



**KEMPSEY**  
SHIRE COUNCIL

# **BUSINESS PAPER**

A COUNCIL MEETING  
WILL BE HELD ON TUESDAY 19 SEPTEMBER 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**
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- 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 (**15-8-2017 Minutes**).pdf of the ordinary meeting of Kempsey Shire Council dated 15 August 2017 be confirmed.

### **RECOMMENDED:**

**That the minutes of the ordinary meeting of Kempsey Shire Council dated 15 August 2017 be confirmed.**

## **7 CITIZENSHIP CEREMONIES**

## **8 PUBLIC FORUM / PRESENTATIONS**

### **Public Forum**

Nil

## **Presentations**

- As part of the Future Towns program KSC was provided with funding of \$30,000 to deliver digital ready training to businesses, this has provided 30 local businesses with scholarships worth \$3000 each. Kirsten Basford who facilitated the program will provide a brief presentation on the design and implementation of the program. Certificates will be presented to local businesses who received digital readiness scholarships.
- Dr Bruno Parolin will provide a (15 minute) presentation on his report – Kempsey Post Bypass Impacts Monitoring study. Refer to item 13.11.

## **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 13.12 – 13.21, 17.1, 18.1 and 20.1 in the current agenda as listed be adopted.**

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**12 MAYOR'S REPORTS**

Nil

## 13 STAFF REPORTS

### ITEM 13.1 ELECTION OF DEPUTY MAYOR

Contact Person: Daryl Hagger – Acting General Manager

File: F12/514-05

#### PURPOSE

To elect a Deputy Mayor in accordance with the Local Government Act 1993.

#### RECOMMENDATION

**That if an election is required for the position of Deputy Mayor the election be by open voting.**

#### ISSUES

Section 231 of the Local Government Act provides for the election of Deputy Mayor.

Section 231 of the Local Government Act provides that Councillors may elect from among their number a Deputy Mayor, and any such election may be for the Mayoral term or a shorter term.

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

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

#### BACKGROUND

The procedure for election of Deputy Mayor is as follows:

##### Nominations

The Local Government (General) Regulation 2005 provides that nominations for Deputy Mayor must be in writing, signed by two Councillors (one of whom may be the nominee), and the nominee must consent in writing to the nomination.

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

A nomination form for Deputy Mayor has been provided to Councillors with this agenda.

##### Method of election

Where only one Councillor is nominated, that Councillor is declared elected.

Where more than one Councillor is nominated, the Council is to resolve whether the election is to proceed using one of the following methods:



- by preferential ballot
- by ordinary ballot
- by open voting

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

### **Preferential Ballot**

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

### **Ordinary Ballot**

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

### **Counting**

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

However, where there are three or more candidates the counting process for:

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

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

With tied candidates, if on any count of votes, there are 2 candidates in and number of votes cast is equal, the candidate whose name is first chosen by lot is taken to be elected. If on any count of votes, there are 3 or more candidates in, or remaining in, and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes, the candidate whose name if first chosen by lot is taken to be excluded.

## ITEM 13.2 COUNCIL MEETING DATES

Contact Person: Daryl Hagger – Acting General Manager

File: F12/1871

### PURPOSE

To adopt dates for Council meetings and community venues until the end of 2018.

### RECOMMENDATION

- 1 That the following schedule of Council meeting dates from November 2017 up to December 2018 be adopted:

**Tuesday 21 November 2017**

**Tuesday 19 December 2017**

**January - No Meeting**

**Tuesday 20 February 2018**

**Tuesday 20 March 2018**

**Tuesday 17 April 2018**

**Tuesday 15 May 2018**

**Tuesday 19 June 2018**

**Tuesday 17 July 2018**

**Tuesday 21 August 2018**

**Tuesday 18 September 2018**

**Tuesday 16 October 2018**

**Tuesday 20 November 2018**

**Tuesday 18 December 2018**

- 2 That Council meetings from November 2017 be held in the Council Chambers, West Kempsey.

### ISSUES

Section 365 of the LG Act requires Council to hold at least 10 Council meetings a year, each time in a different month.

Setting dates allows for advertising of the dates so the public can know in advance when Council will be meeting. Council invites the public to attend its meetings and in the past has taken two meetings each year to village areas.

In April 2017 Council resolved as part of the communications strategy update, consideration be given to include at least quarterly community catch-ups to be held in towns and villages; ideally visiting all over a two-year period.

The catch-up meetings are designed to be less formal than a council meeting and provides an opportunity to update residents on projects specific to their part of the Macleay.

Promotion of the event and request for pre-submitted questions would be issued approximately three weeks before the meeting date. The proposed running order of the catch-up is:

- Site inspection if relevant and required

- Community meet and greet / afternoon tea
- Formal meeting to respond to pre submitted questions and questions from the floor

This initiative provides an opportunity for residents to engage with Councillors and staff which is not available at a formal council meeting therefore negating the need to retain the current practice of holding a formal Council meeting in each village location.

The October 2017 Council meeting is scheduled to be held in Hat Head. This has been promoted on Council's website. Arrangements have not been undertaken to book a location.

A formal Council meeting could still be held in a village location as the need arises.

The proposed timetable for community catch-up meetings over the next two years is as follows:

Location	Date
Stuarts Point	25 October 2017
Frederickton	February 2018
South West Rocks	May 2018
Gladstone / Smithtown	September 2018
Kundabung	December 2018
Hat Head	March 2019
Willawarrin	June 2019
Crescent Head	September 2019
Bellbrook	December 2019

## BACKGROUND

Council's current practice is that its ordinary Council meetings be held on the third Tuesday of the month commencing at 9.00am.

Also, Council's current practice is to hold a Council meeting in nine village locations during the term of Council. This is achieved by amalgamating Smithtown and Gladstone (due to their proximity) and alternating meetings between those villages each four years. The rest of the Council meetings are held at the Civic Centre.

The following timetable had been proposed for the current term of Council.

Kundabung	October 2016
Smithtown	April 2017
Hat Head	October 2017

Frederickton	April 2018
Stuarts Point	October 2018
Bellbrook	April 2019
South West Rocks	October 2019
Willawarrin	April 2020
Crescent Head	July 2020

<b>ITEM 13.3</b>	<b>KLEP 2013 AMENDMENT 18 – PLANNING PROPOSAL – MARYS BAY ROAD, EUROKA</b>
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Contact Person: Georgia Rayner - Coordinator Strategic Planning & Natural Resources
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File: KLEP2013-AM-18
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## PURPOSE

The purpose of this report is to advise of the outcomes of the Consultation/Public Exhibition for the Planning Proposal for draft Kempsey LEP Amendment No 18.

The Planning Proposal is to amend the *Land Zoning Map* for the subject land from RU1 – Primary Production to R5 – Large Lot Residential and to amend the *Lot Size Map* from 40 ha to 1ha, on Lot 101 DP 778496, at 262 Marys' Bay Road, Euroka.

## RECOMMENDATION

**That Council exercise delegation from the NSW Department of Planning and Environment to make the LEP Amendment.**

## ISSUES

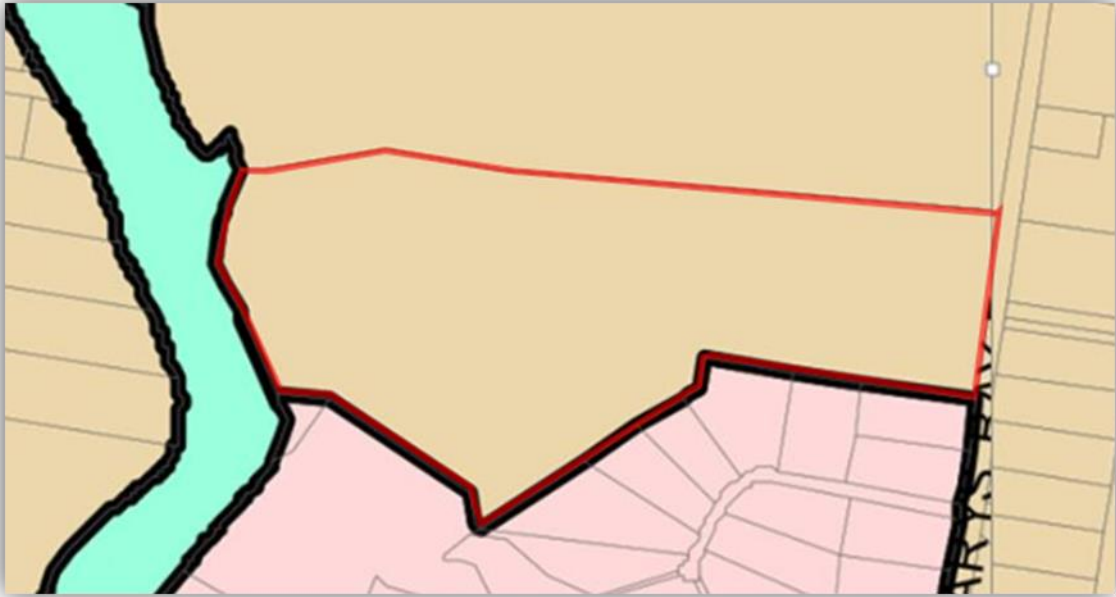
On 21 March 2017, Council resolved:

*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.*

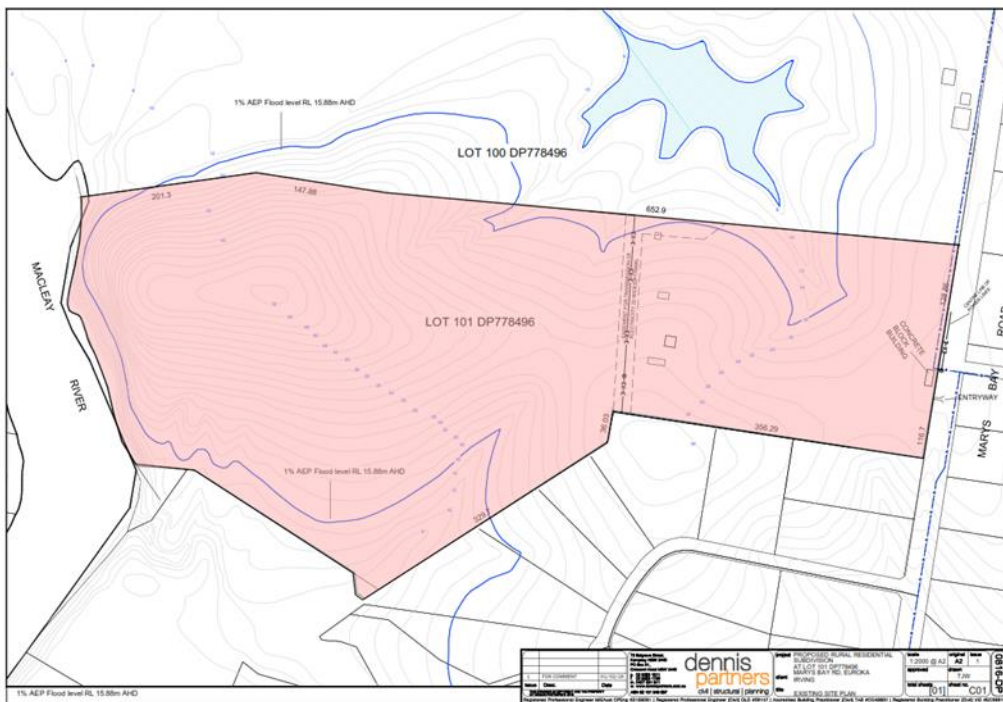
The Department of Planning issued a Gateway determination to proceed with this Planning Proposal on 24 April 2017. 'Written Authorisation to Exercise Delegation' of the Minister's functions under S59 of the *Environmental Planning and Assessment Act 1979*, was issued by the NSW Department of Planning and Environment. A copy of the Gateway determination incorporating the authorisation for delegation is attached [\(Appendix A\)](#).

## Background to Planning Proposal

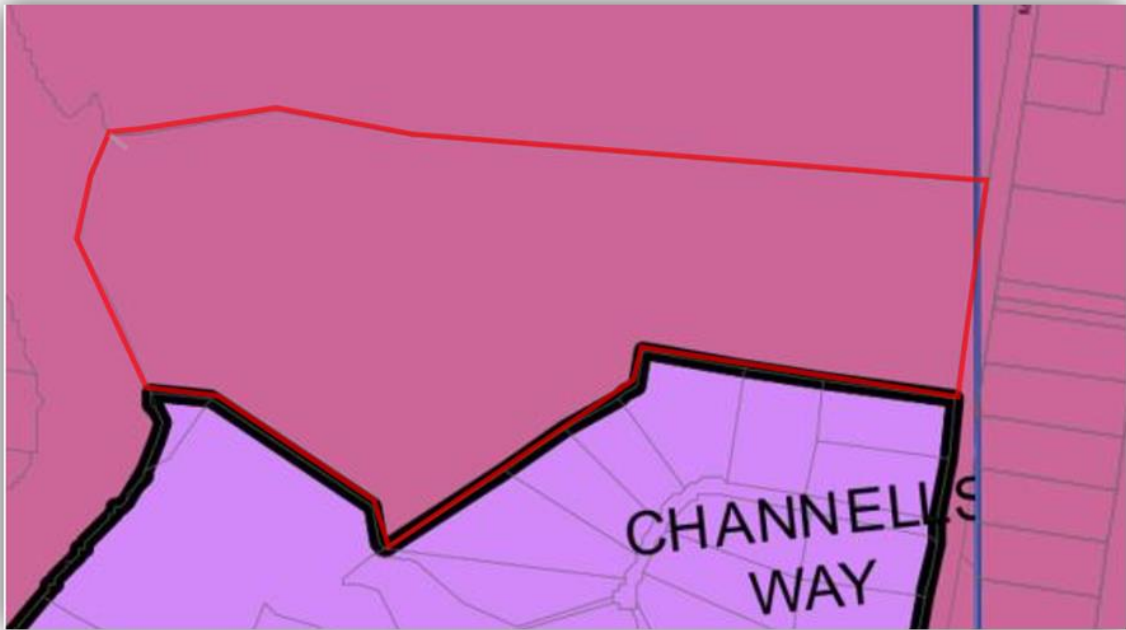
The Planning Proposal is to amend the *Land Zoning Map* for the subject land from RU1 – Primary Production to R5 – Large Lot Residential and to amend the *Lot Size Map* from 40 ha to 1ha. This is illustrated in the maps below.



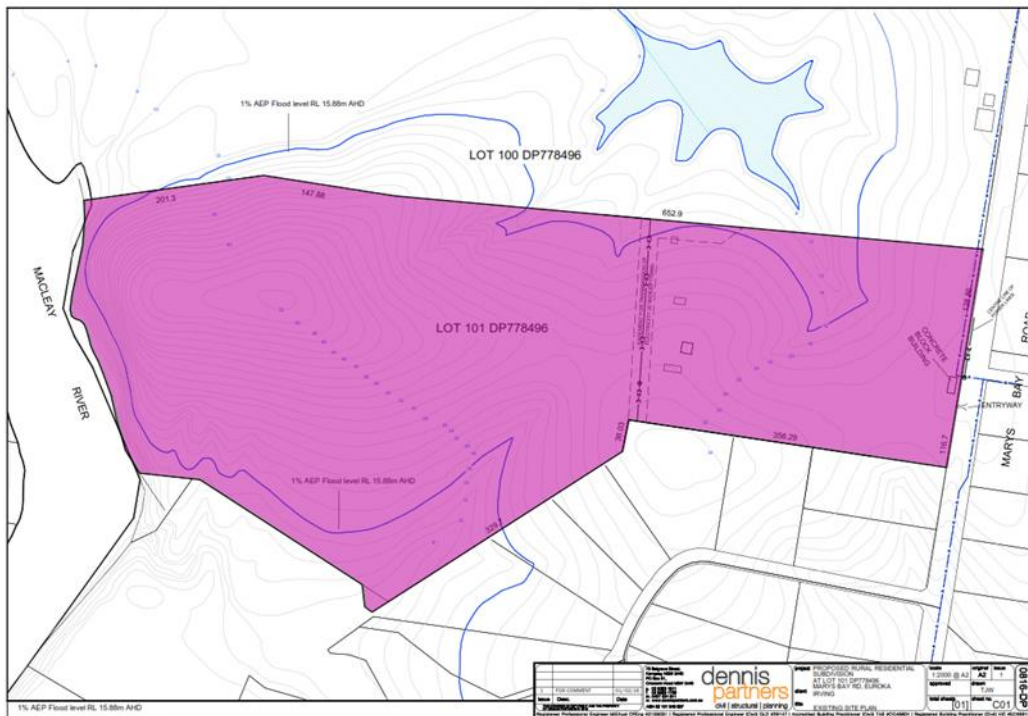
Current Land Use Zone - RU1 Primary Production



Proposed Land Use Zone – R5 Large Lot Residential



Current Min Lot Size – 40 ha



Proposed Min Lot Size – 1ha

### Public Exhibition

The Planning Proposal was placed on public exhibition from 9 May 2017 to 6 June 2017, which comprised the standard public notice as well as 17 adjoining landowner letters which were sent to all adjacent landholdings.

Four (4) objections to the proposal have been received and are attached [\(Appendix B\)](#). Agency submissions were also received from required consultation with the NSW Roads and Maritime

Services (RMS), NSW Rural Fire Service (RFS), and the Office of Environment and Heritage (OEH). A copy of the RMS, RFS and OEH agency submissions are attached [\(Appendix C\)](#).

The public submissions all raised various issues which can be summarised into categories, as outlined in the table below.

**Public Submissions:**

Submission		Comment/Response	
1	Impacts of development on adjoining privacy	1	The proposal seeks a minimum lot size of 1Ha (which largely replicates the lots located along the site's southern boundary), with indicative building envelopes setback from the boundary. This matter will be re-examined for compliance when a future DA for subdivision is received and assessed.
2	Impacts of development on existing views	2	The proposal is for low-density detached housing which would be dispersed across a large site. The current plans are indicative only and potential impacts on views will be re-examined for compliance when a future DA for subdivision is received and assessed.
3	Impacts of development on amenity	3	The proposal seeks a residential zone (R5 Large Lot Residential), consistent with the <i>Kempsey Shire Rural Residential Land Release Strategy</i> for this site (and consistent with the neighbouring development along the southern boundary). As the proposal is for low-density detached housing which would be dispersed across a large site, amenity is considered to be consistent with the proposed R5 – Large Lot Residential zone. Further assessment of this aspect will take place when a DA for subdivision is lodged.
4	Adequacy of local infrastructure to support the scale of development proposed	4	The site can provide flood - free access to a sealed public road and local connections to a reticulated water supply, electrical supply and phone services.
5	Physical impact on adjoining development	5	As this site is elevated above adjoining residential and rural land, concerns have been raised about runoff from the site and the impact this will have on neighbouring land uses. An <i>Onsite Sewage Management</i>



Submission		Comment/Response	
			<i>Assessment</i> accompanies this application which identifies that given the soil characteristics, topography and discharge levels, that the sustainable disposal of effluent at this site is practicable with the recommended systems and levels of maintenance. A future DA for subdivision will contain conditions to ensure that runoff and effluent is effectively managed onsite.
6	Cultural heritage impacts	6	A search of the Office of Environment and Heritage <i>Aboriginal Heritage Information Management System</i> (AHIMS) has been undertaken for the site and no Aboriginal sites or places are recorded or declared at this location.
7	Loss of productive agricultural land	7	A soil audit has been provided in support of this proposal. The soil at this site is identified to be of poor fertility and the level of inputs required to achieve meaningful agricultural production is categorised as being unsustainable.

None of the agency submissions 'objected' to the Planning Proposal, rather the RMS and RFS submissions provide standard comment in regard to required considerations for the future development of land against the relevant legislative provisions.

The OEH submission is more detailed. A meeting was held with OEH regarding the matters raised, and it is considered that suitable additional information has been considered to address their concerns. A summary of the matters raised, and comment on these matters, is provided below.

#### OEH Submission Summary:

Submission		Comment/Response	
<i>The OEH recommends that prior to finalising the planning proposal the council should:</i>			
1	<i>Consider applying the E2-Environmental Conservation to the remnant native vegetation along the western boundary of the planning area to protect riparian habitat values, the Subtropical Coastal Floodplain Forest endangered ecological community, and threatened species habitat resources.</i>	1	An <i>Ecological Assessment of Endangered Ecological Community On 22 Mary's Bay Rd, Euroka</i> prepared by Jason Berrigan, has now been provided ( <a href="#">Appendix D</a> ) which identifies that a small area of EEC (Eucalypt Forest on Coastal Floodplains) exists on the western boundary of this site. However, given the extremely steep nature of the terrain in this location, its proximity to the Macleay River and that

Submission		Comment/Response	
			the vegetation is protected under the <i>Water Management Act 2000</i> , additional protections (such as an isolated area of E2 – Environmental Conservation zone) are considered unwarranted.
2	<i>Ensure that the height of the proposed access road is raised to ensure access to Marys Bay Road is maintained during a Probable Maximum Flood level event for the future development to be enabled by the planning proposal.</i>	2	The subdivision plan submitted for the planning proposal is indicative only. The plan identifies a centralised access road generally running along the spine of the site, the majority of which is above the 1:100 flood level. The proposal states that the access road will be elevated where necessary to ensure continued access and egress during flood events. DA approval for the future subdivision would impose conditions on the construction of appropriate flood free access.
3	<i>Prepare an Aboriginal cultural heritage assessment report to inform the planning proposal. The report should contain evidence of consultation with the local Aboriginal community.</i>	3	An Aboriginal Heritage Information Management System (AHIMS) search (through the OEH website) for the subject site has been provided. The AHIMS search undertaken on 26 October 2016 identifies: <ul style="list-style-type: none"> <li>▪ No Aboriginal sites are recorded in the location; and</li> <li>▪ No Aboriginal places have been declared in or near the above location.</li> </ul>

### 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 signature on the amended Planning Instrument and then publication on the NSW Legislation website.

## ITEM 13.4 APPOINTMENT OF A PANEL OF LICENSED REAL ESTATE AGENTS

Contact Person: Daryl Hagger – Acting General Manager

File: TQE17/16

### PURPOSE

To establish a panel of Licensed Real Estate Agents for a period of 5 (five) years commencing from 19 September 2017.

### RECOMMENDATION

**That the expressions of interests and schedule of rates lodged by Kempsey Stock and Land Pty Ltd, Presvess Pty Ltd t/a LJ Hooker Kempsey, Winsome Real Estate Pty Limited and Remerra Pty Ltd t/a Raine & Horne South West Rocks be accepted to form a panel of Licensed Real Estate Agents for the period of 19 September 2017 to 30 September 2022.**

### ISSUES

The disposal of publicly owned assets such as Council owned land and/or buildings is to be conducted in an open and transparent manner and is to have regard to achieving the best possible monetary return for the residents and ratepayers of the Kempsey Shire.

### BACKGROUND

Periodically Council resolves to dispose of land and/or buildings that it consider to be surplus to requirements. To assist in Council fulfilling these resolutions and Expression of Interest was invited from licensed real estate agencies or individual licensed agents who wished to be considered for an inclusion on a panel for a period of 5 (five) years.

The Expression of Interest was directly emailed to 14 local real estate agents as well as advertised in the Macleay Argus on 18 July 2017 and the Observer on 19 July 2017.

The expression of interest closed on 11 August 2017 at 4pm.

Four (4) agencies responded with an expression of interest, being:

- Kempsey Stock and Land Pty Ltd
- Presvess Pty Ltd trading as LJ Hooker Kempsey
- Winsome Real Estate Pty Limited
- Remerra Pty Ltd trading as Raine & Horne South West Rocks

An Evaluation Panel was formed and assessed the applications against the evaluation criteria.

All 4 (four) proposals were determined to be compliant. All applications displayed a demonstrated capability of the proponent. All applications provided an acceptable Schedule of Fees.

The Evaluation Panel recommended that all 4 (four) agencies be placed on a panel of agents.

A copy of the tender evaluation is attached as [Appendix E](#) 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 13.5 WORKS IN PROGRESS AND REVOTES FOR THE YEAR ENDED 30 JUNE 2017

Contact Person: Deanna O'Neill – Acting Manager Finance

File: F12/2213

### PURPOSE

To seek Council's approval to revoke expenditure for projects unfinished in the 2016/2017 year to the 2017/2018 budget.

### RECOMMENDATION

**That works detailed in the attached report be revoked for completion in 2017/2018 financial year.**

### ISSUES

A list of projects proposed to be carried forward to the 2017/2018 financial year together with their funding source is attached at [Appendix F](#) for Councils information and approval.

The attachment represents those projects which, at the time of presenting the report to Council, have been committed by Council but were not fully expended in the 2016/2017 year and are being revoked to enable the projects to be finalised. The projects have been categorised as either a work in progress, i.e. work was commenced but the project remains incomplete as at 30 June 2017 or alternatively where work was not substantially commenced as a revoke.

The balances recommended to be revoked may change slightly as the end of year process has not been fully completed at the time of writing this report.

### BACKGROUND

Council's approval in respect of the votes for the expenditure of funds lapses at the end of the financial year except those votes relating to works that have commenced or are contracted to be provided. Council's approval is required to enable the projects subject to revotes as outlined in the report to proceed.

## ITEM 13.6 FINANCIAL REPORTS FOR THE TWELVE MONTHS TO 30 JUNE 2017

Contact Person: Deanna O'Neill – Acting Manager Finance

File: F12/255-05

### PURPOSE

Reporting on requirements for the preparation and audit of the financial reports to 30 June 2017.

### RECOMMENDATION

**That the Mayor, Deputy Mayor, Acting General Manager and Responsible Accounting Officer be authorised to sign the Statement by Councillors and Management for the General Purpose Financial Statements and Special Purpose Financial Statements.**

### ISSUES

Council's financial reports for the 12 months to 30 June 2017 are currently being finalised.

Section 413(2) (c) of the Local Government Act 1993 requires Council's financial reports to include a statement in the approved form by the Council as to its opinion on the general purpose financial report.

Section 215 of the Local Government (General) Regulation 2005 requires that in respect of its financial reports the statement required by section 413(2) (c) of the Act Council must by resolution, signed by the Mayor, one other Councillor, the responsible accounting officer and the General Manager. The statement must indicate:

- 1 That Council's annual financial reports have been drawn up in accordance with:
  - The Local Government Act and the regulations
  - The Local Government Code of Accounting Practice and Financial Reporting
  - The Australian Accounting Standards
- 2 To the best of Council's knowledge and belief, the reports:
  - Present fairly the Council's financial position and operating result for the year
  - Accords with the Council's accounting and other records
  - Whether or not the signatories know of anything that would make those reports false or misleading in any way

Council's financial reports have been prepared in accordance with the above requirements.

The Local Government Act provides that Council's financial reports must be prepared and audited within four (4) months after the end of the year i.e. by 31 October. Council's auditors Thomas, Noble and Russell will attend Council in the week commencing the 18 September 2017 to undertake the audit.

Attached at [\(Appendix G\)](#) are extracts of the primary consolidated financial reports comprising the income statement and balance sheet for the year ended 30 June 2017.

Councillors will be provided with a complete set of Financial Reports following the finalisation of the audit whilst the auditors will attend Council's November 2017 meeting and provide a presentation in respect of the accounts.

## ITEM 13.7 MOTIONS FOR LOCAL GOVERNMENT NSW 2017 ANNUAL CONFERENCE

Contact Person: Daryl Hagger – Acting General Manager

File: F12/1720

### PURPOSE

To consider the motions Council wishes to submit to the Local Government NSW Annual Conference to be held 4 to 6 December in Sydney.

### RECOMMENDATION

- 1 That the following motion be submitted to LGNSW for inclusion in the LGNSW 2017 Annual Conference Business Paper:**  
  
**“That Local Government NSW lobbies the State Government to increase funding for ANZAC Day events so that traffic management and public safety can be managed.”**
- 2 That motions submitted to LGNSW for inclusion in the LGNSW 2017 Annual Conference Business Paper by Nambucca Shire Council be supported.**

### ISSUES

Local Government NSW has written to all Councils inviting submission of motions for the Annual Conference. Endorsed motions need to be sent to LGNSW before close of business Monday 9 October 2017.

The following motions have been suggested by Councillor Hauville:

Economic Policy Category

That Local Government NSW lobbies the State Government to fund the cost of Traffic Management Plans for ANZAC Day event approvals.

*Note from Council:*

*Road closures for ANZAC Day March events must be undertaken in accordance with approved Traffic Management Plans and implemented by qualified traffic controllers. This is required to obtain approval through the Local Traffic Committee (LTC) for the event. The costs of this may be prohibitive for the RSL Sub-Branches and may lead to some events not continuing. Alternatively, events may end up being reconfigured to avoid road closures, impacting upon the ANZAC Day march traditions.*

*The members of the LTC are insistent that events must comply with the full requirements for traffic control. Public safety and organisational liability/risk issues may arise should ANZAC Day marches continue as they have previously.*

In addition, Nambucca Shire Council has requested support for motions they have resolved to submit for inclusion in the LGNSW 2017 Annual Conference Business Paper. A copy of adopted motions and accompanying notes are contained in [\(Appendix H\)](#).



## ITEM 13.8 GRANT FUNDING OPPORTUNITIES

Contact Person: Robert Scott – Acting Director Operations

File: F12/1757

### PURPOSE

To consider the upcoming grant funding opportunities and confirm the priority for projects to be included in grant funding applications.

### RECOMMENDATION

**That grant applications be prepared and submitted for the relevant grant opportunities based on the priorities indicated in the report.**

### ISSUES

The NSW State Government has announced a series of major grant funding opportunities for local government and community groups. The grant programs are a result of the reinvestment proceeds from leasing of electrical distribution infrastructure. The grants are intended to be invested in new infrastructure that will provide significant and long lasting benefits in terms of culture, recreation and economic stimulus for local communities.

Council has already developed plans and strategies in priority areas for the community and there is an opportunity to accelerate the completion of these long term strategies utilising the grant funding that is available. An analysis of the various grant programs together with the priorities identified from Council's Delivery Program, Operating Plan and other relevant strategies has been completed. This analysis has considered the level of development that the proposal has together with the general alignment with the grant funding objectives. For each grant fund, recommendations have been made on the projects to be considered for funding and their respective priority.

### BACKGROUND

Council has a considerable number of major projects identified in the Delivery Program. These projects are reflected in some of this year's Operating Plan. The majority of the major projects rely on a mixture of:

- Loans funded through an increase in general rates
- Loans through the Reserve Funds (using increased income from the caravan parks over future years)
- Combination of potential grant funds.

Undertaking major projects through financing options is the most expensive way to provide infrastructure and will ultimately require an increase in income somewhere to cover the future repayments. There is an opportunity to reduce the long term costs to the community by seeking grant opportunities for priority projects.

The table in [\(Appendix I\)](#) details the known grant opportunities and the relative projects that could be considered from our current plans and strategies. These projects have been assessed for suitability against the grants and recommendations have been made for consideration.

## ITEM 13.9 PROJECT COMPLETION REPORTS

Contact Person: Daryl Hagger – Acting General Manager

File: F12/1859

### PURPOSE

To consider the completion reports for projects completed in the last month.

### RECOMMENDATION

**That the project completion reports be submitted for each project once practical completion is achieved.**

### ISSUES

The completion reports for projects completed during August 2017 are contained [\(Appendix J\)](#). At the August Council meeting, there was some concern over when a completion report should be submitted. In order to resolve this, it is proposed to determine that “practical completion” be used to trigger the requirement for a completion report.

Practical completion is a term often used in construction works to define a point in the time where:

- The construction work is complete or substantially complete.
- The infrastructure/output is able to commence being used.
- A defects liability period or warranty period commences.
- Major cost milestones are complete and remaining costs are accurately predictable.

Defining the due date for reporting as the date of “practical completion” will help to avoid confusion and encourage consistency. The report(s) format has been slightly altered to suit this change.

## ITEM 13.10 PUBLIC HOLIDAYS ACT 2010

Contact Person: Daryl Hagger – Acting General Manager

File: F12/1660

### PURPOSE

Reporting on future applications under the *Public Holidays Act 2010* (the Act).

### RECOMMENDATION

- 1 That unless requested by a community group or organisation, no further applications be considered by Council or made to the NSW Government under the *Public Holidays Act 2010*.**
- 2 That Council continues to support where possible the promotion of significant local community events such as the Kempsey Show and Kempsey Cup.**

### BACKGROUND

Council resolved at its ordinary meeting of 18 July 2017;

*“That a report be brought back to Council outlining the benefits of a local event day whether we should continue to process local event days or promote local events in a different manner.”*

The Act deems that Council can, but is not required to apply for a local event day or public holiday. A declaration under the Act gives legislated support to the notion that the community will observe the day or part day as being of special significance.

A local event day does not preclude banks or shops located within the designated area from opening or trading on the day and does not automatically mean that employers are compelled to treat the day as a public holiday. Entitlements to paid leave or penalty rates on a local event day will only arise where agreed to at the workplace level. A local event day or part day does not require changes to the transportation arrangements for students attending school.

The process for an application under the Act is quite extensive. An application to the Minister to consider the declaration of a local public holiday or local event day, including a part day holiday or event day, must be in writing to the NSW Industrial Relations Group (NSW Treasury) and contain the following information:

- 1 A statement regarding the history of the event and whether the event day has traditionally been observed as a full or half-day public holiday.
- 2 The date, the designated area and, if relevant, the hours during which the public holiday or local event day is to be observed.
- 3 The extent of community consultation undertaken in respect of the proposal.
- 4 Copies of advertisements seeking public comment and a summary of the public’s responses.

- 5 A summary of correspondence to, and responses from, relevant stakeholders, including bank managers; school principals; and chambers of commerce regarding the Council's proposal.
- 6 Internal reports or information prepared for consideration by the Council and a copy of the Council's resolution authorising the making of the application.
- 7 Where an application is made for a public holiday or part-day holiday, details of:
  - Alternatives considered by the Council including the declaration of a local event day; and
  - Arrangements for school students (including the provision of transportation for students attending schools on the day of a part-day public holiday).

If approved the application must be declared by Order of the Minister and published on the NSW legislation website. Any change to a declared Order, requires a further application to have a new Order made. As experienced earlier this year with the postponement of the 2017 Kempsey Show from April to September, the declared day in April had to be revoked and the application process, including community consultation recommenced with a new Order declared for the September date.

Rather than carry out this process Council would continue to support and assist building community connections by promoting significant local events such as the Kempsey Show and Kempsey Cup. Council's support and assistance would include promotion through:

- Social media including Facebook, Twitter and Instagram
- Council's website
- Inclusion in Council's Notices
- Mayoral Column acknowledgement
- Community newsletters and posters.

Recent years has seen the declaration of local half-day event days for the Kempsey Show and Kempsey Cup. These applications have been the result of Council instigating the process with both the Kempsey Show Society and Kempsey Race Club.

## ITEM 13.11 KEMPSEY POST-BYPASS IMPACTS MONITORING STUDY 2017

Contact Person: Susannah Smith – Manager, Economic Sustainability

File: F12/899

### PURPOSE

To report on the findings of the August 2017 'Kempsey Post Bypass Impacts Monitoring Study'.

### RECOMMENDATION

**That the information be noted.**

### ISSUES

The August 2017 Kempsey Post Bypass Impacts Monitoring Study conducted in May-June 2017 is based on interviews with 124 businesses located along the former Pacific Highway corridor. The report is contained in [\(Appendix K\)](#).

The study has found that since the opening of the Pacific Highway Bypass in March 2013, job levels have returned to higher than pre-bypass levels (22% growth, with 249 new jobs created, bringing the total number of jobs to 1,386). Gross annual revenue has also increased by \$50 million (45%) to \$160 million. This indicates a strong local economy that has been able to adjust to the changes quickly and grow.

Other major study findings are summarised below:

- Factors contributing to jobs growth over the past four years include 170-200 new jobs (held by mostly Kempsey residents) at the new Highway Service Centre (HSC), the continuing presence of construction workers, and the opening of the Slim Dusty Centre in 2015.
- An overwhelming majority of businesses believe the new HSC has had a positive effect on the Kempsey economy.
- Over 90% of businesses say they have not been negatively affected by the bypass.
- Since the bypass, there has been a small decline in retail trade jobs, but increases in visitor services, primary industry, manufacturing, healthcare, social assistance, education/training, and construction sectors.
- Highway trade continues to be important for the Kempsey economy, accounting for 90% of business generated at the HSC. Many businesses located in the Kempsey Central Business District (CBD) also noted a growing number of regional day trippers or highway traffic.
- The Macleay Valley Way business profile has undergone rapid change since 2013. Twenty-four of 115 businesses interviewed in 2013 have closed (for non-bypass related reasons), while 16 continue to trade with new owners, and 87 continue to trade. Twenty-three new businesses have opened, including five at the HSC.
- 60% of businesses who say they have been impacted by the Smith Street upgrade say the impact has been positive, delivering increased pedestrian traffic and sales. Many of the 21 new business owners based in the CBD cited the upgrade as major a reason for opening a

business. Most businesses agreed the upgrade had been an overwhelming success. Council's investment has contributed to business and jobs growth.

- Since the bypass, a majority of businesses have embraced the internet and social media as a way of reaching potential customers, including the use of Facebook, Instagram and websites. Many have also made improvements to the appearance of their businesses. Enhanced customer service was rarely nominated as an area of focus.
- Only 11% of businesses believe they will be negatively affected by the opening of the Port Macquarie–Kempsey highway upgrade in the second half of 2017. Others anticipate an opportunity to attract more shoppers and visitors to Kempsey as a result of reduced travel times.
- Businesses in South Kempsey expressed a desire to see the upgrade of Macleay Valley Way at South Kempsey happen.
- Businesses expressed satisfaction with Council's efforts since 2013, and identified a number of priorities and opportunities in this area, including:
  - 1 Need for jobs, industry, people and growth
  - 2 More retailers in the town centre
  - 3 More major events for Kempsey and promotion of events
  - 4 Need to make Kempsey a destination for travellers
  - 5 Urgent road infrastructure improvements in South Kempsey
  - 6 Get cinema up and running – good for business
  - 7 Signage at interchanges
  - 8 Encourage younger entrepreneurs to commence business
  - 9 CCTV cameras in town centre
  - 10 Set up flying school at airport.

## **BACKGROUND**

Council has actively invested in the revitalisation of the former Pacific Highway corridor as part of its Pacific Highway Bypass Strategy (<http://www.kempsey.nsw.gov.au/bypass/kempsey-bypass-strategy.html>) and Kempsey Corridor Master Plan (<https://www.kempsey.nsw.gov.au/bypass/pubs/kempsey-corridor-master-plan.pdf>). To date, this has included:

- A \$9M revitalisation of the former highway corridor, including the Kempsey Central Business District and the village of Frederickton
- A \$1.8 million extension of water services through South Kempsey

- Development of the Highway Service Centre.

The 2017 study has provided an update on the performance of 124 businesses located along the former highway corridor and benchmarks the findings against the 2013 Pacific Highway Bypass Economic Impacts study (<http://www.kempsey.nsw.gov.au/bypass/kempsey-bypass-economic-impacts-study.html>). The 2013 study found that within eight months of the bypass opening in March 2013, 74 jobs had been lost from 110 traffic-dependent businesses located along the former highway corridor.

The growth since 2013 has resulted in the number of jobs and business revenue exceeding the pre bypass levels in 2017.

## ITEM 13.12 KEMPSEY SHIRE BIKE PLAN

Contact Person: Robert Scott – Acting Director Operations

File: F12/1746

### PURPOSE

To adopt the Kempsey Shire Bike Plan following the public exhibition period.

### RECOMMENDATION

**That the Kempsey Shire Bike Plan be adopted.**

### ISSUES

The Kempsey Shire Bike Plan was developed based on initial progress of community consultation. The intention is to provide a framework for existing cyclists needs, future management and to establish opportunities for development of the Kempsey Shire cyclist network.

The Bike Plan provides Council with a list of prioritised infrastructure improvements for each town in the Shire. The purpose is to provide safer, more attractive transport choices for residents and visitors. The plan also aims to increase cycling activity and to improve the amenity for residents and visitors.

### BACKGROUND

A copy of the final Kempsey Shire Bike Plan is contained in [Appendix L](#).

The draft was considered by Council and placed on exhibition for a period of 28 days. Community engagement occurred from Friday 21 July to Monday 17 August 2017. The public exhibition of the Bike Plan was promoted through Council's print advertising notices and social media. An e-newsletter was sent during this period to 400 members of *Your Say Macleay*, Council's online submission portal.

Although no submissions were received, the draft Plan was downloaded 33 times from Council's website during the exhibition period. This indicates that the initial engagement program has successfully drawn the issues that are important and these were reflected in the draft.



## ITEM 13.13 LOWER MACLEAY FLOOD STUDY

Contact Person: Robert Scott– Acting Director Operations

File: F12/1757

### PURPOSE

To consider the grant offer under the Floodplain Risk Management Program for revision of the Lower Macleay Flood Monitoring.

### RECOMMENDATION

**That the grant offer made by the Office of Environment & Heritage for a maximum of \$80,000 of the ratio of 2:1 be accepted.**

### ISSUES

The Flood Risk Management Plan for the Kempsey CBD is in the process of being finalised. It has been widely acknowledged that the Flood Risk Management Plan for the overall Lower Macleay Valley is overdue for updating. Stage One of this review process commences with renewed modelling of flood behaviour across the floodplain.

Council has been offered a grant of \$80,000 under the 2:1 Floodplain Risk Management Grant Program to proceed with the flood modelling. Funding of Council's contribution is available in the current budget.

### BACKGROUND

The current Floodplain Risk Management Plan for the Lower Macleay is out of date. The last modelling of flood levels and flood behaviours was conducted in the late 1990s. The work involved a limited one-dimensional analysis and is well below what can be achieved now.

Since the initial modelling, there have been several subsets including the modelling for the Kempsey CBD (2008), Pacific Highway upgrades (2013) and investigations into drainage in Belmore River (2016). These activities have resulted in small sections of an advanced model being developed covering the area in question. It is considered appropriate that the previous flood modelling be completely updated using the best available digital terrain data and the most recent statistical information regarding rainfall and river flows.

There are a number of operational issues identified through the audits of flood mitigation infrastructure which would benefit from analysis of flood modelling. Furthermore, this process would enable the relative benefits of the flood mitigation infrastructure to be identified. This would allow a detailed economic analysis of the scheme to be undertaken in future.

**ITEM 13.14 MATTERS IN PROGRESS**

Contact Person: Daryl Hagger – Acting General Manager

File: F12/1930

**PURPOSE**

To update Councillors on the progress of resolutions of Council

**RECOMMENDATION:****That the information be noted.****BACKGROUND****MATTERS IN PROGRESS ARISING FROM PREVIOUS COUNCIL MEETINGS****General Manager**

	<b>Min/CRM #</b>	<b>Subject</b>	<b>Resolution</b>	<b>Progress</b>
	2016.24 Item 2 2016-2-16	Public private partnership for Kempsey cinema project	That a public private partnership be entered into to provide cinema services located in Kempsey.	There are ongoing negotiations among the commercial partners that need to be resolved before this item can progress.
132	2017.182 Item 1 2017-5-25	Kempsey Cinema Project	<ol style="list-style-type: none"> <li>1 That Council endorse the agreement with Majestic Cinemas and Gowing Bros to enter into a Public Private Partnership to deliver the Kempsey Cinema, conditional upon receipt of the Office of Local Government's concurrence that the project process complies with the requirements of the Local Government Act, 1993.</li> <li>2 That an independent auditor be engaged to audit the accounts of the profit loss sharing agreement between Majestic and Kempsey Shire Council and that prudential rules for the nature of expenses that can be charged to this venture be set.</li> </ol>	
167	2017-7-18 ITEM 13.9 2017.259	Fit For The Future Pathway	That Council receives a report by no later than the October ordinary meeting that answers the question asked at item 15.1 on 20 June 2017.	<b>31 August 2017</b> <b>A report is included in this month's business paper.</b> <b>Recommend removal</b>

**General Manager**

	<b>Min/CRM #</b>	<b>Subject</b>	<b>Resolution</b>	<b>Progress</b>
172	2017.279 Item 13.1 2017-8-15	Organisation Culture and Structure Review	<ol style="list-style-type: none"> <li>1 That Council thank and acknowledge all employees for their dedication, accomplishments and continued commitment to the Kempsey Shire community.</li> <li>2 That the LKS Quaero Kempsey Shire Council – Culture and Structure Review report be noted and recommendations adopted.</li> <li>3 That a proposal from LKS Quaero is sought to:               <ol style="list-style-type: none"> <li>a Carry out the role of Director Transformation for a period of six (6) months to:                   <ol style="list-style-type: none"> <li>i Establish the program plan (as described in the report and recommendations) and architecture for the governance and management of the program</li> <li>ii Implement a fully scoped transformation program with supporting plan and business case to implement the recommendations contained within the report</li> </ol> </li> </ol> </li> <li>4 That LKS Quaero be engaged to commence implementation of levels one (1) and two (2) of the structure by;               <ol style="list-style-type: none"> <li>i Adhering to the requirements of Workplace Change, Local Government (State) Award 2017</li> <li>ii Seeking proposals for the search and</li> </ol> </li> </ol>	<p><b>24 August 2017</b>  <b>A memo to staff was provided on 16 August 2017.</b></p> <p><b>Letters were written to LKS Quaero requesting a proposal and engaging them to commence action in relation to recommendation four. Subsequently a selection brief and criteria was developed and advertised from 25 August 2017 for the role of Director of Transformation.</b></p> <p><b>Recommend removal</b></p>

### General Manager

	Min/CRM #	Subject	Resolution	Progress
			selection of the General Manager and Director positions.	

### Director Sustainable Environment

	Min/CRM #	Subject	Resolution	Progress
37	2016.273 Item 13.6 2016-11-15	Implementation of the rural residential land release strategy – Masterplan proposal – Verges Creek (North) rural residential land release area	That the selection of verges creek (north) rural residential land release area as the pilot project for the preparation of a masterplan as a means of implementing Council's rural residential land release strategy be endorsed.	<b>11 September 2017</b> <b>Three private planning proposals from individual owners have been pursued rendering the Masterplan redundant. A report will be provided to Council to select a different locality for a pilot project.</b> <b>Recommend Removal</b>
82	2017.36 Item 13.10 2017-2-21	Macleay River Eco-health	That Council receives annual or on occurrence reports on the updates on identifying priority funding sources and interagency support for the recommendations contained in the body of this report.	<b>11 September 2017.</b> <b>An annual report will be provided.</b> <b>Recommend Removal</b>
107	2017.120 Item 13.5 2017-4-18	Supply And Install Kempsey Airport Fuel System	<ol style="list-style-type: none"> <li>1 That the lump sum tender submitted by Australian Fuelling System and Equipment for the amount of \$409,359.50 (including GST), for the supply and installation of the new Kempsey Airport fuel system be accepted.</li> <li>2 That the installation of the fuelling system at Kempsey airport be done without taking a loan from AIAC</li> <li>3 That a separate report be returned to Council detailing the actual costs of the civil and electrical works undertaken as part of this project.</li> </ol>	The project is expected to be completed by September 2017.  <b>11 September 2017</b> <b>The project is expected to be completed and commissioned for operation on 15 September 2017.</b> <b>Report to be submitted to October meeting.</b>
131	Item 15.5 2017.171 2017-5-16	Kempsey Shire Council's Saleyards Review	That the following matters be included in the review of the saleyards business plan; <ol style="list-style-type: none"> <li>a Compliance of the present</li> </ol>	No progress as resources allocated to cinema project.

**Director Sustainable Environment**

	<b>Min/CRM #</b>	<b>Subject</b>	<b>Resolution</b>	<b>Progress</b>
			<ul style="list-style-type: none"> <li>users with their licences,</li> <li>b Financial situation, with last two years, and projections to end of present licences,</li> <li>c Animal welfare</li> <li>d Impact of changing cattle prices and</li> <li>e Impact on the saleyards viability due to changes to neighbouring district saleyards situation.</li> </ul>	
149	2017.213 Item 13.13 2017-6-20	Interim Procedure - Public Domain Contributions Plan	<ol style="list-style-type: none"> <li>1 That the Draft Procedure – Interim Transitional Arrangements – Kempsey Town Centre Public Domain Section 94 Developer Contributions Plan (2010) be endorsed for the purposes of public exhibition.</li> <li>2 That the Draft Procedure be placed on public exhibition for a period of 28 days.</li> <li>3 That Council receives a six monthly report that identifies any changes in development activity since the introduction of the interim Public Domain Contributions Plan.</li> </ol>	<p>6 July 2017 On exhibition from 27 June 2017. 3 August 2017 No submissions received. <b>11 September 2017</b> <b>Recommend Removal</b></p>
170	2017.272 Item 13.4 2017-8-15	Planning Proposal Felton’s Lane, Hampden Hall	That a Request for a Review of the Gateway Determination be submitted to the Department of Planning & Environment.	<b>11 September 2017</b> <b>Review Request Submitted to Department of Planning.</b> <b>Recommend Removal</b>
173	2017.282 Item 13.2 2017-8-15	Kempsey Airport Fly Neighbourly Agreement	<ol style="list-style-type: none"> <li>1 That the scope of matters to be addressed in the Noise Management Plan and associated Fly Neighbourly Agreement, as detailed in the following report be endorsed.</li> <li>2 That expression of interest from community members be sought to serve on a Community Reference Group to assist in the</li> </ol>	<b>11 September 2017</b> <b>Process commenced to determine community reference group.</b>

### Director Sustainable Environment

	Min/CRM #	Subject	Resolution	Progress
			process for preparing a draft Noise Management Plan and associated Fly Neighbourly Agreement.	
174	2017.273 Item 13.8 2017-8-15	KLEP 2013 Amendment 19 – Le Brocqs Lane/Gowings Hill Road, Dondingalong	That Council exercise delegation from the NSW Department of Planning and Environment to make the LEP Amendment.	<b>11 September 2017 Awaiting submission of new survey information.  Recommend Removal</b>

### Director Community Engagement

	Min/CRM #	Subject	Resolution	Progress
	2016.165 Item 13.8 2016-7-19	Lot 36 DP 1011989 Crottys Lane, Yarravel	<ol style="list-style-type: none"> <li>1 That Council proceeds with the sale of lot 36 DP 1011989 Crottys Lane Yarravel.</li> <li>2 That if the agreed sale price is at least 90% of the independent valuation then the seal of Council be affixed to all documentation as required.</li> </ol>	<p>An Expression of Interest is in draft for the appointment of a panel of Real Estate Agents to work with council in property management. This will be for a three (3) period. This will include all land identified for sale including Crotty's Lane.</p> <p>An EOI is complete and has been emailed to local real estate agents and advertising will commence week 17 July.</p> <p><b>11 September 2017 An EOI has been reported to this meeting recommending a panel of real estate agents be appointed. Crottys Lane will be listed for sale upon acceptance of the panel.</b></p>
	2016.187 Item 15.1 2016-8-9	100th anniversary of Remembrance Day – 11th November 2018	That the development of a strategy to support community organisations in their endeavours to restore World War 1 Memorials across the Macleay Valley for the 100th anniversary of Remembrance Day be recommended as a key	<p>Action to be incorporated in the Operating Plan 2017/2018.</p> <p>Contact has been made with local RSL representatives on funding opportunities</p>

**Director Community Engagement**

	<b>Min/CRM #</b>	<b>Subject</b>	<b>Resolution</b>	<b>Progress</b>
			action for inclusion in the 2017/21 Delivery Plan to the incoming Council.	available to restoration projects. <b>11 September 2017</b> <b>Action was considered in development of the Operating Plan 2017/2018.</b> <b>Recommend Removal</b>
130	Item 15.2 2017.169 2017-5-16	Local Community Plans – Update Progress	That Council update the progress achieved for the actions identified in the Local Community Plans prior to each community catch-up.	<b>11 September 2017</b> <b>Plans to be revised as required under the community catch-up program</b> <b>Recommend Removal</b>
140	2017.201 Item 13.2 2017-6-20	Judith Evill Aged Care Units	<ol style="list-style-type: none"> <li>1 That a budget of up to \$20,000.00 be allocated in 2017/2018 to engage professional advice in relation to options available - sale, lease or development or a combination of these proposals for the unit complex, 53 Tozer Street West Kempsey.</li> <li>2 That in the first instance the consultant be sought from the Kempsey Local Government area to undertake this work.</li> </ol>	3 August 2017 In progress - EOI for suitable consultants to be advertised locally. <b>11 September 2017</b> <b>EOI to be reported to October meeting.</b>
159	2017.233 Item 4 2017-6-27	Integrated Planning And Reporting Framework	<ol style="list-style-type: none"> <li>1 That the Macleay Valley 2036 Community Strategic Plan be adopted.</li> <li>2 That the Delivery Program 2017–2021 is adopted with the recommended changes in the report and the addition of; <ul style="list-style-type: none"> <li>- a complete review of the Community Strategic Plan.</li> <li>- a review of key performance indicator targets.</li> <li>- a review of the 10 year strategic land use plan be undertaken.</li> <li>- continuing to work with other agencies on the</li> </ul> </li> </ol>	3 August 2017 Completed  Completed

**Director Community Engagement**

	<b>Min/CRM #</b>	<b>Subject</b>	<b>Resolution</b>	<b>Progress</b>
			<p>implementation of the Kempsey Plan.</p> <p>3 That the Operating Plan 2017-2018 be adopted with the recommended changes contained within the report and the addition of;</p> <ul style="list-style-type: none"> <li>- funding towards the organisational review.</li> <li>- funding towards the implementation of the Communications Strategy.</li> <li>- the development of annual key performance indicator targets.</li> <li>- additional funding be provided to the Economic Sustainability Services.</li> <li>- allocate technical support for community groups/projects.</li> </ul> <p>4 That the Long Term Financial Plan as tabled be adopted and be placed on further public exhibition for 2 weeks.</p> <p>5 That the Fees and Charges 2017-2018 be adopted.</p> <p>6 That the Workforce Management Strategy, 10 Year Works Program and Asset Management Plan be adopted.</p> <p>7 That a report be brought back to Council for the items to be reviewed or implemented no later than September ordinary meeting.</p>	<p>3 August 2017 Delivery Program and Operating Plan have been updated and placed on Council's website. No funding has been identified for the new projects below at this point.</p> <p>Completed</p> <p>Completed</p> <p>Completed</p> <p><b>11 September 2017 Work has been commenced but not completed for a review of the 2017/2018 Operating Plan.</b></p>
162	2017-7-18 Item 13.2 2017.254	Macleay Valley Closed Circuit Television System	That Council accept the revised proposal of \$190,037.91 (GST inclusive) submitted by Secdata Pty Ltd.	3 August 2017 Implementation commenced. Camera locations are being discussed with business / property owners. <b>Recommend Removal</b>
164	2017-7-18 Item 13.4 2017.256	2017 Local Event Application –	1 That an application be made to NSW Industrial Relations for a local half-day event day	3 August 2017 Letter Issued to NSW IR 26 July 2017.



### Director Community Engagement

	Min/CRM #	Subject	Resolution	Progress
		Kempsey Show	<p>(afternoon) on Saturday, 16 September 2017 for the Kempsey Show.</p> <p>2 That a report be brought back to Council outlining the benefits of a local event day whether we should continue to process local event days or promote local events in a different manner.</p>	<p><b>8 September 2017</b>  <b>A report is included in this month's business paper.</b></p> <p><b>Recommend Removal</b></p>

### Director Infrastructure Services

	Min/CRM #	Subject	Resolution	Progress
84	2017.42 Item 15.2 2017-2-21	Plummers Lane grant application	That Plummers Lane (from Macleay valley way to the Jerseyville Bridge) be considered for inclusion in the delivery plan to be straightened and brought to the 100 kilometre per hour standard.	<p>To be considered as part of the delivery plan.</p> <p>Survey and investigation already underway for the section between Macleay Valley Way &amp; 400m east of Menarcobrinni Road. This section was deferred from this year's works program to fund Council's contribution to the extension of South Street.</p> <p>Concept planning information is being finalised and will be reported to an upcoming meeting.</p> <p><b>11 September 2017</b>  <b>Concept planning information is being developed and finalised. Matter planned to be reported to October meeting.</b></p>
97	2017.87 Item 13.6 2017-3-21	Anzac Day Marches Kempsey Shire – Traffic Control	1 That ANZAC Day marches are required to be undertaken in accordance with formal/event approvals incorporating Traffic Management Plans.	Anzac Day implemented for this year. Feedback has been received. This will be reviewed whilst developing the representation to state and federal government.

**Director Infrastructure Services**

	<b>Min/CRM #</b>	<b>Subject</b>	<b>Resolution</b>	<b>Progress</b>
			<p>2 That Traffic Management Plans be implemented by qualified traffic controllers at a cost of \$10,600 this year if necessary.</p> <p>3 That savings identified in the next March Quarter budget review be used to fund this cost.</p> <p>4 That Council in conjunction with the RSL sub-branches explore alternative funding options, whether they be private, donations, volunteer or political representations to defray financial cost to Council.</p>	
113	2017.127 Item 13.6 2017-4-18	South Kempsey Pressure Sewerage System	<p>1 That construction of a low pressure sewer scheme for the proposed and potential industrial developments along Macleay Valley Way at South Kempsey be considered as a priority project in the draft delivery program.</p> <p>2 That should the grant application under the Building Better Regions (BBR) fund be successful:</p> <p>a The grant be accepted.</p> <p>b The General Manager and Mayor be delegated to execute the funding agreement under Council's seal where necessary.</p> <p>c Acceptance of the grant be subject to obtaining the negotiated upfront payments from key stakeholders from 1 July 2017.</p> <p>d A 10 year loan be taken for the balance of funding (\$585,000) to finance the construction of the pressure sewer system.</p>	<p>Meetings are being arranged with each of the major stakeholders to confirm the proposal and their commitment.</p> <p>An outcome in relation to the grant is not yet known.</p> <p><b>11 September 2017</b> <b>The grant has been unsuccessful. A new report is to be submitted to the October meeting</b></p> <p><b>Recommend Removal</b></p>

**Director Infrastructure Services**

	<b>Min/CRM #</b>	<b>Subject</b>	<b>Resolution</b>	<b>Progress</b>
			e \$0.50 per quarter be levied under s.501 of the Local Government Act upon every sewer connection in the Kempsey Shire for the 2017/2018 financial year as part of the normal sewer access charge.	
114	2017.130 Item 13.12 2017-4-18	Lease Request - Rudder Park – NSW Government Telco Authority	<ol style="list-style-type: none"> <li>1 That the use of Rudder Park for the rollout of the Critical Communications Enhancement Program be supported.</li> <li>2 That subject to the successful completion of a Plan of Management and Planning Approvals, a lease be entered into on the terms set out in correspondence dated 15 February 2017 from the NSW Government Telco Authority.</li> <li>3 That the General Manager be delegated authority to sign the lease documents.</li> </ol>	<p>A response has been provided to the NSW Telco Authority.</p> <p>A draft plan of management for all community land is being prepared. It is expected to be reported to the August meeting ahead of being placed on exhibition and a public hearing.</p> <p><b>11 September 2017</b> <b>A draft plan of management for all community land is on exhibition.</b></p>
144	2017.208 Item 13.7 2017-6-20	Lower Macleay Levee Audit	<ol style="list-style-type: none"> <li>1 That the draft reports be placed on exhibition at Council's offices and Council's website for public information.</li> <li>2 That the 10-year Works Program be revised to include a program for reinstating levees to the design height in conjunction with roadworks (as a source of fill material).</li> </ol>	<p>30 June 2017 Reports on exhibition.</p> <p>The 10 year works program will be revised as part of developing the 2018/2019 operating plan.</p> <p><b>Recommend Removal</b></p>
146	2017.210 Item 13.9 2017-6-20	Proposed Upgrading Of Crescent Head Water Treatment Plant	<ol style="list-style-type: none"> <li>1 That a hybrid option of treatment processes, including advanced flocculation, clarification and membrane filtration and carbon filtration followed by disinfection and fluoridation be adopted as the preferred option.</li> </ol>	<p>30 June 2017 Design process recommenced incorporating membrane filtration.</p> <p><b>Recommend Removal</b></p>

**Director Infrastructure Services**

	<b>Min/CRM #</b>	<b>Subject</b>	<b>Resolution</b>	<b>Progress</b>
			2 That the NSW Office of Water (DPI Water) be advised of Council's decision on the basis that it would provide multiple barriers reducing the risk of supplying poor quality drinking water to the community and that any additional capital and operating costs are considered worthwhile.	
168	2017-7-18 Item 15.1 2017.261	Garage Sale Trail Participation	That Kempsey Shire Council receives a report concerning the participation in the Garage Sale Trail from 2018 or an independently Council run garage sale weekend.	<b>11 September 2017 To be reported to an upcoming meeting</b>
175	2017.284 Item 13.5 2017-8-15	Land Acquisition For Upgrading Sewer Pump Station K3 On Leith Street, West Kempsey	<ol style="list-style-type: none"> <li>1 That the offer in the amount of \$20,000.00 (GST Exclusive) made by the owner of Lot 72 DP588049 for the acquisition of that part of Lot 72 DP588049 being Lot 1 DP1225534 be accepted.</li> <li>2 That pursuant to Section 34 of the Local Government Act 1993, Council advertise the draft resolution. It is intended to classify Lot 1 DP1225534 (land adjoining the sewer pumping station in Leith Street, West Kempsey) as operational land.</li> <li>3 That a further report be brought back to Council detailing any submissions received from the public during the advertising period.</li> <li>4 That pursuant to Section 377 of the Local Government Act 1993, the General Manager is delegated authority to sign: <ol style="list-style-type: none"> <li>a) Contract for Sale/Deed of Acquisition.</li> </ol> </li> </ol>	<b>11 September 2017 Property acquisition being progressed  Recommend Removal</b>

**Director Infrastructure Services**

	<b>Min/CRM #</b>	<b>Subject</b>	<b>Resolution</b>	<b>Progress</b>
			b) The Land and Property Information Transfer form.	
176	2017.285 Item 13.6 2017-8-15	Implementation Of Crown Land Reforms	That an Expression of Interest be lodged in conjunction with the Kempsey Local Aboriginal Land Council to participate in the next implementation round of the Crown Lands Act.	<b>11 September 2017</b> <b>EOI submitted</b>  <b>Recommend Removal</b>
177	2017.286 Item 13.7 2017-8-15	Church Hill Quarry 2017.286	That a process be commenced to terminate the agreement with NSW Quarry Services for the development of Church Hill Quarry if an alternative agreement cannot be negotiated.	<b>11 September 2017</b> <b>Process commenced</b>  <b>Recommend Removal</b>
178	2017.287 Item 13.8 2017-8-15	Tender for the Construction of the Extension of South Street to Gowings Hill Road	<ol style="list-style-type: none"> <li>1 That the tender of Eire Constructions Pty Ltd in the estimated amount of \$1,636,602.55 (exclusive of GST) be accepted for the construction of the extension of South Street from West Street to Gowings Hill Road.</li> <li>2 That the contract documents be executed under the seal of Council.</li> </ol>	<b>11 September 2017</b> <b>Tender awarded, works commenced</b>  <b>Recommend Removal</b>
179	2017.288 Item 13.9 2017-8-15	Tender for the Replacement of McIntyres and Schmidts Bridges	<ol style="list-style-type: none"> <li>1 That the tender of Waeger Constructions Pty Ltd in the amount of \$860,000 (exclusive of GST) be accepted for the replacement of McIntyres and Schmidts Bridges.</li> <li>2 That the Roads Program be revised to take into account the actual Roads to Recovery funding available this year and the funding required to complete McIntyres and Schmidts Bridge replacement.</li> <li>3 That the contract documents be executed under the seal of Council.</li> </ol>	<b>11 September 2017</b> <b>Tenders Awarded</b>  <b>Recommend Removal</b>
180	2017.289 Item 13.10 2017-8-15	Draft Plan of Management	<ol style="list-style-type: none"> <li>1 That the draft Plan of Management for Community Land be placed</li> </ol>	<b>11 September 2017</b> <b>Draft POM on exhibition</b>

### Director Infrastructure Services

	Min/CRM #	Subject	Resolution	Progress
		for Community Land	<p>on public exhibition for submissions in accordance with the Local Government Act 1993.</p> <p>2 That a public hearing be held during the exhibition period.</p>	<b>Recommend Removal</b>
181	2017.290 Item 13.11 2017-8-15	2017 Kempsey Show Waste Management Fees	That the disposal costs for waste from the 2017 Kempsey Show be waived.	<b>11 September 2017 Show Society informed of outcome. Recommend Removal</b>
182	2017.292 Item 13.14 2017-8-15	Project Completion Reports	That the project completion reports be noted and the incomplete reports be reported again once completed with a final expenditure amount.	<b>11 September 2017 Proposed to change reports to project practical completion report. Recommend Removal</b>

**Director Corporate Management**

	<b>Min/CRM #</b>	<b>Subject</b>	<b>Resolution</b>	<b>Progress</b>
79	2017.31 Item 13.7 2017-2-21	Council policies	That this item be deferred and a workshop be conducted to review the policies of Council.	A workshop date has been set for Wednesday 2 August 2017 commencing at 4.30pm. 3 August 2017 A workshop was held on 2 August 2017 at which approximately half of the policies were reviewed.
80	2017.34 Item 13.8 2017-2-21	Delegations of Authority procedure	<ol style="list-style-type: none"> <li>1 That the delegations listed in the delegation of authority procedure be adopted.</li> <li>2 That an outsourcing policy be developed.</li> <li>3 That a delegation be provided to the mayoral community fund in order to determine applications to the mayoral community fund.</li> </ol>	<p>The delegations procedure was updated in line with recommendations 1 and 3 and placed on Council's website on 23 February 2017.</p> <p>A draft outsourcing policy has been prepared for consideration by MANEX prior to being submitted to Council for adoption.</p> <p>1 August 2017 The draft outsourcing policy was reviewed by MANEX on 19 July 2017. A copy was forwarded to Consultative Committee members, Leadership Team and Unions (United Services Union, Local Government Engineers Association and Development and Environment Professionals Association) for consultation.</p>
112	2017.126 Item 13.4 2017-4-18	Corporate Business Systems Replacement	<ol style="list-style-type: none"> <li>1 That under Section 178(3) of the Local Government (General) Regulation 2005 no tender offers be accepted as these offers exceeded the approved budget allocation.</li> <li>2 That under Section 178(3)(e) of the Local Government</li> </ol>	<p>Negotiations are continuing with both parties.</p> <p>1 August 2017 A councillor briefing session was held on Monday 17 July 2017 to</p>

### Director Corporate Management

	Min/CRM #	Subject	Resolution	Progress
			<p>(General) Regulation 2005 negotiations be entered into with Civica Pty Limited and TechnologyOne Limited.</p> <p>3 That the outcomes of these negotiations be reported back to a future meeting of the council for authorisation.</p> <p>4 That fresh tenders for the works not be invited as it is considered that going to the market again would more than likely produce the same results given the limited number of market suppliers.</p>	<p>provide an update on negotiations.</p> <p><b>8 September 2017 Recommendations are in the process of being arranged for October 2017.</b></p>
165	2017-7-18 Item 13.6 2017.257	Service Review Status Update	<p>1 That the details gathered from the current service reviews be documented.</p> <p>2 That no further action be taken on the service reviews at this time.</p> <p>3 That the service review process be recommenced as appropriate with the implementation of the restructure as part of the organisational review.</p>	
171	2017.274 Item 13.12 2017-8-15	Establishing a Company to Enable Shared Services Provision	That the establishment of a company for the provision of local government services not be progressed.	<p><b>17 August 2017 Letters have been sent to Nambucca and Bellingen Councils, United Services Union, Local Government Engineers Association and Development &amp; Environment Professionals Association advising them. Recommend removal.</b></p>



## ITEM 13.15 FIT FOR THE FUTURE PATHWAYS

Contact Person: Daryl Hagger – Acting General Manager

File: F12/1763

### PURPOSE

To provide a report outlining Fit for the Future outcome deficiencies identified and possible actions required to overcome these deficiencies.

### RECOMMENDATION

**That the information be noted.**

### ISSUES

Following Council's Fit for the Future reassessment result received in December 2016, the attached letter dated 28 March 2017 was forwarded to the Office of Local Government (OLG) [\(Appendix M\)](#).

This letter provides information outlining plans for Council to become financially sustainable in the long-term, including the service review program; a special rate variation; reduction in the level of assets managed; rationalisation of land and buildings; and a reduction in services provided. It also identified initiatives undertaken since the reassessment proposal, including:

- 1 Implemented automation software systems to allow increased efficiency savings.
- 2 Continued with service reviews with early indications that savings will exceed the \$500,000 projection.
- 3 Seen the impact of the changes to depreciation are in line with forecasts, thus confirming the financial forecasts in the proposal.
- 4 Revised the maintenance requirements through working regionally with MIDROC to better identify what the maintenance gap is.
- 5 Identified options for divestment of assets that would resolve the gap if the special rate variation was not approved.

Following a meeting held on 29 March 2017 with OLG representatives, Tim Hurst, Acting Chief Executive and Jim Fraser, Relationship Manager, the following letter was forwarded to the OLG [\(Appendix N\)](#) which identifies proposed changes being considered or put in place, such as:

- 1 An independent organisational review has commenced, which will look at both the culture and management structure needed to achieve the long-term goals of the community.
- 2 Automation software has been implemented to allow increased efficiency savings.
- 3 The process of service reviews has continued, with early indications that the actual savings will exceed the \$500,000 projected when combined with the benefits of automation.
- 4 Fees and charges are being reviewed to identify where there is some capacity for increases.

- 5 Divestment of assets that would resolve the maintenance gap (if the SRV was not approved) - \$4.56M of land and buildings have been identified.
- 6 Working regionally through MIDROC, Council will continue to refine the maintenance requirements to better identify what the real shortfall is.

A letter dated 10 May 2017 ([Appendix O](#)) was received from the OLG in relation to Council's letter of 6 April 2017 and the meeting of 29 March 2017.

## BACKGROUND

In May 2016, OLG released the *Fit for the Future Financial Reassessment Guidelines* to those councils that did not satisfy the financial criteria in the original IPART assessment, and that were not subject to a merger proposal. The guidelines provided information to councils eligible for reassessment, including the criteria for reassessment and the associated timeframes. Fourteen councils fell into the criteria.

The OLG reassessment process provided an opportunity for those fourteen councils to revise their improvement plans, and to resubmit their FFTF proposals to OLG for reassessment.

Following is the December 2016 report detailing the reassessment results for Kempsey Shire Council.

Reassessment Findings		OLG	IPART
<b>Sustainability</b>	<b>Overall</b>	<b>Did not satisfy</b>	<b>Did not satisfy</b>
	Operating Performance Ratio (OPR)	Satisfied	Did not satisfy
	Own Source Revenue Ratio (OSR)		Satisfied
	Building and Infrastructure Asset Renewal Ratio (BIRR)	Did not satisfy	Did not satisfy
<b>Infrastructure &amp; service management</b>	<b>Overall</b>	<b>Did not satisfy</b>	<b>Did not satisfy</b>
	Infrastructure Backlog Ratio (IBR)	Satisfied	Did not satisfy
	Asset Maintenance Ratio (AMR)	Did not satisfy	Did not satisfy
	Debt Service Ratio (DSR)		Satisfied
<b>Efficiency</b>	<b>Real Opex</b>		<b>Satisfied</b>

## Reassessment Summary

### Fit for the Future Reassessment – NOT FIT

- Council does not satisfy the financial criteria overall. While Council forecasts to meet the benchmarks, Councils operating performance ratio and infrastructure backlog ratio results appear to be optimistic.
- The identified assumptions and strategies do not appear sound in order for Council to achieve the desired results.

- Council met the criterion for efficiency in the original IPART assessment, and was not required to be reassessed against this benchmark.

### **Sustainability – Did not satisfy**

- Council did not meet the OPR in the original IPART assessment, and is forecast to be 1.0% (General Fund) in 2020-21 which meets the benchmark. These results appear to be optimistic as actual results for the last three years have been -15.0% in 2014-15, -40.0% in 2013-14 and -35.5% in 2012-13 (Consolidated Fund).
- Council met the OSR in the original IPART assessment, and is forecast to be 74% in 2020-21 which meets the benchmark, however is reliant on Council getting an additional SRV.
- Council did not meet the BIRR in the original IPART assessment, and is forecast to be 93% in 2020-21 which does not meet the benchmark, however Council projects to meet the benchmark by 2023-24. Council's results against this benchmark will be monitored into the future.

### **Infrastructure and service management – Did not satisfy**

- Council did not meet the IBR in the original IPART assessment, and is forecast to be 1.3% in 2020-21 which meets the benchmark.
- Council did not meet the AMR in the original IPART assessment, and is forecast to be 100% in 2020-21 which meets the benchmark, however this is reliant on optimistic SRV funding.
- Council satisfied the DSR in the original IPART assessment, and is forecast to be 1.6% in 2020-21 which remains above the benchmark.

### **Efficiency – Satisfied**

- Council satisfied the efficiency criterion in the original IPART assessment.

### **Water and/or Sewer**

Council has water supply and sewerage business activities. It currently is 90% compliant with the NSW Government Best Practice Management of Water Supply and 100% with Sewerage Framework. Council states it is incorporating the outstanding items into its future water utility improvement program.

Council at its meeting held on 18 July 2017 resolved:

*“That Council receives a report by no later than the October ordinary meeting that answers the questions asked at item 15.1 on 20 June 2017.”*

This recommendation was as a result of a report presented to the July Council meeting following the recommendation adopted at the Council meeting held on 20 June 2017 which resolved:

*“That Council prepare a report for the July Council Meeting on the Fit for the Future outcomes*

- 1 *outlining deficiencies identified and*
- 2 *possible actions required to overcome these deficiencies.”*

## ITEM 13.16 CODE OF CONDUCT

Contact Person: Daryl Hagger – Acting General Manager

File: F12/1933

### PURPOSE

To adopt a Code of Conduct in accordance with requirements of the Local Government Act.

### RECOMMENDATION

**That the Code of Conduct be adopted.**

### ISSUES

Section 440 (7) of the Local Government Act requires that a council within 12 months after each ordinary election review its adopted code of conduct and make adjustments it considers appropriate and are consistent with this section.

Attached at [\(Appendix P\)](#) is a copy of the current Code of Conduct. No amendments are proposed.

## ITEM 13.17 GIPA ACT AGENCY INFORMATION GUIDE

Contact Person: Daryl Hagger – Acting General Manager

File: F12/1640

### PURPOSE

To adopt a GIPA Act Agency Information Guide in accordance with requirements of the Government Information (Public Access) Act 2009.

### RECOMMENDATION

**That the GIPA Act Agency Information Guide be adopted.**

### ISSUES

Section 21 of the Government Information (Public Access) Act requires that an agency must review its information guide at intervals of not more than 12 months.

Attached at [\(Appendix Q\)](#) is a copy of the current GIPA Act Agency Information Guide with track changes.

## **ITEM 13.18 COUNCIL POLICIES**

Contact Person: Daryl Hagger – Acting General Manager

File: F12/1933

### **PURPOSE**

For Council to adopt the Policies detailed in the report.

### **RECOMMENDATION**

**1 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)**

**Roads Policy (3.1)**

**Sewer Services Policy (3.2)**

**Water Supply Policy (3.3)**

**Asset Management Policy (3.4)**

**Private Works Policy (3.6)**

**Public Reserve and Recreation Management Policy (3.8)**

**Risk Management and Insurance Policy (3.9)**

**Signs Policy (3.10)**

**Liquid Trade Waste and Septic Receiving Policy (3.11)**

**2 That the following Policy be deleted:**

**Public Regulation Policy (3.7)**

## BACKGROUND

A review of some of Council's policies was undertaken at a Councillor Workshop held on 2 August 2017. A copy of each Council Policy with track changes showing where changes are recommended is attached in [\(Appendix R\)](#).

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 DCP is to be developed and be reported to council.

### Lands Under Kempsey Shire Council Jurisdiction Policy (1.2)

- Existing clause 8 – add “in accordance with procedure 1.2.4”
- Existing clause 10 – delete “for” and replace with “on”
- Add new clause 11 – “To control and eradicate (if possible) noxious pests on council controlled or managed land”
- Existing clause 13 – delete “Macleay District” and replace with “Kempsey Regional”
- Add procedure 1.2.21 – Control of Noxious Pests

### Enforcement and Compliance Policy (1.3)

- Policy 3.7 – Public Regulation Policy was amalgamated with Policy 1.3 – Enforcement and Compliance Policy
- Add new clause 6 – “To ensure community safety and amenity are maintained by appropriate monitoring and regulation of:  
  
Car parking areas  
  
Beach signage  
  
Abandoned articles  
  
Straying stock  
  
Anti-social behaviour associated with alcohol consumption”
- Add new clause 7 – Public areas will be managed according to identified procedures and guidelines
- Related Kempsey Shire Council Policies – delete 3.7 – Public Regulation Policy



- 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.

#### **Waste Services Policy (1.6)**

- Existing clause 1 – delete “To work towards” and replace with “To achieve”
- Existing clause 1 – delete “and the eventual eliminations of waste as landfill.”

#### **On-site Sewerage Management Policy (1.8)**

- Existing clause 3 – delete “will ensure” and replace with “encourages”
- Part of the 2016/2017 Operating Plan is to undertake risk mapping of the shire for on-site sewerage management. This has been completed (31/12/2016) and the process of reviewing the policy, section of the DCP and procedures is now progressing. This process may eliminate one of these documents and/or review the others and be reported to council.

#### **Roads Policy (3.1)**

- Existing clause 4 – delete “Director Infrastructure Services” and replace with “General Manager”
- Add procedure 3.1.3 – Contributions towards works for footpaths and kerbing and guttering (moved from Private Works Policy – 5.6)
- Add procedure 3.1.5 – Bike Plan
- Related Kempsey Shire Council Policies – add 3.4 – Asset Management Policy

#### **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 4 – delete “Director Infrastructure Services” and replace with “General Manager”

- 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)**

- Existing clause 3 – delete “Director Infrastructure Services” and replace with “General Manager”
- 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”
- Existing clause 9 a) – add “whole of life costs”
- Related Kempsey Shire Council Policies – delete “Occupational” and replace with “Work”

### **Private Works Policy (3.6)**

- Existing clause 5 – delete “The Manager Operations, Manager Water Operations or Manager Water Strategy” and replace with “Responsible Managers”
- Delete procedure 3.1.3 – Contributions towards works for footpaths and kerbing and guttering (moved to Roads Policy – 3.1)
- Related Kempsey Shire Council Policies – delete “Occupational” and replace with “Work”

### **Public Regulation Policy (3.7)**

- Policy 3.7 – Public Regulation Policy was amalgamated with Policy 1.3 – Enforcement and Compliance Policy

### **Liquid Trade Waste and Septic Reveal Policy (3.11)**

- Policy amended to move procedural matters into a Liquid Trade Waste and Septic Reveal procedure

## ITEM 13.19 PECUNIARY INTEREST RETURNS AND DECLARATIONS

Contact Person: Daryl Hagger – Acting General Manager

File: F12/1961

### PURPOSE

To table Disclosure of Interest Returns lodged by Councillors and Designated Persons in accordance with section 450A (2) of the Local Government Act 1993.

### RECOMMENDATION

**That the lodgement and tabling of the 2016/2017 Pecuniary Interest Returns be noted.**

### ISSUES

Section 449 of the Local Government Act 1993, requires the Mayor, Councillors, General Manager, Directors and nominated designated staff to submit a pecuniary interest return by 30 September each year.

The register of Returns of designated persons is tabled at this meeting for public perusal or by appointment.

## ITEM 13.20 STATEMENT OF CASH AND INVESTMENTS

Contact Person: Deanna O'Neill – Manager Finance

File: N/A

### PURPOSE

Reporting on the statement of bank balance and investments for the month of August 2017.

### 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 [\(Appendix S\)](#).

## ITEM 13.21 DEVELOPMENT APPROVALS AND CONSTRUCTION CERTIFICATES

Contact Person: Robert Scott – Acting Director Operations

File: N/A

### PURPOSE

To report that the following applications have been approved for the period of August 2017 and includes approvals by Private Certifiers.

### RECOMMENDATION

**That the information be noted.**

### REPORT DETAILS

#### Council Report on Local Development Applications, Modifications and Review of Determinations

2016/LD-00449 Lot 14 DP1069003 80-114 MACLEAY STREET FREDERICKTON  
SENIORS HOUSING FACILITY  
Applicant: THOMPSON HEALTH CARE PTY LTD

2017/LD-00094 Lot 1 DP1115153 144 BELMORE RIVER LEFT BANK ROAD BELMORE RIVER  
FLOOD MOUND  
Applicant: ARGUE I, ARGUE T, I & T ARGUE PTY LTD

2017/LD-00155 Lot 445 DP813607 48 DIRRIKKEE HILL ROAD SOUTH KEMPSEY  
TWO (2) LOT SUBDIVISION  
Applicant: MILLEN K & MILLEN L

2016/LD-00021 REV01 Lot 1 DP1175950 160 DENNIS ROAD MUNGAY CREEK  
DWELLING  
Applicant: PASCOE D & PASCOE K

2017/LD-00198 Lot 2 DP1204587 NULLA NULLA CREEK ROAD BELLBROOK  
CHANGE OF USE TO DWELLING  
Applicant: DEX CONSULTING PTY LTD

2017/LD-00201 Lot 3 DP559358 2 KINCHELA STREET CRESCENT HEAD  
ALTERATIONS & ADDITIONS TO EXISTING TWO STOREY DWELLING  
Applicant: MACLEAY VALLEY BUILDING

2017/LD-00215 Lot 1 DP120245 20 MACQUARIE STREET SOUTH KEMPSEY  
DUAL OCCUPANCY & SUBDIVISION (ONE LOT INTO TWO LOTS)  
Applicant: MR G E DANN

2017/LD-00221 Lot 1 DP822651 51 RUDDER STREET EAST KEMPSEY  
DUAL OCCUPANCY (DETACHED) & TORRENS SUBDIVISION  
Applicant: HADLOW DESIGN SERVICES

2017/LD-00222 Lot 1906 DP850595 CALLEN-BRAE LANE YESSABAH

- DWELLING  
Applicant: JOHN BRADY BUILDING PTY LTD
- 2017/LD-00234 Lot 3 DP357223 44 SEA STREET WEST KEMPSEY  
CONTINUED USE OF AN EXISTING BUILDING AS A DWELLING  
Applicant: MR G A & MRS V GILL
- 2017/LD-00246 Lot 1 DP560806 POLWOOD STREET WEST KEMPSEY  
CHANGE OF USE - TWO STOREY DWELLING WITH ALTERATIONS AND ADDITIONS  
Applicant: DENNIS PARTNERS PTY LTD
- 2017/LD-00248 Lot 6 DP754441 1296 MARIA RIVER ROAD CRESCENT HEAD  
ALTERATIONS & ADDITIONS TO EXISTING DWELLING & SHED  
Applicant: EZRA ATKINS
- 2017/LD-00250 Lot 1 DP1188060 LEITH STREET WEST KEMPSEY  
EARTHWORKS AND RETAINING WALL  
Applicant: MR M J TIFFEN
- 2017/LD-00264 Lot 34 DP600214 2 MARINE PARADE STUARTS POINT  
SHED  
Applicant: MR D A REECE
- 2017/LD-00265 Lot 12 DP629903 87 MACLEAY STREET FREDERICKTON  
SUBDIVISION (ONE LOT INTO TWO LOTS)  
Applicant: MR L A MILLEN
- 2017/LD-00267 Lot 122 DP1197659 36 PACIFIC STREET CRESCENT HEAD  
ALTERATIONS AND ADDITIONS TO EXISTING DWELLING  
Applicant: SCOTTON K & RYAN G
- 2017/LD-00268 Lot 1 DP101434 5A GABRIEL AVENUE EAST KEMPSEY  
ADDITIONS TO EXISTING TWO STOREY DWELLING  
Applicant: MRS J N BEILBY
- 2017/LD-00269 Lot 1 DP1130370 1157 SOUTH WEST ROCKS ROAD GLADSTONE  
SHED  
Applicant: MR M A HARRISON
- 2017/LD-00274 Lot 3 DP22942 20 PACIFIC STREET CRESCENT HEAD  
TWO STOREY ADDITION & ALTERATIONS TO EXISTING DWELLING  
Applicant: MR M B MILLS
- 2017/LD-00275 Lot 1 DP244767 1 WARD STREET HAT HEAD  
SHED  
Applicant: MRS J N CHAPMAN
- 2017/LD-00279 Lot 20 DP793723 3 SCHNAPPER CLOSE HAT HEAD  
DWELLING & SHED  
Applicant: SINCLAIR A & SINCLAIR H

- 2017/LD-00281 Lot 20 DP758024 48 CARDWELL STREET ARAKOOK  
ALTERATIONS AND ADDITIONS TO EXISTING SHED  
Applicant: MR T A KEAST
- 2017/LD-00282 Lot 7 DP1073515 19 COX LANE SOUTH KEMPSEY  
DWELLING  
Applicant: GRAY B & WHITE L
- 2017/LD-00118 REV01 Lot 11 DP758024 40 CARDWELL STREET ARAKOOK  
RELOCATE DWELLING, ATTACHED CARPORT, DEMOLISH SHED AND CARPORT  
Applicant: MR G B COLLING
- 2017/LD-00284 Lot 3 DP855283 PALM GROVE ARAKOOK  
ADDITIONS TO EXISTING TWO STOREY DWELLING  
Applicant: MAILFERT P & MAILFERT R
- 2017/LD-00285 Lot 2 DP595743 205 GREGORY STREET SOUTH WEST ROCKS  
ALTERATIONS & ADDITIONS TO EXISTING TWO STOREY DWELLING  
Applicant: MS T N DE LUCA
- 2017/LD-00286 Lot 52 DP857026 45 ATHOL ELLIOTT PLACE SOUTH WEST ROCKS  
ADDITIONS TO EXISTING DWELLING  
Applicant: PORT PATIOS
- 2017/LD-00287 Lot 49 DP1071483 26 BUNYA PINE COURT WEST KEMPSEY  
ADDITIONS TO EXISTING DWELLING  
Applicant: BROWN T & BROWN X
- 2017/LD-00289 Lot 15 DP1168206 57 HILLVIEW DRIVE YARRAVEL  
SHED - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER  
Applicant: SHEDS N HOMES MID NORTH COAST
- 2017/LD-00292 Lot 33 DP602162 118 INCHES ROAD VERGES CREEK  
FARM SHED  
Applicant: HOPKINS CONSULTANTS PTY LIMITED
- 2017/LD-00293 Lot 2 DP335266 9 BERANGHI STREET CRESCENT HEAD  
ALTERATIONS & ADDITIONS TO EXISTING DWELLING  
Applicant: MR A C HARRIS
- 2017/LD-00294 Lot 210 DP863875 242A CRESCENT HEAD ROAD SOUTH KEMPSEY  
SHED  
Applicant: MIDCOAST STEEL STRUCTURES
- 2017/LD-00295 Lot 16 DP1060754 9 SPRINGFIELDS DRIVE GREENHILL  
TWO STOREY DWELLING  
Applicant: KESBY C & KESBY K
- 2015/LD-00400 REV01 Lot 17 DP759080 98 MIDDLETON STREET SOUTH KEMPSEY  
DWELLING  
Applicant: MR V L BLEARS

- 2017/LD-00296 Lot 26 DP1002157 41 GRANTS CLOSE SOUTH KEMPSEY  
SWIMMING POOL  
Applicant: TERRA-FIRMA LANDSCAPES
- 2017/LD-00301 Lot 101 DP1036461 8 GRANDVIEW PLACE SOUTH WEST ROCKS  
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER  
Applicant: COASTCERT
- 2017/LD-00302 Lot 6 DP1114166 14 WEDLOCK CLOSE SOUTH KEMPSEY  
DWELLING  
Applicant: PERRY HOMES (AUST) PTY LTD
- 2017/LD-00304 Lot 101 DP1130297 109-113 SMITH STREET KEMPSEY  
SHOP FIT OUT - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER  
Applicant: BUILDING IT RIGHT BUILDERS PTY LTD
- 2017/LD-00305 Lot 1 DP23517 3 COOPER STREET SOUTH WEST ROCKS  
DWELLING  
Applicant: PERRY HOMES (AUST) PTY LTD
- 2017/LD-00306 Lot 117 DP1051855 27 DENNIS CRESCENT SOUTH WEST ROCKS  
DWELLING  
Applicant: PERRY HOMES (AUST) PTY LTD
- 2017/LD-00307 Lot 56 DP260720 7 KEVIN HOGAN PLACE SOUTH WEST ROCKS  
ADDITIONS TO EXISTING DWELLING  
Applicant: WILBY J & WILBY W
- 2017/LD-00308 Lot 101 DP1213243 1370 MARIA RIVER ROAD CRESCENT HEAD  
DWELLING  
Applicant: MR H E MARKHAM
- 2017/LD-00309 Lot 20 DP869458 8 HERBERT APPLEBY CIRCUIT SOUTH WEST ROCKS  
ADDITIONS TO EXISTING DWELLING  
Applicant: MS J V EVERINGHAM
- 2017/LD-00310 Lot 18 DP759080 3 RONALD WIXTED AVENUE SOUTH KEMPSEY  
GARAGE  
Applicant: SHEDS N HOMES MID NORTH COAST
- 2017/LD-00311 Lot 6 DP1114166 14 WEDLOCK CLOSE SOUTH KEMPSEY  
DETACHED CARPORT AND CONTINUED USE OF AN EXISTING BUILDING AS A STUDIO  
Applicant: MR W J TUCK
- 2017/LD-00312 Lot 2 DP1094659 40-44 QUEEN STREET SOUTH KEMPSEY  
DWELLING AND CARPORT  
Applicant: PARSONS D & JOHNSON D
- 2017/LD-00313 Lot 53 DP1071483 34 BUNYA PINE COURT WEST KEMPSEY  
DWELLING - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER



- Applicant: MR D P LANE & MS R MARES
- 2017/LD-00314 Lot 29 DP1071805 15 BEDE LAWRENCE CLOSE FREDERICKTON  
SHED - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER  
Applicant: MR P L PEARSON
- 2017/LD-00315 Lot 122 DP774292 14 THE PONDS WAY ALDAVILLA  
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER  
Applicant: MR J P CRILLEY
- 2017/LD-00316 Lot 3 DP270421 22B MARLIN CIRCUIT HAT HEAD  
STUDIO - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER  
Applicant: MR L MILES
- 2017/LD-00317 Lot 9 DP758302 18 SKYLINE CRESCENT CRESCENT HEAD  
ALTERATIONS AND ADDITIONSTO EXISTING DWELLING - COMPLYING DEVELOPMENT -  
PRIVATE CERTIFIER  
Applicant: MR P D MCGREGOR
- 2017/LD-00318 Lot 22 DP1113014 48 TEAGUE DRIVE SOUTH KEMPSEY  
DWELLING AND CLEAN FILL  
Applicant: MOMENTUM PROJECT SOLUTIONS
- 2017/LD-00321 Lot 1 DP1172532 36 INNES STREET EAST KEMPSEY  
ALTERATIONS & ADDITIONS TO EXISTING DWELLING, DETACHED CARPORT & DEMOLISH  
EXISTING GARAGE  
Applicant: SPROULE T & SPROULE P
- 2017/LD-00323 Lot 11 DP1014666 NEVILLE MORTON DRIVE CRESCENT HEAD  
SHED & TREE REMOVAL  
Applicant: MR J L K BULL
- 2017/LD-00324 Lot 4 DP1148153 KEMPS ACCESS COLLOMBATTI  
DWELLING & SHED  
Applicant: HOTONDO HOMES KEMPSEY
- 2017/LD-00064 REV01 Lot 124 DP1177499 109 WARATAH DRIVE YARRAVEL  
DWELLING & INDOOR SWIMMING POOL  
Applicant: G J GARDNER HOMES PORT MACQUARIE
- 2017/LD-00325 Lot 144 DP1154042 32 ACACIA PLACE YARRAVEL  
DWELLING  
Applicant: CORAL HOMES C/- PROFESSIONAL PLANNING GROUP
- 2017/LD-00328 Lot 3 DP775930 731 OLD COAST ROAD KUNDABUNG  
SHED AND FILL  
Applicant: MOMENTUM PROJECT SOLUTIONS
- 2017/LD-00330 Lot 3 DP25361 2 LEITH STREET WEST KEMPSEY  
SWIMMING POOL  
Applicant: MS G DEAN

2017/LD-00288 Lot 138 DP1014289 42 NELSONS WHARF ROAD ALDAVILLA  
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER  
Applicant: MR M A WINKLER

2017/LD-00290 Lot 5 DP257410 6 RONALD LALOR PLACE EAST KEMPSEY  
SWIMMING POOL AND DECK - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER  
Applicant: AHERN S & AHERN L

(Please note: This includes approvals by Private Certifiers).

Type	No	Sub	Value
Private Certifier (Complying SEPP)	10	10	\$693,609
Local Development	47	47	\$29,906,743.40
Modifications	4	4	-

There were 61 applications approved with a value of \$30,600,352.40.

For the financial year to date there have been 107 approvals including 11 modifications approved, with 80.4% approved within 30 days.

The 107 approvals (including 115 sub-applications) have a value of \$36,807,092.40.

There are 110 applications awaiting determination for the following reasons:

DA REQUIREMENTS (DR)	1
FURTHER DETAILS REQUIRED (FD)	40
FURTHER DETAILS REQUIRED 01 (FD01)	1
INCOMPLETE APPLICATION (IA)	2
REFER TO RFS - INTEGRATED - MORE DETAILS (RFS3)	1
REFER TO RURAL FIRE SERVICE (LD) (RR)	3

#### **Council Report on Development Applications refused, withdrawn or rejected**

2014/LD-00080 Lot 11 DP708538 LINK ROAD KUNDABUNG  
CONTINUED USE OF AN EXISTING BUILDING AS A DWELLING  
Withdrawn by applicant

2016/LD-00031 Lot 21 DP524639 SOUTH WEST ROCKS ROAD GLADSTONE  
CONTINUED USE OF AN EXISTING BUILDING AS A DWELLING  
Withdrawn by applicant

2016/LD-00094 REV 01 Lot 36 & Lot 37 DP32035 49 - 51 GLADSTONE STREET KEMPSEY  
DEMOLITION OF EXISTING LOADING DOCK & CONSTRUCTION OF A COVERED LOADING DOCK  
Withdrawn by applicant

#### **Council Report on Construction Certificates Building**

2017/CB-00101 Lot 232 DP700451 84 BELGRAVE STREET KEMPSEY  
ALTERATIONS & ADDITIONS TO COMMERCIAL PREMISES

Applicant: WAKEFIELD PLANNING

2017/CB-00153 Lot 3 DP559358 2 KINCHELA STREET CRESCENT HEAD  
ALTERATIONS & ADDITIONS TO EXISTING TWO STOREY DWELLING  
Applicant: MACLEAY VALLEY BUILDING

2017/CB-00167 Lot 1906 DP850595 CALLEN-BRAE LANE YESSABAH  
DWELLING  
Applicant: JOHN BRADY BUILDING PTY LTD

2017/CB-00201 Lot 1 DP101434 5A GABRIEL AVENUE EAST KEMPSEY  
ADDITIONS TO EXISTING TWO STOREY DWELLING  
Applicant: MRS J N BEILBY

2017/CB-00206 Lot 752 DP263138 3415 ARMIDALE ROAD HICKEYS CREEK  
DWELLING, SHED WITH ATTACHED CARPORT, GAZEBO & SWIMMING POOL  
Applicant: ROBERTS C & MONTGOMERY J

2017/CB-00207 Lot 7 DP1073515 19 COX LANE SOUTH KEMPSEY  
DWELLING  
Applicant: GRAY B & WHITE L

2017/CB-00208 Lot 1 DP12159 8 DARKWATER STREET GLADSTONE  
CHANGE OF USE TO DWELLING WITH ALTERATIONS & ADDITIONS  
Applicant: MARTIN S & MARTIN I

2017/CB-00213 Lot 2 DP595743 205 GREGORY STREET SOUTH WEST ROCKS  
ALTERATIONS & ADDITIONS TO EXISTING TWO STOREY DWELLING  
Applicant: MS T N DE LUCA

2017/CB-00214 Lot 52 DP857026 45 ATHOL ELLIOTT PLACE SOUTH WEST ROCKS  
ADDITIONS TO EXISTING DWELLING  
Applicant: PORT PATIOS

2017/CB-00215 Lot 1 DP1130370 1157 SOUTH WEST ROCKS ROAD GLADSTONE  
SHED  
Applicant: MR M A HARRISON

2017/CB-00216 Lot 49 DP1071483 26 BUNYA PINE COURT WEST KEMPSEY  
ADDITIONS TO EXISTING DWELLING  
Applicant: BROWN T & BROWN X

2017/CB-00218 Lot 15 DP1168206 57 HILLVIEW DRIVE YARRAVEL  
SHED - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER  
Applicant: SHEDS N HOMES MID NORTH COAST

2017/CB-00094 REV01 Lot 11 DP758024 40 CARDWELL STREET ARAKOOON  
RELOCATE DWELLING, ATTACHED CARPORT, DEMOLISH SHED AND CARPORT  
Applicant: MR G COLLING

2017/CB-00222 Lot 26 DP1002157 41 GRANTS CLOSE SOUTH KEMPSEY

SWIMMING POOL

Applicant: TERRA-FIRMA LANDSCAPES

2017/CB-00223 Lot 159 DP754441 16 MAY STREET CRESCENT HEAD

DUAL OCCUPANCY - PRIVATE CERTIFIER

Applicant: COAST ARC PTY LTD

2015/CB-00318 REV01 Lot 17 DP759080 98 MIDDLETON STREET SOUTH KEMPSEY  
DWELLING

Applicant: MR V L BLEARS

2017/CB-00224 Lot 89 DP805382 1 OXLEY PLACE SOUTH WEST ROCKS

ALTERATIONS & ADDITIONS TO EXISTING DWELLING

Applicant: ALLEN M & RITCHIE R

2017/CB-00225 Lot 23 DP1113014 40 TEAGUE DRIVE SOUTH KEMPSEY  
SHED

Applicant: LEESON R & LEESON M

2017/CB-00226 Lot 25 DP1215410 14 YULGILBAR PLACE SOUTH WEST ROCKS  
MULTIPLE DWELLINGS (3) WITH SHEDS AND THREE (3) LOT SUBDIVISION - PRIVATE  
CERTIFIER

Applicant: HADLOW DESIGN SERVICES

2017/CB-00227 Lot 101 DP1036461 8 GRANDVIEW PLACE SOUTH WEST ROCKS

SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER

Applicant: COASTCERT

2017/CB-00228 Lot 56 DP260720 7 KEVIN HOGAN PLACE SOUTH WEST ROCKS

ADDITIONS TO EXISTING DWELLING

Applicant: WILBY J & WILBY W

2017/CB-00229 Lot 20 DP869458 8 HERBERT APPLEBY CIRCUIT SOUTH WEST ROCKS

ADDITIONS TO EXISTING DWELLING

Applicant: MS J V EVERINGHAM

2017/CB-00230 Lot 101 DP1213243 1370 MARIA RIVER ROAD CRESCENT HEAD  
DWELLING

Applicant: MR H E MARKHAM

2017/CB-00232 Lot 6 DP1114166 14 WEDLOCK CLOSE SOUTH KEMPSEY

DETACHED CARPORT AND CONTINUED USE OF AN EXISTING BUILDING AS A STUDIO

Applicant: MR W J TUCK

2017/CB-00233 Lot 2 DP1094659 40-44 QUEEN STREET SOUTH KEMPSEY  
DWELLING

Applicant: PARSONS D & JOHNSON D

2017/CB-00237 Lot 11 DP1014666 NEVILLE MORTON DRIVE CRESCENT HEAD

SHED & TREE REMOVAL

Applicant: MR J L K BULL

2017/CB-00099 REV01 Lot 124 DP1177499 SP62760 109 WARATAH DRIVE YARRAVEL  
DWELLING & INDOOR SWIMMING POOL  
Applicant: G J GARDNER HOMES PORT MACQUARIE

2017/CB-00239 Lot 3 DP25361 2 LEITH STREET WEST KEMPSEY  
SWIMMING POOL  
Applicant: MS G DEAN

2017/CB-00241 Lot 7C DP17560 136 SOUTH WEST ROCKS ROAD HAMPDEN HALL  
DUAL OCCUPANCY - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER  
Applicant: MR A PATEMAN

2017/CB-00217 Lot 138 DP1014289 42 NELSONS WHARF ROAD ALDAVILLA  
SWIMMING POOL - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER  
Applicant: MR M A WINKLER

2017/CB-00219 Lot 5 DP257410 6 RONALD LALOR PLACE EAST KEMPSEY  
SWIMMING POOL AND DECK - COMPLYING DEVELOPMENT - PRIVATE CERTIFIER  
Applicant: AHERN S & AHERN L

There were 31 applications approved.

(Please note: This includes approvals by Private Certifiers).

### **VARIATION TO THE DEVELOPMENT REQUIREMENTS CONTAINED IN KEMPSEY DCP 2013**

All development applications determined involving variations to the development requirements contained in Kempsey DCP 2013 are required to be reported to Council for information.

During the preceding month there were five applications approved involving variations to the development requirements contained in Kempsey DCP 2013.

**Application number:** **T6-17-275**  
**Subject land:** Lot 1 DP244767, 1 Ward Street, Hat Head  
**Description:** DETACHED SHED  
**Chapter:** C1 Residential Development – Urban Areas  
**Development requirement:** **Clause 5.3 - Garages, Carports & Outbuildings**  
**Proposed:** Side and rear setback 900 mm  
Side setback 50mm  
Rear setback 150mm  
**Desired outcome:** D01, DO2, DO4, DO5  
**Objections:** Not required to be notified  
**Planning comment:**

The proposed development has been sited to optimise the recreation and open space of the lot. The property to the north will not be affected by any loss of amenity or solar access as the proposed development abuts a solid wall of a non-habitable building. Site coverage requirements have not been exceeded. The plan for the shed indicates fire rated walls on the north and west sides and achieves the required fire separation requirements in accordance with the BCA.

**Application number:** **T6-17-221**

**Subject land:** Lot 1 DP822651, 51 Rudder Street, East Kempsey  
**Description:** DUAL OCCUPANCY (DETACHED) AND TORRENS SUBDIVISION  
**Chapter:** C1 Residential Development – Urban Areas  
**Development requirement:** Clause 5.2.2 (b) Side/Rear Setbacks  
A minimum setback of 1.5 metres shall apply to the second storey provided the average setback in the same horizontal plane is not less than 3.0 metres.  
**Proposed:** Two storey side setback of 1.2 metres from the northern boundary.  
**Desired outcome:** DO1, DO2, DO3, DO4, DO5, DO6  
**Objections:** Nil

**Planning comment:**

Whilst the development requirements of Clause 5.2.2(b) have not been provided for the entire length of the side setback along the northern boundary of the subject site, it is considered that in this instance the desired outcomes are still achieved.

Due to the topography of the site and the design of the proposed development, it will result in the majority of the proposed development, excluding the garage and laundry, being deemed as two storey development. In this instance, only approximately 5 metres of the 18 metre northern dwelling wall is applicable to this variation. This section of the dwelling, subject to the variation, is a continuation of the entry into the living area, and contains one (1) external window. A four (4) metre wide public pathway is immediately adjacent to the northern boundary and separates the subject lot from the adjoining lot.

Whilst the required side setbacks have not been achieved along the whole of the northern boundary, the majority of the proposed development complies with the minimum 1.5m setback for two storey development. No views, privacy or overshadowing will be affected and no adverse impacts to adjoining properties are envisaged.

**Application number:** T6-17-286  
**Subject land:** Lot 52 DP 857026, 45 Athol Elliott Place, South West Rocks  
**Description:** ALTERATIONS AND ADDITIONS TO EXISTING DWELLING  
**Chapter:** C1 Residential Development – Urban Areas  
**Development requirement:** Clause 5.2.2 a) i) – Side Setback  
Minimum 900mm  
**Proposed:** 700mm  
**Desired outcome:** D04  
**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 additions are in the rear of the existing dwelling and can't be viewed from the street, the proposed works are to be set back 700mm from the side boundary; the patio attached to the dwelling 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:** T6-17-321  
**Subject land:** Lot 1 DP 1172532, 36 Innes Street, East Kempsey

**Description:** ALTERATIONS AND ADDITIONS TO EXISTING DWELLING,  
DEMOLISH EXISTING GARAGE AND CONSTRUCT CARPORT

**Chapter:** C1 Residential Development – Urban Areas

**Development requirement:** Clause 5.2.1 (e) – Street Setback 1.5m

**Proposed:** Carport 900mm setback from front boundary

**Desired outcome:** D04

**Objections:** Nil

**Planning comment:**

Whilst the development requirement of a 1.5m front boundary setback hasn't been provided for, it is considered that in this instance the desired outcomes are still achieved as: It is proposed to replace the existing garage with an open carport with the same setbacks provided; No views, privacy or overshadowing will be affected and no adverse impacts to adjoining properties are envisaged.

**14 RESCISSION MOTIONS**

Nil



**15 NOTICES OF MOTION**

Nil

**16 DELEGATES REPORT**

Nil

## 17 COMMITTEE REPORTS

<b>ITEM 17.1 LOCAL TRAFFIC COMMITTEE MEETING HELD ON 6 JUNE 2017</b>	
Contact Person: Robert Scott – Acting Director Operations	File: F12/1958

### PURPOSE

For Council to adopt the minutes of the Local Traffic Committee meeting 5 September 2017

### RECOMMENDATION

**That the recommendations of the Local Traffic Committee meeting 5 September 2017 be adopted.**

### ISSUES

A copy of the minutes of the meeting of the Local Traffic Committee 5 September 2017 is at [\(Appendix T\)](#).

## 18 DELIVERY PROGRAM PERFORMANCE INDICATORS

### ITEM 18.1 KEY PERFORMANCE INDICATORS

Contact Person: Daryl Hagger – Acting General Manager

File: F12/1908

#### PURPOSE

Updating status of key performance indicators for the month ending 31 August 2017.

#### RECOMMENDATION

**That the information be noted.**

#### BACKGROUND

##### Key

Councils Role

*Control* Direct decision-making and action is required as this is core business of Council including statutory responsibilities and service provision. Includes Council facilities and services, buildings and other assets.

*Influence* Areas of partial or shared responsibility for Council including advocacy, lobbying, education and communication. Action may be possible in collaboration with other agencies and levels of government.

*Concern* Represents a wide range of issues of importance to the community and Council's demonstrated awareness and understanding is important alongside inclusion in long-term strategic visions.

Annual Key Performance indicators next updates

KPI	Next Update
# Residents	July 2018
# Rating of overall satisfaction with Council	May 2018
# Rating of satisfaction with Council's outgoing communications	May 2018
\$ Farm output (\$) mill	March 2018
\$ gross regional product	March 2018
% satisfaction of businesses with Council	October 2018
% key development stakeholders expressing satisfaction	September 2017

KPI	Next Update
\$ Total visitor spend (\$) mill	October 2017
% satisfaction of visitors with quality of general facilities	July 2018

#### Comment

#### \$ variable grant funding received

Nil for August 2017.

#### % unplanned leave hours per employee

5.75% is the August raw data result for the unplanned leave. Taking into account known employee significant non-work related injury/ illness the unplanned leave adjusted result is 4.24%. During August most of the business units of Council had been impacted by the cold/flu virus.

#### # of lost time Injuries per million hours worked

No lost time injuries for the month of August. YTD result is the rolling LTIFR in the last 12 month period against hours worked.

Key Stakeholder	Key Performance Indicator	2016/2017 Results	Delivery Plan Target	Frequency Measured	YTD	Councils Role
<b>Residents</b>						
Wealthy	# residents	29,684	30,000	Annual		Influence
Connected	# rating of overall satisfaction with Council	2.99	3.30	Annual		Control
Connected	# rating of satisfaction with Council's outgoing communications	2.79	3.00	Annual		Control
Connected	# community projects undertaken by groups in the community	19	60	Monthly	2	Control
Wealthy	# new residences approved	262	140	Monthly	29	Influence
Safe	# break & enter, malicious damage crimes	876	790	Quarterly		Concern
<b>Business</b>						
Wealthy	# people employed in shire	11,314	12,600	Quarterly	12,600	Influence
Wealthy	% unemployment	7.28%	7.00%	Quarterly		Influence

Key Stakeholder	Key Performance Indicator	2016/2017 Results	Delivery Plan Target	Frequency Measured	YTD	Councils Role
Wealthy	\$ farm output (\$mill)	\$139.20	\$148	Annually		Influence
Wealthy	\$ gross regional product (\$mill)	\$1,261	\$1,290	Annually		Influence
Wealthy	\$ value of development applications approved (\$mill)	\$79	\$200	Monthly	\$36.80	Concern
Connected	% satisfaction of businesses with Council	59%	75%	Annually		Control
Connected	% key development stakeholders expressing satisfaction		75%	Annually	80%	Control
<b>Visitors</b>						
Wealthy	\$ total visitor spend (\$mill)	\$49.60	\$64	Annually		Influence
Connected	% satisfaction of visitors with quality of general facilities	73%	75%	Annually		Control
<b>Employees</b>						
Wealthy	\$ saved through innovation	\$130,000	\$ 800,000	Monthly		Control
Connected	% unplanned employee turnover	6.10%	10%	Quarterly		Control
Connected	% of positions unfilled	6.40%	2%	Quarterly		Control
Connected	% of instances where service levels achieved	88%	80%	Monthly	89.62%	Control
Connected	% projects completed on time and on budget	70%	85%	Monthly	90%	Control
Connected	% satisfaction of staff with employment	86%	90%	Quarterly		Control
Safe	% unplanned leave hours per employee	4.70%	3.90%	Monthly	5.28%	Control
Safe	# of lost time Injuries per million hours worked	19.51	11.00	Monthly	19.99	Control
<b>Government</b>						

Key Stakeholder	Key Performance Indicator	2016/2017 Results	Delivery Plan Target	Frequency Measured	YTD	Councils Role
Leadership	% variable grants received from applications made	87%	60%	Monthly		Control
Leadership	\$ variable grant funding received (\$mill)	\$6.00	\$3.5	Monthly	\$420K	Control
Leadership	% expected financial parameters met		100%	Annual		Control

## 19 COUNCILLOR QUESTIONS

2017-8-15	RJS
COUNCILLOR L J HAUVILLE	FILE: F12/1945
<p><b>QFNM1</b></p> <p><b>What disability access provisions have been made at each of the KSC swimming pools, do they comply with requisite legislation and what improvements will be made, if needed, and in what time frame?</b></p>	
<p><b>RESPONSE:</b></p> <p>The South West Rocks pool has a set of custom fabricated aluminium steps that can be placed in the pool as required or when requested. Crescent Head and Gladstone pools have no provisions specifically for disabled persons other than standard access ladders. At the Kempsey pool, the 50m pool is serviced by a hydraulically lifted chair; however, due to the speed of operation, most people revert to the step ladders. The 25m pool has standard ladder access.</p> <p>Ladders that project into a pool are not often used as they are a hazard to swimmers. An audit of the disabled facilities/accessibility/compliance at each of the pools has recently been completed. It considered:</p> <ul style="list-style-type: none"> <li>• Car parking</li> <li>• Connecting pathways within the facility</li> <li>• Facility entrance</li> <li>• Paths of travel around pool</li> <li>• Disable access into pool</li> <li>• Disable amenities.</li> </ul> <p>Most of the pools have these facilities in one form or another, with the exception of amenities at Crescent Head. However, the majority of them are not compliant with current standards in one way or another.</p> <p>The current long term financial plan has no capital funding for new assets or renewal of existing assets at the pool other than those required for ongoing operations such as chlorine dosing systems and other essential minor items. The operating budget for these facilities remains relatively consistent and this funding is fully committed each year. There is a backlog of maintenance and renewal work that is not done as a result.</p>	

2017-8-15	RBP
COUNCILLOR L J HAUVILLE	FILE: F12/1945
<p><b>QFNM2</b></p> <p><b>In relation to the Kempsey Regional Saleyards what expenditure was undertaken for rectification of the vandalised burnt selling shed and who was consulted in the design of the replacement facility? Was this cost covered by insurance?</b></p>	



**RESPONSE:**

The cost to repair the fire damaged selling shed at the Kempsey Regional Saleyards.:

Demolition/clean-up	\$2,275.00
Materials and Wages	\$5,339.93
TV/PA and Electrical	<u>\$3,806.07</u>
<b>Total</b>	<u><b>\$11,421.00</b></u>

Both Agents were consulted in the design of the replacement facility with one agent providing staff to assist with construction. The other agent was consulted with on-site during the construction phase.

There was a request for a larger area for the agent to stand on; however, it was decided to use the materials that were on hand to keep costs down. The 2017/18 Capital program allows for a new office to be installed. This office will incorporate a new auction stand where Agents and scale staff will be sharing the same building. The new office will improve safety, communication and provide a larger space for administration work.

The cost of the damage was not covered by insurance as it was below the deductible amount.

<b>2017-8-15</b>	RJS
<b>COUNCILLOR L J HAUVILLE</b>	<b>FILE: F12/1945</b>
<b>QFNM3</b>	
<b>Has there been any involvement by KSC in signage negotiations between RMS and the Slim Dusty Centre to promote the centre at the Northern and Southern interchanges? If not, should there be, to promote Kempsey and the Shire?</b>	
<b>Response</b>	
Council has not been involved in any negotiations; however, we are aware that the centre has lodged an application. The RMS has a specialist committee that engages with all stakeholders in relation to tourism signage on roads. This committee deals particularly with way finding from the State Highways (or Controlled Access Roads) to destinations such as tourism facilities. In order to have a sign on the highway, the tourist facility has to satisfy minimum criteria such as the number of visitors per year. Currently, Trial Bay Gaol is the only facility in the Macleay that has approved signage. The request from the Slim Dusty Centre is likely to also be approved.	

<b>2017-8-15</b>	RJS
<b>COUNCILLOR L J HAUVILLE</b>	<b>FILE: F12/1945</b>
<b>QFNM4</b>	
<b>What processes are in place to prevent the extension of leases due to lack of preparation, such as the Kempsey Shire Council pool leases?</b>	
<b>RESPONSE:</b>	

The current leases for management of Council's pools were extended by agreement with each of the particular lessees to allow the development and adoption of a strategy for the future management of these facilities. It was considered that proceeding to renew contracts prior to completion of the strategy would reduce the opportunity to get a better result from tenderers.

<b>2017-8-15</b>	RJS
<b>COUNCILLOR A P PATTERSON</b>	<b>FILE: F12/1945</b>
<p><b>QFNM1</b></p> <p><b>Traffic incident report on the corner of Gladstone St and Belgrave St Kempsey - an up to date incident report for the last 12 months</b></p>	
<p><b>RESPONSE:</b></p> <p>There have been no reported incidents documented in the Roads and Maritime Services (RMS) database over the past year.</p> <p>There have been two incidents recorded in the RMS database at this intersection in the 5 year period from 1/07/2011 to 30/06/2016. The database captures self-reported and police investigated traffic incidents. There may have been other traffic incidents that were not reported.</p> <p>The two incidents were:</p> <p><b>Incident 1</b></p> <p>21 July 2011 @ 1:50pm – Non casualty tow-away – 2 vehicles involved – head on in Belgrave Street.</p> <p><b>Incident 2</b></p> <p>20 May 2014 @ 10:20pm – Non casualty tow-away – 2 vehicles involved – right turning vehicle impacted through travelling vehicle.</p>	

<b>2017-8-15</b>	KEO
<b>COUNCILLOR S E MCGINN</b>	<b>FILE: F12/1945</b>
<p><b>QFNM1</b></p> <p><b>Is there a process issue that caused the delay for ratepayer Ben Thomas's letter which was handed over the Civic Centre customer services counter some 4 weeks ago that was only received in our e-mail yesterday?</b></p>	
<p><b>RESPONSE:</b></p> <p>On 26 June 2017, a submission from Ben Thomas relating to DA: T6-17-90 was registered and emailed to Councillors. The submission was also referred to Council staff.</p> <p>Although the email appears to have been sent to Councillors, the letter containing a submission from Ben Thomas was not attached.</p>	

This issue was raised by Cr Shields on 14 August 2017 and was investigated.

The incoming correspondence not being attached to the email to Councillors was due to a procedural issue in TRIM and staff error. Further training around this process has been provided.

The incoming correspondence from Ben Thomas, together with the acknowledgement letter dated 27 June 2017, were emailed to all Councillors on 14 August 2017 with an explanation of what had occurred.

## 20 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.

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<b>ITEM 20.1 VARIOUS LEGAL MATTERS</b>	
Contact Person: Daryl Hagger – Acting General Manager	File: F12/1960

**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.

**PURPOSE**

Reporting on the current position regarding legal matters.

CONFIDENTIAL

## 21 CONCLUSION