



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 8th August 2006 commencing at 9.04am.

PRESENT:

Councillors J A C Hayes, (Mayor and Chairman), J H Howell, E A Green, J C Gribbin, T L Hunt, R H McWilliam, D F Saul, and B R Sowter.

General Manager, A V Burgess; Director Shire Services, A P Vermeulen; Director Sustainable Development Services, R B Pitt; Director Corporate Services, G B Snape; Pat Hanrahan, Minute Taker and Hayley Scott.

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APOLOGY:

2006. 492

RESOLVED:

*Moved: Cl. Gribbin
Seconded: Cl. Sowter*

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

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DECLARATIONS OF INTEREST

Councillor Saul declared an interest in item DSDS1 - Wastewater Treatment System Frederickton Abattoirs for the reason that his family sells calves to wholesalers who use the Abattoirs.

Councillor Gribbin declared an interest in item GM10 - Code of Conduct Complaint for the reason that he is the subject of the report.

CONSIDERATION OF CONFIDENTIAL REPORT

2006. 493

RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Sowter*

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

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CONSIDERATION OF LATE REPORTS

2006. 494

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. McWilliam*

That the late reports be considered in conjunction with the relevant Director's reports.

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MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 18th JULY 2006.

2006. 495

RESOLVED:

*Moved: Cl. McWilliam
Seconded: Cl. Gribbin*

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 18th July 2006 be adopted subject to deletion of the following statement under minute number 2006.443 " *The Mayor advised the meeting that it would be left up to each Councillors discretion when to visit the Macksville Pool Complex*".

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MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 28th JULY 2006.

2006. 496

RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Hunt*

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 28th July 2006 be adopted subject to the following being inserted after minute number 2006.492 "*Councillors Howell and Saul recorded their votes against the foregoing resolution*".

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PUBLIC FORUM

- 1 Patricia Wheeldon addressed Council regarding item DCS8 - Terms of Members on Council Committees.



**CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM
– Reports DCS8, Terms of Members on Council Committees**

2006. 497

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

That matters relating to the Public Forum be brought forward and dealt with immediately.

DCS8	TERMS OF MEMBERS ON COUNCIL COMMITTEES
FILE: 198	PJH {Folio No. 326891}

SUMMARY:

To re-submit for Council's consideration the terms of members serving on Council's committees.



Director Corporate Services Recommendation:

For Council decision.

2006. 498

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. McWilliam*

- 1 That the community members of Council's committees appointed by Council at its meeting on 15th November 2005 continue to serve for the remaining term of this Council i.e. to September 2008 and the future term of the community member appointments be for the same four (4) year term of the Council.**
- 2 That the Councillor and staff members of Council's committees to be appointed by Council at its meeting of 13th September 2005 continue to serve for the remaining term of this Council and the future term of Councillor and staff member appointments be for the four (4) term of the Council.**
- 3 That the General Manager be authorised to alter community membership of the committees, on recommendation of the committee, during the term of the appointments.**

- 4 That Council's policy C24:13 Committee Meeting Arrangements be amended in accordance with this resolution and the Standing Orders for committees be amended to provide that in the event of a member being absent for three (3) consecutive meetings without a reason acceptable to the committee, then the position be declared vacant.

Councillor Gribbin recorded his vote against the foregoing Resolution.

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ADOPTION OF AGENDA ORDER OF BUSINESS

2006. 499

RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Sowter*

That the Agenda Order of Business be adopted.

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NOTICE OF MOTION

NOM1	SOLAR HEATING INSTALLATION AT KEMPSEY SWIMMING CENTRE
FILE: 121	APV {Folio No. 326849}

2006. 500

RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Green*

That a report be submitted to the September meeting of Council advising the present position and this be followed up with a subsequent report on proposed action in respect to the Solar Heating Installation at the Kempsey Swimming Centre.

NOM2	SAIL AWNING AT HAT HEAD LIBRARY
FILE: 554	APV {Folio No. 326850}

MOVED:

*Moved: Cl. Gribbin
Seconded: Cl. Saul*

That Council pay the cost for the supply and installation of a sail awning at the Hat Head Library.

An Amendment was MOVED:

*Moved: Cl. Green
Seconded: Cl. Hunt*

1. That Council apply for grant funding to fund the installation of a sail awning at the Hat Head Library.
2. That this matter also be listed for consideration in the 2007/08 budget.

2006. 501

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

Councillor Hayes declared an interest in the following item RM1 regarding the Slim Dusty Centre for the reason that she is a member of the board of the Slim Dusty Foundation and retired from the Chamber.

Deputy Mayor, Councillor Sowter occupied the Chair.

RESCISSION MOTION

RM1	SLIM DUSTY CENTRE
FILE: 462	GBS {Folio No. 326852}

MOVED:

*Moved: Cl. McWilliam
Seconded: Cl. Green*

That resolution number 2006.463 from the Ordinary Meeting held Tuesday 18th July 2006, as printed below:-

- 1 That the Slim Dusty Foundation be provided with financial assistance of \$25,000 as Council's commitment to become a foundation donor of the Slim Dusty Centre, such amount to be payable by equal instalments of \$5,000 for 5 years from 2005/06 subject to the Centre providing an indemnity to refund the amounts donated if the project does not proceed.
- 2 That the instalments of \$5,000 be placed into trust until such time as the construction certificate has been issued.

be rescinded.

The foregoing MOTION was WITHDRAWN at the request of Councillors McWilliam and Green.

MOVED:

*Moved: Cl. McWilliam
Seconded: Cl. Green*

That part two (2) of resolution number 2006.463 from the Ordinary Meeting held Tuesday 18th July 2006, as printed below;

"That the instalments of \$5,000 be placed into trust until such time as the construction certificate has been issued."

be rescinded.

An AMENDMENT was MOVED:

*Moved: Cl. Bowell
Seconded: Cl. Saul*

That Council invite the Chairperson of the Slim Dusty Foundation to address Council at the September meeting regarding this matter.

The AMENDMENT was PUT to the meeting and was LOST.

2006. 502 The MOTION was PUT to the meeting and was CARRIED.

Councillors Bowell, Gribbin and Saul recorded their votes against the foregoing resolution.

2006. 503 **RESOLVED:**

*Moved: Cl. McWilliam
Seconded: Cl. Green*

That Council hold money due in Trust with the Slim Dusty Foundation able to draw funds as required for specific use.

Councillors Bowell, Gribbin and Saul recorded their votes against the foregoing resolution.

At this stage Councillor Hayes returned to the Chamber and occupied the Chair

DELEGATE'S REPORT

DR1	SALEYARDS ANNUAL CONFERENCE
FILE: 388	GBS {Folio No. 326856}

SUMMARY:

Reporting on attendance at the Saleyards Operators Association (SOA) Annual Conference.



Delegates Recommendation:

1. That the information be noted.
2. That Council submit a nomination to host the 2008 Annual Saleyards Conference.

2006. 504

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. McWilliam*

1. That the information be noted.
2. That Council submit a nomination to host the 2008 Annual Saleyards Conference.
3. That Council commend the attendees on the report.

Councillor Saul declared an interest in the following item DSDS1 regarding Wastewater Treatment System Frederickton Abattoirs for the reason that his family sells calves to wholesalers through the Abattoir and retired from the Chamber.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

DSDS1	WASTEWATER TREATMENT SYSTEM FREDERICKTON ABATTOIRS FILE: T6-04-399 TJN {Folio No. 326861}
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SUMMARY:

Reporting that Council has received an application to construct an abattoir waste water treatment system and irrigation of treated effluent, for which objections have been received.



Director Sustainable Development Services Recommendation:

- A. That consent be granted subject to the following conditions:-**
- 1. This consent is not to operate until after the expiration of twenty eight (28) days of the date of issue of consent.**
 - 2. The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
 - 3. This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
 - 4. This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.**
 - 5. A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.**
 - 6. During the initial 6 months of operations of the Waste Water Treatment System a monitoring program is to be implemented with the following monitoring to be undertaken:-**
 - a) Noise monitoring undertaken at the nearest sensitive noise receptors in accordance with the requirements of the NSW Industrial Noise Policy.**
 - b) Odour assessment once the ponds are fully operational, with readings to be taken at the nearest sensitive noise receptor.**
 - c) Monitoring of all other inputs and outputs is to be undertaken in accordance with the requirements of Environmental Protection Licence 3117 – Tolsat Pty Ptd (EPL 3117).**
 - 7. The proposed means for collecting and reporting monitoring results are to be compiled in a Monitoring Program which is to be submitted to Council for approval prior to release of the Construction Certificate.**
 - 8. The Irrigation Management Plan required by condition U1 of EPL 3117 is to be submitted to Council for approval prior to**

release of the Construction Certificate. This is to include (but not limited to) the following:-

- a) Clarification of the roles and responsibilities of the various stakeholders in relation to the management of irrigation.
 - b) Standard operating procedures to be followed when irrigating including triggers, responses and contingencies.
 - c) Log to record the use of ultrazyme.
 - d) Information that addresses the management of the soil condition in specific paddocks, particularly in those areas that may have already been subject to extended periods of effluent irrigation or where soil conditions are more limited in capacity for sustainable effluent irrigation.
 - e) An assessment of the potential for potassium build-up and measures to mitigate this.
 - f) Details of how irrigation will be managed during wet weather to ensure compliance with all conditions of this licence.
 - g) Provisions to be made for the erection of temporary fencing to restrict stock from grazing on land immediately following irrigation or until soil moisture is sufficiently reduced.
 - h) Details on how it is proposed to suppress any potential dust within the irrigation areas.
 - i) Details of the proposed irrigation system, including an irrigation network plan is to be included. Where this involves pipes crossing Council road reserves, application pursuant to s138 of the Roads Act 1993 are to be submitted for approval.
9. Detailed engineering plans for the proposed holding and treatment ponds are to be provided for approval prior to release of the Construction Certificate. Such plans are to include an analysis of soil used for construction and are to be certified by a suitably qualified Geotechnical Engineer indicating that suitable means have been employed to ensure leakage will not occur, including the proposed means of stabilising and maintaining dam walls so as to prevent soil erosion

10. Upon completion of the ponds, a Works as Executed Plan shall be provided by a suitably qualified person certifying that the ponds have been constructed in accordance with the approved plans.
11. Regular monitoring of the capacity of the holding pond and rate of settlement of sludge is to take place. Details of the means for disposing sludge (if any) are to be submitted prior to release of the Construction Certificate.
12. The applicant is to provide a list of all cleaning and other chemicals used within the everyday operations of the abattoir. This list is to be accompanied by an appropriately qualified person stating that the list of chemicals will not result in adverse impacts to biological agents required in the treatment system.
15. Lot 171 DP 717943 and Lot 1711 DP 703187 are to be consolidated onto the one title prior to release of the Construction Certificate.
16. Creation of an appropriate Restriction as to User nominating Kempsey Shire Council as the sole party to vary, modify or extinguish is to be placed on the title of all lands identified as being required for waste water disposal. The Restriction is to provide for unrestricted rights for the proprietor of the abattoir to install and maintain irrigation equipment, erect temporary stock fences and discharge waste water as required in a form that binds successive owners. The restriction is to be registered prior to release of the Construction Certificate.
17. Written advice shall be provided to Council indicating the date of commencement of the Waste Water Treatment Facility.
18. At the conclusion of two(2) months of commencement of operation of the Waste Water Treatment System, a report is to be submitted detailing the results of the noise and odour monitoring. Should the results indicate that the Waste Water Treatment System is not operating within the relevant guidelines, attenuation measures are to be put in place and a further report presented to Council within twenty eight (28) days. Should the results of this still reveal non compliances with respect to noise and odour, the operation is to cease until Council is satisfied that the Waste Water Treatment System can be operated within the appropriate noise and odour guidelines.

19. At the conclusion of 6 months of operation, the results of the monitoring are to be presented to Council for assessment.

In the event that non compliances are shown, a schedule of attenuation measures to be put in place is to be presented to Council for consideration.

20. The operation of the abattoirs is to cease immediately if, at any time, the proposed holding dam is full, required soil monitoring indicates that soils are unsuitable to receive waste water, or the relevant noise and odour criteria are not being achieved. Operations are not to recommence until prior approval has been obtained from Kempsey Shire Council and the Department of Environment and Conservation, having regard to information supplied by the operator.

Department of Environment and Conservation – General Terms of Approval

21. The premises also includes the effluent utilisation areas as specified as *Land owned by Tolsat Pty Ltd* in figure 5.7 Proposed Irrigation Allotments Part B of the Environmental Impact Assessment dated February 2006. These areas are defined as Lot 29 DP 52437, Lot 1712 DP 703187, Lot 5056777 DP 505667, Lot 2 DP 529242, Lots 4,5 DP 838794 and Lot 1 DP 1041815.

22. Location of monitoring/discharge points and areas.

The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

EPA Identification No.	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	Quality and volume	Discharge to utilisation area	To be confirmed
2	Soil quality		Lot 1 on Figure 5.7 Proposed Irrigation Allotments in Environmental Impact Assessment dated 28 February 2006

3	Soil Quality		Lot 7 on Figure 5.7 Proposed Irrigation Allotments in Environmental Impact Assessment dated 28 February 2006
4	Soil Quality		Lot 10 on Figure 5.7 Proposed Irrigation Allotments in Environmental Impact Assessment dated 28 February 2006
5	Soil Quality		Lot 11 on Figure 5.7 Proposed Irrigation Allotments in Environmental Impact Assessment dated 28 February 2006
6	Groundwater quality		To be confirmed
7	Groundwater quality		To be confirmed
8	Groundwater quality		To be confirmed
9	Environmental monitoring		To be confirmed.

23 Volume and mass limits

For each discharge point or utilisation area specified below (by a point number), the volume/mass of:

- a) liquids discharged to water; or
- b) solids or liquids applied to the area;

must not exceed the volume/mass limit specified for that discharge point or area.

Point	Unit of measure	Volume/Mass Limit
1	kL/day	To be confirmed

24 Requirement to monitor concentration of pollutants discharged

For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns.

Water and Land

Point 1

Pollutant	Units of Measure	Frequency	Sampling Method
Biochemical oxygen demand	mg/L	Weekly during trial	Grab sample
Faecal Coliforms	cfu/100mL	Weekly during trial	Grab sample
Nitrogen (total)	mg/L	Weekly during trial	Grab sample
Oil and Grease	mg/L	Weekly during trial	Grab sample
Calcium	mg/L	Weekly during trial	Grab sample
Magnesium	mg/L	Weekly during trial	Grab sample
Sodium	mg/L	Weekly during trial	Grab sample
Potassium	mg/L	Weekly during trial	Grab sample
Phosphorus (total)	mg/L	Weekly during trial	Grab sample
Sodium Adsorption Ration Conductivity	µS/cm	Weekly during trial	Grab sample
Chloride	mg/L	Weekly during trial	Grab sample
Total Suspended Solids	mg/L	Weekly during trial	Grab sample
pH	pH	Weekly during trial	Grab sample

Soil Points 2,3,4,5

Pollutant	Units of Measure	Frequency	Sampling Method
Cation exchange	mmol(+)/kg	Special	Special

capacity		frequency 1 (see Note 1)	method 1 (see Note 2)
Exchangeable calcium	mmol(+)/kg	Special frequency 1	Special method 1
Exchangeable magnesium	mmol(+)/kg	Special frequency 1	Special method 1
Exchangeable sodium	mmol(+)/kg	Special frequency 1	Special method 1
Exchangeable potassium	mmol(+)/kg	Special frequency 1	Special method 1
Exchangeable aluminium	mmol(+)/kg	Special frequency 1	Special method 1
Exchangeable sodium percentage	%	Special frequency 1	Special method 1
Phosphorus (available)	mg/kg	Special frequency 1	Special method 1
Conductivity	µS/cm	Special frequency 1	Special method 1
Nitrogen nitrate –	mg/kg	Special frequency 1	Special method 1
Phosphorus sorption capacity	mg/kg	Every three years	Special method 1
Saturated hydraulic conductivity	mm/hr	Every three years	In situ
pH	pH	Special frequency 1	Special method 1

Groundwater 6,7,8

Pollutant	Units of Measure	Frequency	Sampling Method
pH	pH	Quarterly	Groundwater sample probe
Conductivity	µS/cm	Quarterly	Groundwater sample probe
Standing water level	m AHD	Quarterly	In situ
Nitrogen nitrate –	mg/L	Quarterly	Groundwater sample probe
Nitrogen ammonia –	mg/L	Quarterly	Groundwater sample probe

25 Requirement to monitor volume or mass

For each discharge point or utilisation area specified below, the licensee must monitor:

- a) the volume of liquids discharged to water or applied

to the area;

b) the mass of solids applied to the area;

c) the mass of pollutants emitted to the air;

at the frequency and using the method and units of measure specified below

Frequency	Unit of measure	Sampling Method
Continuous	kL/day	To be confirmed

26 Environmental Monitoring

The licensee must maintain and install a rainfall measuring device.

27 Pollution Studies and Reduction Programs

Irrigation Management Plan

The proponent must prepare and submit an Irrigation Management Plan which details how irrigation will be undertaken in a manner consistent with the requirements of this licence. This plan should include but not limited to:-

- Clarification of the roles and responsibilities of the various stakeholders in relation to the management of irrigation.
- Standard operating procedures to be followed when irrigating including triggers/responses and contingencies.
- Log to record the use of ultrazyme.
- Information that addresses the management of the soil condition in specific paddocks, particularly in those areas that may have already been subject to extended periods of effluent irrigation or where soil conditions are more limited in capacity for sustainable effluent irrigation.
- As assessment of the potential for potassium build up and measures to mitigate this.
- Details of how irrigation will be managed during wet weather to ensure compliance with all conditions of this licence.

28 Monitoring Plan

The licensee must submit a plan for monitoring effluent quality (during the trial) and soil/groundwater in irrigation areas.

Completion: Prior to the commencement of irrigation.

29 Pond Design

The licensee must submit final pond designs prior to commencement of construction work.

30 Waste water treatment contingency plan

The proponent will develop specific criteria for assessment of the acceptability of the waste water treatment system and to review the proposed pond system for suitability for the waste water treatment should the trial not prove effective.

Completion: Prior to the commencement of the trial period.

B. That the objectors be advised of Council's decision.

2006. 505

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. McWilliam*

That the Director Sustainable Development Services recommendation be adopted subject to the following:-

- 1 Deletion of condition 16
- 2 The addition of the following to condition 27 (Irrigation Management Plan):-
 - Clarifying the minimum area of land which must be available to enable the sustainable irrigation of treated effluent.
 - Clear triggers and actions to be followed if the area of land available for irrigation drops to within 30% of this level.
- 3 The addition under the heading "Special conditions" of the following conditions 31 and 32:-
 - 31 The licensee must ensure that it has in place, at all times, arrangements for the sustainable disposal of effluent.

32 The licensee must advise the DEC in writing within 7 days if:

(i) There is any change in ownership of land subject to a Landowners Agreement (or similar) with the licensee; or

(ii) If the owners of land subject to a Landowners Agreement (or similar) advises the licensee of their intention to void the Landowners Agreement.

4 That condition 8(g) be amended to read:-

"Provisions to be made for the erection of temporary fencing to restrict stock from grazing on land immediately following irrigation and / or until soil moisture is sufficiently reduced.

5 That condition 20 be amended to read:-

"The operation of the abattoirs is to cease immediately if, at any time, the proposed holding dam is full, required soil monitoring indicates that soils are unsuitable to receive waste water, or the relevant noise and odour criteria are not being achieved. Operations are not to recommence until prior approval in writing has been obtained from Kempsey Shire Council and the Department of Environment and Conservation, having regard to information supplied by the operator".

Councillor Saul returned to the Chambers.



PRESENTATION – CDSE PROGRAM RECIPIENTS

At this stage 10.27a.m. a presentation was made to recipient organisations of funding allocated under the Community Development & Support Expenditure program (CDSE).

The organizations were:

- Crescent Head Preschool
- Life Education
- Macleay Valley Home Hospice
- Rotary Club South West Rocks
- Surf Lifesaving Mid North Coast



At this stage 10.36a.m the Meeting adjourned for Morning Tea and upon resumption at 11.06 a.m. all present at the adjournment were in attendance.

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DSDS2	BUILDING AND DEVELOPMENT
	FILE: 329 RBP

SUMMARY:

Reporting that the following applications have been approved:

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2006. 506

RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Sowter

That the information be noted.

DIRECTOR SHIRE SERVICES REPORT

DSS1	2006 NSW LOCAL ROADS CONGRESS
	FILE: 19 NJT {Folio No. 326864}

SUMMARY:

Reporting on the 2006 NSW Local Roads Congress.

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Director Sustainable Development Services Recommendation:

That Council nominate a delegate to attend the 2006 NSW Local Roads Congress to be held in Sydney on the 15th to 17th October 2006.

2006. 507

RESOLVED:

Moved: Cl. Sowter
Seconded: Cl. Green

1. That Council nominate Councillor McWilliam as the delegate to attend the 2006 NSW Local Roads Congress to be held in Sydney on the 15th to 17th October 2006.
2. That Councillor McWilliam be provided with background material on this Council's roads and bridges and also

information on the lack of progress on the Pacific Highway upgrade.

DSS2	SPRAY SEALING AND/OR SUPPLY OF SEALING AGGREGATE
FILE: 905 GAW	{Folio No. 326867}

SUMMARY:

Reporting on the tenders received for the Spray Sealing of Pavements program for 2006/07 financial year.

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Director Shire Services Recommendation:

That the tender submitted by Pioneer Road Services for Spray Sealing of Pavements in 2006/2007 be accepted.

MOVED:

*Moved: Cl. Green
Seconded: Cl. Hunt*

That the tender submitted by Pioneer Road Services for Spray Sealing of Pavements in 2006/2007 be accepted.

An Amendment was MOVED:

*Moved: Cl. Hayes
Seconded: Cl. **

That the tender submitted by Emoleum for Spray Sealing of Pavements in 2006/2007 be accepted.

The forgoing AMENDMENT was WITHDRAWN at the request of Councillor Hayes.

2006. 508

The MOTION was PUT to the MEETING and was CARRIED.

DSS3	TRIAL BAY CREEK BRIDGE
FILE: 817 JM	{Folio No. 326869}

SUMMARY:

Reporting on an offer provided by Civilbuild Pty Ltd to construct the new bridge over trial Bay Creek on the alignment of the existing bridge.



Director Shire Services Recommendation:

- 1 That the variation submitted by Civilbuild, in the amount of \$45,000 (excl. GST), for constructing the Trial Bay Creek Bridge on the existing alignment with an accelerated programme be accepted
- 2 That consultation be undertaken with the local community on the basis that Collombatti Road will be closed for approximately 4 weeks.

2006. 509

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. McWilliam*

- 1 That the variation submitted by Civilbuild, in the amount of \$45,000 (excl. GST), for constructing the Trial Bay Creek Bridge on the existing alignment with an accelerated programme be accepted.
- 2 That consultation, including a letterbox drop, be undertaken with the local community on the basis that Collombatti Road will be closed for approximately 4 weeks.

DSS4	TENDER –CONSTRUCTION OF STATE EMERGENCY SERVICES HEADQUARTERS BUILDING FILE: 865 JM {Folio No. 326870}
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SUMMARY:

Reporting on the receipt of tenders for the construction of the State Emergency Services Headquarters Building.



Director Shire Services Recommendation:

- 1 That the tenders received for the construction of the State Emergency Services Headquarters Building not be accepted.
- 2 That new tenders be called for the construction of the State Emergency Services Headquarters building when confirmation of additional funding has been received.

2006. 510

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Howell*

- 1 That the tenders received for the construction of the State Emergency Services Headquarters Building not be accepted.
- 2 That new tenders be called for the construction of the State Emergency Services Headquarters building when confirmation of additional funding has been received.
- 3 That the Mayor raise this issue with the Minister to obtain the funding required.

DSS5	GRANTS FOR LIBRARY SERVICE
	FILE: 99 GB(NRN) COPY APC {Folio No. 326871}

SUMMARY:

Kempsey Shire Council has received 2 grants for the library service

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2006. 511

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Green*

That the information be noted.

DIRECTOR CORPORATE SERVICES REPORT

DCS1	STATEMENT OF BANK BALANCES AS AT 31st JULY
	2006
	FILE: 454 APC

SUMMARY:

Reporting on the Statement of Bank Balances as at 31st July 2006.

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2006. 512

RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Sowter*

That the information be noted.

**DCS2 STATEMENT OF INVESTMENTS AS AT 31st JULY
2006
FILE: 303 APC**

SUMMARY:

Reporting on the Statement of Investments as at 30th June 2006.

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2006. 513

RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Sowter*

That the information be noted.

**DCS3 FLEET MANAGEMENT
FILE: 468 CAD (NRN) {Folio No. 326879}**

SUMMARY:

The Fleet Management Business Plan adopted by Council requires that Council be advised of Plant purchases each month.

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2006. 514

RESOLVED:

*Moved: Cl. McWilliam
Seconded: Cl. Sowter*

That the information be noted.

**DCS4 COUNCIL LAND – MILLINGTON AVENUE,
GRASSY HEAD
FILE: LA11011 GBS (NRN) {Folio No. 326881}**

SUMMARY:

Reporting on the status of Council land at Millington Avenue, Grassy Head.

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Director Corporate Services Recommendation:

That the information be noted.

2006. 515

RESOLVED:

*Moved: Cl. Hayes
Seconded: Cl. Hunt*

That the information be noted and that the Stuarts Point and District Community Organisation (SPADCO) be advised of Council's decision.

**DCS5 EXPRESSIONS OF INTEREST FOR LEASE OR
PURCHASE OF AIR SPACE OVER CARPARKS
FILE: 922 SJR {Folio No. 326884}**

SUMMARY:

Reporting expressions of interest for the sale/lease of air space over Council car parks.

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2006. 516

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. McWilliam*

That informal discussion be held with Expression of Interest respondents with a report summarising proposed uses for the airspace submitted to a future meeting of Council.

**DCS6 CONFERENCES AND SEMINARS
FILE: 165 PJH (NRN) {Folio No. 326888}**

SUMMARY:

Reporting on details of conferences and seminars attended by Councillors and staff during the month of June 2006.

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2006. 517

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Green*

That the information be noted.

**DCS7 CODE OF MEETING PRACTICE AMENDMENTS
FILE: 395 PJH {Folio No. 326889}**

SUMMARY:

Reporting on the exhibition of Council's Draft Code of Meeting Practice.



Director Corporate Services Recommendation:

1. That the Draft Code of Meeting Practice as exhibited be adopted with the following amendments:-
 - (a) That Clause 5.29 of the advertised draft code be replaced with the following:-

Questions Without Notice shall be included in the order of business on the council meeting agenda and shall be limited to three (3) questions per councillor.
 - (b) That Clause 5.19(5) requiring that councillors to stand when addressing the chair be deleted.
 - (c) That Clause 4.10 be amended in accordance with the new leave of absence provisions in the Act.
- 2 That the South West Rocks Ratepayers and the Friends of South West Rocks be advised of Council's decision and thanked for their contribution.

MOVED:

*Moved: Cl. Hunt
Seconded: Cl. Sowter*

That the Director Corporate Services recommendation be adopted subject to the deletion of recommendation 1(b).

2006. 518

The MOTION was PUT to the MEETING and was CARRIED on the casting vote of the Mayor.

Councillor Bowell lodged a Rescission Motion in regard to the foregoing resolution.

DCS8

**TERMS OF MEMBERS ON COUNCIL
COMMITTEES**

FILE: 198

PJH {Folio No. 326891}

This item was dealt with earlier in the meeting following the Public Forum.

GENERAL MANAGER'S REPORT

GM1 OUTSTANDING REPORTS / RESOLUTIONS
FILE: 149 AVB (NRN) {Folio No. 326895}

SUMMARY:

Council's report on outstanding reports and resolutions.

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2006. 519

RESOLVED:

Moved: Cl. Sowter
Seconded: Cl. McWilliam

That the information be noted.

GM2 WORKS PROGRAM
FILE: 153 AVB (NRN) {Folio No. 326896}

SUMMARY:

To outline progress of the capital works program for the 2006 / 07 year.

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2006. 520

RESOLVED:

Moved: Cl. McWilliam
Seconded: Cl. Green

That the information be noted.

GM3 FILM MID NORTH COAST, ARMIDALE
FILE: 16 AVB {Folio No. 326898}

SUMMARY:

To advise Council of the opportunity for Councillor representation on the Film Mid North Coast Armidale Stakeholder Consultation Group.

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General Managers Recommendation:

That representatives be appointed to the FMNCA Stakeholder Consultation Group to Represent Kempsey Shire.

RESOLVED:*Moved: Cl. Sowter
Seconded: Cl. McWilliam*

That the Economic Development Officer be Councils representative to the FMNCA Stakeholder Consultation Group.

GM4	AIR TRAVEL ARRANGEMENTS
	FILE: 328 AVB COPY PJH {Folio No. 326899}

SUMMARY:

To outline current arrangements regarding the accumulation and use of frequent flyer points.

**General Managers Recommendation:**

1. That Council determine whether it wishes to continue in the Qantas Frequent Flyer Scheme.
2. That policy Payment of Expenses and Provision of Facilities to Mayor and Councillors C24.7 be amended to include membership of the Qantas Club by the Mayor.

MOVED:*Moved: Cl. Green
Seconded: Cl. **

That the General Managers Recommendation be adopted.

The Motion LAPSED for want of a seconder.

MOVED:*Moved: Cl. Bowell
Seconded: Cl. Saul*

- 1 That policy Payment of Expenses and Provision of Facilities to Mayor and Councillors C24.7 be amended to include membership of the Qantas Club by the Mayor.
- 2 That a further investigation of booking flights through a local travel agent be conducted.

An Amendment was MOVED:*Moved: Cl. Sowter
Seconded: Cl. McWilliam*

- 1 That Council not participate in the Qantas Frequent Flyer Scheme.
- 2 That policy Payment of Expenses and Provision of Facilities to Mayor and Councillors C24.7 be amended to include membership of the Qantas Club by the Mayor.

The AMENDMENT was PUT to the Meeting and was LOST.

2006. 522 The MOTION was PUT to the MEETING and was CARRIED.

GM5	CORPORATE IMAGE, COMMUNICATION AND CUSTOMER SERVICE STRATEGY FILE: 670 AVB {Folio No. 326901}
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SUMMARY:

Reporting that the Corporate Image, Communication and Customer Service Strategy has been reviewed, updated and has a new format.



2006. 523 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. McWilliam*

That Council endorses the Corporate Image, Communication and Customer Service Strategy and action Plan for 2006/07.

GM6	RETURNS OF INTERESTS LODGED UNDER SECTION 449 OF THE LOCAL GOVERNMENT ACT FILE: 629 AVB (NRN) {Folio No. 326905}
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SUMMARY:

To inform Council that the Department of Local Government is introducing an audit program of Returns of Interests.



2006. 524 **RESOLVED:** *Moved: Cl. McWilliam
Seconded: Cl. Sowter*

That the information be noted.

GM7

**CORPORATE CREDIT CARD
FILE: 444 AVB (NRN) COPY APC
{Folio No. 326908}**

SUMMARY:

Advising Council that I surrender my Corporate Credit Card.

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General Managers Recommendation:

That the information be noted.

RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Saul*

That the information be noted with regret.

Councillors Sowter and McWilliam recorded their disappointment in regard to this matter.

GM8

**QUARTERLY REPORT ON IMPLEMENTATION
OF 2005-2006 MANAGEMENT PLAN
FILE: 339 AVB (NRN) {Folio No. 326910}**

SUMMARY:

Reporting on the implementation of Council's 2005-2006 Management Plan.

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General Managers Recommendation:

That the achievement of performance targets set by the 2005/06 Management Plan for the period to the end of June 2006 be noted.

2006. 525

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Green*

- 1 That the achievement of performance targets set by the 2005/06 Management Plan for the period to the end of June 2006 be noted.**

- 2 That Council staff involved with the cemetery maintenance be congratulated on the standard of the cemeteries.

GM9	CORRESPONDENCE AND COMPLAINT HANDLING
	FILE: 584 AVB (NRN) {Folio No. 326911}

SUMMARY:

Reporting to Council on outstanding correspondence and complaints for the quarter ending 30 June 2006.

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2006. 526

RESOLVED:

*Moved: Cl. McWilliam
Seconded: Cl. Hunt*

That the information be noted.

Councillor Gribbin declared an interest in the following item, for the reason that he is the subject of the report and retired from the chambers.

GM10	CODE OF CONDUCT COMPLAINT
	FILE: 564 AVB {Folio No. 326912}

SUMMARY:

A request has been received from Councillor Jim Gribbin for Council to pay his legal costs in respect of the complaint made against him and investigated by the Conduct committee.

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General Managers Recommendation:

For Council's determination.

MOVED:

*Moved: Cl. Sowter
Seconded: Cl. Green*

That the claim for the expenses not be paid.

2006. 527

RESOLVED:

*Moved: Cl. McWilliam
Seconded: Cl. Sowter*

That the MOTION be PUT.

2006. 528

The MOTION was PUT to the MEETING and was CARRIED.

At this stage Councillor Gribbin returned to the Chamber.

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PRESENTATION – NORTH COAST AREA HEALTH SERVICE

At 12.45pm a presentation was made by North Coast Area Health Service representatives; Mr Ron Bridgefoot, Architect Consultant from Hassell Architects, Ms Maureen Lane, Director Planning and Performance NCAHS and Ms Sigrid Patterson, Planning Officer NCAHS, to present the draft Kempsey Health Campus Master Plan.

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At this stage 1.05 p.m. the Meeting adjourned for Luncheon and upon resumption at 2.04p.m. all present at the adjournment were in attendance.

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GM11	PURCHASE OF LOT 1 ELRINGTON LANE
SUPP	FILE: T6-06-163 COPY 674 AVB {Folio No. 327063}

SUMMARY:

To advise Council of an offer received to purchase Lot 1 DP 709221.

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General Managers Recommendation:

That PARMAC be advised that Council is prepared to sell Lot 1, 709221 to the owner for \$80,000.

2006. 529

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Hunt*

- 1 That the General Manager be authorised to negotiate the sale of Lot 1, 709221 within the valuation amount.
- 2 That Council authorise the affixing of the seal to the necessary transfer documents.

COMMITTEE REPORTS

ABORIGINAL LIAISON COMMITTEE

FILE: 540 DJM (NRN) {Folio No. 326913}

2006. 530

RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Hunt*

That the report of the Aboriginal Liaison Committee held on Wednesday 28th June 2006 be adopted.



QUESTIONS WITHOUT NOTICE

COUNCILLOR SOWTER

Q1

FILE: *

The residents of Two Hills Lane have requested Road Maintenance work requiring 4-5 loads of gravel on Two Hills Lane and are prepared to contribute 50% of the cost of the work. Would the Director Shire Services give consideration to this matter.

Responsible Officer

APV

The Director Shire Services advised there is funding available for Minor road maintenance and consideration to this request will be given.

COUNCILLOR SAUL

Q1

FILE: *

Can the Director Shire Services investigate the removal of stumps on Council land adjacent to the St Barnabas Anglican Church, Gladstone.

Responsible Officer

APV

The Director Shire Services will investigate.

Q2

FILE: *

Has the Moratorium expired for new connections to Hat Head Sewerage.

Responsible Officer

APV

The Director Shire Services advised that defect liability matters should be completed within a few weeks and following this the DCP will need to be reviewed before any new connections.

COUNCILLOR MCWILLIAM**Q1****FILE: ***

Can the recommendation passed by the Traffic Committee for 40KPH signs and school zone signs at the rear of the South West Rocks Primary School in Sturt Street be implemented.

Responsible Officer**APV**

The Director Shire Services will follow this matter up with the RTA.

Q2**FILE: ***

Can a pedestrian crossing be included at the rear of South West Rocks Primary School in conjunction with the kerb and guttering and footpath work in Hill Street, South West Rocks.

Responsible Officer**APV**

The Director Shire Services will refer this to the Traffic Committee, however there are certain criteria to be met before a crossing could be installed.

COUNCILLOR HUNT**Q1****FILE: ***

Please advise on the current position regarding cattle intruding on the proposed cemetery land in Crottys Lane and action by the adjoining land owner to erect and maintain boundary fences.

Responsible Officer**APV**

The Director shire Services advised that an instruction had been issued to the land owner to repair the fences and this matter will be followed up.

Q2**FILE: ***

Please advise if a date has been set for a meeting with the Attorney Generals Department regarding continuing funding of the KAP.

Responsible Officer**APV**

The Director Shire Services advised he was awaiting the Attorney Generals reply on a suitable date.

COUNCILLOR GRIBBIN**Q1****FILE: ***

When will the footpath in Prince of Wales Avenue in South West Rocks outside the Hotel Bottle shop be repaired.

Responsible Officer**APV**

The Director Shire Services advised that a meeting of the Masterplan Committee is due shortly and this matter will be raised.

Q2**FILE: ***

Can Council fit a bar to our Council owned computers to stop the rubbish emails.

Responsible Officer**GBS**

The General Manager advised that this is a problem for staff computers as well and will be investigated.

COUNCILLOR GREEN

Q1

FILE: *

Can an investigation be undertaken of the poor road surface of River Street, Kempsey between Wide Street and North Street.

Responsible Officer

APV

The Director Shire Services advised that heavy patching is proposed for this area in the near future.

Q2

FILE: *

Has any action been taken in regards to a tree in Belgrave St being lopped without approval.

Responsible Officer

RBP

The Director Sustainable Development Services advised that evidence is needed before action can be taken and if a photo of the tree being lopped is available this would assist.

COUNCILLOR BOWELL

Q1

FILE: *

Can advice be provided as to the following matters raised at the last meeting of the Coastal and Estuary Committee, these being:

- Fishing interest in Macleay River
- Macleay River vessel pump out facility
- Matty's Flat Plan of Management

Responsible Officer

RBP

The Director Sustainable Development Services advised that a letter has gone to the Minister regarding Fishing in the Macleay.

The Director Shire Services advised that the pump out facility will be part of the tender for the Matty's Flat Boatshed lease.

Q2

FILE: *

Will the General Manager ensure that the requirements of Council's Code of Meeting Practise in respect to the calling of meetings of the MDAP Committee be adhered to.

Responsible Officer

AVB

The General Manager will investigate.

Q3

FILE: *

Can a further meeting of the MDAP Committee be arranged to address these current issues:

- Crime Prevention
- Airport
- Seachange
- Complaints regarding Gills Creek
- Highway Bypass Strategy

Responsible Officer

AVB

The General Manager will give this consideration and also advised that the MDAP Committee is currently being restructured.

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MOTION FOR CONFIDENTIAL COMMITTEE

2006. 531

RESOLVED:

*Moved: Cl. Saul
Seconded: Cl. Sowter*

That Council form itself into the Confidential Committee of the Whole, and at this stage the meeting be closed to the public to permit discussion of the confidential business items listed for the reasons as stated in the Agenda.

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GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	LEGAL MATTERS
CONF.	FILE: 155 AVB (NRN) {Folio No. 326914}

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.

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2006. 532

RECOMMENDED:

*Moved: Cl. Howell
Seconded: Cl. Sowter*

That the information be noted.

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REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE

Upon resumption of Open Council, the following Report of the Committee of the Whole was submitted by the General Manager.



ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2006. 533

RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Saul*

That the foregoing recommendation of the Committee of the Whole, as reported by the General Manager, be adopted.



CONCLUSION:

There being no further business, the Meeting terminated at 2.36 p.m.

