



KEMPSEY  
Shire Council

## MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 10th October 2006 commencing at 9.02am.

### **PRESENT:**

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

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



### **APOLOGY:**

2006. 640

### **RESOLVED:**

*Moved: Cl. Gribbin  
Seconded: Cl. Hunt*

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



### **DECLARATIONS OF INTEREST**

**Councillor Hunt declared an interest in the following item DSDS2 for reason that he has a personal relationship with the applicant in the report, DSDS3 for reason that he has a personal relationship with the applicant in the report, DSS1 for reason that he has an interest in the company and GM3 for the reason that work is being undertaken adjacent to his property on Armidale Rd.**

**Councillor Walker declared an interest in the following item DSDS1 for the reason that he is the applicant for the development.**



## CONSIDERATION OF CONFIDENTIAL REPORT

2006. 641      **RESOLVED:**      *Moved: Cl. Howell*  
*Seconded: Cl. Saul*

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



## MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 12TH SEPTEMBER 2006

2006. 642      **RESOLVED:**      *Moved: Cl. Walker*  
*Seconded: Cl. Saul*

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 12th September 2006, be adopted.



## MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 19TH SEPTEMBER 2006

2006. 643      **RESOLVED:**      *Moved: Cl. Howell*  
*Seconded: Cl. Hunt*

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 19th September 2006 be adopted.



## CONSIDERATION OF LATE REPORTS

2006. 644      **RESOLVED:**      *Moved: Cl. Howell*  
*Seconded: Cl. Sowter*

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



## PRESENTATION

**10.00am**      Acknowledgement of Macleay Water Staff - NSW Sustainable Water Challenge Winner in the Greenfield

Development Category for the South West Rocks Wastewater Recycling Project.

**10.00am** Acknowledgement of Customer First Centre - Gold Award for Management Excellence in Rural Councils for their Customer First Centre project.

**10.10am** Acknowledgement of Engineering Cadet Karen McKenzie - University of Newcastle Scholarship Scheme Achievement Award at the University Foundation Award 2006

**10.20am** Acknowledgement of the Gimbisi Valley Warriors U/18 Team Grand Final Win.

**12.30pm** Peter Milner and Bill Calcutt - Presentation of CSIRO Proposal.



## **ADOPTION OF AGENDA ORDER OF BUSINESS**

2006. 645

**RESOLVED:**

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

**That the Agenda Order of Business be adopted with the following amendments:**

- 1. DSS7 to be dealt with prior to DSS6.**
- 2. MM7 to be dealt with in conjunction with the presentation by Peter Milner and Bill Calcutt.**



## **MAYORAL REPORT**

<b>MM1</b>	<b>OPENING PRAYER FOR COUNCIL MEETINGS</b> <b>FILE: 469 EAG COPY PJH {Folio No. 333593}</b>
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**SUMMARY:**

To introduce an opening prayer for Council meetings.



2006. 646

**RESOLVED:**

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

That Council adopts Option two (2) subject to the word delivery being amended to deliberations and implements a prayer at the commencement of Council meetings to be read by the Mayor.

<b>MM2</b>	<b>KEY FINDINGS OF SUSTAINABLE DEVELOPMENT CONFERENCE BEYOND 2030</b>
<b>FILE: 927</b>	<b>EAG {Folio No. 333595}</b>

**SUMMARY:**

Reporting to council on the key findings of the "Sustainable Development Conference Beyond 2030 - Solutions, Directions and Trends", held in Sydney on 13th and 14th September 2006.



2006. 647

**RESOLVED:**

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

That Council note the key findings of the conference, particularly in light of the development of the Draft Kempsey Shire ESD Strategy.

<b>MM3</b>	<b>NATIONAL SEACHANGE TASKFORCE</b>
<b>FILE: 357</b>	<b>EAG {Folio No. 333596}</b>

**SUMMARY:**

To authorise Council representation at the AGM of the National Seachange Taskforce.



**MOVED:**

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

That Councillor Hayes be delegated to attend the Annual General meeting of the National Seachange Taskforce in Canberra on the 28th November 2006.

**AMENDMENT:**

*Moved: Cl. Howell  
Seconded: Cl. Gribbin*

1. That Councillor Hayes be delegated to attend the Annual General meeting of the National Seachange Taskforce in Canberra on the 28th November 2006.
2. That the matter of Council involvement in the taskforce and associated cost be subject to a report to a future meeting of Council.

2006. 648

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

<b>MM4</b>	<b>REGIONAL COOPERATION AND DEVELOPMENT CONFERENCE</b>
<b>FILE: 163</b>	<b>EAG {Folio No. 333598}</b>

**SUMMARY:**

Reporting on the importance of Council representation at the Regional Co-operation and Development Forum.



2006. 649

**RESOLVED:**

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

That Councillor Hayes be delegated to attend the State of the Regions forum to be held Monday 27th November 2006.

<b>MM5</b>	<b>MAYORAL ACTIVITIES FOR SEPTEMBER</b>
<b>FILE: 25</b>	<b>EAG (NRN) {Folio No. 333599}</b>

**SUMMARY:**

Mayoral activities for September 2006.



2006. 650

**RESOLVED:**

*Moved: Cl. Walker  
Seconded: Cl. Saul*

That the information be noted.

<b>MM6</b>	<b>ADDRESSING OF COUNCIL MEETINGS BY MEMBERS OF THE PUBLIC</b>
<b>FILE: 395</b>	<b>EAG COPY PJH {Folio No. 333600}</b>

## SUMMARY:

To introduce a cut-off time for applications to address the Council meetings in Public Forum.



## MOVED:

*Moved: Cl. Walker  
Seconded: Cl. Howell*

- 1 That Council's Code of Meeting Practice be amended to include a requirement that people wishing to address Council on agenda items need to make application before 1.00pm on the Monday prior to the meeting.
- 2 That this amendment be adopted without public exhibition as it is an amendment that is not substantial.
- 3 Persons wishing to circulate written material need to have it verified and approved and submitted prior to the closing time of 1.00pm on the Monday prior to the meeting.

2006. 651

The MOTION was PUT to the MEETING and was LOST.



## NOTICE OF MOTION

<b>NOM1</b>	<b>SUPPORT OF LOCAL MEMBERS FILE: 579 COPY 552 (CLR JHB) AVB { Folio No. 333602 }</b>
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2006. 652

## RESOLVED:

*Moved: Cl. Howell  
Seconded: Cl. Walker*

1. That Council adopt the practice of engaging the support from the local members of Parliament, both State and Federal, when making representations and submissions to the respective Governments.
2. That Mr Andrew Stoner MP Member for Oxley Leader of the Nationals (State) be invited to meet with Council to discuss issues of interest to the community of Kempsey Shire, including;
  - Pacific Highway upgrade

- State Government support for roads, bridges and the Country Water and Sewerage Scheme
- Regional Planning Strategy and Population Projections
- Indoor swimming complex for Kempsey
- Economic Development
- Crown Land - SWR
- Kempsey District Hospital
- Mental Health
- Fuel Prices
- Kempsey Showground
- Police Station
- Release of Juvenile Offenders from Custody
- Rural Fire Service
- Aged Care

3. That Mr Mark Vaile MP Member for Lyne Minister for Transport and Regional Services Leader of the Nationals (Federal) and Mr Luke Hartsuyker MP be invited to meet with Council to discuss issues of interest to the community of Kempsey Shire, including;

- Pacific Highway upgrade
- Economic Development
- Mental Health
- Fuel Prices
- Indoor Swimming Complex for Kempsey
- Effects of Seachange on Infrastructure and Planning – Commonwealth Government Responsibility
- Roads to Recovery
- Aged Care

**NOM2      COMMITTEES OF COUNCIL REVIEW OF  
STANDING ORDERS  
FILE: 335 AVB COPY PJH    {Folio No. 333603}**

2006. 653

**RESOLVED:**

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

That Committees of Council be requested to review the Standing Orders, in relation to the issue of the agenda, and that such notice shall be at least three (3) "WORKING" days prior to each meeting.

**NOM3 TOURIST INFORMATION AT SOUTH WEST  
ROCKS  
FILE: 16 GBS {Folio No. 333604}**

2006. 654

**RESOLVED:**

*Moved: Cl. Howell  
Seconded: Cl. Saul*

That a report be provided to the November meeting of Council on the estimated costs to provide other options for the promotion of the Macleay Valley Coast in the South West Rocks area and such report include comparative visitation statistics of the current information centre with the Kempsey Visitor Information Centre.

**NOM4 ABORIGINAL PAINTINGS  
FILE: 310 GBS {Folio No. 333605}**

**MOVED:**

*Moved: Cl. Gribbin  
Seconded: Cl. Howell*

That Aboriginal paintings be borrowed or purchased from local Aboriginal artists and displayed on vacant wall space in the Customer First Centre.

2006. 655

The MOTION was PUT to the MEETING and was LOST.



## **RESCISSION MOTION**

**RM1 RATE INCREASE  
FILE: 483 AVB {Folio No. 333606}**

2006. 656

**RESOLVED:**

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

That resolution number 2006.634 from the Extraordinary Meeting held Tuesday 19th September 2006:

*"That Council approach the community with a case for a 10% rate increase for 2007 - 2008 (inclusive of that allowed by the Minister) with the money to be used for roads and bridges."*

Be rescinded.

2006. 657

RESOLVED:

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

**That Standing Orders be suspended to allow presentations to be made.**



**At this stage a Presentation was made to the following:**

- ◆ Acknowledgement of Macleay Water Staff - NSW Sustainable Water Challenge Winner in the Greenfield Development Category for the South West Rocks Wastewater Recycling Project.

Macleay Water Staff delivered a Powerpoint presentation on the South West Rocks Wastewater Recycling Project.

- ◆ Acknowledgement of Customer First Centre - Gold Award for Management Excellence in Rural Councils for their Customer First Centre project.
- ◆ Acknowledgement of Engineering Cadet Karen McKenzie - University of Newcastle Scholarship Scheme Achievement Award at the University Foundation Award 2006. Miss McKenzie outlined the project the subject of the award.
- ◆ Acknowledgement of the Gimbisi Valley Warriors U/18 Team Grand Final Win

**At this stage 10.35 a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.05 a.m. all present at the adjournment were in attendance.**



## DELEGATE'S REPORT

DR1

LGSA AGEING AND DISABILITY

FILE: 152 GBS (NRN) {Folio No.  
333608}

**SUMMARY:**

Reporting on the recent LGSA Ageing and Disability meeting attended by Councillor Bob McWilliam.



2006. 658

**RESOLVED:**

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

**That the information be noted and relevant papers be forwarded to the Health and Aging working party of the Social Strategic Planning Committee.**



**At this stage Council Walker expressed a declaration of interest in the following report as he is a applicant for the development and retired from the chamber.**

## **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

<b>DSDS1</b>	<b>PART DEMOLITION OF OLD BUTTER FACTORY PACIFIC HIGHWAY, FREDERICKTON FILE: T6-06-320 TJN</b>	<b>{Folio No. 333611}</b>
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### **SUMMARY:**

Reporting Council has received an application to demolish part of a building, known as the "Old Butter Factory", which is listed within the draft Kempsey Shire Community Heritage Study as a potential item of environmental heritage.



2006. 659

**RESOLVED:**

*Moved: Cl. Howell  
Seconded: Cl. Saul*

**That the proposal be approved subject to the following conditions:-**

- 1. 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.**
- 2. This consent permits only the demolition of the timber structures as marked red on the approved plans. Demolition of the brick enclosures and furnaces is not permitted.**

3. Before the commencement of site works, demolition or building, the following activities must be completed:
  - (a) Installation of soil erosion and sedimentation control devices.
  - (b) Installation of safety fencing / hoardings between the property and the street
  - (c) Protection barriers for existing trees
  - (d) Installation of builder's toilets
  - (e) Installation of signage in prominent, visible position including:
    - "Unauthorised site entry is prohibited"
    - Name and phone number of builder or other responsible person for contact outside working hours.
  
4. The following inspections are required to be made and a minimum of 48 hours notice is necessary where requesting an inspection. Appointments will be made in accordance with the inspection program for the area. Where inspections are carried out by an accredited certifier other than Council, compliance certificates will be required following each inspection and forwarded immediately to The Principal Certifier.  
  
**Inspections required:**
  - (a) Pre Commencement inspection
  - (b) Final inspection
  
5. All demolition waste is to be disposed of to Council's Waste Transfer Station.
  
6. All material in the building which contains asbestos shall be removed in accordance with the guidelines of the WorkCover Authority and the requirements of the Environmental Protection Authority.
  
7. The existing structure is to be removed and a Construction Certificate obtained prior to commencement of new works.
  
8. The hours of construction are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
  
9. All loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property.

10. Building materials are not to be stored within the road reserve or any other public place.
11. Excavated material from the site is not to be placed within the road reserve or any other public place.
12. Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.
13. All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.
14. If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the excavation shall:
  - (a) preserve and protect such building from damage; and
  - (b) if necessary, underpin and support the building in an approved manner.

Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings. (Reference: Clause 34, Local Government (Approvals) Regulation 1993).

15. Hoarding/fencing is to be provided to the site in accordance with the assessment provided to Council, prior to commencement of site works.

A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.

16. Demolition shall be carried out in a safe manner without danger to the public.
17. Prior to demolition commencing, the person causing the demolition to be carried out shall give written notice of intention to the owners of any adjoining allotment of land seven (7) days prior to commencement of demolition works.
18. The demolition process and associated temporary structures are not to interfere with the day to day

running of adjacent business, car parking areas, and pedestrian access.

19. Prior to demolition occurring details are to be submitted outlining how it is proposed to stabilise soil on the site post demolition to ensure that no soil erosion occurs on the vacant lots.

At this stage, Councillor Walker returned to the Chamber.

At this stage, Councillor Hunt declared an expression of interest in the following report as he has a personal relationship with the applicant in the report and retired from the Chamber.

<b>DSDS2</b>	<b>SUBDIVISION OF LOTS B AND C, DP399906 OFF CROADS ESPLANADE, SMITHTOWN FILE: T6-05-117 AJC {Folio No. 333615}</b>
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This report should be read in conjunction with Confidential Report DSDS1.

**SUMMARY:**

Reporting on an application to review a determination made by Council.



2006. 660

**RESOLVED:**

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

That Council confirm its decision to refuse the application.

At this stage Councillor Hunt declared an expression of interest in the following report as he has a personal relationship with an applicant in the report and retired from the chamber.

<b>DSDS3</b>	<b>BUILDING AND DEVELOPMENT FILE: 329 RBP</b>
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**SUMMARY:**

Reporting that the following applications have been approved:



2006. 661

**RESOLVED:**

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

That the information be noted.



At this stage, Councillors Green, Howell and Hunt expressed declarations of interest in the following item as they have interests that use the service and retired from the Chamber.

In the Mayors and Deputy Mayors absence, Councillor Hayes was elected to chair the meeting.

## **DIRECTOR SHIRE SERVICES REPORT**

<b>DSS1</b>	<b>LIQUID TRADE WASTE - STATUS REPORT</b>
	<b>FILE: 946 CD (NRN) {Folio No. 333617}</b>

### **SUMMARY:**

Reporting on the status of the implementation of Council's adopted liquid trade waste policy.



2006. 662

**RESOLVED:**

*Moved: Cl. Saul  
Seconded: Cl. Walker*

That the information be noted.

Councillors Green, Howell and Hunt returned to the Chamber.

<b>DSS2</b>	<b>KEMPSEY LANDFILL FACILITY – REIMBURSEMENT OF TIPPING FEES</b>
	<b>FILE: 195 APV COPY APC {Folio No. 333618}</b>

### **SUMMARY:**

Reporting on a request by Lifeline to waive tipping fees at Council's landfill site.



2006. 663

**RESOLVED:**

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

That an amount of \$3000 be funded from income of scrap metal sales and be provided for the reimbursement to community organisations of Tipping fees to Council's Landfill sites.

<b>DSS3</b>	<b>NSW SUSTAINABLE WATER CHALLENGE FILE: 40 CC: 499 AMB (NRN) {Folio No. 333620}</b>
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**SUMMARY:**

Reporting on the recent award obtained in the 2006 NSW Sustainable Water Challenge.

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2006. 664

**RESOLVED:**

*Moved: Cl. Hunt  
Seconded: Cl. Saul*

That the information be noted and project team be congratulated.

<b>DSS4</b>	<b>DRAFT PLAN OF MANAGEMENT – FREDERICKTON PARKS AND SPORTS FIELDS GROUND AND DRAFT PLAN OF MANAGEMENT – SOUTH WEST ROCKS PARKS FILE: 527 KLB {Folio No. 333621}</b>
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**SUMMARY:**

Reporting on the progress of the preparation of the Plan of Management – Frederickton Parks and Sportsground and the Plan of Management – South West Rocks Parks.

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2006. 665

**RESOLVED:**

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

That the Draft Plan of Management Frederickton Parks and Sporting Fields and the Draft Plan of Management South West Rocks Parks be placed on public exhibition.

**DSS5**                      **KEMP STREET SPORTING FIELDS**  
**FILE: 56 AND T6-06-365 KLB COPY APC**  
**{Folio No. 333622}**

**SUMMARY:**

Reporting on two requests for assistance received from the Macleay Valley Baseball and Softball Association.

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2006. 666

**RESOLVED:**

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

- 1     That an amount of \$1000.00 be provided for 'Support of Regional Sporting Events'.
- 2     That an amount of \$530.70 be provided for the Development Application fee for Kemp Street Sporting Fields.
- 3     That the amount of \$1550.70 be debited to sporting fields capital expenses annual proposals.
- 4     That council assist by publicising the event.

**DSS7**                      **NSW RURAL FIRE SERVICE**  
**FILE: 441 COPY 150 APV {Folio No.**  
**333626}**

This item was deferred and dealt with after lunch.

**DSS6**                      **RURAL FIRE SERVICE ESTIMATES**  
**FILE: 441 APV COPY APC {Folio No.**  
**333625}**

**SUMMARY:**

Reporting on the Rural Fire Fighting Funds Estimates for the 2007/2008 year.

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2006. 667

**RESOLVED:**

*Moved: Cl. Hunt*  
*Seconded: Cl. Walker*

That the 2007/2008 Rural Fire Fighting Funds Estimates as proposed be approved with the deferment of the new Stuarts Point brigade station and the deferment of an additional vehicle for Kempsey Headquarters.

<b>DSS8</b>	<b>UNIVERSITY OF NEWCASTLE INDUSTRY SCHOLARSHIP SCHEME</b> <b>FILE: 146 APV (NRN) {Folio No. 333628}</b>
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**SUMMARY:**

Reporting on a recent award received under the University of Newcastle Industry Scholarship Scheme.



2006. 668

**RESOLVED:**

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

That the information be noted.



## **DIRECTOR CORPORATE SERVICES REPORT**

<b>DCS1</b>	<b>STATEMENT OF BANK BALANCES AS AT 30<sup>th</sup> SEPTEMBER 2006</b> <b>FILE: 454 APC {Folio No. *}</b>
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**SUMMARY:**

Reporting on the Statement of Bank Balances as at 30<sup>th</sup> September 2006.



2006. 669

**RESOLVED:**

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

That the information be noted.

<b>DCS2</b>	<b>STATEMENT OF INVESTMENTS AS AT 30<sup>th</sup> SEPTEMBER 2006 FILE: 303            APC</b>
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**SUMMARY:**

Reporting on the Statement of Investments as at 30<sup>th</sup> September 2006.



2006. 670

**RESOLVED:**

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

That the information be noted.

<b>DCS3</b>	<b>FINANCIAL STATEMENTS – YEAR END AUDIT FILE: 321    GBS COPY APC {Folio No. 333629}</b>
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**SUMMARY:**

Reporting on progress with the preparation of the 2005/06 financial statements in readiness for external audit.



2006. 671

**RESOLVED:**

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

That in view of the extenuating circumstances Council make application to the Director General, Department of Local Government, for a one (1) month extension in the time for preparation and audit of Council's 2005/06 financial statements.

<b>DCS4</b>	<b>APPOINTMENT OF DELEGATES TO COMMITTEES FILE: 198    PJH    {Folio No. 333631}</b>
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**SUMMARY:**

To consider the appointment of another Councillor delegate to the committees in which the Mayor Councillor Green was a Councillor delegate.



2006. 672

**RESOLVED:**

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

- ♦ **Ecologically Sustainable Development (ESD) Committee.**  
Resolved that Councillor Gribbin be council's delegate on the committee.
- ♦ **General Managers Performance Review Panel**  
Councillors Gribbin and Hayes were nominated. As there were two nominations an open vote was conducted. Councillors Green, Gribbin, Bowell, Walker and Saul recorded their votes for Councillor Gribbin and Councillors Hayes, Hunt and Sowter recorded their vote for Councillor Hayes. Councillor Gribbin was declared the delegate to the General Managers Performance Review Panel.
- ♦ **Land Release Task Force Committee**  
Councillors Hayes and Walker were nominated. As there were two nominations an open vote was conducted. Councillors Green, Hayes, Hunt and Sowter recorded their vote for Councillor Hayes.  
Councillors Bowell, Gribbin, Saul and Walker recorded their vote for Councillor Walker.  
As the vote was tied Councillor Hayes was chosen by lot by the General Manager and declared the delegate to the Land Release Task Force Committee.
- ♦ **Melville Community Centre Management Committee**

2006. 673

**RESOLVED:**

*Moved: Cl. Walker  
Seconded: Cl. Hunt*

**That Councillor Bowell be council's delegate on the committee.**

- ♦ **Mid North Coast Regional Arts Board**

2006. 674

**RESOLVED:**

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

**That Councillor Gribbin be council's delegate on the committee.**

- ♦ **Social Strategic Planning Committee**

2006. 675

**RESOLVED:**

*Moved: Cl. Hunt  
Seconded: Cl. Walker*

That Councillor Bowell be council's delegate on the committee.

♦ **Wigay Cultural Education Park Management Committee**

2006. 676

**RESOLVED:**

*Moved: Cl. Hunt  
Seconded: Cl. Gribbin*

That Councillor Bowell be council's delegate on the committee.

<b>DCS5</b>	<b>EVENTS MANAGEMENT POLICY</b>
	<b>FILE: 126 MLB COPY PJH {Folio No. 333632}</b>

**SUMMARY:**

Reporting on changes required to Council's Events Management Policy C21:22.



2006. 677

**RESOLVED:**

*Moved: Cl. Bowell  
Seconded: Cl. Gribbin*

That Policy C21:22 Events Management Policy be adopted with the included amendments.

<b>DCS6</b>	<b>DISCLOSURE OF INTERESTS RETURNS –</b>
	<b>SECTION 449 OF THE LOCAL GOVERNMENT</b>
	<b>ACTFILE: 629 PJH (NRN) {Folio No. 333633}</b>

**SUMMARY:**

To table the Disclosure of Interest Returns lodged by Councillors and Designated Persons.



2006. 678

**RESOLVED:**

*Moved: Cl. Gribbin  
Seconded: Cl. Walker*

That the tabling of the Disclosure of Interest Returns be noted.

<b>DCS7</b>	<b>COUNCIL MEETING DATES</b>
	<b>FILE: 335 PJH {Folio No. 333634}</b>

**SUMMARY:**

Reporting on proposed schedule of meeting dates for Ordinary and Extra-Ordinary Council meetings up to September 2007.



**MOVED:**

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

**That the schedule of Council meeting dates as set out in the report be confirmed.**

2006. 679

**RESOLVED:**

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

**That the schedule of Council meeting dates as set out in the report be adopted with the exception of the following:**

1. January meeting be moved to the 16<sup>th</sup> January 2007.
2. April meeting be moved to the 17<sup>th</sup> April 2007.

<b>DCS8</b>	<b>CONFERENCES AND SEMINARS</b>
<b>FILE: 117</b>	<b>PJH (NRN) {Folio No. 333635}</b>

**SUMMARY:**

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



2006. 680

**RESOLVED:**

*Moved: Cl. Howell  
Seconded: Cl. Gribbin*

**That the information be noted.**

<b>DCS9</b>	<b>APPOINTMENT OF COUNCIL'S SOLICITORS</b>
<b>FILE: 746</b>	<b>PJH {Folio No. 333636}</b>

**SUMMARY:**

To appoint Council's solicitors for the next 12 month term.



**MOVED:**

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

**That Cooney Harvey Doney be appointed as Council's principal solicitors for the next 12 months and that a panel of alternative solicitors comprising Donovan Oates and Hannaford, Marsdens and Maddocks be appointed on an as needed basis.**

**An Amendment was MOVED:**

*Moved: Cl. Saul  
Seconded: Cl. Walker*

**That Council call for expressions of interest from local law firms for appointment as Council's solicitors.**

**2006. 681**

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



## **GENERAL MANAGER'S REPORT**

<b>GM1</b>	<b>OUTSTANDING REPORTS / RESOLUTIONS</b>
	<b>FILE: 149 AVB (NRN) {Folio No. 333637}</b>

**SUMMARY:**

Council's report on outstanding reports and resolutions.



**2006. 682**

**RESOLVED:**

*Moved: Cl. Howell  
Seconded: Cl. Gribbin*

**That the information be noted.**

<b>GM2</b>	<b>CORPORATE STRATEGIC PLAN</b>
	<b>FILE: 339 AVB {Folio No. 333639}</b>

**SUMMARY:**

To outline the need to undertake a major review of the Corporate Strategic Plan.



2006. 683

**RESOLVED:**

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

1. That the suggested changes to the goals of the Corporate Strategic Plan form part of the consultation with the community.
2. That the review of the Corporate Strategic Plan be undertaken in conjunction with the review of the draft Long Term Financial Plan.

Councillor Hunt declared an interest in the following item as work is being undertaken adjacent to his property on Armidale Road and retired from the Chamber.

**GM3 WORKS PROGRAM  
FILE: 153 AVB (NRN) {Folio No. 333640}**

**SUMMARY:**

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



2006. 684

**RESOLVED:**

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

That the information be noted.



At this stage, Councillor Hunt returned to the Chamber.

## **GENERAL MANAGER'S SUPPLEMENTARY REPORT**

**GM4 APPLICATIONS FOR HALF DAY HOLIDAYS IN  
2007 FILE: 742 MRB {Folio No. \*}**

**SUMMARY:**

To consider applications that have been made for two half day holidays in the Kempsey Shire for the year 2007.



2006. 685

RESOLVED:

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

That Council make application to the Director General NSW Department of Industrial Relations for two (2) half-day holidays in the Kempsey Shire in 2007, being 24<sup>th</sup> April and 2nd May 2007.



**ABORIGINAL LIAISON COMMITTEE**  
**FILE: 540 DJM (NRN) {Folio No. 333641}**

2006. 686

RESOLVED:

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

That the minutes of the Aboriginal Liaison Committee meeting held 30<sup>th</sup> August 2006 be adopted.



## QUESTIONS WITHOUT NOTICE

### COUNCILLOR WALKER

Q1

FILE: \*

Belgrave St – Danger crossing over as there is grass on medium.

**Responsible Officer**

**Director Shire Services**

Grass is there to discourage pedestrians from crossing over. Need for a crossing will be investigated.

Q2

FILE: \*

Residents Two Hills Lane - Northern End. Can we provide loads of gravel at end of road. Residents will spread.

**Responsible Officer**

**Director Shire Services**

Road is not maintained. Council to seek contribution from residents and council will match contribution.

### COUNCILLOR SOWTER

Q1

FILE: \*

Old station Rd not listed in Roadworks program.

**Responsible Officer**

**Director Shire Services**

Crew will be in area within the next two weeks.

Q2

FILE: \*

Flood risk management presentation to all councillors - full council meeting.

**Responsible Officer**

**Director Shire Services**

Engaged consultant - Presentation of update and strategic developments. Inviting Council to that presentation.

**Q3**

**FILE: \***

Prince of Wales, South West Rocks there is no Disabled logo painted on the road.

**Responsible Officer**

**Director Shire Services**

Will arrange painting of spaces.

### **COUNCILLOR SAUL**

**Q1**

**FILE: \***

Can the Director advise who is responsible for falling trees overhanging your property?

**Responsible Officer**

**Director Sustainable  
Development Services**

Property owner affected by the falling tree.

**Q2**

**FILE: \***

Can consideration be given to a village council cleanup.

**Responsible Officer**

**Director Sustainable  
Development Services**

Previously undertaken, but no funding presently available in budget.

### **COUNCILLOR HUNT**

**Q1**

**FILE: \***

Can council be advised of situation regarding funding of KAP program?

**Responsible Officer**

**General Manager**

No funding forthcoming. KAP Service will no longer be provided until funding is available.

**Q2**

**FILE: \***

Can council investigate parking of B-doubles and Semi Trailers in South St, Kempsey?

**Responsible Officer**

**Director Sustainable  
Development Services**

The matter will be investigated.

**Q3**

**FILE: \***

Written proposal to Council contribution to non maintained road be formatted so work is done in accordance with standards?

**Responsible Officer**

Contact land holders to contribute - work standards need to be up to council standards.

### **COUNCILLOR GRIBBIN**

**Q1**

**FILE: \***

Is this council paying contactors an hourly hire rate to supply council with tender prices for the Jerseyville and Greenhill sewerage schemes?

**Responsible Officer** **Director Shire Services**

Engaged Contractors and called for expressions of interest.

Not paying them whilst they are doing the tender document

**Q2**

**FILE: \***

Is it correct that a petrol card belonging to this council was used by a contractor to purchase petrol and who is responsible and how often are council petrol card purchases verified?

**Responsible Officer**

**General Manager**

Refer to committee.

**Q3**

**FILE: \***

Did the contractor who cleared and demolished the outbuildings at old school site on Gregory St, SWR have council permission to carry out this work?

**Responsible Officer**

**Director Sustainable  
Development Services**

Refer to committee.

## **COUNCILLOR BOWELL**

**Q1**

**FILE: \***

Advice from Shires Association of NSW in respect to post analysis of general rate increase 2006/07? Has Council taken advantage of their offer?

**Responsible Officer**

**General Manager**

The matter will be followed up.

**Q2**

**FILE: \***

Can attention be given to garden plots in Smith St, Kempsey and tree plots along Pacific Highway from Kempsey to Frederickton?

**Responsible Officer**

**Director Shire Services**

Director will address.

## **COUNCILLOR GREEN**

**Q1**

**FILE: \***

What are the cost implications of recent announcement of axing of wooden bridge replacement programme by state government?

**Responsible Officer**

**Director Shire Services**

Report to council 14<sup>th</sup> March 2006 meeting advising of program not proceeding. \$4M program - Council needs to fully fund now. Extra \$2M cost over 10years instead of 7 years.

**Q2**

**FILE: \***

What is the status of the Review of the 355 committee?

**Responsible Officer**

**Director Corporate Services**

Still awaiting information from some committees. Procedures Manual to be developed by 31st December.



## PRESENTATION

At this stage, 12.50pm Peter Milner and Bill Calcutt presented council with their CSIRO Proposal.



**MM7  
SUPP**

**CSIRO'S SUSTAINABLE COMMUNITIES  
INITIATIVE**

**FILE: \***

**EAG**

**{ Folio No. \* }**

### SUMMARY:

An opportunity has arisen for Kempsey Shire Council to become part of a Sustainable Communities project in conjunction with the CSIRO. This could fit well with our proposal to engage our community more fully with council's future planning, and enable us to be more 'opportunity ready' when proposals are brought forward by both governments and the private sector. The proposal is strongly supported by MDAP. See [Appendix A](#)

### MOVED:

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

**That Council support the proposal and apply to become part of the Sustainable Communities project as a partner with the CSIRO.**

**That Council allocate \$4000 per month (\$50,000) for 15 months as its financial contribution.**

### An Amendment was MOVED:

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

**That Council support the proposal and apply to become part of the Sustainable Communities project as a partner with the CSIRO.**

**That Council allocate \$3500 per month (\$52,500) for 15 months as its financial contribution and that such funds be appropriated from income from the sale of scrap metal, if available, for the first 3 payments and consideration be given in the budget for 07/08 for balance of payments.**

**That council invite representatives of CSIRO to make a presentation to council.**

2006. 687      The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

At this stage 1.19 p.m. the Meeting adjourned for Luncheon and upon resumption at 2.05 p.m. all present at the adjournment except for Councillor Hayes who submitted her apology to the General Manager, were in attendance.

<b>DSS7</b>	<b>NSW RURAL FIRE SERVICE</b> <b>FILE: 441 COPY 150 APV {Folio No.</b> <b>333626}</b>
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**SUMMARY:**

Reporting on a proposal to transfer mobile fire assets from Council to the NSW Rural Fire Service.



2006. 688      **RESOLVED:**      *Moved: Cl. Hunt*  
*Seconded: Cl. Howell*

1. That council advise the LGSA NSW that it supports the proposal to transfer ownership of mobile Fire assets and which has financial implications for council's with regard to potential increased contribution including the percentage and quantum.
2. Council organizes a meeting of Fire Captains to discuss this matter within the next 10 days.



**MOTION FOR CONFIDENTIAL COMMITTEE**

2006. 689      **RESOLVED:**      *Moved: Cl. Saul*  
*Seconded: Cl. Walker*

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.

**DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES CONFIDENTIAL REPORT**

**DSDS1                      SUBDIVISION OF LOTS B AND C DP**  
**CONF.                      399906 OFF CROADS ESPLANADE,**  
**SMITHTOWN**  
**FILE: T6-05-117    AJC (NRN)**  
**{Folio No. 333642}**

**This report should be read in conjunction with Report DSDS2.**

**REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS**

This report is considered on a confidential basis as it contains advice concerning the 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)).

**SUMMARY:**

Reporting that Council has received a development application to erect a dwelling that is considered contrary to Council's Flood Risk Management Policy.

◆◆◆◆◆

2006. 690

**RESOLVED:**

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

**That the information be noted.**

◆◆◆◆◆

**DIRECTOR CORPORATE SERVICES**  
**CONFIDENTIAL REPORT**

**DCS1                      SALE OF COUNCIL PROPERTY IN**  
**CONF.                      BELGRAVE STREET**  
**FILE: LA181    SJR    {Folio No. 333643}**

**REASONS FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS**

This report is submitted on a confidential basis as it involves information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. (Local Government Act 1993, section 10A(2)(c))

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 investigations to date relating to the proposed sale of 96 Belgrave Street, Kempsey.



2006. 691

**RESOLVED:**

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

1. That Council authorise the General Manager to negotiate the sale of the premises in accordance with the expression of interest received, and subject to Council undertaking the site survey and boundary adjustments if required.
2. That the common seal of Council be affixed to documents relating to the sale of 96 Belgrave Street, Kempsey.



**GENERAL MANAGER'S CONFIDENTIAL REPORT**

<b>GM1</b>	<b>VARIOUS LEGAL MATTERS - CURRENT</b>
<b>CONF.</b>	<b>POSITION</b>
	<b>FILE: 155      AVB (NRN)      {Folio No. 333644}</b>

**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.



2006. 692

**RESOLVED:**

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

**That the information be noted.**



**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. 693

**RESOLVED:**

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

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



**CONCLUSION:**

There being no further business, the Meeting terminated at 2.35 p.m.

