



KEMPSEY
Shire Council



2020-2021
ANNUAL REPORT
STATUTORY INFORMATION

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1. Achievements in the 2017-2021 Delivery Program

Local Government Act s428(1)

The 2017-2021 Delivery Program builds on the work that Council and the community achieved over the last term of Council. It is the blueprint for Council in delivering the services that meet community expectations.

The objectives and resulting strategies within the Delivery Program represent what the Council aims to deliver and serves as a guide for Council executive and staff when developing the annual Operating Plan.

The Operating Plan sets out the actions and activities that will be undertaken each financial year to deliver the overall objectives in the Delivery Program and contribute to achieving the vision and goals outlined in the long-term Macleay Valley Community Strategic Plan 2036 (MVCSP).

There are five central themes that guide all of Council's strategic corporate planning and program delivery.

The themes that were agreed with the community in the context of developing the MVCSP are:

- The community values being healthy;
- The community values being wealthy;
- The community values being safe; and
- The community values being connected.

Additionally, corporate management services are coordinated by Council under the value of Governance.

The 2020-21 Delivery Program highlights were reported during the 2020-21 year in Council's six-month Delivery Program progress reports (February and August 2021) to the community.

The following tables outline Delivery Program selected service performance results for the 2020-21 year.

Delivery Program Code and Services provided	Target	Achieved	Comment if Target is not achieved
HS01.1 Provision of potable water			
No more than 2 percent of water quality monitoring tests exceed the Australian Drinking Water Guidelines associated with human health	<2%	0.25%	
Initial response to customer requests regarding water supply network failures occur within two hours	2 hours response time	100% (468 network failures)	
Annual renewal of minimum 2km of mains	2km	2.32km	
HS01.2 -1.3 Provision of sporting fields and play facilities			
Sports field maintenance undertaken in accordance with budget allocation and to facilitate and accommodate competition and training requirements for sporting clubs within the Macleay Valley	100%	100%	
Deliver 28 playgrounds inspection and maintenance program	100%	100%	
HS01.4 Provision of footpaths			
Footpath maintenance program completed in accordance budget allocation.	100%	100%	
Maintenance projects prioritised in accordance with asset condition rating, risk, and safety thresholds	100%	100%	
HS03.1 Managing and regulating the impact of people			
90% of requests relating to environmental quality that may cause preventable harm to the environment responded to within five working days	90%	82%	Target not achieved due to COVID-19 NSW Public Health Order restrictions.

Delivery Program Code and Services provided	Target	Achieved	Comment if Target is not achieved
HS03.1 Managing and regulating the impact of people			
Daily landfill drop-off (except Christmas Day)	100%	100%	
Domestic waste transfer stations at Crescent Head, South West Rocks and Stuarts Point	100%	100%	
Monthly mobile collections for problem waste	100%	100%	
HS03.2 Maintain storm water drainage system			
Investigation and maintenance delivered according to risk and impact within stormwater network	100%	100%	
Maintenance work completed in accordance budget allocation	100%	100%	
HS03.4 Minimise the impact of noxious weeds on the environment and economy			
Inspect high priority sites to control spread of high priority weed species, in accordance with Biosecurity Act on approx. 500km of high risk pathways	500km	523km	
HS05.1 Wastewater products removed from serviced areas			
Provide safe and reliable service to the community to remove and treat wastewater products from 9,560 connections.	90%	92.37%	
Deliver the planned maintenance program across sewer infrastructure network	100%	100%	
Relining and renewal of minimum 2.5km of sewer mains network	2.5km	2.5km	

Delivery Program Code and Services provided	Target	Achieved	Comment if Target is not achieved
HS05.2 Public health risks are regulated			
Conduct public health inspections of private drinking water supplies not on town water, public swimming pools, skin penetration premises and cooling towers, backflow prevention and mixing valves in accordance with Public Health Act	90%	92%	
Annual inspection high-risk septic systems for compliance	95%	48%	Target not achieved due to a combination of COVID-19 NSW Public Health Orders and the impact of the Stuarts Point groundwater emergency response in March 2021 (inspections, frequent water sampling & comprehensive assessment of ~100 systems over 6-week period).
Swimming Pool Inspections undertaken within three business days of request or complaint.	100%	100%	
Ranger service issues responded to within 5 days	95%	95%	
Stray dog complaints responded to within 2 working days	85%	85%	
Stray dogs/ cats that have been contained collected within six hours	85%	85%	
HS05.3 Food related health risks are regulated			
95 percent of food premises inspected annually	95%	98%	
Initial investigation of request for inspection to be done within 5 working days	100%	100%	
Maintain register of food premises inspected annually	100%	100%	

Delivery Program Code and Services provided	Target	Achieved	Comment if Target is not achieved
WS01.1 Literacy increases supported through provision of library services			
Delivering innovative library lending services and programs across the Shire to cater for new technology and a growing population	100%	75%	Target not achieved due to COVID-19 NSW Public Health Order restrictions on services (first quarter 2020-21)
WS01.2 A range of cultural opportunities and activities are delivered across the Shire			
Four events are supported, and event capacity of community groups increased	100%	50%	COVID19 impacted delivery of some events in the first six months of 2020-21. Many such as Festival of Small Halls, Seniors and Youth Week were conducted in April 2021. A board range of events were activated online through Hey Hey Macleay.
WS03.1 Economic development to attract business and investment is provided			
Events program as per Economic Development Strategy together with relevant Destination Management Plan	100%	50%	<i>Horizon 2030: Macleay Valley Economic Development and Tourism Strategy</i> was adopted on 22 October 2019, and is being progressively implemented. Target not achieved due to delays arising from COVID-19 pandemic restrictions on businesses in the first six months of 2020-21 year.

Delivery Program Code and Services provided	Target	Achieved	Comment if Target is not achieved
WS03.2 Encouraging tourist visitations			
Visitor Information services delivered as per Visitor Information Services strategy	100%	50%	Relocation of visitor services to the Slim Dusty Centre occurred in December 2020. Target not achieved due to COVID-19 NSW Public Health Order restrictions.
WS05.1 Maximise commercial assets			
Kempsey Regional Saleyards preferred management ownership strategy endorsed and implemented	100%	100%	Reported to Council in May 2021 and lease executed 1 July 2021, and the future of the saleyards secured.
WS05.3 Provide transport network			
Respond to critical sealed road repairs	100%	100%	
Delivery sealed road network renewal and rehabilitation program	100%	100%	
Deliver unsealed road network maintenance program	100%	100%	
Deliver timber bridge network replacement program	100%	100%	
Deliver the timber bridge network refurbishment program	100%	100%	
Deliver the kerb and gutter replacement program	100%	100%	
Respond to critical timber and bridge repairs and defects	100%	100%	

Delivery Program Code and Services provided	Target	Achieved	Comment if Target is not achieved
SS01.1 Emergency management			
Emergency management plans reviewed and updated	100%	100%	
Flood structures and drains cleared, maintained and cleaned	100%	100%	
SS03.1 Safer public spaces are created			
Maintenance of Kempsey, South West Rocks and Crescent Head CCTV security systems	100%	100%	
Surf Lifesaving activities provided during peak holiday periods at Council beaches	100%	100%	
SS05.1 Road Safety Program delivered			
Conduct at least one behavioural program per annum/ Promote awareness campaigns for road safety at least four times per year	100%	100%	
SS06.1 Public art and placemaking opportunities are identified and delivered			
90% of all graffiti reported or spotted removed within five days	100%	-	Data not available.
SS07.1 Active partner in interagency forums			
Council Interagency network schedule is created, and Councillors updated to increase awareness of cross agency programs	100%	100%	
CO01.1 Recreation areas and public facilities are provided for use by the community			
Maintain open space areas such as public reserves, BBQs, and passive recreation areas	100%	100%	

Delivery Program Code and Services provided	Target	Achieved	Comment if Target is not achieved
CO01.2 Public use infrastructure is available and maintained			
Public toilets cleaned and maintained across the Shire according to priority use	100%	100%	
Deliver the public carpark maintenance and refurbishment program across the Shire's 14 public carparks	100%	100%	
CO02.1 Council advocates for social inclusion and fairness			
Implement priority actions from the Disability Inclusion Action Plan	100%	90%	There were some delays and restrictions experienced due to COVID-19 restrictions.
GS01.1 Internal facilitation and support			
Coordinate requests for information, maintain statutory registers and undertake statutory reporting under the Government Information (Public Access) Act 2009 and Privacy and Personal Information Protection Act 1998	100%	100%	
GS03.1 Community trust and Organisational innovation is improved			
Complete review of procedures for receipting and customer request management system. Service operational five days per week.	100%	100%	

2. Particulars of Environmental Upgrade Agreements

Local Government Act, s 54P (1)

Council did not enter into any environmental upgrade agreements during 2020-21.

3. Expenditure of Special Variation of Rating Income

Special Rate Variation Guidelines 7.1

Environmental Levy

In February 2018 Council applied for and was awarded a special rate variation of 4.2% above the rate peg with the NSW Independent Pricing and Regulatory Tribunal (IPART) to allow for the continuation of the Environmental Levy, which was in place since 2008-2009 and funds significant environmental restoration projects to manage, protect and preserve the area's waterways and natural environment.

During 2020-21 the following works were undertaken with income generated from the environmental levy.

Environmental Levy Projects	Expenditure (\$)
Implementation of Management Action 11 - Kempsey Coastal Zone Management Plan South West Rocks Foreshore Upgrade	59,908
Macleay River - Killick Creek - Korogoro Creek Coastal Management Plan - Stage Two investigations	44,135
Saltwater Creek Estuary Coastal Management Program - Stage One Scoping Study	12,153
Hat Head Beach Access Improvement (implementation of Action 18 Coastal Zone Management Plan)	24,673
Environmental Monitoring - Water	6,130
Boyters Lane Wetlands Plan	17,592
Christmas Creek Rehabilitation	6,000
Riverside Park Erosion Control Measures (Stage 1) - Design and structural engineering plans	16,400
Lower Macleay Flood Risk Management Plan - Stage 2 Study & Plan	8,601
Coastal Zone Management Plan Implementation	8,570
Hastings-Macleay Koala Recovery Project	20,000
Environmental Strategic Planning	2,040
Biodiversity Strategy	2,000
Flood Mitigation Works	323,732
Environmental Weed Control	115,000
Community Donations - Environmental Works	16,500
Total	\$683,434

2014-15 SRV – Infrastructure Backlog, Roads and Bridges Expenditure

Kempsey Council's Special Variation as applied for in 2014 under section 508A of the Local Government Act 1993, is subject to the conditions of the IPART in its determination to report on this expenditure to address its infrastructure backlog, primarily on road and bridge works as listed in its application. It is a requirement to report this until 2023-24.

Roads and Bridges Capital Projects	Expenditure (\$)
Upper Smiths Creek Road (Pacific Highway to end - 4.0km) Gravel Resheeting	114,627
South Street Extension	24,053
Sealing Point Plomer Road (6.2km between Crescent Head and Big Hill)	326,048
Old Station Road (Verges Creek Road to Friths Lane - 4.35km) Gravel Resheeting	108,273
Nulla Nulla Creek Road - Roses Bridge	312,473
Nulla Nulla Road - Nurse Kirkpatrick Bridge	52,349
Marine Parade, Stuarts Point (Nineteenth Avenue to Ocean Avenue - 0.9Km)	37,451
Kempsey Shire Roads Resealing Program	237,285
Intersection South West Rocks & Hat Head Roads	157,930
Innes Street, East Kempsey (Bissett Street to Gill Street - 0.45Km)	18,673
Hickeys Creek Road (end bitumen to end - 9.9Km)	365,728
Gowings Hill Road (near Battles Outlet Road 1.25km safety improvement)	229,057
Bridge Refurbishment	223,396
Bridges Refurbishment - White Hawk Bridge	14,940
Bridge Refurbishment - Verges Creek Bridge	7,540
Bridge Refurbishment - Tait's Bridge	7,440
Bridge Refurbishment - Silvermine Bridge	10,560
Bridge Refurbishment - Duck Creek Bridge	20,244
Blackspot Program MR 7737 Crescent Head Road - curve cross fall adjustment	201,242
Total	\$2,469,309

4. Rates and Charges Written Off

[Local Government \(General\) Regulation 2005, Clause 132](#)

Council's 2020-21 Financial Statements have been audited by the Audit Office of New South Wales. The Audit report for 2020-21 is unmodified.

Rates and charges written off during the year, Clause 132	2020-21 (\$)
Pensioner Rates	0
Other	225
Total	\$225

5. Register of Overseas Travel by Council Representatives

[Local Government \(General\) Regulation 2005, Clause 217\(1\) \(a1\)](#)

No overseas travel was undertaken during the 2020-21 year by Council representatives.

6. Councillor Fees and Expenses

Local Government (General) Regulation 2005, Clause 217(1) (a1) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii)

Council has adopted a procedure covering the payment of expenses and provision of facilities to the Mayor and Councillors. Council's procedure was developed in accordance with the Office of Local Government's guidelines. The procedure provides for reimbursement of reasonable expenses incurred up to a limit per month set by the procedure.

The Mayor is provided with a vehicle and a mobile telephone, if required, for Council business use. For the 2020-21 year the Mayor elected not to have a vehicle or mobile phone provided. The Mayor's travel expenses, and telephone expenses were reimbursed in accordance with the procedure.

All Councillors are provided with an iPad with internet connection to receive meeting agendas electronically and for use on Council business.

A corporate wardrobe is provided for Councillors and meals are provided on Council meeting days when required.

Councillors may claim reimbursement for travel when using their private vehicles for Council business such as attending meetings, at a per kilometre rate adopted as part of the procedure.

Details Mayor and Councillor Expenses	Expenditure (\$)
Travelling Expenses	7,513
Telephone calls made by Councillors <i>217(1) (a1)(i)(ii)</i>	0
Attendance of Councillors at conferences and seminars <i>217(1) (a1) (iii)</i>	832
Interstate visits by Councillors, including transport, accommodation and other out of pocket travelling expenses <i>217(1) (a1) (v)</i>	2,652
Meals and refreshments for council and committee meetings	4,336
Training of Councillors and provision of skill development <i>217(1) (a1) (iv)</i>	1,145
Overseas visits by Councillors, including transport, accommodation and other out of pocket travelling expenses <i>217(1) (a1) (vi)</i>	0
Expenses of any spouse, partner or other person who accompanied a Councilor <i>217(1) (a1) (vii)</i>	0
Expenses involved in the provision of care for a child or an immediate family member of a Councillor <i>217(1) (a1) (viii)</i>	0
Provision of dedicated office equipment allocated to Councillors <i>217(1) (a1)(i)</i>	772
Total	\$17,250

7. Contracts Awarded Greater than \$150,000

Local Government (General) Regulation 2005, Clause 217(1) (a2) (i), (ii)

The following is a list of contracts awarded by the Council during the 2020-21 year other than employment contracts or contracts less than \$150,000.

Name of Contractors	Nature of Goods / Services Supplied	Total Amount Payable under the Contract (\$)
Lipman Pty Ltd	Mid North Coast High Performance Centre	4,452,613 ex GST
Mid North Coast Contractors Pty Ltd	Construction and sealing of Point Plomer Road	3,110,750 ex GST
Midstate Power Pty Ltd	The installation of underground power at Point Plomer Road, Crescent Head	398,400 ex GST
Smada Electrical Services Pty Ltd	The design and construction of field lighting at the Central Kempsey (Verge/Eden Street) Sporting Complex	1,305,130 including GST
Ray's Machinery Painting Pty Ltd	The refurbishment of Stuart's Point Reservoir	509,471 including GST

Name of Contractors	Nature of Goods / Services Supplied	Total Amount Payable under the Contract (\$)
AD & S Earthmoving, ALB Haulage, All Done Excavations and Demolitions, Arnway Pty Ltd, Ausroad Plant Services Pty Ltd, Ball's Earthmoving Pty Ltd, Blanch Earthmoving Pty Ltd, BMH Earthmoving Pty Ltd, Bob Beard Earthmoving Pty Ltd, Brooks Hire Service Pty Ltd, CJ & HC Ibbotson, Clybucca Earthmoving, Coastal Earthmoving, Coates Hire Operations, Conplant Pty Ltd, Crescent Head Excavation & Contracting, Eire Constructions Pty Ltd, Fortade Group Pty Ltd, GME Civil Construction, Grounded Earthworks, Henzys Haulage, Jacob Lyttle Plumbing and Excavation, JR Richards & Sons, K & T Earthworks Pty Ltd, Kennards Hire, L.K & L.K Weismantel, Macleay Valley Excavations, Master Hire Pty Ltd, Mid Cosat Cranes Pty Ltd, Mid Coast Earthworks, Midcoast Riverstone, ML & LT Swan, N & H S Gaddes Haulage Pty Ltd, Orange Hire, Porter Plant, Rollers Australia Pty Ltd, Smith Plant Hire NSW, Solo Resource Recovery, Stabilised Pavements of Australia, SH & JE Jeskie, The Mining Pty Ltd, Thurgood Haulage, Total Drain Cleaning Services, Tutt Bryant Hire Pty Ltd, Universal Mobile Tower Hire, Weismantel Heavy Haulage, Westernmen Haulage Pty Ltd	Wet and Dry Plant and Truck Hire Contract	Based on Schedule of Rates*
Kempsey Stock and Land Pty Ltd	Kempsey Regional Saleyards - long term lease	1,320,000 including GST
Never Stop Irrigation Pty Ltd	Central Kempsey Sporting Complex Irrigation	516,264 including GST
Ditchfield Contracting Pty Ltd	Construction of Waste Facility Cell 4	3,046,877 including GST
Skilltech Consulting Services Pty Ltd	Provision of Water Meter Reading Services	443,218 including GST

*This contract has been awarded via a procurement process for the provision of services which may or may not exceed the tendering threshold of \$150,000 over the period of the contract based upon the contract being awarded based upon the supplier providing a schedule of rates for products and/or services to be procured under the contract.

8. Legal Proceedings

Local Government (General) Regulation 2005, Clause 217(1) (a3)

Matters	Description	Status	Expenses (\$)	Receipts (\$)
KSC vs. NSW Quarry Services	Class 1 and Class 4 proceedings in the Land and Environment Court	Completed	50,568	358,822
KSC vs. Troy Irwin	Contested penalty	Completed	20,025	19,025
KSC ats Notley	Bridge liability civil matter	Ongoing	42,383	0
KSC ats Peter Male	NCAT Proceedings - Review of 3 decisions under the Government Information (Public Access) Act 2009	Ongoing	42,982	0
Total			\$155,958	\$377,847

9. Summary of resolutions of work on private land.

Local Government (General) Regulation 2005, 217(1) (a4), Local Government Act sections 67, and 67(2)(b)

No resolutions regarding work on private land were made in relation to section 67 of the Local Government Act.

10. Grants, Financial Assistance and Contributions

Total amount granted under section 356 via the Local Government (General) Regulation 2005, Clause 217(1) (a5)

Council recognises the importance of assisting Not-For-Profit community groups and organisations that are interested in and working towards, the enhancement of facilities and improve community well-being of its residents. Each year, Council provides financial assistance to a broad range of groups to boost their ability to make a difference in our local community.

Through Council's Community Grants Program, funding is available under the following categories:

- Mayoral Community Fund;
- Sporting Grants;
- Council Community Hall Grants; and
- Environmental Levy Grants.

The following table provides details on the community groups/organisations that were assisted in 2020-21 through the Community Grants Program.

Community Group	Project	Amount
Environmental Levy Grants		
Big Nobby Bushcare Group	Weed eradication	\$5,000

Hat Head Dune Care	Weed eradication	\$5,000
South West Rocks Community Dune Care	Weed eradication	\$5,000
Total		\$15,000
Mayoral Community Fund		
Thunggutti Local Aboriginal Land Council	New playground	\$5,000
Wittitrin Progress Association	Community Space	\$1,966
Mid North Coast Legacy	Widow support sessions	\$2,500
Icare Kempsey	New fridge	\$3,220
Stuarts Point Art House	Mothers group activities	\$1,514
Kempsey Family History Group	Local WW1 book	\$800
Total		\$15,000
Sporting Grants		
Macleay Valley Mountain Bikers	Trail signage	\$1,912
Kempsey Tennis Club	BBQ and seating	\$2,266
Lower Macleay Magpies RLFC	Training equipment	\$2,449
South West Rocks SLSC	Racing boards	\$2,500
Smithtown RLFC	Training equipment	\$2,040
Upper Macleay District Rodeo Association	New seating	\$2,500
Kempsey Macleay Dragon Boat Club	Paddles and life jackets	\$2,500
Rovers Cricket Club	Scoring equipment	\$2,440
Total		\$18,607

Local schools were supported to acknowledge scholastic achievements as outlined in the table below.

Schools		
Aldavilla Primary School	Scholastic Achievement Award	\$60
Bellbrook Public School	Scholastic Achievement Award	\$60
Crescent Head Public School	Scholastic Achievement Award	\$60
Frederickton Public School	Scholastic Achievement Award	\$60
Gladstone Public School	Scholastic Achievement Award	\$60
Greenhill Public School	Scholastic Achievement Award	\$60
Kempsey Adventist High School	Scholastic Achievement Award	\$100
Kempsey East Public School	Scholastic Achievement Award	\$60
Kempsey High School	Scholastic Achievement Award	\$100
Kempsey South Public School	Scholastic Achievement Award	\$60
Kempsey West Public School	Scholastic Achievement Award	\$60
Kinchela Public School	Scholastic Achievement Award	\$60
Macleay Vocational College	Scholastic Achievement Award	\$100
Melville High School	Scholastic Achievement Award	\$100
North Coast TAFE Kempsey Campus	Annual awards of excellence presentation	\$100
Smithtown Public School	Scholastic Achievement Award	\$60
South West Rocks Public School	Scholastic Achievement Award	\$60
St Josephs Primary School	Scholastic Achievement Award	\$60
St Pauls College	Scholastic Achievement Award	\$100
Stuarts Point Public School	Scholastic Achievement Award	\$60
Willawarrin Public School	Scholastic Achievement Award	\$60
Total		\$5,500

Under the Bushfire Recovery Community Grants Program \$251,143 out of an allocation of \$300,000 for community-led projects was allocated to 11 local not-for-profit community groups as outlined in the table below.

Community Group	Project	Amount
Macleay Valley Landcare	Develop and deliver community education workshops and seedling dispersal	\$30,000
Macleay Valley Mountain Bikers	Development of a professionally built track in Kalateenee State Forest	\$30,000
Upper Macleay District Rodeo Association	New fencing for cattle yards	\$30,000
Upper Macleay Soccer Club	Oval upgrades	\$29,975
Wittittrin Progress Association	Lay slab and connect power to new community area	\$29,500
Wittittrin Progress Association	Erect shed	\$27,754
Bellbrook School of Arts	Revitalise Bellbrook tennis courts	\$23,400
Temagog Rural Fire Service Brigade	Installation of radio repeater to enhance communications	\$21,037
Temagog Rural Fire Service Brigade	Purchase new IT equipment	\$3,176
Millbank Public Hall	Upgrading of Millbank Hall	\$20,801
Hat Head Rural Fire Service Brigade	Purchase of a generator	\$5,500

Financial assistance was also provided to the following groups:

Group	Purpose	Amount
Country Education Foundation of the Macleay Valley Inc.	Mayoral Community Grant	\$3,000
Macleay Valley Business Chamber	Mayoral Community Grant	\$1,000
Kempsey RSL Sub-Branch	Rates donation	\$3,763.28
South West Rocks RSL Sub-Branch	Rates donation	\$3,868.65

11. Statement of external bodies with delegated functions

Local Government (General) Regulation 2005, Clause 217(1) (a6)

Council delegates a number of functions to external community groups to manage a number of facilities in the area under section 355 of the Local Government Act. The following table provides a summary of these functions.

External Body	Function
Kempsey District Silver Band Committee	Provide a Town Band 355 Committee
Macleay Valley Community Art Gallery Committee	Public Facility Management – Community Gallery 355 Committee
WIGAY Aboriginal Cultural Park Committee	Oversee the maintenance of Wigay Park 355 Committee

External Body	Function
Bellbrook School of Arts Hall Committee Crescent Head Community Hall Committee Frederickton School of Arts Hall Committee Gladstone Youth and Community Centre Committee Millbank Hall Committee Sherwood Hall Committee Stuarts Point Community Hall Committee South West Rocks School of Arts Hall Committee Willawarrin Hall Committee	Public Facility Management – Public Halls 355 Committee
Australia Day Awards Committee	Oversee Australia Day Award nominations
Kalateenee Recreational Reserve Committee	Public Facility Management – Public reserve 355 Committee
Bellbrook Tennis Club Committee South Kempsey Tennis Club	Public Facility Management – Tennis Courts 355 Committee

12. Statement of other companies in which Council controlled Local Government (General) Regulation 2005, Clause 217(1) (a7)

There were no companies in which Council held a controlling interest during 2020-21.

13. Statement of other bodies in which Council participated Local Government (General) Regulation 2005, Clause 217(1) (a8)

Council participated in the Mid-North Coast Joint Regional Organisation during the year.

14. Human Resources Data

Local Government (General) Regulation 2005, Clause 217(1) (a9), Clause 217(1)(b)(i),(ii), (iii), (iv), (v), Clause 217(1)(c)(i),(ii), (iii), (iv), (v)

a) Organisational Overview

Total number of employees

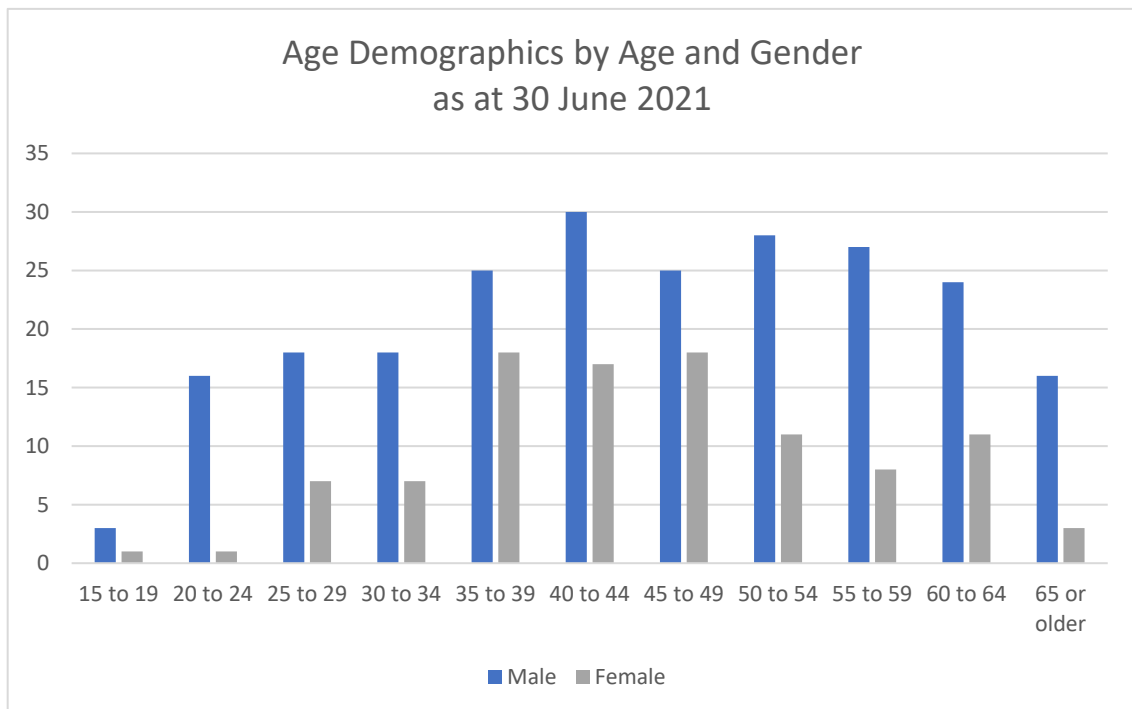
The numbers below are based on actual head count and include permanent full-time and part-time staff of 332 for 2020-21 (and there were 318 full time equivalent staff). The figures exclude temporary and casual appointments engaged through labour hire agencies.

Position Breakdown (Actual Employees Numbers)	2020/21	2019/20	2018/19	2017/18	2016/17
No. of Full-Time positions	262	256	261	250	247
No. of Part-Time Positions	24	24	21	22	20
No. of Temporary Part-Time Positions	5	7	3	4	1
No. of Temporary Full-Time Positions	27	26	30	1	8
No. of Casual Positions	14	12	15	10	NA
Total	332	325	330	287	276

The voluntary staff turnover rate for the 2020-21 financial year was 8% which is indicative of the recent transformation of Council as a stable employer and provides for security of long-term employment.

Age and Gender Demographics of employees

The age demographics across Council's workforce indicate that 51% of the workforce is over 45 years of age, with 26% of staff over 55 years of age (see graph below). Based on FTE staff numbers Council's workforce is 29% female / 71% male and on actual head count the workforce is 31% female / 69% male.



Length of Service

Associated to the concept of an ageing workforce is the length of service with Council. The average length of service of our employees as at 30 June 2021 was 9.88 years. A workforce with employees who have longer than average length of service is regarded as a plus for the Council in terms of benefiting from the investment in training and development and reduced recruitment costs.

b) Statement of activities to implement Equal Employment Opportunity (EEO) management plan

Council continued its ongoing focus on fostering a culture that values and responds to the diversity of our staff and community. The aim is to achieve fair practices and behaviour in the workplace that is free from all forms of unlawful activity, harassment, and discrimination by having open and competitive recruitment; providing access to training and development; and providing flexible working arrangements.

All vacant positions during the year were advertised and filled in accordance with the merit principle, the Local Government Act 1993, the Local Government (State) Award and the EEO Management Plan.

In instances where the COVID-19 pandemic impacted Council's ability to conduct interviews face to face, interviews were conducted utilising Microsoft Office Teams.

EEO Management Plan	Recruitment Data
Number of positions advertised during the year	93
Number of positions filled during the year	67
Number of applications received during the year	1,792
Number of female applicants	651
Number of positions where females were successful	27

Council employed 102 women in the workplace. Of these, there were 71% of women that worked full time, 24% worked part-time, and 5% were employed on a casual basis. The number of women in management roles were 3 representing 23% of our Leadership team, with 20 women in supervisory roles representing 26% of the supervisory positions.

Employment of people with a disability

Council employed 5 full time equivalent staff (FTE) with a disability, and the percentage of people employed with a disability within Council was 2% of the workforce during this period.

Employment of people of Aboriginal and Torres Strait Islander Descent

Council employed 12 full time equivalent staff who identify as being of Aboriginal and Torres Strait Islander Descent, or 4% of the workforce during this period.

Employment of people from Culturally and Linguistically Diverse (CALD) backgrounds

Council employed 1 full time equivalent staff from a culturally and linguistically diverse community, or 0.3% of the workforce during this period.

Employment of people from within the Local Government Area (LGA)

Council employed 250.4 full time equivalent staff having their home address within the boundaries of the Kempsey LGA, or 79% of the workforce during this period.

Flexibility for Work and Family Arrangements

Staff have opportunities for flexible working arrangements, including parental leave, working from home, varied working hours for family responsibilities and phased retirement.

The Workforce Management Strategy aims to ensure there is enough appropriately trained employees to carry out services as per Council's Delivery Program and Operational Plan 2020-21.

Council also reviewed its recruitment strategy during the year in response to the COVID-19 pandemic and improved its online recruitment tools for candidates and staff.

Council was awarded Employer of Choice in 2019 and 2021 in the Macleay Valley Business Awards.

Kempsey Shire Council is committed to creating a workplace which attracts, retains and rewards motivated, skilled and talented people.

Some of the benefits working for Kempsey Shire Council include:

- 19-day month with a rostered day off (RDO)
- flexible work options
- the opportunity to purchase leave
- corporate wellbeing programs, including seminars and the Fitness Passport
- free annual influenza vaccination
- salary packaging options
- tax effective remote area benefits
- ongoing professional development
- above award pay rates
- Employee Assistance Program
- Employee Rewards and Recognition Program

Learning & Development

In 2020-21, there was a total of 5,567 hours spent on training and professional development. During the year, 25 employees undertook and completed tertiary sponsored studies. The participation rate of employees undertaking training was 93% of the workforce.

During the COVID-19 shutdown, training was delivered virtually, or if appropriate, face to face with social distancing in place. Other than statutory training, the training programs undertaken to develop employees and improve service delivery included:

- Code of Conduct refresher training
- Time and Priority Management
- ICAC Corruption Prevention training
- Supervising your Apprentice or Trainee
- Aboriginal Cultural Awareness
- Courageous Conversations
- Drug & Alcohol Awareness
- Graphic Facilitation
- Bullying Prevention and Management
- Mental Health Awareness
- Verbal Judo
- Governance and Risk Management
- Project Management Framework
- Applying the Basics – Safety Awareness Training
- Pollution Incident Response Management Plan

c) Work Health and Safety WHS Management System

Council is committed to providing a workplace that is:

- Safe and healthy for all workers, contractors, and visitors.
- Demonstrating performance excellence where operational activities do not adversely impact the health and safety of the community and/or the environment; and

- Compliant with the Work, Health and Safety Act 2011(NSW) and other relevant legislation, Codes of Practice, and national standards

Maintenance and upgrade of the WHS management system continued during 2020-21. Most importantly is Council's risk management framework that ensures effective processes are in place to manage workplace risk. This is vital in all aspects of Council's business operations. Improved safety performance is achieved when all employees can identify hazards, risks and commit to safe work practices.

The following actions were undertaken during the year to improve WHS management systems:

- Planning and implementation of identified WHS strategic actions improved Council's commitment to risk management and was led by the formation of the WHS Strategic Leadership Group
- Improved safety communication and consultation processes, and representation from Council's Health and Safety Representatives who are proactive in ensuring regular workplace consultation
- Introduction of a rewards and recognition program which enabled identification of safety innovation and safety champions who have been instrumental in workplace safety outcomes
- Delivery of a back-to-basics safety training program with a focus on risk management and safe work method statement (SWMS) development including outlining and reinforcement of safety responsibilities to ensure workplace safety was the top priority when workers undertake assigned tasks. This training empowers all employees to become workplace safety champions.
- Leaders actively engaged in safety consultation processes and implementation of health and safety initiatives,
- Detailed internal and external audit reports identified some safety non-conformances which are driving continuous improvement in current safety management system
- Although a high standard of accurate and detailed reporting of incident occurrence existed, the rollout of an electronic risk management system Vault in 2020/21 has enhanced corrective action reporting.
- Monthly yard meeting talks with a focus on monthly safety messaging

Health and Wellbeing

A series of health and wellbeing initiatives were conducted in 2020-21 including:

- Promotion of mental health wellbeing including participation in 2020 RUOK Day
- Men's and Women's Health expo promotions
- Annual influenza vaccination program
- Monitoring and vaccination programming for biological health risks
- Emphasis on mental health wellbeing during COVID-19 was strengthened by delivery of several strengthening resilience webinars

Workers Compensation and Injury Statistics

Council's Recovery at Work Program continues to assist and support employees recovering from injury/illness whether it is caused at work or is non-work related.

Council works closely with our Workers Compensation insurer to continually enhance claim management processes that support better recovery at work outcomes for injured employees.

Due to a strong emphasis on safety, driven by management engagement and employee commitment, lost time injuries continued to fall during 2020-21. In 2020-21, both the severity of injuries and injury frequency rate fell significantly. Lost time workers compensation claims reported during the year totalled 6 new claims with most injured workers participating in a recovery at work program whilst recovering.

This change in culture has led to a significant reduction in Council's workers compensation premium costs due to a substantial reduction in the organisations claim performance history rate which is well below workers compensation scheme performance measures.

15. Senior Staff Salaries

Local Government (General) Regulation Clause 217 (1) (b and c)

Consistent with Section 332 of the Local Government Act 1993, Council designates the Senior Staff positions within Council. The total remuneration packages for the following positions during 2020-21 are presented below.

There are three designated Senior Staff members within Council's structure. The three include:

- The General Manager – Craig Milburn
- Director Corporate and Commercial – Stephen Mitchell
- Director Operations and Planning – Robert Fish

During 2020-21, the remuneration for the General Manager was \$361,303.68 and the combined total remuneration for both Directors was \$515,434.85.

16. Statement on stormwater management services provided

Local Government (General) Regulation Clause 217 (1)(e)

The levy was charged to raise income to invest in improving the stormwater systems in urban areas.

During 2020-21 the following works were undertaken with income generated from the stormwater levy. Remaining income raised has been set aside for future works and projects.

Stormwater Works and Projects	Stormwater Levy Expenditure (\$)
Edgar Street Frederickton - Stormwater (stage 1 Kerb & Gutter and Drainage)	39,384
Lindsay Noonan Drive, South West Rocks – Stormwater works	32,682
Ocean Street, South West Rocks - Stormwater works (section1)	52,164
Ocean Street, South West Rocks - Stormwater works (section 2)	21,711
Wide Street, West Kempsey V-drain from Sea Street to Kemp Street	177
Total	146,118

17. Statement on the Coastal Protection Services provided

Local Government (General) Regulation Clause 217 (1) (e1)

Council did not levy for coastal protection during 2020-21.

18. Companion Animals Act and Regulation

Local Government (General) Regulation Clause 217(1)(f)

Rangers are responsible for enforcing companion animal laws, as well as educating the community about responsible pet ownership. Council spent approximately \$20,920 on direct companion animal management, including operation of the pound/maintenance during the year.

Council continued to promote responsible companion ownership through information on its website, brochures, media releases and through communication with the public on a regular basis. Council has fact sheets regarding responsible pet ownership and a direct link to the Office of Local Government Companion Animals site where people can obtain additional information. Council's Ranger team supported the Rural Recovery Day held in May 2021, by promoting responsible companion animal ownership for approximately 135 primary producers and additional rural residents.

Council has designated leash free areas within most of the Shire's towns and villages and has a brochure on the website showing these areas. An internal review of the current off leash areas and dog related signage is currently being undertaken and is expected to be finalised in early 2022. Five community engagement sessions were undertaken as part of the review which allowed community members to provide feedback and vote on multiple proposals and an additional off leash area has been identified in the township of South West Rocks.

Kempsey Shire Council works closely with rehoming organisations and has rehoused 239 companion animals through approved rehousing groups. When Council's pound facility is full, animals are taken directly to the rehousing organisations. Unfortunately, not all animals are suitable for rehousing and in this reporting period, 27 animals have been euthanised due to illness or unsuitability for rehousing. During 2020-2021, there were 11 dog attacks in the Shire.

19. Report on Capital Works Projects subject to CAPEX review

Per OLG Capital Expenditure Review Guidelines

Nil Capital Works Projects to report that were subject to the Capital Expenditure Review guidelines.

20. Carers (Recognition) Act

Carers (Recognition) Act 2010 (CR ACT), s 8(2)

Council has considered its obligations under the NSW Carers (Recognition) Act 2010 with regards to carers or persons being cared for by carers and supports employees with caring responsibilities in accordance with s21 B of the Local Government (State) Award 2017. Further, these obligations are recognised in Council's Condition of Employment policy and leave procedure 2013 and communicated during Council's employee induction program.

21. Disability Inclusion Plan

Disability Inclusion Act 2014, s13(1)

Kempsey Shire Council's Disability Inclusion Action Plan (DIAP) contributes to the delivery of the Macleay Valley 2036 Community Strategic Plan and vision of being a 'Healthy, Wealthy, Safe and Connected' community.

The DIAP details what Council will do under the four key focus areas of the NSW Government Disability Inclusion Plan being:

- Develop positive community attitudes and behaviours
- Create liveable communities

- Support access to meaningful employment
- Improve access to mainstream services through better systems and processes

The plan was internally reviewed during July 2021 to ensure the aims were being met and to review outcomes to meet the needs of the disability community and ensure access to Council information, services and facilities.

During 2021-22, Council will undertake a formal review to develop a new Disability Inclusion Action Plan by June 2022. This will include a community engagement program with the Community Disability Steering Committee, people with a disability and the broader community to enable these community members to inform the development of the new DIAP

The table below reports on the implementation of the DIAP during the 2020-21 year and was reported to the Minister for Disability in July 2021.

Strategy	Action	KPIs	Responsibility	Timeframe	Completions 2020-21
Focus Area: Attitudes and Behaviours					
Promote local events, activities, and facilities to be more accessible and inclusive	Work with disability groups to prepare inclusion and access guidelines for community events	Inclusion guidelines developed	Community Partnerships	1 - 2 years	<p>Kempsey Shire Council does not currently have inclusion and access guidelines for community events. However, Council does actively promote and is involved in the planning of accessible events including fun events specifically for people with a disability through Youth Week and Seniors Festival. Dedicated events are planned for International Day of People with a Disability in partnership with local service providers and the Disability Steering Committee.</p> <p>Council promotes events using Hey Hey Macleay, Social media platforms and listings on MacleayvalleyCoast.com where the accessibility of events can be outlined.</p>
Promote International Day of People with Disabilities (IDoPWD)	Work with people with disabilities, service organisations and carers to develop a community awareness day	<p>Number of disability organisations engaged</p> <p>Number of participants with a disability</p>	Community Partnerships. Communications	Annually	<p>During 2020, events that were organised to celebrate IDoPWD were cancelled due to the Covid-19 pandemic. These events included: 'The Big Day Out' and the 'Glitz & Glamour Ball'. They were still promoted in the leadup to the events with photos from the previous events being posted as a virtual celebration.</p> <p>Council actively promoted and celebrated IDoPWD utilising social media.</p> <p>The Glitz and Glamour Ball and Big Day Out are re-scheduled for later in 2021. A dedicated sponsorship drive is also underway and significant planning is being conducted by the committee and supported financially and in-kind by Council.</p>
Promote inclusion and diversity in Council publications	Include images of people with disability in publications such as annual Report, Community Strategic Plan, Operational Plan	Number of publications and campaigns	Communications	1 - 2 years	<p>Council actively promoted people with a disability in promotional materials for the 'Glitz n Glamour Ball' and the 'Big Day Out' as well as throughout our social media and advertising campaigns for those events.</p> <p>Photos from past events have also been used in wider Council documentation and social media platforms.</p> <p>Plans were made to involve people with disability in additional promotional media for the 'Glitz n Glamour Ball' and 'Big Day</p>

Strategy	Action	KPIs	Responsibility	Timeframe	Completions 2020-21
					Out' events. However, these were shelved due to COVID-19 in 2020. Promotional materials will use positive images of local people with a disability for future programs.
	Involve people with disability in the development of communication campaigns regarding inclusion				Council works with the Disability Reference Group to develop additional promotional materials and images.
Improve council staff and councilors awareness of disability issues	Develop and implement frontline staff procedures to improve service delivery and complaints handling for people with a disability	Operating procedure developed	Customer Services	1 - 2 years	An operating procedure has not been developed. The Organisational Development team are rolling out staff training to support customer services and complaints handling in the future.
	Provide targeted disability awareness training and refresher training every two years for relevant staff	Number of staff completed training	Organisational Development	1-2 years	With the introduction of Council's internal Learning Hub (online Learning Management System), all employees will be enrolled into an online training module by the end of 2021.
	Include disability awareness training as part of onboarding process for new staff and Councillors	Module included. Number of staff and Councillors complete training	Organisational Development	1 - 2 years	Disability Awareness training is being included as part of Council's induction processes upon commencement of staff employment. New Councillor training with Disability Awareness training will be provided after the December 2021 local government elections.

Strategy	Action	KPIs	Responsibility	Timeframe	Completions 2020-21
Focus Area: Liveable Communities					
Provide safe and accessible community facilities	Conduct audit of Council built assets to identify disability access requirements	Completion of audit	Property and Facilities	1 – 2 years	Deferred: due to bushfire recovery efforts and COVID-19 pandemic restrictions throughout the year, this was unable to be actioned.
	Prepare priority-based disability access upgrade program applying principles of universal design	Disability access upgrade program prepared	Property and Facilities	Ongoing	Deferred: due to bushfire recovery efforts and COVID-19 pandemic restrictions throughout the year, this was unable to be actioned. As facilities and amenities are upgraded across the Shire, accessibility, inclusion and legislative standards are applied.
	Disability access upgrade assessment of existing council facilities	Report prepared for council with priority actions to be included in operation plan	Property and Facilities	12 months	Deferred: due to bushfire recovery efforts and COVID-19 pandemic restrictions throughout the year, this was unable to be actioned.
	Continue to upgrade council assets according to requirements of the Disability Discrimination Act (DDA), relevant Australian Standards and National Construction Code	Number of increased and improved accessibility across assets and facilities	Property and Facilities	Ongoing	Council has constructed new assets at Back Creek, Crescent Head Central Business District, Crescent Head Pool, Gladstone, Willawarrin Showground. It is currently working on new amenities for Bellbrook Hall, Clyde Street Mall, Smithtown – Riverside Park, as well as upgrading the Civic Centre to meet DDA requirements. As well, new accessible equipment has been installed at the South Kempsey Park (a merry go round and accessible picnic facilities), and Riverside Park (bucket swing).
	Investigate feasibility of providing “Changing Places” facility within South West Rocks tourist destination	Feasibility studies undertaken	Property and Facilities Economic Development	Ongoing	The Township determined for the placement of the new “Changing Places” amenities is at South West Rocks (Horseshoe Bay Reserve). However, funding for the new amenities and Kiosk are not yet funded in Council’s Long Term Financial Plan.

Strategy	Action	KPIs	Responsibility	Timeframe	Completions 2020-21
	Progress actions in Pedestrian Access and Mobility Plan	Priority actions completed	Infrastructure Delivery	Ongoing	<p>A shared pathway at Eden Street, from Kemp Street to Riverside Park has been constructed.</p> <p>The 'Everyone Can Play' Hat Head Reserve is an all-inclusive play space that caters for all ages and abilities including picnic area and footpaths.</p> <p>At South West Rock's Back Creek, the amenities block has had accessible parking bays and footpath, Wheelchair accessible BBQ and picnic tables constructed.</p> <p>At the Frederickton Reserve Boat Ramp accessible amenities block have been provided together with DDA compliant parking and footpaths.</p>
Assist in developing projects and programs for people with disabilities and their carers	Establish partnerships / steering committee to develop key projects that promote inclusion	Community Disability Working group formed	Community Partnerships	1 -2 years	A Committee was established in January 2019 and meets monthly to address issues facing community members with a disability, and to coordinate and hold events e.g., IDoPwD.

Strategy	Action	KPIs	Responsibility	Timeframe	Completions 2020-21
Assist in developing projects and programs for people with disabilities and their carers	Explore grant opportunities in partnership with service organisations, disability groups and neighbouring councils.	<p>Number of grants applied for.</p> <p>Number of projects developed</p>	Whole of Council	Ongoing	<p>Council has developed a Community Grants program with a focus on community development, inclusion and projects that build stronger communities.</p> <p>Council has applied and received funding for grants that include disability inclusive features. The 'Everyone Can Play' Grant at Hat Head Reserve was the only fully inclusive project that Council received grant funding for during 2020-21.</p> <p>Council also installed wheelchair accessible picnic tables and BBQ's and DDA compliant linkages at all our reserve upgrades. Various Community Halls have had accessible ramps and doors installed, and all new amenities buildings that have been installed include a purpose-built wheelchair accessible bathroom.</p> <p>Council has also received funding for shared accessible footpaths throughout the shire.</p> <p>Council also subscribes to Grant Guru and provides this information for free to community-based organisations, sporting groups and businesses. Grant Guru provides a list of all available funding available for the Local Government Area</p> <p>Council also works with local Kempsey businesses, particularly in the tourism industry, to encourage greater inclusivity.</p>
Council engagement strategy developed and implemented.	Ensure council engages and informs the Community Disability Working group with key developments and implement strategy on engagement opportunities	Number of engagement opportunities forwarded to Community Disability Working group	Community Partnerships Strategic and Environmental planning	Ongoing	<p>Council's Engagement Strategy was adopted in December 2019.</p> <p>The review and redevelopment of the Disability Inclusion Action Plan 2022-2026 will have a dedicated engagement process and will involve gathering feedback from the steering group as well as the broader community. This will inform Council's new plan.</p> <p>The Disability Reference Group has been involved in presentations and was invited to engagement opportunities for</p>

Strategy	Action	KPIs	Responsibility	Timeframe	Completions 2020-21
					<p>the following:</p> <ul style="list-style-type: none"> Operational Plan 2020-21 Operational Plan 2021-22 Horseshoe Bay Masterplan South West Rocks Back Creek Reserve public amenities and car park upgraded in May 2021 Local Strategic Planning Statement "Your Future Growth and Character" Crescent Head Public Domain project Community Infrastructure Strategy "Your Future Places and Spaces" Pedestrian Safety Audit West Kempsey Pump track Kemp Street Sporting complex Service Clubs Park masterplan Connecting our community through COVID-19 Bushfire recovery Draft Community Engagement Strategy Dogs off Leashes Community Strategic Plan review and development Crescent Head Public Domain project Community Catchups
Focus Area: Employment					
Increase opportunities for employment for people with disabilities	Work with disability services providers in developing employment opportunities with Council	Number of contracts delivered	Organisational Development	Ongoing	Organisational Development have met with all local providers who are aware of our recruitment processes. Under the Local Government Act all positions must be advertised and appointed on merit.
	Review recruitment processes, forms and language for accessibility	Recruitment process, forms and language adapted	Organisational Development. Communications	Ongoing	Currently under review by the communications team i.e. Careers page accessibility.

Strategy	Action	KPIs	Responsibility	Timeframe	Completions 2020-21
Encourage volunteer opportunities for carers and people with disabilities	Reasonable adjustments to workplace to support volunteers with disability	Number of people with disabilities volunteering Volunteering policy developed	Organisational Development	Ongoing	Council currently does not track this information for volunteers. However, this information is tracked for new employees. This item will be reviewed in forward planning.
Support employees with disabilities to perform their job	Make reasonable adjustments to change work process, practice, procedure or environment	Number of Adjustments made Number of Learning supports offered	Organisational Development	Case by case	Not required in this reporting period. One trainee provided with learning support.
Focus Area: Systems and Processes					
Provide best practice accessibility to services and support for people with a disability	Ensure all service information is available in a range of formats to support different needs and capabilities	Council information available in different formats	Communications	Ongoing	Council adheres to the accessibility guidelines for print and online media content. Council has expanded its range of communication outputs and formats in the last year and is in the process of rolling out an audio suite of communication tools.
	Continue to work towards full Web Content Accessibility Guidelines (WCAG) compliance for web content	Council website towards full compliance	Communications		Ongoing development of website to meet compliance for web content to ensure WCAG compliance. The development of Council's new corporate website included a full accessibility review in line with WCAG standards. Council is further developing the homepage to further improve accessibility. Council has committed to Plain English communications as part of the new website roll out.
	Ensure community engagement events are held in accessible venues. To be inclusive of	Council engagement held in accessible venues where available	Whole of Council Community Engagement including		Council's Style Guide is in the process of being rewritten, and accessibility and plain English measures will be introduced as a key considerations. Where practical engagement activities and events have been held in accessible venues. With the shift to online engagement due to COVID19 restrictions, Council ensures that people with a disability and

Strategy	Action	KPIs	Responsibility	Timeframe	Completions 2020-21
	people with disabilities	Council engagement actively encourages participation of people with disabilities	contractors and consultants		their support services are aware of opportunities to provide feedback and have provided online options for community feedback.
	Signage upgraded to include International and Braille provisions	Signage upgraded with provisions	Property and Facilities, and Communications	Ongoing	Council's Style Guide is in the process of being rewritten, and accessibility and plain English measures will be introduced as a key consideration. Signage templates are being upgraded to comply in new assets locations as they are built.
	Investigate further implementation of National Relay Service	National Relay Service plan implemented	Property and Facilities	2 - 4 years	Linkage on hold, therefore no progression to date.
	Continue to work with local tourism businesses to support them making their businesses more inclusive.	Education and tools to allow more inclusive businesses	Economic Development	Ongoing	Council is sharing inclusive tourism tools and information with local businesses via email, in person and at workshops.

22. Environmental Planning and Assessment Act

Environmental Planning & Assessment Act 1979, S 7.5(5)

Council has various planning agreements that were in force during 2020-21. These are detailed in the table below.

Title	Date Entered Into	Land details	Description of Agreement	Parties	Status
1. South Kempsey Water Infrastructure Delivery Planning Agreement	21 June 2016	Lot 2454 DP610363	The planning agreement provides for a monetary contribution towards provision of necessary future upgrade of South Kempsey water supply infrastructure.	Kempsey Shire Council; Centrestone Developments Pty. Ltd.	The development has not commenced. Council is following up on obligations.
2. South West Rocks – Gilbert Corey Street Planning Agreement	17 July 2018	Lot 10 DP754396	The planning agreement provides for the environmental protection of that part of the land that is being rezoned.	Kempsey Shire Council; Hunterwatt Projects Pty. Ltd.	The Voluntary Planning Agreement (VPA) came into force when the Kempsey Local Environmental Plan 2013 (Amendment No 3) was gazetted 21 September 2018 (2018 No. 550). The VPA concerns a Biodiversity Stewardship Agreement created as part of a Planning Proposal and amendments to the Kempsey Local Environment Plan (LEP). The Biodiversity Stewardship Agreement is to be registered on the subject Lot and any subsequent Lots created therein. Council is following up on obligations.

Title	Date Entered Into	Land details	Description of Agreement	Parties	Status
3. Belgrave Street, Kempsey, Cinema Planning Agreement	17 April 2018	Lot 1 DP1129009	The planning agreement provides the Developer will construct the cinema and make it available to Council and the local community of Kempsey to confer a material public benefit on the community.	Kempsey Shire Council; Gowing Bros Limited.	Completed
4. South West Rocks - Kempsey Shire Council & SWRUT Pty. Ltd	24 February 2021	Lot 1 DP445196	The planning agreement provides for the dedication of land for road reserve and pedestrian infrastructure in lieu of certain developer contributions.	Kempsey Shire Council & SWRUT Pty. Ltd	Stages 1 and 2 have been completed. Stage 3 is to commence.

23. Fisheries Management Act

[Fisheries Management Act 1994, s220ZT \(2\)](#)

Nil to report.

24. Private swimming pool inspections

[Swimming Pools Act 1992, s 22F \(2\)](#), [Swimming Pools Regulation 2018 \(SP Reg\) cl 23](#)

The following table provides details on swimming pool inspections that were completed during 2020-21.

Private Swimming Pool Inspections 2020-21	Numbers
Number of inspections of tourist and visitor accommodation	1
Number of inspections of premises with more than 2 dwellings	0
Number of inspections that resulted in issuance a certificate of compliance under section 22D of the Act	64
Number of inspections that resulted in issuance a certificate of non- compliance under clause 18BA of the Regulation	13

25. Government Information (Public Access) Act – GIPA Report

Government Information (Public Access) Act 2009, s125(1), Government Information (Public Access) Regulation 2018, cl 8, Schedule 2

The Government Information (Public Access) Act 2009 (GIPA) commenced from 1 July 2010. This replaced the Freedom of Information Act.

The GIPA Act objective is to open government information to the public by:

- a) authorising and encouraging the proactive public release of government information by agencies;
- b) giving members of the public an enforceable right of access to government information; and
- c) providing that access to government information is restricted only when there is an overriding public interest against disclosure.

Currently, Council makes much of its information publicly available on its website and is currently satisfied with the level of government information currently available. Council endeavours to proactively release any newly created documents that should be made available in the public interest. Council will only require formal GIPA applications as a last resort where there would appear an overriding public interest against disclosure.

The following table sets out information relating to the access applications made to Council during the 2020-21 year. The information is provided in the format required by the Government Information (Public Access) Regulation.

1. Statistical information about access applications – Clause 7(d) and Schedule 2

Table A: Number of applications by type of applicant and outcome*								
	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	2	0	0	4	0	0	1
Not for profit organisations or community groups	0	0	0	0	1	0	0	0
Members of the public (application by legal representative)	0	2	0	1	0	0	0	1
Members of the public (other)	2	6	0	3	3	2	1	0

**More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.*

Table B: Number of applications by type of application and outcome								
	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications*	0	0	0	2	0	0	0	0
Access applications (other than personal information applications)	2	7	0	1	8	2	1	2
Access applications that are partly personal information applications and partly other	0	3	0	1	0	0	0	0

**A personal information application is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual). PLEASE NOTE: The total number of decisions in Table B should be the same as Table A.*

Table C: Invalid applications	
Reason for invalidity	Number of applications
Application does not comply with formal requirements (section 41 of the Act)	8
Application is for excluded information of the agency (section 43 of the Act)	0
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	8
Invalid applications that subsequently became valid applications	0

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 of the Act	
	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0

**More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.*

Table E: Other public interest considerations against disclosure: matters listed in table to section 14 of the Act	
	Number of occasions when application not successful
Responsible and effective government	5
Law enforcement and security	0
Individual rights, judicial processes and natural justice	3
Business interests of agencies and other persons	7
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0

Table F: Timeliness	
	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	22
Decided after 35 days (by agreement with applicant)	4
Not decided within time (deemed refusal)	2
Total	28

Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)			
	Decision varied	Decision upheld	Total
Internal review	3	0	3
Review by Information Commissioner*	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0
Review by NCAT	0	0	0
Total	3	0	3

**The Information Commissioner does not have the authority to vary decisions, but can make recommendation to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made.*

Table H: Applications for review under Part 5 of the Act (by type of applicant)	
	Number of applications for review
Applications by access applicants	3
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0

26. Public Interest Disclosure Act s31

Public Interest Disclosures Act 1994, s 31, Public Interest Disclosures Regulation 2011, cl 4

There were no public officials that made a Public Interest Disclosure and no Public Interest Disclosures received during the 2020-21 reporting period about corrupt conduct. An internal reporting policy has been established and a variety of training methods undertaken to improve staff awareness obligations under this legislation, including that by Council, a private sector organisation, links on the intranet and internet and during induction.