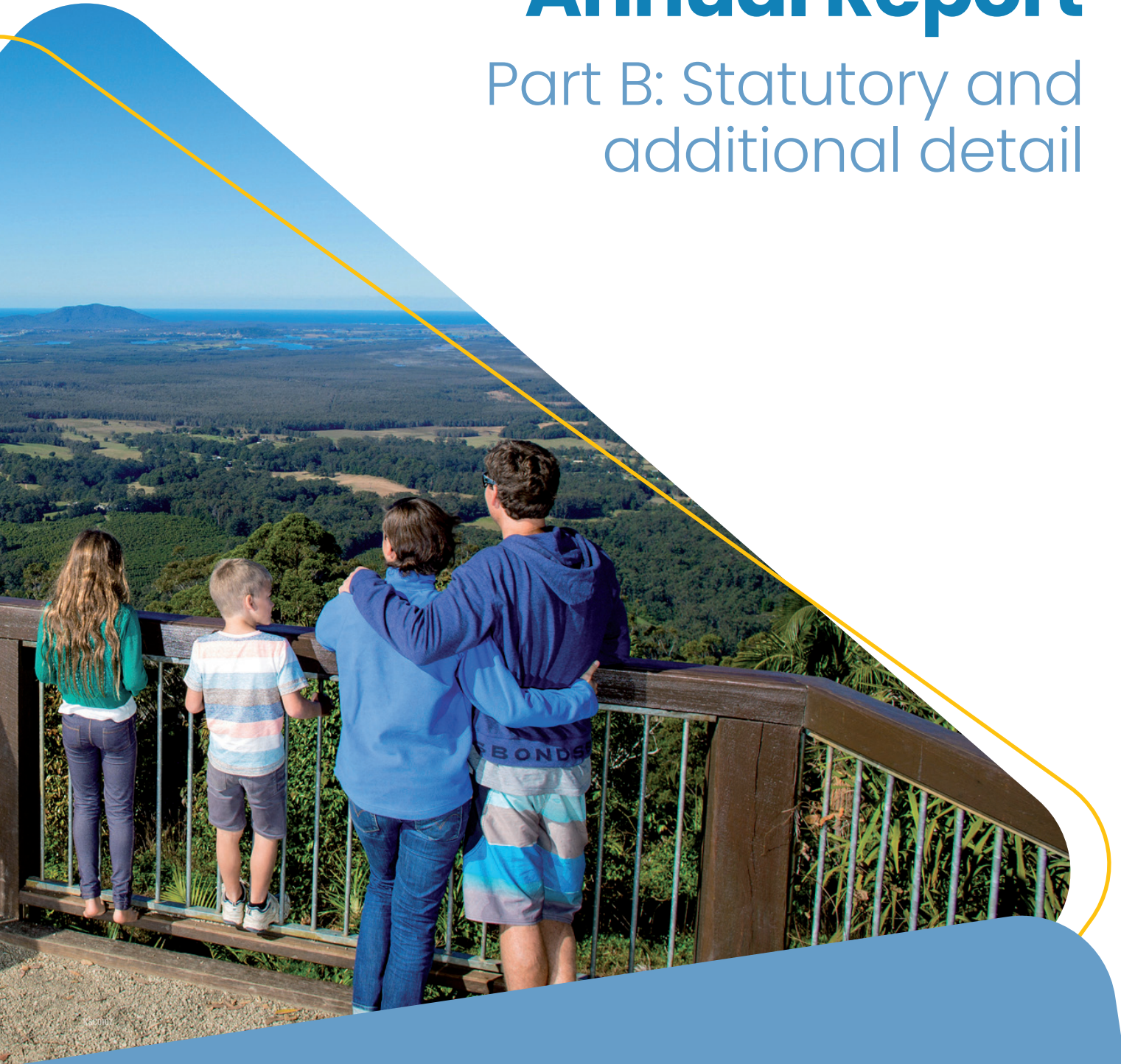


2019–20

Annual Report

Part B: Statutory and
additional detail



www.kempsey.nsw.gov.au



KEMPSEY
Shire Council

Annual Report 2019 - 2020

Part B: Statutory and
additional detail

Contents

1.	Achievements in the 2017-2021 Delivery Program	2
2.	Particulars of Environmental Upgrade Agreement	8
3.	Expenditure of Special Variation of Rating Income	8
4.	Rates and Charges Written Off	10
5.	Register of Overseas Travel by Council Representatives	11
6.	Councillor Fees and Expenses	11
7.	Contracts Awarded Greater than \$150,000.....	12
8.	Legal Proceedings	13
9.	Summary of resolutions of work carried out on private land.	14
10.	Grants, Financial Assistance and Contributions	14
11.	Statement of external bodies exercising delegated functions	15
12.	Statement of companies in which Council held a controlling interest.....	15
13.	Statement of other bodies in which Council participated	16
14.	Human Resources Data	16
15.	Senior Staff Salaries.....	20
16.	Statement detailing the stormwater management services provided.....	20
17.	Statement detailing the Coastal Protection Services provided	20
18.	Companion Animals Act and Regulation	20
19.	Report on capital works projects subject to capital expenditure (CAPEX) review	21
20.	Carers Recognition Act	21
21.	Disability Inclusion Plan	21
22.	Environmental Planning and Assessment Act	25
23.	Fisheries Management Act	25
24.	Private swimming pool inspections	25
25.	Government Information (Public Access) Act – GIPA Report	25
26.	Public Interest Disclosure Act s31	28

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 four-year Delivery Program represent what the Council aim 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 Community Strategic Plan.

There are five central themes that guide all of Council's strategic corporate planning and program delivery. The themes were agreed with the community in the context of developing the Community Strategic Plan and 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.

Annual Report Part A – A Year in Review provides highlights of the 2019-20 year of the Delivery Program implementation. These achievements were also reported regularly during the year in Council's six-month Delivery Program reports to the community.

Selected service performance results are also reported in the following table (as **Part B**).

Code Services	Target	Achieved	
HS01.1 Provision of potable water			
No more than 2 percent of water quality monitoring tests exceed the Australian Drinking Water Guidelines	<2%	0.91%	
Initial response to customer requests regarding water supply network failures occur within two hours	2 hours response time	100% (1,325 responses)	
Annual renewal of minimum 2km of mains	2km	2.7km	
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 environmental impacts			
90% of requests relating to environmental quality that may cause preventable harm to the environment responded to within five working days	90%	75.5%	Target not achieved due to COVID19 NSW Public Health Orders

HS03.1 Environmental management of waste			
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 and HS05.1 wastewater			
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			
Provide 4 education programs per year	4 education programs	3 programs	Target not achieved due to COVID19 NSW Public Health Orders
Inspect 1000km of high-risk pathways for high priority weeds	1,000km	1,006km	
Inspect 800 private rural properties to minimise owners with infestations to eradicate weeds	800 private rural properties	1,342 private properties inspected	
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	100%	80% inspected	Target not achieved due to COVID19 NSW Public Health Orders
Annual inspection high-risk septic systems for compliance	100%	84%	Target not achieved due to COVID19 NSW Public Health Orders
Swimming Pool Inspections undertaken within three business days of request or complaint.	100%	100%	

HS05.3 Food related health risks are regulated			
95 percent of food premises inspected annually	95%	50%	Target not achieved due to COVID19 NSW Food Authority advice to postpone inspections
Initial investigation of request for inspection to be done within 5 working days	100%	100%	
Maintain register of food premises inspected annually	100%	100%	
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 COVID19 NSW Public Health Orders
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%	100%	While COVID19 impacted delivery of large events such as Youth Week, and Reconciliation Week, Sorry Day and NAIDOC, Community Partnerships activated a board range of online community events through Hey Hey Macleay.
WS03.1 Economic development to attract business and investment is provided			
Adopt and commence implementation of Economic Development Strategy together with relevant Destination Management Plan	100%	100%	Horizon 2030: Macleay Valley Economic Development and Tourism Strategy was adopted on 22 October 2019 and is progressively being implemented.
Kempsey Cinema operational by 30 June 2020	100%	100%	The Kempsey Riverside cinema was completed and opened in November 2019
WS03.2 Encouraging tourist visitation			
Commercial licences issued and managed (surf schools, stand up paddle boarding, abseiling, etc.)	100%	100%	
Operate Tourist Information centres in Kempsey and South West Rocks	100%	75%	Target not achieved due to COVID19 NSW Public Health Orders

WS05.1 Maximise commercial assets			
Kempsey Regional Saleyards preferred management ownership strategy endorsed and implemented	100%	75%	Business Plan presented to Council in September 2020. Action will be completed in the 2020-21 financial year
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%	
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			
Behavioural program and awareness campaigns undertaken	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%	100%	Council crews actively monitoring and removing graffiti on Council assets. Process being developed for private properties, and due to COVID restrictions impacting on MOU with Correctional Services.
SS07.1 Active partner in interagency forums			
Council Interagency network schedule is created, and Councillors updated annually to increase awareness of cross agency programs	100%	100%	Some delays and restrictions due to COVID19 but otherwise ongoing activities were undertaken
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%	
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 actions from the Disability Inclusion Action Plan	100%	100%	
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 2019-20.

3. Expenditure of Special Variation of Rating Income

Special Rate Variation Guidelines 7.1

Environmental Levy

In February 2018 Council applied for a special rate variation of 4.2% above the rate peg to allow for the continuation of the Environmental Levy which has been in place since 2008-2009 and which funds significant environmental restoration projects to manage, protect and preserve our waterways and natural environment.

During 2019-20 the following works were undertaken with income generated from the environmental levy.

Environmental Levy Projects	Expenditure (\$)
Environmental Weed Control	100,000
Macleay River – Killick Creek – Korogoro Creek CMP – Stage Two Investigations	4,724
Saltwater Creek Estuary coastal management program - Stage One Scoping Study	7,838
Killick Creek Estuary Coastal Management Program	1,247
Korogoro Creek Estuary Management Program - Stage 1 Scoping Study	1,247
Implementation of Management Strategy 21 - Macleay Estuary Coastal Zone Management Plan	2,420
Dowlings Falls Road Culvert Investigation	23,507
Boyers Lane Wetlands Plan	8,000
Rudder Park Flying Fox Camp Management Plan Level 2 Actions	1,182
Local Strategic Planning Statement	466
Biodiversity Strategy	39,136
Flood Mitigation Works	101,933
Total	291,700

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 Bridge Capital Expenditure Projects	\$
Laurels Avenue East Kempsey (Union Ln - End 0.109Km)	126,459
Marine Parade, Stuarts Point (Nineteenth Ave to Ocean Ave - 0.9Km)	100,341
Airport Road, Aldavilla (Sherwood Rd to Airport Entry - 1.1Km)	41,389
Haven Crescent, Yarravel (0.5Km)	14,678
Union Lane, East Kempsey (Rudder - Laurels Lane 0.034Km)	9,605
Tozer Street, West Kempsey (Marsh Street to Wide St)	948,057
Betts Street, East Kempsey (Bissett Street to Gill Street - 0.4Km)	13,495
Innes Street, East Kempsey (Bissett Street to Gill Street - 0.45Km)	46,739
Belmore River Right Bank Road (from SWR Rd for 1.0 km)	17,750
Gowings Hill Road (Giblin Place to Mollies Way - 0.7Km)	508,463
Aldavilla Road (Belgrave Falls Rd to Old Aerodrome Rd - 2.53Km)	114,121
Collombatti Road (Chain O Ponds Rd to Wybalena Ave - 0.9Km)	53,838
Dungay Creek Road (Gills Gully to Eight Mile Creek Rd - 4.0Km)	176,573
Goulds Lane (Old Mill Ln to End - 0.45Km)	10,099
Old Station Road (Verges Creek Road to Friths Lane - 4.35km)	131,879
Bridges on SRR Mooneba Road - Barking Dog ¹	42,139

¹ Culverts purchased are being repurposed for Warbo Brook Road bushfire damaged bridge

Roads and Bridge Capital Expenditure Projects	\$
Sundowner Road - Kyles Bridge	12,002
Sundowner Road - Sundowner Bridge	25,091
Carrai Road - McKenzies Bridge	48,841
Tamban Road - Basch's Bridge	21,389
Tamban Road - No 2 Bridge	9,877
Nulla Nulla Road - Roses Bridge	54,931
Saleyards Road - Christmas Creek Bridge	111,990
Turners Flat Bridge	1,367,410
Boyters Lane - Boyters Bridge	21,967
Total	4,029,123

4. Rates and Charges Written Off

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

Council's 2019-20 Financial Statements have been audited by the Audit Office of New South Wales. The Audit report for 2019-20 is unmodified.

Rates and charges written off during the year, Clause 132	2019-20 (\$)
Pensioner Rates	1,413,089
Other	-
Total	1,413,089

5. Register of Overseas Travel by Council Representatives

Local Government (General) Regulation 2005, Clause 217(1) (a1)

Nil overseas travel was undertaken during the 2019-20 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 2019-20 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	2019-20 Expenses (\$)
Travelling Expenses	10,483.84
Telephone calls made by Councillors <i>217(1) (a1)(i)(ii)</i>	-
Attendance of Councillors at conferences and seminars <i>217(1) (a1) (iii)</i>	5,208.26
Interstate visits by Councillors, including transport, accommodation and other out of pocket travelling expenses <i>217(1) (a1) (v)</i>	2,126.66
Meals and refreshments for council and committee meetings	3,855.47
Training of Councillors and provision of skill development <i>217(1) (a1) (iv)</i>	-
Overseas visits by Councillors, including transport, accommodation and other out of pocket travelling expenses <i>217(1) (a1) (vi)</i>	-
Expenses of any spouse, partner or other person who accompanied a Councillor <i>217(1) (a1) (vii)</i>	-
Expenses involved in the provision of care for a child or an immediate family member of a Councillor <i>217(1) (a1) (viii)</i>	-

Details Mayor and Councillor Expenses	2019-20 Expenses (\$)
Provision of dedicated office equipment allocated to Councillors 217(1) (a1)(i)	-
Total	21,674.23

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 2019-20 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 (\$)
Holcim Australia Pty Ltd; Reinforced Concrete Pipes Australia (NSW) Pty Ltd	Supply and Delivery of Concrete and Fibre Reinforced Concrete Pipes and Associated Products	*Based on Annual Works Program
New South Wales Spray Seal; All Pavement Solutions Pty Ltd; Pacific Blue Metal; COLAS NSW Pty Ltd; Eastcoast Asphalt T/as Fishers Asphalt	Supply, delivery, and placement of road resurfacing	*Based on Annual Works Program
Fulton Hogan	Supply and delivery of bitumen emulsion	*Approx. \$250,000
Arnway Pty Ltd, Balls Earthmoving, Bayval Pty Ltd, GME Civil Construction, Pacific Blue Metal, Sheridans Hard Rock Quarry Pty Ltd, Thurgood Haulage Pty Ltd	A panel supply contract for the supply and delivery of pavement materials	*Based on Annual Works Program
BuiltSmart Group, Kennedy Builders, Wendgold (T/A East Coast Homes), Hunter Valley Homes and Timberline	Construction and delivery of 3 modular buildings and formation of a panel	*Approx. \$2M
Elster Metering Pty Ltd	Supply and Delivery of Domestic Water Meters	*Approx. \$150,000
AGL	Supply of Electricity - Small Tariff Sites	*Approx. \$800,000
Origin Energy	Supply of electricity - large powered sites	*Approx. \$1.5M
ERM Power Retail Pty Ltd	Unmetered Streetlighting	*Approx. \$750,000
Assetic Australia Pty Ltd	Outsourced Asset Management & Condition Assessment	\$1,245,552
Bridgestone Australia Ltd, Goodyear Dunlop Tyres Aust Pty Ltd, Tyres4U, Tyremax Pty Ltd, Marshy's Tyres & Mechanical	Supply and Delivery of earthmover, truck, and passenger tyres incl roadside assistance	*Based on Schedule of Rates

Name of Contractors	Nature of Goods / Services Supplied	Total Amount Payable under the Contract (\$)
Waeger Constructions Pty Ltd	Roses Bridge Replacement	\$492,500
Osborne & Dowling Pty Ltd	Build Clyde Street Amenities Facility	\$273,195
Boral Resources (Country) Pty Ltd, Hurd Haulage Pty Ltd	Supply of Ready-Mix Concrete	*Based on Annual Works Program
IXOM Operations Pty Ltd, Chemprod Nominees t/a Omega Chemicals, Redox Pty Ltd, Coogee QCA Pty Ltd, SNF Australia, Consolidated Chemical Company, Colonial Chemicals Australia Pty Ltd	Supply and Delivery of Bulk Water Treatment Chemicals	*Based on Schedule of Rates
Park Pty Ltd, Redpoint	Supply and Delivery of Bulk Fuel and Lubricants	*Based on Schedule of Rates

*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)

Particulars	Status	Expenses (\$)	Receipts (\$)
Kempsey Shire Council vs Midcoast Skip Bins and Metal Recycling - recovery of costs associated with site remediation	Finalised	439,433	34,703
Kempsey Shire Council vs NSW Quarry Services - class 4 proceedings in NSW Land and Environment Court	Ongoing	38,880	0
Kempsey Shire Council ats Chaffey - public liability claim for personal injury	Finalised	0	0
Kempsey Shire Council ats Clark - class 1 proceedings in NSW Land and Environment Court	Finalised	20,580	0
Kempsey Shire Council ats SW Rocks Development Pty Limited - class 1 proceedings in NSW Land and Environment Court	Finalised	28,905	0
Kempsey Shire Council vs Irwin - compliance matter	Ongoing	15,630	0
Kempsey Shire Council ats Centrestone Developments Pty Limited - judicial review of planning decision	Finalised	5,047	0
Kempsey Shire Council vs Lawrence - compliance matter	Finalised	4,404	0
Kempsey Shire Council vs McCarty - compliance matter	Finalised	1,400	0
Kempsey Shire Council vs Evans - compliance matter	Finalised	840	0
Total		555,119	34,703

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.

The following table provides details on the community groups/organisations that were assisted in 2019-20 through the Mayoral Community Fund.

Mayoral Community Fund 2019-20 recipients	Grants (\$)
Baylin's Gift Foundation	2,000
Horseshoe Bay Reserve Park Run	1,025
Kempsey District Silver Band	1,000
Kempsey Macleay Pensioners League Inc.	250
Kempsey Showground Light our Way	1,000
Kempsey West Public School and Macleay Public Schools	990
Macleay Valley Mountain Bikers Inc.	1,000
Nambucca/Macleay Defence Families Information Service	640
Rotary Club of Kempsey West	600
South West Rocks Little Athletics Club	995
Aldavilla Primary School	60
Bellbrook Public School	60
Crescent Head Public School	60
Frederickton Public School	60
Gladstone Public School	60
Greenhill Public School	60
Kempsey Adventist High School	100
Kempsey East School	60
Kempsey High School	100
Kempsey South Public School	60
Kempsey West Public School	60
Kinchela Public School	60
Macleay Valley Business Chamber	1,000
Country Education Foundation of the Macleay Valley	3,000
Macleay Vocational College	100
Melville High School	100

Mayoral Community Fund 2019-20 recipients	Grants (\$)
North Coast TAFE Kempsey Campus	100
Smithtown Public School	60
South West Rocks Public School	60
St Joseph's Primary School	60
St Pauls College	100
Stuarts Point Public School	60
Willawarrin Public School	60
Total	15,000

11. Statement of external bodies with delegated functions

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

External Body	Function
Kempsey District Silver Band Committee	Provide a Town Band
Macleay Valley Community Art Gallery Committee	Public Facility Management – Community Gallery
WIGAY Aboriginal Cultural Park Committee	Oversee the maintenance of
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
Australia Day Awards Committee	Oversee Australia Day Award nominations
Kalateenee Recreational Reserve Committee	Public Facility Management – Public reserve
Bellbrook Tennis Club Committee Gladstone Tennis Court Facility Committee South Kempsey Tennis Club	Public Facility Management – Tennis Courts

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 2019-20.

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

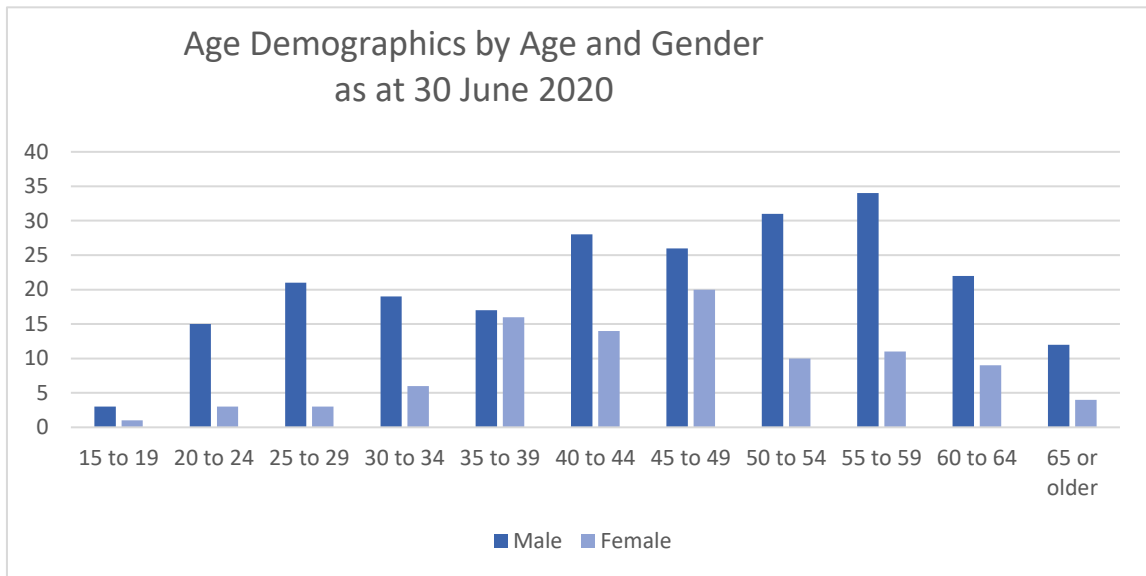
The numbers below are based on actual head count and include permanent full-time and part-time staff of 325 for 2019-20. The figures exclude temporary and casual appointments engaged through labour hire agencies.

Position Breakdown (Actual Employees Numbers)	2019/20	2018/19	2017/18	2016/17	2015/16
No. of Full-Time positions	256	261	250	247	254
No. of Part-Time Positions	24	21	22	20	40
No. of Temporary Part-Time Positions	7	3	4	1	4
No. of Temporary Full-Time Positions	26	30	1	8	5
No. of Casual Positions	12	15	10	NA	NA
Total	325	330	287	276	303

The voluntary staff turnover rate for the 2019-20 financial year was 7% 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 55% of the workforce is over 45 years of age, with 28% of staff over 55 years of age (see graph below). Based on FTE staff numbers Council's workforce is 28% female / 72% male and on actual head count the workforce is 30% female / 70 % 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 2020 was 9.76 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 EEO management plan

Council continued our 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 be 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.

Recruitment activities had minimal impact during the COVID-19 shutdowns as we transitioned to virtual interviews using Microsoft Teams.

Number of positions advertised during the year	59
Number of positions filled during the year	36
Number of positions being filled as at 30 June 2020	4
Number of applications received during the year	1212
Number of female applicants	256
Number of positions where females were successful	10

Council employed 97 women in the workplace, of which 86% of whom worked full time and 14% part-time. The number of women in management roles were 3 representing 23% of our Leadership team with 19 women in supervisory roles representing 31% 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 10.60 full time equivalent staff who identify as being of Aboriginal and Torres Strait Islander Descent, or 3% of the workforce during this period.

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

Council employed 2 full time equivalent staff from a culturally and linguistically diverse community, or 1% of the workforce during this period.

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

Council employed 251.43 full time equivalent staff having their home address within the boundaries of the Kempsey LGA, or 81% 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 2019-20.

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 has adopted procedures and practices that assist us in being an attractive employer by providing:

- variable work arrangements
- flexible working arrangements for parents/carers
- hosting work placements from local schools/TAFE and universities
- hosting full time trainees and school-based trainees from a Group Training organisation within the areas of Water/Sewer services and Civil Construction
- continuing to review and update our Work Health and Safety management system in line with best practices
- maintaining staff health and wellbeing programs.

Learning & Development

In 2019-2020, there was a total of 7,107 hours spent on training courses and conference/seminars attendance. During the year, 26 employees undertook and completed tertiary sponsored studies. The participation rate of employees undertaking training was 86% of the workforce.

A focus also was on upskilling the leadership skills of supervisors throughout the organisation, particularly statutory and mandatory training. During the COVID-19 shutdown, training was delivered virtually, or if appropriate, face to face with social distancing in place. Other training programs undertaken to develop employees and improve service delivery included:

- Cultural Awareness Training
- Systems Training (Altus, Content Manager, Doc Assembler)
- Engagement Training
- Manual Handling
- Verification of Competencies
- Microsoft Word, Excel, and Project Training
- Virtual Skills

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 2019/20. 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 enabled safety innovation and encouraged employees to ensure workplace safety was the top priority when undertaking assigned tasks
- Leaders actively engage with workers regarding health and safety initiatives, and this empowers all employees to become workplace safety champions
- Detailed internal and external audit reports identified some safety non-conformances and are driving continuous improvement in current safety management systems
- Although a high standard of accurate and detailed reporting of incident occurrence exists, the rollout of an electronic risk management system *Vault* in 2020/21 will enhance future reporting.

Health and Wellbeing

A series of health and wellbeing initiatives were conducted in 2019-20 including:

- Promotion of mental health wellbeing including participation in 2019 RUOK Day
- Men's and Women's Health expo promotions
- Annual influenza vaccination program
- Monitoring and vaccination programming for biological health risks

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 employees.

Due to a strong emphasis on safety, driven by management engagement and employee commitment, lost time injuries continued to fall during 2019-20. In 2019-20, both the severity of injuries and injury frequency rate fell significantly. Lost time workers compensation claims reported during the year totalled 6 new claims resulting in 16 lost time days.

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 2019-20 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 2019-20, the remuneration for the General Manager was \$311,532.33 and the combined total remuneration for both Directors was \$476,377.18.

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 2019-20 the following works were undertaken with income generated from the stormwater levy. Remaining income raised has been set aside for future works and projects.

Project	Stormwater Levy Spend (\$)
Open Drain and Stormwater Pipe Cleaning and Repairs	1,532
Gross Pollutant Trap Upgrades	57,127
Locking Grates	1,928
Total	60,587

17. Statement on the Coastal Protection Services provided

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

Council did not levy for coastal protection during 2019-20.

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 \$29,455 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 supported Healthy Dog Day in early 2020, a joint initiative between RSPCA, Council & NSW Health that provides Vet services at no cost to financially vulnerable Community members.

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.

During 2019-20 there were 4 dog attacks in the Shire. Council works closely with rehoming organisations and has rehoused 253 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, 32 animals have been euthanised due to illness or unsuitability for rehousing.

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\(1\)](#)

Disability Inclusion Action Plan Review 2019-20

The DIAP was reviewed in late 2019 through the following:

- Council conducted an internal review to ensure the Disability Inclusion Action Plan aims are being met and reviewed outcomes to meet the needs of the disability community and access to Council information, services, and facilities.
- After the internal review by Council staff, it was reviewed by the Community Disability Working group to enable these community members to articulate their own concerns and identify the appropriate outcomes and solutions to problems that affect them.

The table below shows the major highlights of the DIAP review during the 2019-20 year.

Strategy	Action	KPIs	Responsibility	Timeframe	Completions 2019-2020
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	Events promoted through Hey Hey Macleay and social media platforms Promotion of online events in line with COVID restrictions
Promote International Day of People with Disabilities	Work with people with disabilities, service organisations and carers to develop a community awareness day	#of disability organisations engaged Number of participants with a disability	Community Partnerships. Communications	Annually	Two highly successful events were held: <ul style="list-style-type: none"> • Big Day Out – all ages event 230 people attended, and 22 organisations were represented. • Glitz n Glamour ball- 130 people attended
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	Council actively promoted people with a disability in promotional materials for the Glitz n Glamour Ball and the Big Day Out as well as through our social media campaigns. Photos from these events have also been used in wider Council documentation.
	Involve people with disability in the development of communication campaigns regarding inclusion				Working 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 Organisation Development and Performance team are rolling out staff training to support customer services and complaints handling in the future

Strategy	Action	KPIs	Responsibility	Timeframe	Completions 2019-2020
	Provide targeted disability awareness training and refresher training every two years for relevant staff	Number of staff completed training	Organisation Development and Performance	1-2 years	With the introduction of Learning Hub (online LMS), the Organisation Development and Performance team will enrol all employees into an online training module by the end of 2020.
	Include disability awareness training as part of onboarding process for new staff and councillors	Module included. Number of staff and councillors complete training	Organisation Development and Performance	1 – 2 years	To be included as part of required training upon commencement of employment. Council is currently setting this up. Governance will address Councilor training.
Provide safe and accessible community facilities	Continue to upgrade council assets according to requirements of the Disability Discrimination Act, relevant Australian Standards and National Construction Code	# increase and improved accessibility across assets and facilities	Property and Facilities	Ongoing	Council has constructed new assets at Back Creek, Crescent Head CBD, Crescent Head Pool, Gladstone, and are 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 New accessible equipment at the South Kempsey park with the merry go round and the accessible picnic facilities Riverside Park with the bucket swing
	Progress actions in Pedestrian Access and Mobility Plan	Priority actions completed	Infrastructure Delivery	Ongoing	Shared pathway Eden Street, from Kemp Street to Riverside Park. SWR amenities block accessible parking bays and footpath
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	Committee 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 2019-2020
	Explore grant opportunities in partnership with service organisations, disability groups and neighbouring councils.	# grants applied #projects developed	Whole of Council	Ongoing	Council has developed a Community Grants program with a focus on community development, inclusion and projects that build stronger communities
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>As part of the preparation of the Your Future Places and Spaces strategy, a focus group session was held with the Disability Reference Group to get their feedback and advice prior to drafting the strategy. A one-on-one interview was also held with the Kempsey Regional Support Group</p> <p>The Disability Reference Group has been involved in presentations relating to engagement opportunities for the following</p> <ul style="list-style-type: none"> - Operational Plan review 19/20 - Operational Plan 20/21 - Horseshoe Bay Masterplan - Backcreek upgrades project - 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 - Bushfire recovery - Draft Community Engagement Strategy

22. Environmental Planning and Assessment Act

[Environmental Planning & Assessment Act 1979, S 7.5\(5\)](#)

Council entered into a Voluntary Planning Agreement (VPA) with Gowings Bros Ltd (the Developer) in April 2018 for the construction of a cinema complex at 2-14 Belgrave Street, Kempsey. The VPA was concluded with the completion and opening of the cinema in December 2019. Council and the Developer have met their respective obligations under the VPA.

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 2019-20.

Number of inspections of tourist and visitor accommodation	2
Number of inspections of premises with more than 2 dwellings	-
Number of inspections that resulted in issuance a certificate of compliance under section 22D of the Act	50
Number of inspections that resulted in issuance a certificate of non-compliance under clause 18BA of the Regulation	8

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.

During the reporting period, Council received a total of 47 formal access applications (including withdrawn applications but not invalid applications).

During the reporting period, Council did not refuse any formal access applications.

The following table sets out information relating to the access applications made to Council during the 2019-20 year. The information is provided in the format required by the Government Information (Public Access) Regulation.

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	4	0	0	0	0	0	0	4
Not for profit organisations or community groups	2	0	0	0	0	0	0	1
Members of the public (application by legal representative)	9	1	0	1	0	0	0	0
Members of the public (other)	25	2	1	2	0	0	0	5

*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*	1	0	0	0	0	0	0	3
Access applications (other than personal information applications)	33	0	0	2	0	0	0	4
Access applications that are partly personal information applications and partly other	6	3	1	1	0	0	0	3

**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)	6
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	6
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	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	4
Business interests of agencies and other persons	0
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)	38
Decided after 35 days (by agreement with applicant)	8
Not decided within time (deemed refusal)	1
Total	47

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	0	0	0
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	0	0	0

**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	0
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 was one public official that made a Public Interest Disclosure and one Public Interest Disclosure received during the 2019-20 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.