



## MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 12<sup>th</sup> September 2006 commencing at 9.00am.

### **PRESENT:**

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

Councillors D F Saul and E R Walker entered the Chamber at 9.01am.

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.



### **DECLARATIONS OF INTEREST**

**Councillor Hunt declared an interest in item DSS12 – Donations/Grants and Subsidies for the reason that his wife is a life member of the Kempsey Eisteddfod Society which is mentioned in the report.**



### **CONSIDERATION OF CONFIDENTIAL REPORT**

2006. 534

**RESOLVED:**

*Moved: Cl. Bowell  
Seconded: Cl. Walker*

**That confidential report DSDS1 – Community Based Heritage Study be considered in open council in conjunction with reports DSDS7 and DSDS8 and the remaining confidential reports be considered in the confidential session of the meeting.**



### **CONSIDERATION OF LATE REPORTS**

2006. 535

**RESOLVED:**

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

That the late report DCS20 – Financial Statement for the period to 30 June 2006, be referred to the 19<sup>th</sup> September 2006 Extra-Ordinary Council meeting.



**MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 8<sup>TH</sup> AUGUST 2006.**

2006. 536

**RESOLVED:**

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

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 8<sup>th</sup> August 2006 be adopted.



**PUBLIC FORUM**

1. - Robert Palmer addressed Council regarding item C1 Mayoral Election.
2. - Jenny Sproule addressed Council regarding item C1 Mayoral Election.
3. - Bruce Woods addressed Council regarding item NOM1 Kempsey Showground.
4. - Michael Davies addressed Council regarding item RM2 Access Herbert Appleby Crescent.
5. - Peter Watson addressed Council regarding item RM2 Access Herbert Appleby Crescent.
6. - Ralph Walker addressed Council regarding item DSDS9 Subdivision of Lots B & C DP 399906 off Croads Esplanade, Smithtown.
7. - Chris Parkin addressed Council regarding item DSS7 Kempsey District Silver Band.
8. - Richard Collins addressed Council regarding item DSS8 Visitor Information Centre.



**CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports C1, NOM1, RM2, DSDS9, DSS7 AND DSS8.**

2006.537 RESOLVED:

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

That the public forum items be brought forward and dealt with immediately with the exception of item C1 – Election of Mayor.

<b>NOM1</b>	<b>KEMPSEY SHOWGROUND</b>
<b>FILE: LA2942</b>	<b>AVB {Folio No. 329585}</b>

2006.538 RESOLVED:

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

That Council facilitate a meeting with representatives of the Kempsey Showground Trust, the Regional Manager Department of Lands and Mr Andrew Stoner, MP Member for Oxley to discuss the future management of the Kempsey Showground.

<b>RM2</b>	<b>HERBERT APPLEBY CRESCENT</b>
<b>FILE: LA5942</b>	<b>RBP (NRN) {Folio No. 329665}</b>

MOVED:

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

That resolution number W11 from the Works Committee Meeting held Thursday, 17<sup>th</sup> August 2006 as printed below;

A. That Council grant consent subject to the following conditions –

1. The applicant is to replace the existing fencing with a fence that will improve sight distance for a driver exiting the site. Details are to be lodged with Council for approval prior to commencing work.
2. The details contained in the Agreement attached to the request for consent to carry out a Section 138 Roads Act activity are to be complied with in full.

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

be rescinded.

The MOTION was put to the meeting and was LOST.

Councillor Green and Gribbin recorded their votes against the foregoing decision.

<b>DSDS9</b>	<b>SUBDIVISION OF LOTS B AND C, DP399906 OFF CROADS ESPLANADE, SMITHTOWN FILE: T6-05-117 AJC {Folio No. 329720}</b>
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**SUMMARY:**

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



**Director Sustainable Development Services recommendation:**

**That Council confirm its decision to refuse the application.**

**MOVED:**

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

**That this application be approved and the Director Sustainable Development Services report back to the next meeting on the conditions of consent.**

**An Amendment was MOVED:**

*Moved: Cl. Bowell  
Seconded: Cl. Walker*

**That this matter be deferred to the next meeting to allow for a further report from the Director Sustainable Development Services which shall include consideration of consent conditions.**

2006.539

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

<b>DSS7</b>	<b>KEMPSEY DISTRICT SILVER BAND FILE: 184 GRW COPY T6-06-81, LA2099 {Folio No. 329735}</b>
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**SUMMARY:**

Reporting on the request from the Kempsey District Silver Band for additional funds to establish the Kempsey Centre of Music Excellence.



**Director Shires Services Recommendation:**

That the request for reimbursement of Development Application fees and funds to provide for an official opening of the Memorial Avenue building be refused on the grounds that the Silver Band is already in receipt of ongoing donation funding from Council.

**MOVED:**

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

That the Kempsey District Silver Band be rebated \$1001.10 Development Application fees and Council's annual subsidy to the Silver Band for this year 2006/07 be reduced to \$3500.

**An Amendment was MOVED:**

*Moved: Cl. Walker  
Seconded: Cl. Bowell*

That the Kempsey District Silver Band be rebated \$1001.10 Development Application fees from council's donations vote.

2006. 540

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

<b>DSS8</b>	<b>VISITOR INFORMATION CENTRE – SOUTH WEST ROCKS</b>
<b>FILE: LA19251</b>	<b>GRW {Folio No. 329736}</b>

**SUMMARY:**

Reporting on the proposal from the South West Rocks Heritage Committee seeking a response from Council in relation to their intention to continue to lease part of Boatman's Cottage No 1 as a Visitor Information Centre.



**Director Shires Services recommendation:**

- 1 That the South West Rocks Heritage Committee be advised of Council's offer of \$5,000 pa for the sub-lease of the Boatman's Cottage No. 1 as a Visitor Information Centre; and**
- 2 That if this offer is rejected by the South West Rocks Heritage Committee, that other options be investigated for the promotion of the Macleay Valley Coast in the South West Rocks area.**

**MOVED:**

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

That the arrangement with the SWR Heritage Committee for Council's Visitor Information Centre be as follows:

1. Council to re-imburse 50% of rates, being approximately \$3000
2. Council to pay rent of \$2000
3. The Council income from brochures of \$10000 to be paid to the SWR Heritage Committee.

An Amendment was MOVED:

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

- 1 That the South West Rocks Heritage Committee be advised of Council's offer of \$5,000 pa for the sub-lease of the Boatman's Cottage No. 1 as a Visitor Information Centre; plus 50% reimbursement of rates.
- 2 That if this offer is rejected by the South West Rocks Heritage Committee, that other options be investigated for the promotion of the Macleay Valley Coast in the South West Rocks area.

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

An Amendment was MOVED:

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

That the Heritage Committee be paid \$5000 rental and reimbursement of the rates.

The AMENDMENT was PUT to the Meeting and was LOST.  
The MOTION was PUT to the MEETING and was CARRIED.

2006.541

Councillor Gribbin recorded his vote against the foregoing resolution.



## ADOPTION OF AGENDA ORDER OF BUSINESS

2006. 542

RESOLVED:

*Moved: Cl. Bowell  
Seconded: Cl. Walker*

That agenda order of business be adopted, subject to Confidential report DSDS1 being dealt with in conjunction with DSDS7 and DSDS8.

## MAYORAL REPORT

**MM1**

**MID NORTH COAST GROUP OF COUNCILS**

**FILE: 131 JACH (NRN) {Folio No. 329564}**

**SUMMARY:**

To give an outline of proceedings of the Group meetings held on the 11<sup>th</sup> August 2006 and 23<sup>rd</sup> August 2006.



**Mayoral Recommendation:**

That the information be noted.

2006. 543

**RESOLVED:**

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

That the information be noted and that council continue its representations to have additional police appointed to the Macleay Valley.

**MM2**

**SYDNEY MEETINGS**

**FILE: 344 COPY 118 JACH (NRN)**

**{Folio No. 329567}**

**SUMMARY:**

To outline the outcomes of the meetings held in Sydney on the 18 August.



**Mayoral Recommendation:**

That the information be noted.

2006. 544

**RESOLVED:**

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

That the information be noted and that Council continue to make its own representations to the Minister for Roads to upgrade the Pacific Highway between the Oxley Highway and Eungai.

**MM3**

**MAYORAL REPORT**

**FILE: 380 JACH (NRN) {Folio No. 329569}**

**SUMMARY:**

To present to Council the Mayoral Report.



2006. 545

**RESOLVED:**

*Moved: Cl. Green  
Seconded: Cl. Gribbin*

**That the Mayoral Report be received.**

<b>MM4</b>	<b>SUSTAINABILITY CONFERENCE</b>
<b>FILE: 165</b>	<b>JACH (NRN) {Folio No. 329572}</b>

**SUMMARY:**

To report to Council that I have exercised my delegated authority to authorize a conference attendance.



2006. 546

**RESOLVED:**

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

**That the information be noted.**

## **GENERAL MANAGER'S EXTRAORDINARY REPORT**

<b>C1</b>	<b>ELECTION OF MAYOR</b>
<b>FILE: 740</b>	<b>AVB (NRN) {Folio No. 329575}</b>

**SUMMARY:**

The Local Government Act 1993 (section 290) provides that the election of the Mayor shall be held within three (3) weeks of election day, and in the intervening years between Council elections the election of Mayor is to be held during the month of September.



2006. 547

**RESOLVED:**

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

**That the election of Mayor and Deputy Mayor be by open voting with a show of hands.**

At this stage the General Manager as returning officer advised that two (2) nominations had been received for the position of Mayor, being Councillor Betty Green and Councillor Janet Hayes.

The election by show of hands resulted in the following result:

Councillor Betty Green – 5 votes being Councillors Howell, Walker, Saul, Green and Gribbin.

Councillor Janet Hayes – 4 votes being Councillors Hunt, Hayes, Sowter and McWilliam.

The General Manager declared Councillor Betty Green elected as Mayor for the ensuing 12 months.

<b>C2 ELECTION OF DEPUTY MAYOR</b> <b>FILE: 740 AVB (NRN) {Folio No. 329577}</b>
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**SUMMARY:**

Section 231 of the Act provides that Councillors may elect a Deputy Mayor, and any such election may be for the Mayoral term or a shorter term.



At this stage the General Manager as returning officer advised that two (2) nominations had been received for the position of Deputy Mayor, being Councillor John Howell and Councillor Brian Sowter.

The election by show of hands resulted in the following result:

Councillor John Howell – 5 votes being Councillors Howell, Walker, Saul, Green and Gribbin.

Councillor Brian Sowter – 4 votes being Councillors Hunt, Hayes, Sowter and McWilliam.

The General Manager declared Councillor John Howell elected as Deputy Mayor for the ensuing 12 months.

2006. 548 **RESOLVED:**

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

That the Mayor Councillor Betty Green and Deputy Mayor Councillor John Howell be congratulated and the former Mayor Janet Hayes and Deputy Mayor Brian Sowter be thanked for their work in these positions in the preceding years.

At this stage Mayor Betty Green occupied the chair and thanked Councillors for their support.

At this stage 10.52 a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.29 a.m. all present at the adjournment were in attendance.

**C3 FIXING OF DATE, TIME AND PLACE OF ORDINARY MEETINGS**  
**FILE: 335 AVB (NRN) {Folio No. 329580}**

**SUMMARY:**

Section 365 requires that Council "meet at least 10 times each year, each time in a different month".



2006. 549

**RESOLVED:**

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

That Council's Ordinary Meetings be held at 9.00am of the second Tuesday of each month.

**C4 FIXING THE TIME AND MANNER OF GIVING NOTICE OF ORDINARY AND EXTRAORDINARY MEETINGS**  
**FILE: 335 AVB (NRN) {Folio No. 329580}**

**SUMMARY:**

Section 367 provides that "the General Manager of a council must send to each Councillor, at least 3 days before each meeting of the council, a notice specifying the time and place at which the meeting is to be held and the business proposed to be transacted at the meeting. Notice of less than 3 days may be given of an extraordinary meeting called in an emergency".



2006. 550

**RESOLVED:**

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

That the period of notice to be given in respect of Ordinary and Extra-ordinary meetings be at least 96 hours, and in respect of Estimates Meetings, seven (7) days clear notice, however, if an Extra-Ordinary meeting of the Council needs to be held at short

notice, notice of such Extra-Ordinary Meeting must be given either verbally or in writing by the General Manager as circumstances warrant and the period of notice shall be entirely at the discretion of the Mayor.

**C5 STANDING AND SPECIAL COMMITTEES**  
**FILE: 335 AVB (NRN) {Folio No. 329582}**

**SUMMARY:**

Clause 260 of the Local Government (General) Regulation 2005 provides that: -



2006. 551

**RESOLVED:**

*Moved: Cl. Bowell*  
*Seconded: Cl. Walker*

- 1 That a Works Committee comprising the full Council be appointed for the purpose of carrying out inspections of any matters affecting the functions of Council, and that the Works Committee has delegated authority to determine matters, other than those matters that cannot be delegated by the Council under section 377 of the Act.
- 2 That the quorum for any meeting of the Works Committee be five (5) members.
- 3 That Works Committee meetings and inspections be held on a needs basis as determined by Council or the Mayor."

**C6 APPOINTMENT OF DELEGATES TO COMMITTEES**  
**FILE: 198 AVB (NRN) {Folio No. 329584}**

**SUMMARY:**

Reporting on the appointment of delegates and representatives to committees for the 2006-2007 year.



**General Manager's recommendation:**

**That the information be noted.**

2006. 552

**RESOLVED:**

*Moved: Cl. Green*

*Seconded: Cl. Hunt*

- 1 That this item be further considered at the October Council meeting for consideration of the committees in which the current Mayor, Councillor Green was an appointed delegate.
- 2 That a replacement delegate for Councillor Hayes on the Area Assistance Scheme Local Ranking Committee be determined at this meeting.

Nominations received for the Kempsey Local Ranking Committee (Area Assistance Scheme) were Councillors Bowell and Hunt with the following votes recorded.

COUNCILLOR	J H BOWELL	T HUNT
J A C HAYES		✓
J H BOWELL	✓	
E A GREEN	✓	
J C GRIBBIN	✓	
T L HUNT		✓
R McWILLIAM		✓
D F SAUL	✓	
B R SOWTER		✓
E R WALKER	✓	

The Mayor declared Councillor Bowell elected to the Kempsey Local Ranking Committee (Area Assistance Scheme).

## NOTICE OF MOTION

**NOM1      KEMPSEY SHOWGROUND**  
**FILE: LA2942      AVB    {Folio No. 329585}**

This report NOM 1 was dealt with earlier in the meeting just after public forum.

**NOM2      REGIONAL PLANNING**  
**FILE: 879      AVB    {Folio No. 329586}**

2006. 553

**RESOLVED:**

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

That the Mid North Coast Group of Councils be requested to make representations to the Minister for Planning, The Hon Frank Sartor MP for the allocation of adequate resources for the implementation of Ecologically Sustainable Development Strategies within the proposed Regional Planning Strategy for the Mid North Coast (including necessary services and infrastructure over the life of the Strategy).

**NOM3 NORTH/SOUTH TRANSPORT CORRIDOR  
FILE: 436 APV {Folio No. 329587}**

*"That Kempsey Shire Council support the inland Councils proposal for a transport road/rail corridor west of the ranges.  
That we request the Federal Minister for Transport, The Hon Warren Truss MP and our Local Federal Members The Hon Mark Vaile MP and Mr Luke Hartsuyker MP to support the proposal.  
That our MIDGOC also consider such support at its next meeting."*

2006. 554 **RESOLVED:**

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

That this matter of inland council's proposal for an inland transport corridor west of the ranges be referred to the next meeting of MIDGOC.

**NOM4 SOLAR PHOTO ELECTRIC CELLS  
FILE: 707 APV COPY GBS {Folio No. 329650}**

2006. 555 **RESOLVED:**

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

1. That the Director of Shire Services be requested to investigate and report on the possibility of installing Solar Photo Electric Cells on the roof of the Customer First Centre to produce our own electricity. Such investigation to include all aspects including, but not limited to; feasibility, viability, cost, payback period and any other relevant matters.
2. That the Director Corporate Services be requested to investigate with Country Energy issues involved with our selling to the electricity grid any excess electricity generated by the above.
3. That the Director Corporate Services be requested to also investigate the issues involved with Carbon Credit trading

from the above (if implemented) to build a non rates income stream.

- 4 That a report be prepared as soon as possible.
- 5 That enquiries be made of Newcastle City Council regarding their electricity cost savings initiatives."

<b>NOM5</b>	<b>HEAVY VEHICLE PARKING AREA</b>
<b>FILE: 221 RBP</b>	<b>{Folio No. 329655}</b>

**MOVED:**

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

1. That Council request the Director Sustainable Development Services to add to the Economic Development Plan, the development of a secure heavy vehicle parking area within the Kempsey Town area.  
Such a Heavy Vehicle parking area to be viewed as stage one of the development of a proposal Intermodal transport hub.
- 2 That negotiations begin with Transport operators in relation to the development of:
  - a. The secure heavy vehicle parking area
  - b. The development of the Intermodal transport hub.
- 3 Identification of a suitable area, for the heavy vehicle parking area, be identified as a matter of urgency.

**An Amendment was MOVED:**

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

That a report come back to Council on the viability of secure Heavy Vehicle Parking area and an Intermodal Transport Hub.

2006. 556

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

<b>NOM6</b>	<b>STREET LIGHTING IN SOUTH KEMPSEY</b>
<b>FILE: 186 APV</b>	<b>{Folio No. 329656}</b>

2006. 557

**RESOLVED:**

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

That Country Energy be requested to provide a report together with estimates of cost to improve the street lighting within the South Kempsey Industrial area and the South West Rocks Industrial area.

## RESCISSION MOTION

RM1	CODE OF MEETING PRACTICE AMENDMENTS FILE: 395 AVB (NRN) {Folio No. 329659}
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2006. 558

**RESOLVED:**

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

That resolution number 518 from the Ordinary Meeting held 8<sup>th</sup> August 2006, as printed below;

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

be rescinded.

2006. 559

**RESOLVED:**

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

That the Director Corporate Services recommendation DCS7 of 8<sup>th</sup> August 2006 be adopted, being as follows:-

- 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.

**RM2                      HERBERT APPLEBY CRESCENT  
FILE: LA5942   RBP (NRN)   {Folio No. 329665}**

This report RM2 was dealt with earlier in the meeting just after public forum.

## **DELEGATE'S REPORT**

**DR1                      MID NORTH COAST WEEDS ADVISORY  
COMMITTEE  
FILE: 373   APV (NRN)   {Folio No. 329669}**

### **SUMMARY:**

Reporting on the Quarterly Mid North Coast Weeds Advisory Committee Meeting held at Taree on 24 August 2006.



2006. 560

### **RESOLVED:**

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

That the information be noted.

**DR2                      MENTAL HEALTH SERVICES  
FILE: 419   APV                      {Folio No. 329671}**

### **SUMMARY:**

Reporting on attendance at a consultative meeting at Port Macquarie on Tuesday 29<sup>th</sup> August 2006, on behalf of the Mayor, Councillor Janet Hayes.



2006. 561

### **RESOLVED:**

*Moved: Cl. Bowell  
Seconded: Cl. McWilliam*

That appropriate representations be made to Messrs Mark Vaile MP Member for Lyne, Luke Hartsuyker MP Member for Cowper, Andrew Stoner MP Member for Oxley and Rob Oakeshott MP Member for Port Macquarie, to ensure adequate funding is provided for the North Coast Area Health Service and in particular the Hastings Macleay Network for Mental Health Services.

# DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

<b>DSDS1</b>	<b>PROPOSED REZONING - NICHOLSON STREET, SOUTH KEMPSEY DRAFT KEMPSEY LOCAL ENVIRONMENTAL PLAN 1987 (AMENDMENT NO 98) FILE: T5-98 GAN {Folio No. 329674}</b>
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## SUMMARY:

Reporting that Council has received a request to recommence the process to rezone land in Nicholson Street, South Kempsey adjacent to Southside Cellars to facilitate redevelopment.



2006. 562

## RESOLVED:

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

1. That, in accordance with section 54 of the Environmental Planning and Assessment Act, Council prepare a draft LEP to rezone Lot 3 DP 337328 No 5 Nicholson Street, South Kempsey to Zone No 3(a) (Business (General) 'A')
2. That the LEP Review Panel be notified of Council's decision.
3. That if the LEP Review Panel supports the rezoning, the applicant be required to submit, for inclusion with the exhibition documents:
  - a. A Noise Report prepared by an appropriately qualified person assessing the likely impact of the rezoning on the adjoining property and the means of controlling likely impacts;
  - b. A Traffic Impact Assessment detailing the means of controlling traffic generated by the development.

<b>DSDS2</b>	<b>SALTWATER CREEK CATCHMENT FLOOD STUDY FILE: 246 AJC (NRN) COPY APC {Folio No. 329690}</b>
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## SUMMARY:

Reporting that the Final Saltwater Creek Catchment Flood Study has been prepared for Council's adoption.

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2006. 563

**RESOLVED:**

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

1. That Council adopt the Saltwater Creek Flood Study Final Report.
2. That Council prepare a policy to determine Flood Planning Levels for the Saltwater Creek Catchment in consultation with the Department of Natural Resources.

<b>DSDS3</b>	<b>SALTWATER CREEK AND LAGOON ESTUARY MANAGEMENT PLAN</b> <b>FILE: 385 RFK {Folio No. 329695}</b>
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**SUMMARY:**

Reporting that the Final Report - Saltwater Creek and Lagoon (June 2006) Estuary Management Study & Plan has been prepared for Council's endorsement.

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2006. 564

**RESOLVED:**

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

1. That Council adopt the Saltwater Creek and Lagoon Estuary Management Plan.
2. That Council seek grant funding to assist in the implementation of the actions recommended in the Estuary Management Plan.
3. That Council pursue opportunities for private funding of stormwater quality management works in the catchment.

<b>DSDS4</b>	<b>KILLICK CREEK ESTUARY MANAGEMENT STUDY AND PLAN</b> <b>FILE: 794 RFK {Folio No. 329701}</b>
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**SUMMARY:**

Reporting that the Final Report - Killick Creek (April 06) Estuary Management Study and Plan has been prepared for Council's adoption.



2006. 565

**RESOLVED:**

*Moved: Cl. Powell  
Seconded: Cl. Walker*

1. That Council adopt the Killick Creek Estuary Management Plan.
2. That Council seek grant funding for implementing the priority strategies identified in the EMP.
3. That Council thank those who made submissions to the draft EMP.

<b>DSDS5</b>	<b>EXHIBITION OF LOCAL ENVIRONMENTAL STUDY (LES) AND DRAFT LOCAL ENVIRONMENTAL PLAN (LEP) FORMER SHELL SITE, PHILLIP DRIVE, SOUTH WEST ROCKS FILE: T5-94 APB {Folio No. 329707}</b>
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**SUMMARY:**

The Local Environmental Study (LES) to support a draft LEP to rezone the former Shell Site for residential development has been prepared. Council is requested to endorse the Draft Local Environmental Study (LES) for exhibition.



**Director Sustainable Development Services recommendation:**

1. That the Local Environmental Study and Kempsey Draft Local Environmental Plan 1987 (Amendment No. 94) be submitted to the Department of Planning to seek authority to exercise section 65 delegation or to issue the section 65 certificate to enable public exhibition.
2. That upon issue of the section 65 certificate, the Local Environmental Study and Draft LEP be placed on public exhibition.

**MOVED:**

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

**That the Director Sustainable Development Services recommendation be adopted.**

An Amendment was MOVED:

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

That Council not support proceeding with rezoning until after the site is remediated by the developers.

2006. 566 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

<b>DSDS6</b>	<b>BUILDING AND DEVELOPMENT</b>
	<b>FILE: 329 RBP</b>

**SUMMARY:**

Reporting that the following applications have been approved:

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2006. 567 **RESOLVED:**

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

That the information be noted.

At this stage 12.27pm Councillor Walker retired from the Chamber.

<b>DSDS7</b>	<b>DEMOLITION OF 3 DWELLINGS, LOTS 1, 2 &amp;</b>
	<b>3 DP 334317</b>
	<b>28, 30, 32 TOZER STREET, WEST KEMPSEY</b>
	<b>FILE: T6-06-216 TJN {Folio No. 329715}</b>

**SUMMARY:**

Reporting that Council has received an application to demolish three dwellings located within a proposed Conservation Area, as identified within the draft Kempsey Shire Community Based Heritage Study.

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2006. 568 **RESOLVED:**

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

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

**Demolition**

- 1 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.
  
- 2 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
  
- 3 All demolition waste is to be disposed of to Council's Waste Transfer Station.
  
- 4 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.
  
- 5 The existing structure is to be removed and a Construction Certificate obtained prior to commencement of new works.
  
- 6 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.
  
- 7 All loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property.
  
- 8 Building materials are not to be stored within the road reserve or any other public place.

- 9 Excavated material from the site is not to be placed within the road reserve or any other public place.
- 10 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.
- 11 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.
- 12 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).

- 13 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.

- 14 Demolition shall be carried out in a safe manner without danger to the public.
- 15 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.
- 16 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.
- 17 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.

<b>DSDS8</b>	<b>DEMOLITION OR REMOVAL OF DWELLING</b> <b>FILE: T6-06-255 and T6-06-256 TJN</b> <b>{Folio No. 329719}</b>
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**SUMMARY:**

Reporting that Council has received two applications to demolish or remove two dwellings on adjoining lots which are listed in the Draft Heritage Study and for which objections have been received.

◆◆◆◆

2006. 569

**RESOLVED:**

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

**A That the DA T6-06-255 and DA T6-06-256 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 does not permit the demolition of the dwelling except by way of relocation to an approved site.**
- 3. The applicant is to gain any necessary approval from the Roads and Traffic Authority of NSW Police prior to removing the building from the site.**
- 4. The applicant is to have Police approval to relocate the building. A copy of the Police approval is to be submitted to Council prior to removal of the building.**
- 5. The applicant is to ensure the contractor for relocating the building has all the necessary insurance for transporting the building on a roadway.**
- 6. A copy of the Heritage Assessment prepared shall be submitted to the Macleay Historical Society for archives and Council Library.**
- 7. The erection of an interpretation sign is to be located on the site. The sign is to illustrate the building and provide historical information and indicate its new**

location. This is required within three (3) months of removal of the building with details to be submitted to Council, to the satisfaction of Council's Heritage Advisor prior to erection.

8. The works associated with the removal of the building are to be confined to 7.00am to 6.00pm, Monday to Friday and 7.00am to 12 noon Saturdays.
9. Demolished materials are not to be stored within the road reserve or any other public place.
10. Demolition of the building shall be carried out in accordance with the requirements of Australia Standard 2601-1991 where applicable.
11. Prior to demolition commencing the person causing the demolition to be carried out shall give written notice of his intention to the owners of any adjoining allotment of land seven (7) days prior to the commencement of demolition work.
12. Access to the site shall be restricted to Authorised Persons Only, and the site shall be secured against unauthorised entry when building work is not in progress or the site is otherwise occupied.
13. Before the commencement of the site works, 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 signage in prominent, visible position including:
    - "Unauthorised site entry prohibited"
    - Name and phone number of builder or other responsible person for contact outside working hours
  - e) Disconnection of all services by registered tradesman, and to be to Council requirements in relation to Council services.

**B. That the objector be advised of Council's decision.**

The following report DSDS1 was brought into Open Council from the confidential section.

**DSDS1                    COMMUNITY BASED HERITAGE STUDY**  
**FILE: 138   RBP (NRN)   {Folio No. 330146}**

**SUMMARY:**

Reporting on legal advice received in relation to the Kempsey Shire Draft Community Based Heritage Study, and Council's duty, responsibility and options in dealing with development applications in relation to items identified in the Study.

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2006. 570

**RESOLVED:**

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

That the advice be noted.

**DSDS9                    SUBDIVISION OF LOTS B AND C, DP399906**  
**OFF CROADS ESPLANADE, SMITHTOWN**  
**FILE: T6-05-117   AJC   {Folio No. 329720}**

This report DSDS9 was dealt with earlier in the meeting just after public forum.

**DSDS10                  FOOD SURVEILLANCE UPDATE**  
**FILE: 128   JGR (NRN)   {Folio No. 329721}**

**SUMMARY:**

Reporting on the progress of Councils Food Surveillance Program.

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2006. 571

**RESOLVED:**

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

That the information be noted.

At this stage 12.31pm Councillor Walker returned to the Chamber.

**DSDS11                  PROPOSED ALTERATIONS AND ADDITIONS TO**  
**AN EXISTING TWO (2) STOREY DWELLING**  
**FILE: T6-06-74   DJW   {Folio No. 329723}**

## **SUMMARY:**

Reporting that Council has received a Development Application for alterations and additions to an existing two storey dwelling for which objections have been received.



### **Director Sustainable Development Services recommendation:**

- A. That the applicant be requested to submit amended plans providing for:**
- 1. Reduction in the roof ridge height located over the proposed living room to a maximum height of RL 45.35 AHD.**
  - 2. Relocation of the staircase away from the northern side boundary to the rear of the terrace.**
- B. That the applicant be advised that unless the requested plans or written advice to submit such plans is received within thirty (30) days of the date of notice being given, that the application will be refused for the following reason:**
- The proposal is contrary to Council's Development Control Plan Crescent Head – Local Housing Strategy as the proposal would result in an unacceptable and avoidable loss of views from the adjoining dwelling.**
- C. Upon submission of the amended plans incorporating the requested amendments, that Development Application T6-06-74 be approved subject to the following conditions:**
- 1. Details are to be submitted for approval for the disposal of the excavated material prior to the release of the Construction Certificate.**
  - 2. A schedule of finishes for the low tone non reflective finishes of the proposed buildings external façade including the fence shall be submitted with the Construction Certificate.**
  - 3. Details of erosion control are to be submitted, approved and to be installed prior to commencing on site works.**
  - 4. The cut excavation is not to exceed 3.7metres in depth.**
  - 5. The Design Engineer is to supervise the excavation works.**

6. 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.
7. 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.
8. Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
9. The dwelling is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.
10. An application for a certificate is enclosed. It is requested that it be completed and returned to Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.
11. 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.
12. A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.

Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.

Details are to be submitted to Council prior to work commencing.

13. 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.
14. 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.
15. 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. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Your attention is drawn to the following requirements of the Building Code of Australia.

- a) Structural Engineer's Details for retaining walls, reinforced concrete slab and structural steel work is to be submitted prior to the issue of the construction certificate
- b) Geotechnical Engineer's report shall be submitted to council for the excavation prior to issue of the construction certificate
- c) Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.
- d) That the floor surface of the wet areas are properly graded and drained and the junctions of the floor with the walls are treated to prevent the penetration of moisture into the walls. An inspection of the treated area is to be arranged with Council or suitable certification is to be submitted prior to the issue of an occupation certificate.
- e) The windows and glass installations within the building shall comply with AS 1288, Part 3.6 BCA Housing Provisions and AS2047. The applicant shall

furnish Council with a report from the supplier upon completion of the window and glass installation indicating compliance with the requirements of AS1288 and AS2047.

- f) Should the veranda, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the veranda, patio or landing and steps for safety and convenience. Such balustrade to conform with the requirements of

- (1) Part 3.9.1. and 3.9.2 of BCA Housing Provisions of the Building Code of Australia.

Note: Spacing of rails not to exceed 125mm.

- g) Riser and Going dimensions for stairs shall be in accordance with Clause D2.13 of the Building Code of Australia. In Class 1 and 10 buildings the following will apply:

Riser (R)		Going (G)		Quantity (2R + G)	
max	min	max	min	max	min
190	115	355	240	700	550

Note: Any openings between treads not to exceed 125mm.

- h) Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site.
- i) Details of wall bracing to be carried out in accordance with Australian Standard 1684-1999 are to be submitted to Council prior to commencement of work.
- j) Kitchen exhaust fans are to be ducted externally of the building or a recirculation hood type be provided.
- k) Class 1(a) and 1(b) Buildings

An automatic fire detection and alarm system is to be installed in the building. Such system to conform with Specification E1.7 of the Building Code of Australia or be a smoke alarm system complying with AS 3786 or listed in the SSL Register of Accredited Products.

The system is to be provided with mains electrical power, have a stand by power supply and installed in each storey to comply with Clause E1.7 (N.S.W. Variation). Details of location of the units are to be provided for approval prior to installation.

- l) All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.
  - m) The door to all fully enclosed sanitary compartments must open outwards, or slide, or be readily removable from the outside, in accordance with the requirements of the Building Code of Australia.
  - n) Any sarking used in the roof of the dwelling must have a flammability index not more than 5.
  - o) Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
  - p) Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).
- 17 The dwelling shall be constructed to include all the energy efficiency requirements contained within the single residence scorecard.
- 18 The hours of operation of the activity 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.
- 19 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult Mr Tony Castle of Council's Environmental Services Department for requirements before commencing construction.
- 20 Roof waters are to be directed by means of sealed pipes to the street gutter. Details are to be provided with the plans for the required Construction Certificate.

21 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-

- a) diversion of uncontaminated up site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
- b) sediment control fences at the down slope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.
- c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

Protection of any kerb inlet pit located downstream of the site in accordance with Council's Engineering Guidelines for subdivision and development (drawing No SW20).

Note:

- i) Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
  - ii) Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.
22. Survey Certificate is to be submitted upon completion of the roof framing to ensure that the ridge height is at or below RL 45.33 metres A.H.D. above the kitchen area
23. A survey certificate prepared by a registered surveyor being submitted to Council to verify the siting of the building in relation to adjacent boundaries, and work is not to proceed beyond that stage until a written release has been given by Council. The survey is to be submitted at completion of floor slab formwork before concrete is poured.

24. Submit engineering details of the pre- treatment storm water disposal system prior to issue of the Construction Certificate
25. Submission of a detailed landscaping plan providing for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing the landscaping beds prior to release of the Construction Certificate.
26. Construction shall comply with AS3959-1999 level 3 'Construction of Buildings in bushfire prone areas'. Details to be provided with the Construction Certificate.
27. Roller doors, tilt-a-door and the like shall be sealed to prevent the entry of embers into the structure.
28. The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.
29. Access to the rear of the property shall be provide for fire fighting purposes.
30. All fencing shall be constructed from non-combustible materials.
31. All glazing towards the bushfire hazard on the northern and eastern sides of the proposed structure shall be fire rated glass.
32. There is to be no exposed timber on the northern and eastern sides of the proposed structure.
33. A 1.8metre high radiant heat shield made of non-combustible materials shall be constructed along the full length of the northern and eastern boundaries adjacent to the hazard. A pedestrian access gate is to be along this boundary. Where steel cladding material is used; all posts and rails will be constructed from steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth. Details to be provided with Construction Certificate.
34. The applicant is to nominate the haulage route for disposal of overburden, including where it is proposed to place the material and submit details to council prior to release of the Construction Certificate.

A. That the objectors be advised of Councils decision.

2006. 572 RESOLVED:

*Moved: Cl. Sowter  
Seconded: Cl. Walker*

That Council concur with a request from the applicant that consideration of this matter be deferred.

## DIRECTOR SHIRE SERVICES REPORT

<b>DSS1</b>	<b>LOCAL GOVERNMENT ABORIGINAL NETWORK CONFERENCE 2006 FILE: 19 DJM (NRN) {Folio No. 329728}</b>
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### SUMMARY:

Reporting on the next NSW Local Government Aboriginal Network Conference 2006 to be held in Gunnedah from the 15<sup>th</sup> October to 17<sup>th</sup> October 2006.



2006. 573 RESOLVED:

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

That a Councillor representative be nominated to attend the 2006 NSW Local Government Conference at Gunnedah.

2006. 574 RESOLVED:

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

That Councillor Gribbin be nominated to attend the NSW Local Government Aboriginal Network Conference.

<b>DSS2</b>	<b>MACLEAY VALLEY EMERGENCY RISK MANAGEMENT STUDY FILE: 811 MKF COPY APC {Folio No. 329730}</b>
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### SUMMARY:

Reporting on the Macleay Valley Emergency Risk Management Study and the subsequent application for grant funding under the Local Grant Scheme.



2006. 575 RESOLVED:

*Moved: Cl. Howell*

*Seconded: Cl. Hunt*

That the offer of funding of \$25,000.00 under the Local Grant Scheme for the Macleay Valley Emergency Risk Management Study be accepted.

<b>DSS3</b>	<b>SURF LIFE SAVING</b>
<b>FILE: 590 CAS</b>	<b>{ Folio No. 329731 }</b>

**SUMMARY:**

Reporting on activities of Council's contracted Surf Life Saving Services for 2005/2006 season.



2006. 576 **RESOLVED:**

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

- 1 That an investigation be undertaken into the provision of a permanent lifeguard tower at Horseshoe Bay.
- 2 That further discussions be held with South West Rocks Surf Life Saving Club regarding the utilisation of their quad-bike.

<b>DSS4</b>	<b>STREET NAMING</b>
<b>FILE: 147 APV</b>	<b>{ Folio No. 329732 }</b>

**SUMMARY:**

Reporting on proposals for naming of a road.



2006. 577 **RESOLVED:**

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

That the dedicated road 8.7km along Maria River Road be named 'Nevertire Road'.

<b>DSS5</b>	<b>YOUTH INFORMATION REFERRAL SERVICE</b>
<b>FILE: 343 GRW</b>	<b>{ Folio No. 329733 }</b>

**SUMMARY:**

Reporting on the proposed location of the Youth Information Referral Service.



2006. 578

**RESOLVED:**

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

That the proposal by the PCYC for the establishment and operation of the Youth Information Referral Service be endorsed.

<b>DSS6</b>	<b>HAT HEAD SEWERAGE</b>
	<b>FILE: 217 AMB (NRN) {Folio No. 329734}</b>

**SUMMARY**

Reporting on the Hat Head Sewerage System.



**Director Shire Services recommendation:**

That the information be noted.

2006. 579

**RESOLVED:**

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

That the information be noted and a further report be submitted to the November meeting of council.

<b>DSS7</b>	<b>KEMPSEY DISTRICT SILVER BAND</b>
	<b>FILE: 184 GRW COPY T6-06-81, LA2099</b>
	<b>{Folio No. 329735}</b>

This item DSS7 was dealt with earlier in the meeting just after Public Forum.

<b>DSS8</b>	<b>VISITOR INFORMATION CENTRE – SOUTH WEST ROCKS</b>
	<b>FILE: LA19251 GRW {Folio No. 329736}</b>

This item DSS8 was dealt with earlier in the meeting just after Public Forum.

**DSS9 FLOODPLAIN MANAGEMENT PLAN**  
**FILE: FM565 2006/07 APV {Folio No. 329737}**

**SUMMARY:**

Reporting on a grant offer for Council's Floodplain Management Program for 2006/2007.



2006. 580

**RESOLVED:**

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

That the offer of financial assistance for 2006/2007 in the amount of \$87,200 for the Maintenance of Flood Mitigation Works be accepted in accordance with the conditions of Financial Assistance for Floodplain Management Program.

**DSS10 CONTRIBUTION TO WORKS – FOOTPATH PAVING**  
**FILE: 8 NJT (NRN) {Folio No. 329746}**

**SUMMARY:**

Reporting on the number of properties that have been billed for footpath construction since Council's Policy C22.3 Contribution to Works for Footpaving was amended in 2002.



**Director Shire Services recommendation:**

That the information be noted.

**MOVED:**

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

1. That Council reimburse private residents who have contributed 50% funding towards footpath construction since 2002 (in accordance with policy C22:3).
2. That such reimbursement be funded from the proceeds of the sale of Elrington Lane.
3. That \$15,000 be provided in the 2007/08 budget specifically for footpath construction.

**An Amendment was MOVED:**

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

1. That Council reimburse private residents who have contributed 50% funding towards footpath construction since 2002 (in accordance with policy C22:3) one half of their contribution and in future such contribution required be 25%.
2. That such reimbursement be funded from the proceeds of the sale of Elrington Lane.
3. That \$15,000 be provided in the 2007/08 budget specifically for footpath construction.

2006. 581 The AMENDMENT was PUT to the MEETING and was CARRIED became the MOTION and was CARRIED.

**DSS11                    TENDER NO. 909 – PURCHASE AND REMOVAL  
BUILDING – SMITHTOWN TENNIS CLUB  
HOUSE  
FILE: 909 APV            {Folio No. 329749}**

**SUMMARY:**

Reporting on tenders received for the Purchase and Removal of Building – Smithtown Tennis Club House.



2006. 582 **RESOLVED:**

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

That Council not accept the tender from the Hat Head Community Dune Care Group for the purchase and removal of the Smithtown Tennis Club House building.

**DSS12                    DONATIONS / GRANTS AND SUBSIDIES  
FILE: 3 JMC COPY APC    {Folio No. 329751}**

**SUMMARY:**

Reporting on the receipt of Financial Statements from those organisations that requested a donation from Council.



**Director Shire Services recommendation:**

That a \$700 donation be made to each of the following organisations:-

1. South West Rocks Cricket Club
2. Kempsey Swimming Club
3. South West Rocks Surf Lifesaving Club
4. Adelaide Swift Art Award
5. Friendship Force of Kempsey

2006. 583

**RESOLVED:**

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

That a \$600 donation be made to each of the following organisations:-

1. South West Rocks Cricket Club
2. Kempsey Swimming Club
3. South West Rocks Surf Lifesaving Club
4. Adelaide Swift Art Award
5. Friendship Force of Kempsey



At this stage 1.05 p.m. the Meeting adjourned for Luncheon and upon resumption at 1.52 p.m. all present at the adjournment were in attendance.



<b>DSS13</b>	<b>2007 AUSTRALIA DAY</b>
	<b>FILE: 247 MLB (NRN) {Folio No. 329754}</b>

**SUMMARY:**

Reporting on options available to change the proceedings of the 2007 Australia Day Celebrations.



**Director Shire Services recommendation:**

**For determination of Council.**

2006. 584

**RESOLVED:**

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

**That the 2007 Australia Day activities be as detailed in the report.**

Councillor Walker declared an interest in the following item for the reason that he has a mining lease in the area and retired from the Chamber.

<b>DSS14</b>	<b>YESSABAH NATURE RESERVE</b>
	<b>FILE: LA23077 APV {Folio No. 329757}</b>

**SUMMARY:**

Reporting on the proposed transfer of part Reserve 12999 t Yessabah Nature Reserve.

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**Director Shire Services recommendation:**

That Council relinquish control of that part of Reserve 12999 (Part Lot 7006 DP 1054915) as shown on the attached map.

2006. 585

**RESOLVED:**

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

That Council relinquish control of all of Reserve 12999 (Part Lot 7006 DP 1054915) as shown on the map attached to the report, back to Department of Lands.

Councillor Walker returned to the Chamber.

<b>DSS15</b>	<b>KEMPSEY SWIMMING POOL</b>
	<b>FILE: 121 COPY 460, 514, 608 APV</b>
	<b>{Folio No. 329764}</b>

**SUMMARY:**

Reporting on the present position of the solar pool heating at the Kempsey Swimming Pool.

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**Director Shire Services recommendation:**

That Council seek expressions of interest for the long-term lease of the pool complexes at Kempsey, Crescent Head and South West Rocks.

**MOVED:**

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

That Council seek expressions of interest for the long-term lease of the pool complexes at Kempsey, Crescent Head and South West Rocks.

An Amendment was MOVED:

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

1. That Council seek expressions of interest for the long-term lease of the pool complexes at Kempsey, Crescent Head and South West Rocks.
2. That in the matter of Kempsey, an indoor complex similar to Macksville be considered.

The AMENDMENT was PUT to the Meeting and was LOST.

An AMENDMENT was MOVED:

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

That council invite tenders for Kempsey, Crescent Head and South West Rocks pools for a 10 year lease with two 5 year options.

The foregoing AMENDMENT was WITHDRAWN at the request of Councillors Hunt and McWilliam.

2006. 586 The MOTION was PUT to the meeting and was CARRIED.

<b>DSS16</b>	<b>ASSET MANAGEMENT PLAN</b>
<b>FILE: 378</b>	<b>NJT (NRN) {Folio No. 329768}</b>

**SUMMARY:**

Reporting on the production of an Asset Management Plan for all of Council's Infrastructure.



**Director Shire Services recommendation:**

That an additional \$50,000 be provided in 2007/2008 and 2008/2009 budgets for the development of Asset Management Plans.

2006. 587 **RESOLVED:**

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

That this matter be referred to the 19<sup>th</sup> September Extra-Ordinary Council meeting.

<b>DSS17</b>	<b>CONSTRUCTION OF STATE EMERGENCY SERVICES HEADQUARTERS BUILDING</b> <b>FILE: 865 JM (NRN) {Folio No. 329771}</b>
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**SUMMARY:**

Reporting on the reallocation of funds voted to accommodate the Gladstone State Emergency Services Unit to the construction of the proposed Kempsey State Emergency Services (SES) Headquarters Building.



2006. 588

**RESOLVED:**

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

- 1 That the amount of \$60,000 for the Gladstone SES unit be re-allocated to the new Kempsey SES Headquarters building.
- 2 That new tenders be called for the construction of the SES Headquarters building.

## DIRECTOR CORPORATE SERVICES REPORT

<b>DCS1</b>	<b>STATEMENT OF BANK BALANCES AS AT 31<sup>st</sup> AUGUST 2006</b> <b>FILE: 454 APC</b>
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**SUMMARY:**

Reporting on the Statement of Bank Balances as at 31<sup>st</sup> August 2006.



2006. 589

**RESOLVED:**

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

That the information be noted.

<b>DCS2</b>	<b>STATEMENT OF INVESTMENTS AS AT 31<sup>st</sup> AUGUST 2006</b> <b>FILE: 303 APC</b>
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**SUMMARY:**

Reporting on the Statement of Investments as at 31<sup>st</sup> August 2006.



2006. 590 **RESOLVED:**

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

That the information be noted.

<b>DCS3</b>	<b>REVIEW OF COMMITTEE EFFECTIVENESS</b>
<b>FILE: 470</b>	<b>PJH (NRN) {Folio No. 329783}</b>

**SUMMARY:**

Reporting on the twelve (12) monthly review of the effectiveness of Council's committees.



2006. 591 **RESOLVED:**

*Moved: Cl. Sowter  
Seconded: Cl. Walker*

That the information be noted.

<b>DCS4</b>	<b>VANDALISM COST TO COUNCIL</b>
<b>FILE: 657</b>	<b>KRW (NRN) {Folio No. 329785}</b>

**SUMMARY:**

Reporting on the ongoing cost to Council incurred from acts of vandalism to Councils property and facilities.



**Director Corporate Services recommendation:**

1. That the solutions as listed in this report be investigated as to their affordability, and effectiveness in reducing acts of vandalism.
2. That the advertising of the reward for information leading to a conviction be placed more frequently in local media.

2006. 592 **RESOLVED:**

*Moved: Cl. McWilliam  
Seconded: Cl. Howell*

- 1 That the solutions as listed in this report be investigated as to their affordability, and effectiveness in reducing acts of vandalism.
- 2 That the advertising of the reward for information leading to a conviction be placed more frequently in local media.
- 3 That letters regarding the costs of vandalism in the Shire be sent to the Minister for Police, the Attorney General and the Minister for Juvenile Justice.

**DCS5                      AFFIXING OF COUNCIL'S SEAL – SECTION 88E  
 INSTRUMENT COUNCIL V MOBBS  
 FILE: T6-05-182 PJH (NRN) {Folio No. 329789}**

**SUMMARY:**

Reporting on the need to affix Council's seal to a section 88E instrument.



2006. 593

**RESOLVED:**

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

That Council's seal to be affixed to the section 88E instrument imposing a restriction on the use of the land at Lot 151 DP752417 at Grass Tree Road, South Kempsey.

**DCS6                      RECLASSIFICATION OF COUNCIL LAND AT 29-  
 33 ELBOW STREET, WEST KEMPSEY  
 FILE: LA944 COPY LA945 PJH  
 {Folio No. 329793}**

**SUMMARY:**

Reporting on the need to formally resolve to re-classify land at Elbow Street, West Kempsey, following advertising of Council's intention to re-classify this land from operational land to community land.



2006. 594

**RESOLVED:**

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

1. That Council re-classify Lots 1 and 2, Section 6 DP102403, Elbow Street, West Kempsey, from operational land to community land.

2. That the persons who forwarded a submission be advised of Council's decision and thanked for their input.

<b>DCS7</b>	<b>COUNCILLORS REQUESTS FOR ACCESS TO RECORDS</b>
<b>FILE: 367</b>	<b>PJH (NRN) {Folio No. 329797}</b>

**SUMMARY:**

Reporting on requests by Councillors for access to records for the three (3) month period, from 1<sup>st</sup> May to 31st July 2006.



2006. 595

**RESOLVED:**

*Moved: Cl. Howell  
Seconded: Cl. McWilliam*

That the information be noted.

<b>DCS8</b>	<b>CONFERENCES AND SEMINARS</b>
<b>FILE: 117</b>	<b>PJH (NRN) {Folio No. 329801}</b>

**SUMMARY:**

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



2006. 596

**RESOLVED:**

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

That the information be noted.

<b>DCS9</b>	<b>AIR CONDITIONING UNITS IN CHAMBERS AND COMMITTEE ROOM</b>
<b>FILE: 398</b>	<b>KRW (NRN) {Folio No. 329803}</b>

**SUMMARY:**

Reporting on the need to repair or replace the air conditioner units in the Council Chambers.



**Director Corporate Services recommendation:**

1. That repair/upgrade to the Council Chambers air-conditioning units be undertaken immediately and be funded by reallocation of \$5,000 listed for Civic Centre external painting and re-allocation of \$5,000 listed for Civic Centre fax machine.
2. That \$5,000 for external painting of the Civic Centre be listed for consideration in the 2007-2008 draft budget.
3. That full replacement of the air-conditioning units in the Council Chambers be listed for consideration in the 2009-2010 budget.

**MOVED:**

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

That the Director Corporate Services recommendation be adopted.

An Amendment was MOVED:

*Moved: Cl. Sowter  
Seconded: Cl. Walker*

That this item be deferred to the September 19 Extra-ordinary Council meeting for consideration of using loan funds for the replacement costs.

2006. 597 The AMENDMENT was PUT to the MEETING and was CARRIED became the MOTION and was CARRIED.

<b>DCS10</b>	<b>2006 STATEWIDE MUTUAL RISK MANAGEMENT CONFERENCE FILE: 388 PJH (NRN) {Folio No. 329805}</b>
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**SUMMARY:**

Reporting on the 2006 Statewide Risk Management Conference held in Sydney on 24<sup>th</sup> August 2006.



2006. 598 **RESOLVED:**

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

That the information be noted.

<b>DCS11</b>	<b>POLICY – PAYMENT OF EXPENSES AND</b>
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**PROVISION OF FACILITIES TO THE MAYOR  
AND COUNCILLORS**

**FILE: 276 PJH (NRN) {Folio No. 329807}**

**SUMMARY:**

Reporting on the review of Council's Policy on Payment of Expenses and Provision of Facilities to the Mayor and Councillors.



**Director Corporate Services Recommendation:**

1. That Council give 28 days public notice of its intention to adopt its existing Policy "Payment of Expenses and Provision of Facilities to the Mayor and Councillors", and submissions thereon be invited.
2. That the Policy be reviewed upon receipt of the guidelines from the Department of Local Government.

2006. 599

**RESOLVED:**

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

That this matter be deferred to the October Council meeting

**DCS12 HOLIDAY PARKS SIX MONTHLY REPORT**

**FILE: 120 SJR (NRN) {Folio No. 329811}**

**SUMMARY:**

Reporting on 4 Shore Holiday Parks operations over the past six months.



2006. 600

**RESOLVED:**

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

That the information be noted.

**DCS13 SALEYARD SIX MONTHLY REPORT**

**FILE: 255 SJR (NRN) {Folio No. 329817}**

**SUMMARY:**

Reporting on Saleyard operations over the past six months.



**Director Corporate Services recommendation:**

**That the information be noted.**

2006. 601

**RESOLVED:**

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

**That the information be noted and Council inspect the Saleyards at a future Works Inspection.**

<b>DCS14</b>	<b>KEMPSEY AIRPORT SIX MONTHLY REPORT</b>
<b>FILE: 183</b>	<b>SJR (NRN) {Folio No. 329820}</b>

**SUMMARY:**

Reporting on airport activities over the preceding six months



**Director Corporate Services recommendation:**

**That the information be noted.**

2006. 602

**RESOLVED:**

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

1. **That the information be noted.**
2. **That council write to Big Sky Express seeking a response within 14 days as to whether a RPT service is to be provided to Kempsey Airport.**

<b>DCS15</b>	<b>LOANS – HAT HEAD HOLIDAY PARK</b>
<b>FILE: 314</b>	<b>SJR COPY APC {Folio No. 329826}</b>

**SUMMARY:**

Reporting on an offer of loan funds from the Caravan Park Levy Committee.



2006. 603

**RESOLVED:**

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

1. That Council accept the Minister for Lands offer of loan funding from the Caravan Park Levy Committee of \$135,000 over 7 years at an interest rate of 3.5% pa.
2. That Council authorise the affixing of the Seal to any documents relating to the raising of the above loans from the Caravan Park Levy Committee

<b>DCS16</b>	<b>FLEET MANAGEMENT ANNUAL REVIEW REPORT</b>
<b>FILE: 468</b>	<b>CAD (NRN) {Folio No. 329829}</b>

**SUMMARY:**

Reporting on the 6 monthly review of the Kempsey Fleet Management Business Plan for the year ending June 30th 2006.



2006. 604

**RESOLVED:**

*Moved: Cl. McWilliam  
Seconded: Cl. Walker*

1. That the information be noted.
2. That this report be further considered at the Extra-Ordinary meeting scheduled to be held on 19<sup>th</sup> September 2006.

<b>DCS17</b>	<b>FLEET MANAGEMENT</b>
<b>FILE: 151</b>	<b>CAD (NRN) {Folio No. 329830}</b>

**SUMMARY:**

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



2006. 605

**RESOLVED:**

*Moved: Cl. McWilliam  
Seconded: Cl. Saul*

That the information be noted.

<b>DCS18</b>	<b>IPWEA PLANT &amp; VEHICLE MANAGEMENT SEMINAR</b>
<b>FILE: 87</b>	<b>CAD (NRN) {Folio No. 329834}</b>

**SUMMARY:**

Reporting on attendance at the IPWEA Plant & Vehicle Management System Plus Seminar.



2006. 606

**RESOLVED:**

*Moved: Cl. Howell  
Seconded: Cl. McWilliam*

That the information be noted.

<b>DCS19</b>	<b>PROMOTING BETTER PRACTICE – ACTION PLAN REVIEW OF PROGRESS FILE: 458 GBS {Folio No. 329837}</b>
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**SUMMARY:**

Reporting on the progress towards implementation of the Action Plan arising from the Department of Local Government Promoting Better Practice Report.



2006. 607

**RESOLVED:**

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

1. That the information be noted.
2. That a copy of this report, including the appendix, be forwarded to the Department of Local Government.

## **GENERAL MANAGER'S REPORT**

<b>GM1</b>	<b>OUTSTANDING REPORTS / RESOLUTIONS FILE: 149 AVB (NRN) {Folio No. 329846}</b>
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**SUMMARY:**

Council's report on outstanding reports and resolutions.



2006. 608

**RESOLVED:**

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

That the information be noted.

**GM2           WORKS PROGRAM**  
**FILE: 153   AVB (NRN)   {Folio No. 329871}**

**SUMMARY:**

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



2006. 609

**RESOLVED:**

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

That the information be noted.

**GM3           LOCAL TRAVEL AGENT**  
**FILE: 328   AVB (NRN)   {Folio No. 329875}**

**SUMMARY:**

To advise Council of airline ticket booking arrangements.



**General Manager's recommendation:**

That the information be noted.

2006. 610

**RESOLVED:**

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

1. That the information be noted.
2. That councillors declare any frequent flyer points accrued while on council business in their annual disclosure returns.

**GM4           EFFICIENCIES AND SAVINGS**  
**FILE: 584   AVB (NRN)   {Folio No. 329879}**

**SUMMARY:**

To outline the efficiencies introduced during the 2005/06 year.



**General Manager's recommendation:**

That the information be noted.

2006. 611

**RESOLVED:**

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

That this matter be deferred to the 19<sup>th</sup> September Extra-ordinary meeting.

<b>GM5</b>	<b>FOCUS GROUPS – RES</b>
<b>File: 727</b>	<b>AVB (NRN) {Folio No. 329893}</b>

**SUMMARY:**

The Draft Focus Group strategy was placed on exhibition from 1-29 August 2006. One submission was received on the strategy. This submission suggested that if there were not enough people listed on the Central Consultation Register with a suitable area of interest for a inclusion in a particular focus group then Council should advertise for more participants who are interested in the topic to join the focus group. This submission also suggested the inclusion of briefing time for the facilitator.



2006. 612

**RESOLVED:**

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

That the Focus Group Implementation Model be adopted by Council.

<b>GM6</b>	<b>ORGANISATIONAL RESTUCTURE</b>
<b>FILE: 924</b>	<b>AVB {Folio No. 329907}</b>

**SUMMARY:**

To present to Council some changes to the Organisational Structure.



2006. 613

**RESOLVED:**

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

1. That Council note the proposed changes.
2. That the Department of Local Government be advised that Council is unable to allocate resources to a contracts Management role at this time.

**GM7**

**PURCHASE OF LOT 1, ELRINGTON LANE  
FILE: LA3623 AVB (NRN) {Folio No. 329908}**

**SUMMARY:**

To advise Council that agreement has been reached in the sale price of Lot 1, Elrington Lane.



**General Manager's recommendation:**

That the information be noted.

2006. 614

**RESOLVED:**

*Moved: Cl. Sowter  
Seconded: Cl. Walker*

1. That the information be noted.
2. The net funds from the sale, less the funds used for reimbursement of residents footpath contributions, be placed in a road works reserve.

**LOCAL TRAFFIC COMMITTEE**

2006. 615

**RESOLVED:**

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

That the report of the Local Traffic Committee meeting of the 29<sup>th</sup> August 2006 be received.



**QUESTIONS WITHOUT NOTICE**

**COUNCILLOR WALKER**

**Q1**

**FILE: \***

Is there a DA approval for Brady's mound at Belmore River as more work has occurred.

**Responsible Officer**

**RBP**

The Director Sustainable Development Services will investigate.

**Q2**

**FILE: \***

Can action be taken regarding the number of sulo bin posts in the Kempsey CBD that do not have bins?

**Responsible Officer**

**APV**

The Director Shire Services will investigate.

---

**Q3** **FILE: \***

Can action be taken regarding the potholes following the recent rain particularly in Belgrave St near the Clyde St Mall.

**Responsible Officer** **APV**

The Director Shire Services will investigate.

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**COUNCILLOR SOWTER**

**Q1**

Can the School Bus Stop at Croads Lane and Summer Island Rd intersection be investigated in regard to safety.

**Responsible Officer** **APV**

The Director Shire Services will investigate.

---

**Q2** **FILE: \***

What is the situation with upgrade of Quarry Road using contributions available?

**Responsible Officer** **RBP**

Council's compliance officer will be undertaking an audit to see what contributions are due.

---

**Q3** **FILE: \***

Council's Compliance Officer has recently inspected flood mounds in the Bellimbopinni area. Does a letter go to the land owners following such inspections?

**Responsible Officer** **RBP**

Director Sustainable Development Services will investigate.

---

**COUNCILLOR SAUL**

**Q1** **FILE: \***

Can the Director please Investigate Smithtown Medical Centre regarding surface water not draining and hindering access to the premises.

**Responsible Officer** **APV**

The Director Shire Services advised that some work was recently undertaken but cannot be finished until we have dry weather.

---

**COUNCILLOR MCWILLIAM**

**Q1** **FILE: \***

Can work be undertaken to clear long grass that is affecting sight distance at Suez Road?

**Responsible Officer** **APV**

The Director Shire Services will investigate.

---

**Q2** **FILE: \***

Mrs Akhurst wished to thank the Director Shire Services and his staff for the work undertaken by Council to a Telstra pit in Phillip Drive, SWR.

**Responsible Officer** **APV**

The Director Shire Services will pass this onto the appropriate staff.

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**Q3** **FILE: \***

Can it be determined how much income is received from Tourist Brochures being displayed at SWR.

**Responsible Officer** **APV**

Director Shire Services will investigate.

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**COUNCILLOR GRIBBIN**

**Q1** **FILE: \***

Did council give permission for contractors to demolish the out buildings at the Old School House site at Gregory Street, South West Rocks?

**Responsible Officer** **RBP**

The Director Sustainable Development Services will investigate.

---

**COUNCILLOR BOWELL**

**Q1** **FILE: \***

What is the present position with the Lands Grant for crown reserves on the coast and the grant offered to Clan Tracks for the development of a conservation plan for Aboriginal Heritage at Goolawah Reserve?

**Responsible Officer** **APV**

The Director Shire Services advised that he understands that the funding for Clan Tracks does not come to Council and he will follow up this matter.

---

**Q2** **FILE: \***

Has the Shires Association of NSW offered assistance to Council to undertake a post analysis of the unsuccessful application for a general rate increase?

**Responsible Officer** **AVB**

No offer has been received and this will be followed up.

---

**Q3** **FILE: \***

What is the present position with the Kempsey Flood Study?

**Responsible Officer** **APV**

The consultant for Council has made a presentation to the last Flood Risk Management Committee.

---

**COUNCILLOR GREEN**

**Q1** **FILE: \***

Is the proposed buy out at Coles by an overseas firm likely to have an impact on the development?

**Responsible Officer** **RBP**

The Director Sustainable Development Services advised this should not affect the proposed development.

---

**Q2** **FILE: \***

Did the South West Rocks school house developers have approval to clear the block?

**Responsible Officer** **RBP**

The Director Sustainable Development Services will provide more information on this in the confidential session of this meeting.

---

**Q3** **FILE: \***

What can be done to prevent pre emptive clearing of vegetation prior to Das being presented?

**Responsible Officer** **RBP**

The Director Sustainable Development Services is looking at a review of the Tree Preservation Order.



**MOTION FOR CONFIDENTIAL COMMITTEE**

2006. 616

**RESOLVED:**

*Moved: Cl. Bowell*

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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

<b>DSDS1</b>	<b>COMMUNITY BASED HERITAGE STUDY</b>
	<b>FILE: 138 RBP (NRN) {Folio No. 330146}</b>

This item DSDS1 was moved into open Council and dealt with earlier in the meeting just after item DSDS8.

## DIRECTOR SHIRE SERVICES CONFIDENTIAL REPORT

<b>DSS1 CONF.</b>	<b>JERSEYVILLE AND GREENHILLS LPGP SEWERAGE SYSTEMS</b>
	<b>FILE: 874 &amp; 875 SLM {Folio No. 329914}</b>

### REASON 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 the tenders received for the installation of the low pressure grinder pump sewerage system for Jerseyville and Greenhills.



2006. 617

**RECOMMENDED:**

*Moved: Cl. Howell  
Seconded: Cl. McWilliam*

- 1 That the tender in the amount of \$294,826.93 from NorthPipe Constructions Pty Ltd be accepted for the installation of a low pressure grinder pump sewerage system at Jerseyville.
- 2 That the tender in the amount of \$303,514.30 from NorthPipe Constructions Pty Ltd be accepted for the installation of a low pressure grinder pump sewerage system at Greenhills.
- 3 That \$185,650 be transferred from the Greenhills sewerage construction project to the Jerseyville construction project.

<b>DSS2</b>	<b>FLOODWAY CLEARANCE PROGRAM</b>
<b>CONF.</b>	<b>FILE: FM 500, COPY LA 2638 APV</b>
	<b>{Folio No. 329917}</b>

**REASON 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 a property offered for sale in the Kempsey Floodway under the Floodway Clearance Program.

◆◆◆◆◆

2006. 618

**RECOMMENDED:**

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

- 1 That the property at 5 Regent Street be purchased for the amount of \$145,000.
- 2 That Council's seal be affixed to the necessary documents relating to the purchase of the property at 5 Regent Street.
- 3 That expressions of interest be invited for the removal of the house and improvements at 5 Regent Street.

# GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	LEGAL MATTERS
CONF.	FILE: 155 AVB (NRN) {Folio No. 329922}

## 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. 619

### **RECOMMENDED:**

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

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. 620

### **RESOLVED:**

*Moved: Cl. Howell  
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 4.16 p.m.

