MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

17 July 2012 commencing at 9.01am.

PRESENT:

Councillors E A Campbell (Mayor and Chairman), J H Bowell, E A Green, J C Gribbin, D F Saul, A D Snowsill and E R Walker

General Manager, D L Rawlings; Director Sustainable Environment, R B Pitt; Director Community Engagement, K E Oliver; Director Infrastructure Services, R J Scott; Director Corporate Management, D B Hagger; Manager Information Management and Governance, P J Hanrahan; and Minute Taker D M Pearson.

1 OPENING PRAYER

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

ACKNOWLEDGEMENT OF THE TRADITIONAL ABORIGINAL LAND OWNERS

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

2 APOLOGIES

2012. 204 RESOLVED: Moved: Cl. Green
Seconded: Cl. Gribbin

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

3 DECLARATIONS OF INTEREST

Councillor Green declared a non-pecuniary and non-significant interest in item 1.1 Adding Top to Existing Boundary Fence for the reason that she is a member of the Pastoral Council.

4 ASSESSMENT OF ITEMS LISTED FOR CONFIDENTIAL CONSIDERATION

2012. 205 RESOLVED: Moved: Cl. Green
Seconded: Cl. Saul
That the confidential reports be considered in the confidential section of the meeting.

5 CONFIRMATION OF MINUTES

2012. 206 RESOLVED: Moved: Cl. Green
Seconded: Cl. Gribbin

That the minutes of the ordinary meeting of Kempsey Shire Council dated 19 June 2012 be confirmed.

6 PUBLIC FORUM / PRESENTATIONS

Public Forum

1 - Mr Andrew McGowan addressed Council speaking in relation to a proposed inaugural day of respect at the Kempsey Showgrounds to be held 10 November 2012.

2 - Mr Neil Gale President of the SWR Football Club addressed Council speaking in relation to item NOM2 – Lighting SWR Playing Fields.

3 - Father Paul Gooley addressed Council speaking against item 1.1 Application for adding coiled razor wire to the top of an existing boundary fence.

7 CONSIDERATION OF MOTIONS FOR CHANGES TO THE ORDER OF BUSINESS AND CONSIDERATION OF SUPPLEMENTARY OR LATE REPORTS

2012. 207 RESOLVED: Moved: Cl. Green
Seconded: Cl. Gribbin

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

8 CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM MATTERS

2012. 208 RESOLVED: Moved: Cl. Green
Seconded: Cl. Gribbin

That the reports addressed in public forum be brought forward and dealt with immediately.

NOM2 Lighting – South West Rocks Playing Fields

3164 RJS

MOVED: Moved: Cl. Gribbin
Seconded: Cl. Walker
That $100,000 be made available to replace lights and light towers at South West Rocks Playing Fields.

An Amendment was MOVED:

Moved: Cl. Green
Seconded: Cl. Snowsill

That a report be brought back to the next Council meeting on the full detailed cost for upgrade of the lights and towers at the South West Rocks Playing Fields.

2012. 209 RESOLVED:

Moved: Cl. Bowell
Seconded: Cl. Green

That the AMENDMENT be PUT.

2012. 210 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

Councillors Gribbin and Saul recorded their votes against the foregoing Resolution.

I intend to move the following Motion at the Ordinary meeting to be held 17 July 2012:

"That $100,000 be made available to replace lights and light towers at South West Rocks Playing Fields."

MOTION IMPLICATIONS

Environmental, Policy or Statutory: Nil

Social: The playing fields at South West Rocks are used for night training and matches by local sporting clubs. Although the sporting fields are large enough for separate organisations to have matches and train on, the lighting is inadequate.

Both the towers and the lighting system are over 25 years old and if an order was placed in the next few months new lights and towers could be installed before the start of next winter.

Economic (Financial): The present lights are unreliable and costing Council money to constantly repair because of their type and age.

If new lights and towers are fitted there is a company in Coffs Harbour who design, build and install these lights and gives a five year guarantee with their product that includes light globes.

The funds could be made available from the profits from the South West Rocks Caravan Park or alternatively from Section 94 ‘Open Space’ funds.

REPORT DETAILS

I have not given the General Manager permission to comment on my Notice of Motion.

.............................................
COUNCILLOR J C GRIBBIN

General Manager’s Additional Information

All associated funding from the Caravan Park is currently allocated to either the needs of the Caravan Park or other services undertaken by the Council. Funds are not available from the Caravan Park’s income without identification of areas to reduce other expenditure that is currently funded from that source of income. Surplus funds are currently used to provide surf lifesaving services and maintenance of recreational and park areas.

The above project is not listed in the funded delivery plan or listed in the unfunded projects listing.

The project is not listed in the works to be carried out under the section 94 plans, but provision exists for new projects to be added. The provision of new playing field lighting at South West Rocks would be considered a s.94 purpose, and could therefore be funded under the provisions of the unallocated items on the Work Schedule. The Plan does not require amendment to permit this purpose.

The field lighting could be funded as borrowings from the consolidated South West Rocks contribution account and repaid over the life of this Plan, or successive Plans as, while there is $1.26 million available, only around $25,000 is currently held for this type of project.

1.1 Adding Top to Existing Boundary Fence

| 1412 | RBP |

SUMMARY

Reporting that Council has received an application for ADDING TOP TO EXISTING BOUNDARY FENCE. The application seeks to add coiled razor wire to the top of an existing boundary fence which separates the school grounds from neighbouring residential back yards.

Applicant: McNeil Ellis Architects
          C/- Wayne Ellis
Subject Property: Lot 6 Sec 28A DP759080
                115-145 Sea Street, West Kempsey
Zone: 5(a) (Special Uses “A” Zone)

RESOLVED:

Moved: Cl. Bowell
Seconded: Cl. Green

That this matter be deferred until later in the meeting and Council conduct a site inspection during the morning tea adjournment.

9 MAYORAL MINUTES
SUMMARY

Reporting on the Mayor’s registration to attend the Economic Development Australia NSW Regional Conference to be held Friday 20 July 2012 in Kiama, NSW.

RESOLVED: Moved: Cl. Campbell

That the information be noted.

RECOMMENDATION IMPLICATIONS

Environmental, Social, Policy or Statutory: Nil

Economic (Financial): Conference registration $110; travel and accommodation $250.

REPORT DETAILS

The invitation to this conference inviting the Mayor was received after the last Council meeting. Registration, accommodation and transport details needed to be completed prior to this Council meeting.

The decision to attend was made by delegated authority of the Mayor.

This is the first one day conference facilitated by Economic Development Australia to consider the value of economic development to a local council and region.

Conference sessions seen to be of benefit to our community include:

- Coping with a Major Highway Bypass – Peter Dale, Greater Hume Shire Council.
- Economic Development Australia (EDA), Regional Development Australia (RDA) and Regional Organisations of Councils (ROC) Panel Discussion – hosted by Kim Appleby, Wingecarribee Shire Council and Peter Kennedy, Leeton Shire Council.
- Federally Funded Remote & Regional Project – Adam Sadler, National Coordinator.

SUMMARY

Reporting on activities for the month of June 2012.

RESOLVED: Moved: Cl. Campbell

That the information be noted.

RECOMMENDATION IMPLICATIONS
Environmental, Social, Economic (Financial), Policy or Statutory: Nil

REPORT DETAILS

<table>
<thead>
<tr>
<th>Mayor</th>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td></td>
<td>2 June</td>
<td>SWR Surf Life Saving Club 2011/2012 Presentation Evening</td>
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<td>4</td>
<td>LGMA Forum, Sydney</td>
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<td>4-6</td>
<td>Shires Conference, Sydney</td>
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<td>Australia’s Biggest Morning Tea at the office of Andrew Stoner MP</td>
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<td>Slim Dusty Day</td>
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<td>Australia Day Committee meeting</td>
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<td>13</td>
<td>Citizenship Ceremony</td>
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<td>15</td>
<td>Bupa morning tea celebrating building extensions</td>
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<td>16</td>
<td>Queen’s Diamond Jubilee Garden Party - Anglican Hall, Kempsey</td>
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<td>16</td>
<td>Bypass – opening of the northern interchange, Frederickton</td>
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<td>18</td>
<td>Rotary Club of Kempsey Changeover Dinner</td>
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<td>Ordinary Council meeting</td>
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<td>Playgroup NSW 40th Birthday Party, Crescent Head</td>
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<td>23</td>
<td>Rotary Club of SWR Changeover Dinner, SWR Country Club</td>
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<td>26</td>
<td>Rotary Club of Kempsey West Changeover Dinner – Kempsey RSL Club</td>
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<td>27</td>
<td>SWR Senior Citizens Meeting</td>
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<td>30</td>
<td>2012 Macleay Debutante Ball, Kempsey RSL Club</td>
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<th>Councillors</th>
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<tr>
<td></td>
<td>1 June</td>
<td>Gribbin, Saul</td>
<td>Local Government, Planning and Environmental Law Conference, Campbelltown</td>
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<td>Bowell, Green, Sproule</td>
<td>Reconciliation Week Bushfood Taste at Kempsey Library</td>
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<td>4-7</td>
<td>Bowell, Green, Gribbin</td>
<td>Shires Conference, Sydney</td>
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<td>5</td>
<td>Saul, Sproule, Walker</td>
<td>Department of Infrastructure and Transport brief on study of high speed rail network on the east coast of Australia</td>
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<td>Green</td>
<td>Australia Day Committee meeting</td>
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<td>13</td>
<td>Green, Sproule</td>
<td>Citizenship Ceremony</td>
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<td>14</td>
<td>Saul</td>
<td>Rural Fire Service Meeting, Nambucca</td>
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<td>14</td>
<td>Green, Sproule</td>
<td>Friends of Wigay</td>
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<td>16</td>
<td>Green, Saul</td>
<td>Bypass – opening of the northern interchange, Frederickton</td>
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<td>19</td>
<td>Bowell, Green, Gribbin, Snowsill, Saul, Walker</td>
<td>Ordinary Council meeting</td>
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<td>20</td>
<td>Saul</td>
<td>Kempsey Lions Club Changeover Dinner, Hotel Kempsey</td>
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<td>23</td>
<td>Green</td>
<td>Surf Life Saving MNC Branch Annual Dinner and Presentation evening - SWR Surf Club</td>
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<td>25</td>
<td>Green</td>
<td>Art Gallery Gladstone</td>
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<td>26</td>
<td>Green</td>
<td>SWR Lions Club Changeover Dinner – SWR Country Club</td>
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MAYOR – E A CAMPBELL
2012. 214 RESOLVED: 

Moved: Cl. Bowell  
Seconded: Cl. Gribbin

1 That Council make representations to the Mid North Coast Local Health District (MNCLHD) to ensure Kempsey District Hospital attracts doctors, nurses, specialists and allied health professionals.

2 That Council support the planning by the MNCLHD for additional funding to enable the engagement of full time Aboriginal Mental Health Officers on the basis of one FTE for every 1000 Aboriginal people (Aboriginal Workforce Project) NCAHS Mental Health Strategic Plan 2007-2010).

3 That Council request the support of Durri Medical Service on the above resolutions.

I intend to move the following Motion at the Ordinary meeting to be held 17 July 2012:

“That Council make representations to the Mid North Coast Local Health District to:

1 Ensure Kempsey District Hospital continues to attract doctors, nurses, specialists and allied health professionals; and

2 Consider the appointment of full-time Aboriginal mental health officers to the Kempsey District Hospital.”

MOTION IMPLICATIONS

Environmental, Social, Economic (Financial), Policy or Statutory: Nil

REPORT DETAILS

The allocation of $80 million in funding by the Federal and State Governments will enable major redevelopment of the hospital which hopefully will serve as good reason to attract a range of health professionals.

At the meeting of Council in October 2011 it was resolved to pursue the appointment of Aboriginal mental health officers to the hospital.

The National Mental Health Strategy includes reference to the necessity to respond to the high rates of social and emotional wellbeing problems and mental illness experienced by Aboriginal and Torres Strait Islander people and communities and to prioritise efforts through “Closing the Gap” of Indigenous disadvantage in health.
COUNCILLOR J H BOWELL

General Manager’s Additional Information

The following is a summary of the previous correspondence on this matter:

3 Feb 2012: Minister for Health (via Andrew Stoner) advising that:

“With regard to Aboriginal Mental Health Officer positions, the development of the Aboriginal mental health workforce is a key priority of NSW Health and national mental health agendas. Training and skill development for Aboriginal Mental Health Workers is a key strategic direction in the NSW Aboriginal Mental Health and Well Being Policy.”

and

“Currently the Kempsey Community Mental Health Service has two funded positions through the NSW Aboriginal Mental Health Training Program. There are currently nineteen traineeships centrally funded in NSW. An Aboriginal Clinical Leader position is based in Lismore and a formal agreement has been reached between Northern NSW Local Health District and Mid North Coast Local Health District for this position to provide leadership, support and services across both Local Health Districts.

The Ministry of Health’s Mental Health and Drug and Alcohol Office is currently undertaking an audit of the state-wide implementation of the Aboriginal Mental Health and Well Being Policy 2006-2010. The findings of the audit will contribute to further forward planning regarding Aboriginal mental health services in NSW and the review of the Policy. Consideration of further service expansion will occur in the context of the Policy Review.”

25 Jan 2012: Minister for Mental Health

Advising that matter has been referred to him as under his ministerial portfolio. Advising that:

“As part of the NSW Aboriginal Mental Health Worker Training Program, trainees participate in a Bachelor of Science (Mental Health) program at Charles Sturt University. Graduates of the program are able to take on roles of Mental Health Workers in either identified Aboriginal positions or non-identified positions, thus increasing the number of Aboriginal people in the mental health workforce.

Currently there are two Trainee Mental Health Worker positions based at Kempsey District Hospital and one graduate of the program employed at Kempsey District Hospital in a non-identified position.”

8 Dec 2011: Minister for Health

“The Aboriginal Mental Health Workforce Program is a key priority for NSW Health and National mental health agendas. It is anticipated that one outcome of this program will be to bring the number of Aboriginal Mental Health Worker positions across the NSW public sector mental health services to over 80. This is half way towards NSW’s target of one Aboriginal Mental Health Worker for every 1000 Aboriginal people in NSW.”

and
“The Office of Aboriginal and Torres Strait Islander Health fund and the Durri Aboriginal Corporation Medical Service in Kempsey for two FTE Aboriginal Mental Health Workers and one FTE Psychiatrist.”

and

“I understand that the Mid-North Coast Local Health District is planning to formally submit a submission for additional funding to enhance the Aboriginal Mental Health Services in the Kempsey area. However, regrettably, at this time the Ministry of Health has no additional funding available from existing resources to support the enhancement of any positions.”

29 Aug 2011: Kempsey Mental Health Service

“Currently the Kempsey Community Mental Health Service has no funding for Aboriginal Mental Health positions.

I am putting together a submission for the following:

1. Local Health District Aboriginal Mental Health Promotion and Prevention Officer. This position would be responsible for the development and coordination of social emotional well-being programs that would be conducted within the community promoting Mental Health. This will be a Senior Aboriginal Mental Health Graduate position.

2. Aboriginal Adolescent Mental Health Graduate position to provide assessment and case management for Aboriginal youth.

3. Adult Aboriginal Mental Health Graduate position that would work in Crisis Management and Case Management.

It is believed through these positions we would have better engagement and more effectively improve the social emotional well-being within the local Aboriginal Community and address the mental health needs within the local community. With this enhancement we hope to make significant inroads into the mental health, drug & alcohol and domestic violence issues, improve school participation rates and employment opportunities within the Aboriginal Community.”

and

“I would like to also point out that your electorate is the only electorate within the Local Health District that has no funded Aboriginal Mental Health professional positions, yet has the largest Aboriginal population within the Health District.”

NOM2 Lighting – South West Rocks Playing Fields

| 3164 | RJS |

This report was dealt with earlier in the meeting just after PUBLIC FORUM.
RESOLVED:  
Moved: Cl. Saul  
Seconded: Cl. Gribbin

That a report to Council be prepared outlining the drainage issues in the Sutherlands Lane area and surrounds.

Councillor Green recorded her vote against the foregoing Resolution.

I intend to move the following Motion at the Ordinary meeting to be held 17 July 2012:

“That a report to Council be prepared outlining the drainage issues in the Sutherlands Lane area and surrounds.”

MOTION IMPLICATIONS

Environmental: Concerns have been raised by landholders to Councillors and Council that water is now ponding on properties in Sutherlands Lane for longer periods of time than they believe is necessary.

Social: Ongoing flooding of the Sutherlands Lane roadway and to properties along the roadway during heavy rainfall events is causing distress to landowners in the lane.

Economic (Financial): Staff time in investigating and preparing of a report to Council.

Policy or Statutory: Nil

REPORT DETAILS

During the recent heavy rainfall events, residents of Sutherlands Lane have complained to Councillors and Council staff of ongoing flooding issues occurring in the lane.

Much controversy and discussion has been raised over the issues of repeated flooding of house yards and paddocks during periods of significant rainfall.

A report to Council may determine if recent earthworks undertaken by a drainage union in Sutherlands Lane has impacted on the natural dispersion of storm water.

COUNCILLOR D F SAUL

11 RESCISSION MOTIONS

Nil

12 DELEGATES REPORTS
13 COMMITTEE REPORTS

MOVED: Moved: Cl. Walker
Seconded: Cl. Green

That the recommendations of the Local Traffic Committee meeting held 3 July 2012 be adopted.

An Amendment was MOVED: Moved: Cl. Saul
Seconded: Cl. *

That the recommendations of the Local Traffic Committee meeting held 3 July 2012 be adopted subject to item 2.1 point 1 being deleted.

The Amendment LAPSED for want of a SECONDER.

2012. 216 The MOTION was PUT to the MEETING and was CARRIED.

LOCAL TRAFFIC COMMITTEE

3 July 2012

SUBJECT TO ADOPTION BY COUNCIL

MINUTES OF THE MEETING OF THE LOCAL TRAFFIC COMMITTEE HELD TUESDAY 3 JULY 2012, IN THE ELBOW STREET MEETING ROOM AT THE CIVIC CENTRE KEMPSEY WHICH COMMENCED AT 2.15pm.

PRESENT:

1.1 Attendance of Formal Members

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<tr>
<th>Name</th>
<th>Agency</th>
<th>Key</th>
<th>Representative</th>
</tr>
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<tbody>
<tr>
<td>Liz Campbell, Mayor</td>
<td>Council</td>
<td>P</td>
<td></td>
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<tr>
<td>Daniel Boorman</td>
<td>Roads and Maritime Services</td>
<td>P</td>
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<td></td>
<td>(RMS)</td>
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<td>Sgt Paul Dilley</td>
<td>Police</td>
<td>NP</td>
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<tr>
<td>Andrew Stoner</td>
<td>Member for Oxley</td>
<td>A</td>
<td>Anthony Patterson</td>
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Key: A = Absent With Apology
     P = Present
     NP = Not Present

1.2 Attendance of Advisors

<table>
<thead>
<tr>
<th>Name</th>
<th>Agency</th>
<th>Position</th>
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<tbody>
<tr>
<td>Rob Shaw</td>
<td>Council</td>
<td>Relieving Engineer, Technical Services</td>
</tr>
<tr>
<td>Trevor Dickson</td>
<td>Council</td>
<td>Manager Technical Services</td>
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APOLOGIES
Anthony Patterson

RECOMMENDED

That the attendances be received.

1.3 PREVIOUS MINUTES

The minutes of the meeting of 8 May 2012 were referred to Council’s meeting on 15 May 2012 and adopted.

RECOMMENDED

That the information be noted.

2. LOCAL TRAFFIC COMMITTEE
BUSINESS ARISING

2.1 PARKING REVIEW – TOZER STREET
FILE: 188 (473528)

In March 2012, a request was received to review parking in front of Council’s Customer Services building in Tozer Street.

A parking count was carried out and a report was presented to the Local Traffic Committee on 8 May 2012.

The report advised that the western side of Tozer Street from Elbow Street to No. 26 Tozer Street has 23 spaces, 60º rear to kerb, with an average peak hour occupancy rate of 60%. Parking is restricted to 1 hour during working hours.

The Committee resolved that a further report be presented to a future meeting of the Local Traffic Committee, including the possibility of including one disabled space, and a possible reduction of the time limit to ½ hour in front of the Customer Services building.

Committee Recommendation:

It is a unanimous vote that the Committee support and recommends as follows:

1. That the time limits for the four (4) parking spaces in front of the Customer Services building in Tozer Street, West Kempsey, be reduced from 1 hour to ½ hour.

2. That a new parking space for disabled be established in front of the Masonic Hall, 24 Tozer Street,

3. That the existing parking space for disabled behind the Customer Services building be removed.

Voting Record:
2.2 KEMPSEY TRUCK SHOW – FALSE MEDIA STORY
FILE: 24

At the Local Traffic Committee meeting on 8 May 2012 it was verbally reported by the Local Member’s representative that it had been reported in the press that the Kempsey Truck Show was cancelled because of “red tape”. The article said that the Local Traffic Committee insisted that the march be completed within one hour and only prime movers could take part, not trailers.

The Committee recommended that a report be prepared for the next Local Traffic Committee meeting, and that in the meantime the organisers of the Truck Show be contacted to confirm facts and provide assistance with an application for next year.

It was reported that two representatives of the Truck Shaw Committee were contacted, and they both confirmed that the Truck Show was cancelled due to lack of volunteers.

Committee Recommendation:

It is a unanimous vote that the Committee support and recommends as follows:

That the report be received and noted.

Voting Record:

<table>
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<th>Council</th>
<th>RMS</th>
<th>Police</th>
<th>Member for Oxley</th>
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2.3 SPEED REVIEW – PLUMMERS LANE
FILE: 34 (456460)

Following a recommendation of the Local Traffic Committee in October 2011, Council requested Roads and Maritime Services (RMS) to review the speed limit on Plummers Lane between Clybucca and Jerseyville.

The speed limit is currently 80 km/hr and Council suggested that the speed limit be raised to 100 km/hr.

RMS has completed the speed review and has advised as follows:

“*The existing 80 km/hr speed limit on Plummers Lane from Clybucca to Jerseyville be retained*”.

In making this decision, the RMS considered roadside factors and crash history. Since the reduction of the speed limit from 100 km/hr to 80 km/hr in late 2007, there has been an obvious reduction in crashes (from 22 to 11). Crashes resulting in injuries reduced from 10 to 4 and no fatalities, which clearly shows a reduction in the severity of crashes due to the lower speed limit.

Committee Recommendation:
It is a **unanimous** vote that the Committee **support** and recommends as follows:

**That the information be received and noted.**

**Voting Record:**

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<th>F</th>
<th>RMS</th>
<th>F</th>
<th>Police</th>
<th>Member for Oxley</th>
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### 3. LOCAL TRAFFIC COMMITTEE PENDING MATTERS

<table>
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<tr>
<th>Minute Date</th>
<th>Item</th>
<th>Action</th>
</tr>
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<tbody>
<tr>
<td>4/10/11</td>
<td>3.1 - Removal of parallel parking Forth Street, Kempsey</td>
<td>Deferred until new Roadnet traffic study completed, and further development of CBD Masterplan.</td>
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<td></td>
<td>File: 102 (428611)</td>
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<tr>
<td>6/12/11</td>
<td>3.2 - Casual car sales on roadsides and private land. File 188, 102 (45983)</td>
<td>Further report on enforcement of regulations deferred pending information from RMS about roadside activities that are prejudicial to road safety.</td>
</tr>
<tr>
<td>3/7/12</td>
<td>3.3 – RMS speed reviews: (a) South West Rocks Road (b) Crescent Head Road (c) Spooners Avenue (d) River Street, West Kempsey (e) North Street, West Kempsey (f) Armidale Road near Australian Solar Timbers</td>
<td>Reviews of speed limits on these roads are currently underway by RMS.</td>
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### 4. LOCAL TRAFFIC COMMITTEE FORMAL ITEMS

#### 4.1 SEA STREET TRAFFIC ARRANGEMENTS - ST PAUL’S COLLEGE

**FILE: 102 (478251)**

St Paul’s College in Sea Street, West Kempsey, has written to Council requesting a change in traffic conditions on North Street and Sea Street.

As part of a re-building program, the entrance to St Paul’s College has been shifted from Sea Street to North Street and an on-site car park and bus bay has been constructed.

The school has requested that Council make the following changes in North Street and Sea Street:

1. That an additional 40 km/hr part-time school zone be established in North Street encompassing the new entrance to allow for safer arrivals and departures of school buses, students and visitors. It is
proposed that the existing 40 km/hr part-time school zone in Sea Street would remain.

2 That the bus zone on the eastern side of Sea Street be removed and converted to a School Drop-off and Pick-up Zone for parents who drive their children to school by car. The Pick-up and Drop-off Zone would be on the same side of the street as the school, so children would not need to cross the street.

3 That a second bus zone on the western side of Sea Street be removed and the area reverted to parallel parking.

4 That the part-time Children’s Crossing in Sea Street could be removed if no longer required. (Note: the Children’s Crossing will still be used by children who walk to school; this proposal could be deferred and considered after the above changes have taken effect.)

Committee Recommendation:

It is a unanimous vote that the Committee support and recommends as follows:

1 That RMS will investigate the extension of the 40 km/hr part-time school zone around the corner into North Street encompassing the new entrance.

2 That St Paul’s College be advised to coordinate a meeting between the College, the bus companies and Council to discuss the issues and then resubmit their proposals for changes to bus zones in Sea Street after further consultations with the bus companies concerned.

Voting Record:

| Council | F | RMS | F | Police | Member for Oxley |

4.2 30 MINUTE PARKING - STUARTS POINT LIBRARY

FILE: 221

Council’s Community Development has suggested that a section of street parking outside the Stuarts Point Library be restricted to 30 minute parking.

The facility currently has six (6) marked parking spaces, one of which is designated for as a bay for people with a disability.

The proposal is to restrict two of the parking spaces (the two adjacent to the disability space) to 30 minute parking during library hours. The library hours are clearly notified on the front of the library building.

Committee Recommendation:

It is a unanimous vote that the Committee support and recommends as follows:

That 2 of the 6 parking spaces in front of the Stuarts Point Library be “30 min Parking During Library Hours”.

5. LOCAL TRAFFIC COMMITTEE

INFORMAL ITEMS

5.1 BLUE SERVICES SIGNS – KEMPSEY FAMILY DAY CARE CENTRE
FILE: 59 (479236)

Council received a request for directional signs to be attached to street signs at the corner of Belgrave and Sydney Streets, and the corner of Sydney and Austral Streets.

Both intersections already have three or more signs on one post.

Committee Recommendation:

It is a **unanimous** vote that the Committee **support** and recommends as follows:

1. That the request for a directional sign at the corner of Belgrave and Sydney Streets be denied.
2. That the request for a directional sign at the intersection of Sydney and Austral Streets be denied.

Voting Record:

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<th>Police</th>
<th>Member for Oxley</th>
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6. OTHER BUSINESS

6.1 SPEED LIMIT ON ARMIDALE ROAD - AUSTRALIAN SOLAR TIMBERS
FILE: 34

Australian Solar Timbers has asked that the 60 km/hr limit on Armidale Road be moved approximately 500 metres west so that it incorporates their main entrance.

Council staff have inspected the area and consider that a review of the speed limit may be warranted. The RMS is the department with responsibility for setting speed limits on all roads throughout the state.

Committee Recommendation:

It is a **unanimous** vote that the Committee **support** and recommends as follows:

That RMS be requested to review the speed limit on Armidale Road in the area near Australian Solar Timbers.
Voting Record:

| Council | F | RMS | F | Police | Member for Oxley |

7. NEXT MEETING

The next meeting is to be held on **7 August 2012 at 2.00pm**.

8. CONCLUSION

There being no further business, the meeting concluded at **3.45pm**.

14 QUESTIONS ON NOTICE

(Excerpt from code of meeting practice)

2.4 Questions at Council meetings

2.4.1 Questions on Notice

Questions on Notice shall be included in the order of business on the council meeting agenda and shall be provided to the general manager by 9.00am one week prior to the meeting for inclusion in the meeting agenda. (Local)

(Excerpt from Councillor Communication Procedure 2.3.2)

6 Response Times

c) Answers to a Question on Notice will be included in the following Business Paper unless more than 10 working days’ notice of the question has been provided prior to the closing time for receipt of questions for the Business Paper.

<table>
<thead>
<tr>
<th>COUNCILLOR J H BOWELL</th>
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<tr>
<td>Q1</td>
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<tr>
<td>Are the roads within the South Kempsey Industrial Area listed for major maintenance in the foreseeable future?</td>
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<td>RESPONSE: *</td>
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<td>Q2</td>
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<td>Is consideration to be given to a review of the fleet management strategy to include carpooling?</td>
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<td>RESPONSE: *</td>
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<th>COUNCILLOR J C GRIBBIN</th>
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<tr>
<td>Q3</td>
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<tr>
<td>Has Council received any information from their insurance company in regards to the rebuilding of the shelter shed at Horseshoe Bay?</td>
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<td>RESPONSE:</td>
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</tbody>
</table>
COUNCILLOR J C GRIBBIN
Q4
Has Council awarded a contract yet for a study of the Kempsey Saleyards?
RESPONSE:
*

COUNCILLOR J C GRIBBIN
Q5
Is Council preparing a works program for the installation of exercise equipment along the pedestrian walkway from the South West Rocks Surf Club to the end of the walkway at Russell Street, Arakoon?
RESPONSE:
*

COUNCILLOR D F SAUL
Q6
What is the status of the proposed Gladstone SES Headquarters that is to be sited on land adjoining the Gladstone Police Station?
RESPONSE:
*

COUNCILLOR D F SAUL
Q7
What is the amount of funding that has been allocated to the proposed Gladstone SES Headquarters?
RESPONSE:
*

COUNCILLOR D F SAUL
Q8
What has been the outcome of discussions with the RMS and Council over the restoration of the highway road pavement at Bellimbopinni?
RESPONSE:
*

COUNCILLOR D F SAUL
Q9
Has ALDI informed Council as to when they intend to start operations and commence trading in Kempsey?
RESPONSE:
*

Noted

15 COMMUNITY STRATEGIC AND MANAGEMENT PLAN REPORTS

GOAL 1: To Facilitate Ecological and Economical Sustainable Development in the Shire

1.1 Adding Top to Existing Boundary Fence

File: T6-12-31
This report was considered earlier in the meeting just after PUBLIC FORUM and then deferred to be dealt with after the morning tea adjournment.

**GOAL 2:** To Foster and Enhance Effective Social, Cultural and Community Relations Building Respect and Civic Pride

### 2.1 Donations made by 355 Committees

| 2411 | KEO |

**SUMMARY**

Reporting on a request received from Stuarts Point Hall Committee to provide a donation of hall hire.

**2012. 217 RESOLVED:**

 Moved: Cl. Bowell  
 Seconded: Cl. Green

That Council approves the donation of hall hire of Stuarts Point Hall for the Outreach Church to pack birthing packs for Africa.

**RECOMMENDATION IMPLICATIONS**

**Environmental:** Nil.

**Social:** The Stuarts Point Hall Committee provides an important venue for community events to the broader community.

**Economic (Financial):** The financial implications of this report are that if Council is supportive in approving the Stuarts Point Hall Committee donation of $20 this would absorbed by the Stuarts Point Hall Committee.

**Policy or Statutory:** This report meets the statutory obligations for the making of donations.

**REPORT DETAILS**

**Background**

In accordance with s.377 of the Local Government Act 1993 Council cannot delegate to any person or body authority to make a charge or fix a fee or donation, which includes the setting of fees for the use of the facility/service or a donation of the use of the facility/service.

The Stuarts Point Hall Committee has the delegated authority for the management of the Stuarts Point Hall. The Committee has been approached by the Outreach Church to use the hall for four hours to assist in the packing of Birthing Packs for Africa.

The donation is to the value of $20.
Given that this is an in-kind donation under Section 356 of the Local Government Act, Council may "in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

The intent of that section is to ensure that prior to making a decision to use community resources and/or expend public money in a form of financial and other assistance to persons; councils should comply with the requirements that are designed to promote better accountability and transparency in relation to council decision making processes."

Accordingly this request for financial assistance is forwarded to Council for determination.

**GOAL 3: To Plan and Fund the Shire’s Infrastructure and Service Needs**

**3.1 Proposed Replacement of Gladstone SES Headquarters**

| 3219 | RJS |

**SUMMARY**

To consider the reallocation of funding previously intended for the provision of an SES Headquarters building at Crescent Head to the proposed replacement of the existing Headquarters at Gladstone.

**2012. 218 RESOLVED:**

Moved: Cl. Green
Seconded: Cl. Walker

1. That Council reallocate the funding previously allocated to the provision of SES Headquarters at Crescent Head to the proposed replacement of the SES Headquarters at Gladstone.

2. That Council completes the necessary budgetary adjustments during the next quarterly review as detailed in the report.

**RECOMMENDATION IMPLICATIONS**

*Environmental, Social, Policy or Statutory: Nil*

*Economic (Financial):* As Council has already carried forward amounts within its Capital Program and this is what is proposed to be allocated to the project, there is no net financial impact upon Council.

**REPORT DETAILS**

Over the last three years the Macleay Valley has experienced unusually high levels of rainfall which has resulted in flooding on numerous occasions. Of the flooding that has occurred, five events were significant enough to trigger natural disaster declarations.
Throughout this period, the local SES has been instrumental as the lead combat agency in responding to the emergencies on the ground. Over this time, the SES has been required to become active on an unusually high frequency.

Following the recent levels of activity by the SES, the Mid North Coast region has identified the need for improved headquarters facilities for the Gladstone SES unit who bear a sizeable proportion of the total load SES in this area during flood emergencies. Council had previously allocated funding towards the provision of a headquarters building for the Crescent Head SES unit and it now considered that a higher priority for the SES is to improve the existing facilities for the Gladstone unit.

The Gladstone SES unit is currently housed at the back of the old Police Station which itself is impacted upon by poor drainage and is difficult for the community to access during emergency events. This situation is provided effectively via local agreement with no formal instrument to guarantee any ongoing right to the arrangement. The Police have advised that should they redevelop part of the site, permission for the SES to use the site will be withdrawn.

The Lower Macleay Flood Reference Group coordinated by the SES has considered that providing improved headquarters facilities for the unit would greatly improve their ability to manage and respond to flood emergencies and this action has been given a high priority. As a result, the SES has sought and obtained approval under the Strategic Disaster Readiness Package in the 2012-13 State Budget for $180,000 to put towards the building of a new SES building at Gladstone. Council currently has $85,000 allocated and carried forward in its Capital Program for the Crescent Head SES Headquarters and this could be reallocated towards the provision of new headquarters at Gladstone. A copy of the advice from the SES is contained in (Appendix A – Page IS1) for further information.

Council has previously undertaken preliminary investigations into the provision of headquarters building at Gladstone. A site has been identified and it has been confirmed that the proposal would be permissible in the current land zoning. Details of the basic concept and location are contained in (Appendix A – Page IS1).

Whilst the reallocation of the Capital funding carried forward has no real impact upon Council financially, undertaking this project would require the allocation of resources from the Infrastructure Division who would normally be focused upon achieving the objectives of the Operating Plan. This may result in delay in achieving the Operating Plan; however, this is yet to be investigated. The proposal is intended to be delivered utilising a consultant to prepare the design drawings and then by contract. Council resources will be required to develop the contract documentation, call and assess tenders as well as supervise the contract during construction.

At this stage, there is no indication of the likely cost of the structure which was previously envisaged for the site and once design drawings are completed, Council will have a greater understanding of the likely costs involved and be able to confirm if the project can be completed within budget or not.

GOAL 4: To Pursue Beneficial Relationships With Regional Neighbours and Other Levels of Government

Nil
GOAL 5: To Ensure Leadership and Effective, Efficient Accountable Management

5.1 Statement of Cash and Investments

SUMMARY
Reporting on the statement of bank balances and investments.

2012. 219 RESOLVED: Moved: Cl. Green
Seconded: Cl. Saul

That the information be noted.

RECOMMENDATION IMPLICATIONS

Environmental, Social, Policy or Statutory, Economic (Financial): Nil

REPORT DETAILS

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

A statement of balances is shown in [Appendix A – Page CM1].

The statement of investments is shown in [Appendix B – Page CM2].

16 QUESTIONS FOR NEXT MEETING

Responses to questions from 19 June meeting were noted.

COUNCILLOR SNOWSILL

QFNM1
In regard to fuel cards used for Council vehicles – are the fuel cards vetted in any way on how the fuel is used?

COUNCILLOR SAUL

QFNM1
Has the timeframe been issued for the erection of the fence at the Kempsey airport yet?

COUNCILLOR WALKER

QFNM1
Can Council investigate the Verge Street boat ramp as it is getting difficult to launch boats?
The General Manager advised this needs to be submitted as a Customer Request.

COUNCILLOR GIBBIN

QFNM1
Does the sand pit in Belmore Road pay royalties for its upkeep as the sand trucks carting to the new bypass are damaging the road.
COUNCILLOR GRIFFIN

QFNM2
When can the residents of Goulds Lane Clybucca expect Council to do some maintenance work on it?

COUNCILLOR GRIFFIN

QFNM3
How much interest is received from the $1.26million in the SWR contribution account, and where does it go to and what will this $1.26million be used for?

COUNCILLOR GRIFFIN

QFNM4
Is it legal for Council employees to open Councillors personal mail?

COUNCILLOR BOWELL

QFNM1
Has Council received advice on the Jobs Plan Program on the Mid North Coast and in particular Kempsey Shire?

COUNCILLOR BOWELL

QFNM2
Is Council participating in the Local Infrastructure Renewal Scheme and if not why not?

COUNCILLOR BOWELL

QFNM3
Can the request for the social impact study for the Mid North Correctional Centre be followed up urgently in light of the closure of Grafton Jail and transfer of some inmates to Kempsey?

COUNCILLOR BOWELL

QFNM4
Has the meeting with the Ministers on flood issues been organised?

COUNCILLOR BOWELL

QFNM5
Is there a works program proposed for Geoffrey O’Hea Street?

COUNCILLOR E A GREEN

QFNM1
Green paper Planning review – will Council be putting in a submission.

At this stage 10.26am the Meeting adjourned for Morning Tea and to inspect the site in relation 1.1 Adding top to existing boundary fence Sea Street West Kempsey and upon resumption at 11.34am all present at the adjournment were in attendance.

1.1 Adding Top to Existing Boundary Fence

File: T6-12-31

1412 RBP

SUMMARY
Reporting that Council has received an application for ADDING TOP TO EXISTING BOUNDARY FENCE. The application seeks to add coiled razor wire to the top of an existing boundary fence which separates the school grounds from neighbouring residential back yards.

Applicant: McNeil Ellis Architects  
C/- Wayne Ellis  
Subject Property: Lot 6 Sec 28A DP759080  
115-145 Sea Street, West Kempsey  
Zone: 5(a) (Special Uses “A” Zone)

2012. 220 RESOLVED:  
Moved: Cl. Saul  
Seconded: Cl. Gribbin  
That the development application be approved.

The Mayor noted that the forgoing resolution was passed UNANIMOUSLY.

A Division resulted in the following votes.

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Director Sustainable Environment Recommendation:  
That the development application be refused for the following reasons:

1 The applicant has failed to submit to Council adequate information to satisfy Council that the proposal is compliant with any environmental planning instrument, any proposed instrument, any development control plan, or the regulations, in accordance with the Environmental Planning and Assessment Act 1979 – Section 79C (1) (a).

2 The applicant has failed to submit to Council adequate information to satisfy Council as to the likely impacts of that development, including environmental impacts on the built environments, and social impacts in the locality, in accordance with the Environmental Planning and Assessment Act 1979 – Section 79C (1) (b).

3 The applicant has failed to submit to Council adequate information to satisfy Council that the proposal is not a technological hazard, and as such has not satisfied Council that the proposal is in accordance with the Environmental Planning and Assessment Act 1979 – Section 79C (1) (b).

4 The applicant has failed to submit to Council adequate information to satisfy Council that the proposal will be compatible in the urban environment, and as such has not satisfied Council that the proposal is in accordance with the
Environmental Planning and Assessment Act 1979 – Section 79C (1) (b).

5 The applicant has failed to submit to Council adequate information to satisfy Council that the proposal is necessary, giving consideration to other options which may have lesser impacts, and as such has not satisfied Council that the proposal is in accordance with the Environmental Planning and Assessment Act 1979 – Section 79C (1) (b).

6 The applicant has failed to submit to Council adequate information to satisfy Council that the proposal is suitable for the site of the development in accordance with the Environmental Planning and Assessment Act 1979 – Section 79C (1) (c).

7 The applicant has failed to submit to Council adequate information to satisfy Council that the proposal is in accordance with the objects of the Environmental Planning and Assessment Act 1979 – Section 5 (a) (i).

8 The applicant has failed to submit to Council evidence in the form approved by Council that the owner of the land on which the development is to be carried out consents to the application.

9 The applicant has failed to submit to Council a completed development application form, and as such has failed to make the development application in the form approved by Council.

RECOMMENDATION IMPLICATIONS

Environmental: The applicant has not demonstrated to Council that the proposal will be compatible in the urban environment, and that the proposal does not pose a technological hazard.

Social: The applicant has not demonstrated to Council that the proposal will not have a detrimental social impact.

Economic (Financial): Nil

Policy or Statutory: The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979 (the Act). The proposal is considered not to comply with Section 79C and the objectives of the Act.

REPORT DETAILS

In 2010 Council granted development consent T6-10-402 which permitted construction of a boundary fence around the school site, which was mostly open “diplomat” style fencing but also included a 150 metre solid screen precast concrete section of fence along the boundary adjoining the backyards of the neighbouring residential properties. The solid screen section of the fence was intended to restrict access to trespassers who had allegedly been entering and vandalising the school. The entire fence was proposed to be 2.29 metres high, however the development consent only permitted the solid screen section of the fence adjoining the backyards to be a maximum height to 1.8 metres. The fence has since been constructed [(Appendix A - Page SE1)].
Development applicant T6-12-31 has been submitted to add coiled razor wire to the top of solid screen section of the boundary fence which separates the school grounds from neighbouring residential back yards. The coiled razor wire will add 0.6 metres to the height of this section of the fence, for a total height of 2.4 metres. Additionally, it is noted that number 27 Keith Moses Crescent currently has the 1.8 metre solid screen fence to the rear and the south eastern side of the dwelling, if this application were to be approved it would have the addition of razor wire topping this concrete fence to the rear and the south eastern side of an existing single dwelling. This is considered unacceptable in a residential area (Appendix B - Page SE2).

Council has requested the applicant provide additional information to support the application, however the applicant’s responses have failed to adequately address the issues raised by Council. Council has provided the opportunity to withdraw the application; however the applicant has elected to have the application determined by Council.

It is noted that the plans submitted demonstrating the razor wire extension are incorrect as the height of the existing fence is noted as 2.4 metres and the existing fence is only 1.8 metres.

It is considered that if approved this proposal would significantly detract from the streetscape, private open space areas, and urban character of the Shire’s residential areas.

Heads of Consideration

The matter has been assessed in accordance with the Heads of Consideration as identified by Section 79C (1) of the Environmental Planning and Assessment Act 1979, with the following matters of particular relevance.

Kempsey Local Environmental Plan 1987

The proposal is within the 5(a) (Special Uses “A” Zone). The proposal is permissible with consent under Clause 9 of the KLEP.

Clause 56 of the KLEP requires Council to consider the impacts of the proposal on any acid sulfate soils. The site contains only Class 5 acid sulfate soils and the proposed event requires no excavation works, therefore no acid soils will be disturbed.

No other specific clauses relate to this type of development within the 5(a) (Special Uses “A” Zone).

Compatibility in the Urban Environment

The compatibility of the proposed development in the existing urban environment must be considered as part of the Section 79C assessment. In doing so the applicant must demonstrate that the proposal is compatible in both the physical and visual impacts.

In Project Venture Development v Pittwater Council key points are provided that a proposal must be assessed against, to determine compatibility with the surrounding urban development. These key points form the basis of the planning principal for surrounding development.
It is considered that the proposal is not compatible with the urban environment or surrounding development for the following reasons:

a) The proposed razor wire additions are not in harmony with the buildings around it and the character of the street;

b) The proposed razor wire additions are not designed in such a way so as to minimise its impacts on the surrounding urban environment;

c) The proposed razor wire additions do not contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment; and

d) The proposed razor wire additions are jarring and unsympathetic to the surrounding urban environment.

Social Impact

Due to the nature of the proposal, Council has concerns regarding the social impact a 2.4 metre razor wire fence adjacent to the private open space of the adjoining residential properties. As such, Council requested the applicant demonstrate whether the proposal will not have a detrimental social impact at adjoining dwellings. The applicant response was as follows:

"We are not particularly interested in the social impact on the adjoining neighbours given the extreme level of vandalism that has been accessed via these particular backyards." [Appendix C - Page SE4]

It is the responsibility of the applicant to address the social impact of a proposed development in a Statement of Environmental Effects for any development as part of the application.

Given that Council has raised concerns that the proposal may have a negative social impact, and that the applicant has not provided sufficient information to demonstrate otherwise, the recommendation is refusal.

Technological Hazard

Due to the nature of the proposal, Council raised concerns regarding the potential hazard a razor wire fence adjacent to residential private open space may pose. The applicant did not provide any information regarding this matter therefore the recommendation is refusal.

Crime Prevention Through Environmental Design

The applicant has stated that the purpose of the razor wire is to restrict vandals which allegedly currently access the site through the adjoining residential properties.

It should be noted that the boundary of the school is over a kilometre long, however only 150 metres is proposed to be topped with razor wire. Given that only a portion of the boundary of the site is proposed to be razor wire topped, it is unlikely that the razor wire section will prevent trespasser access to the school site but instead relocate the trespass point to other locations.

Other potential discreet trespass locations include via Steele Park or via the vacant properties on Gordon Nixon Avenue and Leith Street. There is also sufficient
vegetation on Leith Street and the northern end of Sea Street to provide a screen and potential discreet trespass locations. If the proposed razor wire were permitted to be installed it is likely any trespassing would just be relocated to these other locations on the boundary.

In *Super Studio v Waverly Council* it was held that the necessity of the proposal must be considered when giving weight to potential impacts. Given that the proposal is unlikely to achieve its goal of restricting access to vandals, it is not considered necessary, so the assessment must be undertaken with greater weight given to reducing any potential impacts on adjoining properties.

**Consideration of other options**

In *Pafburn v North Sydney Council* it was held where changes can be made to reduce any impacts, such changes are necessary. Where a proposal will have significant impacts on adjoining properties it is the responsibility of the applicant to explore other options which may have lesser impacts on adjoining properties.

Options which could deter trespassers without such significant impacts as a solid screen concrete and razor wire fence may include:

a) Erecting an open “diplomat” style fence, which is more consistent with the surrounding urban environment; or

b) Planting a vegetation screen using plants with spiked foliage.

The applicant has been given opportunity to explore other options however has failed to do so.

**Precedence**

The applicant has identified other sites in the area that have razor wire topped fences, including the Essential Energy substation site on North Street, and the Council depot on Dangar Street. These other sites cannot be used as a comparison as they are significantly different in terms of proximity to residential areas, uses and current zoning.

**Owner’s Consent to lodge the Development Application**

Any development application must include the written consent of the owner of the subject land. In the case of a company, the owner’s consent is required to be on the company letterhead and be signed by an authorised representative. The owner’s consent was not provided in this format.

**Advertisement, Public Notification and Submissions**

The Development Application was advertised and publicly notified to adjoining land owners from 24 April 2012 to 7 May 2012. No submissions were received, however it should be noted that all of the residential properties adjoining the proposed razor wire additions are rentals, being owned by social housing providers and people with Sydney and Canberra addresses.

**17 CONFIDENTIAL ITEMS**

2012. 221 RESOLVED: Moved: Cl. Green Seconded: Cl. Gribbin
That Council form itself into the Confidential Session, and at this stage, the meeting be closed to the public to permit discussion of the confidential business items listed for the reasons as stated in the Agenda.

GOAL 1: To Facilitate Ecological and Economical Sustainable Development in the Shire

1.1 Development Without Consent

1412 RBP

Section 10A(2)(a) – Personnel Matters

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

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

Section 10A(2)(e) – Maintenance of Law

This report is submitted on a confidential basis as it involves information that would, if disclosed, prejudice the maintenance of law. (Local Government Act 1993, section 10A(2)(e))

On balance, the public interest in preserving the confidentiality of the information which relates to matters of law, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

SUMMARY

Reporting on an existing dwelling that has been identified as being erected without Development Consent.

2012. 222 RESOLVED: Moved: Cl. Green Seconded: Cl. Gribbin

A That Council invite the owner to either submit evidence that the existing dwelling enjoys existing use rights or to submit a Development Application for the continued use of the building as a dwelling to Council within twenty eight (28) days.

B That the owner be advised that failure to comply with Council’s request within twenty eight (28) days, will result in Council commencing Class 4 proceedings in the Land and Environment Court to ensure compliance with the Kempsey Local Environmental Plan 1987, including an order as to Council’s costs.
1.2 Development Without Consent

Section 10A(2)(a) – Personnel Matters

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

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

Summary

Reporting on an existing dwelling that has been identified as being erected without Development Consent.

2012. 223 RESOLVED: Moved: Cl. Green
Seconded: Cl. Gribbin

A That Council invite the owner to either submit evidence that the existing dwelling enjoys existing use rights or to submit a Development Application for the continued use of the building as a dwelling to Council within twenty eight (28) days.

B That the owner be advised that failure to comply with Council’s request within twenty eight (28) days, will result in Council commencing Class 4 proceedings in the Land and Environment Court to ensure compliance with the Kempsey Local Environmental Plan 1987, including an order as to Council’s costs.

1.3 Development Without Consent

Section 10A(2)(a) – Personnel Matters

This report is submitted on a confidential basis as it involves personnel matters concerning particular individuals (other than Councillors). (Local Government Act 1993, section 10A(2)(a))
On balance, the public interest in preserving the confidentiality of the commercial information supplied, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

**Section 10A(2)(e) – Maintenance of Law**

This report is submitted on a confidential basis as it involves information that would, if disclosed, prejudice the maintenance of law. (Local Government Act 1993, section 10A(2)(e))

On balance, the public interest in preserving the confidentiality of the information which relates to matters of law outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

**SUMMARY**

Reporting on an existing dwelling that has been identified as being erected without Development Consent.

**2012. 224 RESOLVED:**

Moved: Cl. Green
Seconded: Cl. Gribbin

A That Council invite the owner to either submit evidence that the existing dwelling enjoys existing use rights or to submit a Development Application for continued use of the building as a dwelling within twenty eight (28) days of notice being given.

B That the owner be advised that failure to comply with Council’s request within twenty eight (28) days, will result in Council commencing Class 4 proceedings in the Land and Environment Court to ensure compliance with the Kempsey Local Environmental Plan 1987, including an order as to Council’s costs.

**1.4 Development Without Consent**

**Section 10A(2)(a) – Personnel Matters**

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

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

**Section 10A(2)(e) – Maintenance of Law**

This report is submitted on a confidential basis as it involves information that would, if disclosed, prejudice the maintenance of law. (Local Government Act 1993, section 10A(2)(e))
On balance, the public interest in preserving the confidentiality of the information which relates to matters of law outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

**SUMMARY**

Reporting on an existing dwelling that has been identified as being erected without Development Consent.

**2012. 225**  
RESOLVED:  
Moved: Cl. Green  
Seconded: Cl. Gribbin

A That Council invite the owner to either submit evidence that the existing dwelling enjoys existing use rights or to submit a Development Application for the continued use of the building as a dwelling to Council within twenty eight (28) days.

B That the owner be advised that failure to comply with Council’s request within twenty eight (28) days, will result in Council commencing Class 4 proceedings in the Land and Environment Court to ensure compliance with the Kempsey Local Environmental Plan 1987, including an order as to Council’s costs.

**GOAL 5: To Ensure Leadership and Effective, Efficient, Accountable Management**

**5.1 Various Legal Matters**

**Section 10A(2)(g) – Legal Proceedings**

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

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

**SUMMARY:**

Reporting on the current position regarding legal matters.

**2012. 226**  
RESOLVED:  
Moved: Cl. Green  
Seconded: Cl. Gribbin

That the information be noted.

**OPEN COUNCIL**

**2012. 227**  
RESOLVED:  
Moved: Cl. Green  
Seconded: Cl. Saul
That the Open Council Meeting be resumed.

18 CONCLUSION

There being no further business, the meeting terminated at 12.07pm.

 Signing

MAYOR – E A CAMPBELL

I hereby certify that this is a true and correct copy of the minutes of the Kempsey Shire Council ordinary meeting held Tuesday 17 July 2012.

(Signed)

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MAYOR – E A CAMPBELL
MINUTES OF THE SOUTH WEST ROCKS HOLIDAY AND LEISURE RESERVES
RESERVE TRUST AND STUARTS POINT RECREATION RESERVE TRUST
MEETING AT KEMPSEY SHIRE COUNCIL

17 July 2012 commencing at 12.08pm.

PRESENT:

Councillors E A Campbell (Mayor and Chairman), J H Bowell, E A Green, J C Gribbin, D F Saul, A D Snowsill and E R Walker

General Manager, D L Rawlings; Director Sustainable Environment, R B Pitt; Director Community Engagement, K E Oliver; Director Infrastructure Services, R J Scott; Director Corporate Management, D B Hagger; Manager Information Management and Governance, P J Hanrahan; and Minute Taker D M Pearson.

The purpose of the meeting is to consider an offer from the Caravan Park Levy Committee for the re-allocation of previously approved loans from the Public Reserves Management Fund.

2012. 228 RESOLVED: Moved: Cl. Saul
Seconded: Cl. Gribbin

1. That the South West Rocks Holiday and Leisure Reserves Reserve Trust accepts the offer for re-allocation of loans for the amount of $285,000.

2. That the Stuarts Point Recreation Reserve Trust accepts the offer for re-allocation of loans for the amount of $380,000.

Director Infrastructure Services Recommendation:

1. That the South West Rocks Holiday and Leisure Reserves Reserve Trust accepts the offer for re-allocation of loans for the amount of $285,000.

2. That the Stuarts Point Recreation Reserve Trust accepts the offer for re-allocation of loans for the amount of $380,000.

The purpose of the meeting is to consider an offer from the Caravan Park Levy Committee for the re-allocation of previously approved loans from the Public Reserves Management Fund.
The offer for the re-allocation of these loans is detailed below and is consistent with Council’s works program and was adopted at Council’s meeting on 18 October 2011:

(i)  **Stuarts Point Caravan Park**

The $380,000 that comprise loans F446894 and F456748 for:

- the construction of an upgraded sewage treatment system ($310,000);
- the refurbishment of the south amenities block ($30,000);
- major repairs and improvements to cabins ($16,000); and
- landscaping and improvements to grounds ($24,000).

(ii) **Horseshoe Bay Caravan Park**

An amount of $285,000 from existing loan F460675 for the refurbishment of the western amenities block.

**CONCLUSION**

There being no further business, the meeting terminated at 12.09pm.

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