<td>$93M</td>
</tr>
<tr>
<td>Output (Australia)</td>
<td>$107M</td>
<td>$167M</td>
</tr>
<tr>
<td>Value-added (Kempsey)</td>
<td>$33M</td>
<td>$51M</td>
</tr>
<tr>
<td>Value-added (Australia)</td>
<td>$57M</td>
<td>$89M</td>
</tr>
</tbody>
</table>
### QFNM1

In relation to the answer on night meetings could I please have an itemised costing?

**RESPONSE:**
The $1,690 overtime cost is based on the proposed scenario from an earlier councillor question of a council meeting commencing at 5pm and lasting 6 hours. This amount calculated is applicable for three administrative staff who attend meetings for the duration of the meeting and includes on-costs. Based on the Local Government (State) Award overtime is payable at the rate of time and a half for the first two hours and double time after that. This equates to 11 hours overtime payable for each employee.
The hourly rates of pay including on-costs are $45.36, 48.55 and 59.79 totalling 153.70. This amount multiplied by 11 hours totals $1,690.70.

### QFNM2

In regards to the design of the corner of Belgrave and Smith Streets; is the design sufficient to handle long vehicles? If not, will this be redesigned?

**RESPONSE:**
The intersection of Belgrave and Smith Streets is capable of facilitating the movements of vehicles that comply with the general requirement of the Transport Regulations. The intersection is not designed to cater for long vehicles such as 25 m B-Doubles. These vehicles can only travel on routes that have been assessed and approved.

Concepts to redesign this intersection were presented to a Councillor Workshop last year. Further detailed design would be required to verify the feasibility of the proposal and allow a detailed estimate of costs to be prepared. This is not funded in the current 10-year works program. It was suggested that this project forms part of a business levy; however, this has not progressed.

### QFNM1

Are non-profit organisations eligible for rates concession?

**RESPONSE:**
As a general rule – Council does not provide concessions.
CONFIDENTIAL ITEMS

MOTION FOR CONFIDENTIAL SESSION

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the Local Government Act 1993 in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:
(a) personnel matters concerning particular individuals (other than councillors)
(b) the personal hardship of any resident or ratepayer
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
(d) commercial information of a confidential nature that would, if disclosed;
(i) prejudice the commercial position of the person who supplied it, or
(ii) confer a commercial advantage on a competitor of the Council, or
(iii) reveal a trade secret
(e) information that would, if disclosed, prejudice the maintenance of law
(f) matters affecting the security of the Council, councillors, council staff or Council property
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Councillors are reminded of their statutory obligations in relation to the non-disclosure to any outside person of matters included in this section.

That Council form itself into the Confidential Session, 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.

✦✦✦✦✦
ITEM 12.1 GENERAL MANAGER’S PERFORMANCE REVIEW FOR THE 2015/2016 YEAR

Contact Person: Liz Campbell - Mayor
File: RAW/28100

Section 10A(2)(a) – Personnel Matters

This report is submitted on a confidential basis as it involves personnel matters concerning particular Individuals (other than Councillors). (*Local Government Act 1993*, section 10A(2)(a))

On balance, the public interest in preserving the confidentiality of the commercial information supplied outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.
ITEM 20.1 VARIOUS LEGAL MATTERS

Contact Person: Daryl Hagger – Director Corporate Management

File: F12/250-05

Section 10A(2)(g) – Legal Proceedings

This report is submitted on a confidential basis as it involves advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. (Local Government Act 1993, Section 10A (2)(g))

On balance, the public interest in preserving the confidentiality of the advice outweighs the public interest in openness and transparency in Council decision making by discussing the matter in open meeting.
CONCLUSION
MEETING NOTICE

GRASSY HEAD RESERVE (R63879) TRUST
STUARTS POINT HOLIDAY PARK RESERVE (R74599) TRUST
HAT HEAD BEACH RESERVE (R52808) TRUST
SOUTH WEST ROCKS HOLIDAY AND LEISURE RESERVE (R210102) TRUST
CRESCENT HEAD CARAVAN PARK AND RECREATION RESERVE (R63725) TRUST

TRUST MANAGER: KEMPSEY SHIRE COUNCIL

Your attendance is requested at a meeting of the Reserve Trust to be held in the Council Chambers on Tuesday 21 February 2017 commencing at the conclusion of the Council meeting.

The purpose of the meeting is detailed hereunder.

David Rawlings
GENERAL MANAGER

1 APOLOGIES

2 REPORT

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<th>TENDER FOR MANAGEMENT OF THE COASTAL HOLIDAY PARKS – TQE16/4</th>
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<td>- GRASSY HEAD</td>
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<td>- STUARTS POINT</td>
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<td>- HAT HEAD</td>
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<td>- HORSESHOE BAY</td>
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<td>- CRESCENT HEAD</td>
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<td>Contact Person: Robert Scott – Director Infrastructure Services</td>
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PURPOSE

To consider the selective tenders received for the management of the coastal holiday parks at Grassy Head, Stuarts Point, Horseshoe Bay, Hat Head and Crescent Head.

RECOMMENDATION

1 That the complying tender from Macleay Valley Coastal Holidays Parks Pty Ltd (formerly Burcher Nominees) be accepted.

2 That negotiations be undertaken with a view of entering into a 10-year contract in accordance with the tender specification.
ISSUES

The Trusts considered expressions of interest (EOI) at the meeting on 17 May 2016. The final tenders have now been received. An excerpt of the previous report detailing the outcome of the EOI process is contained in [Appendix A – Page 1] for background information.

Selective tenders were invited from the four shortlisted companies. A total of three tender submissions were received.

1. Australian Tourist Park Management.
2. Discovery Holiday Parks Pty Ltd.
3. Macleay Valley Coast Holiday Parks Pty Ltd (formerly Burcher Nominees).

Tenders were assessed by an evaluation panel consisting of:

- Director Infrastructure Services (panel chair)
- Property Officer
- Strategic Projects Officer
- Caravan Park Consultant

The panel was assisted by the Manager Economic Sustainability.

All tenders were considered as conforming to the specification.


The tender is a change to the style of the management agreement. The successful tenderer will take a much more active role in the strategic management of the parks and their assets. This includes complying with specific details for maintenance and operation of the park in relation to landscaping/grass management and waste collection. They will also have complete responsibility for maintaining the internal cabin fitout (including furniture, fittings, equipment, crockery and utensils) to the same if not better condition than what is agreed at the start of the contract.

The specification of the tender was more prescriptive than the previous tender, where the contractor only had to advise council of many aspects of providing the service. Specifically, under the tender the manager will be required to:

- Clean the amenities (including those in the day visitor area) at least once per day and at a greater frequency during peak occupancy or high use periods.
- Provide adequate maintenance of the gardens and watering to maintain a healthy grass cover.
- Maintain all buildings and above ground structures. Where this is not done, Council may do the work and recover the costs from the contractor.
• Maintain the day visitor area at least weekly from September to April, twice weekly during holiday periods and immediately prior to any long weekend or public holiday.

• Maintain, repair and replace the cabin furniture, fittings, equipment and crockery/cutlery.

• Set up bins for waste and recycling at a reasonable distance from each site. A single bin model will not be accepted.

In return for the greater level of involvement and the financial contribution, the successful tenderer will have a ten (10) year management term. There was an option for alternative tenders to be considered if there was a clear benefit to the Reserve Trusts. Three alternative tenders were received, however each was deemed not to offer and advantage to Council to justify consideration.

A copy of the final tender assessment report is contained in Confidential Appendix B – Page 96).

This appendix is submitted on a confidential basis as it involves commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it (Local Government Act 1993, section 10A(2)(d)(i)). On balance, the public interest in preserving the confidentiality of the commercial information supplied, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

It is recommended that the tender from Macleay Valley Coastal Holiday Parks Pty Ltd (formerly Burcher Nominees) be accepted.