



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 12th December 2006 commencing at 9.03am.

PRESENT:

Councillors E A Green, (Mayor and Chairman), J H Bowell, J A C Hayes, J C Gribbin, T L Hunt, R H McWilliam, 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; Manager Administration, P J Hanrahan; and Minute Taker D M Pearson.

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OPENING PRAYER

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

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DECLARATIONS OF INTEREST

Councillor Hunt declared an interest in item DSS9 – Kempsey Macleay RSL Club Road Reserve Closure for the reason that he is a member of the Kempsey Macleay RSL Club and a member of the Kempsey RSL Sub-Branch.

Councillor Hunt declared an interest in the item GM4 – Works Program for the reason that works are being undertaken on Armidale Road adjacent to his residence.

Councillor Walker declared an interest in item DCCS10 – Appointment of Solicitors for the reason that he has been a client of two of the solicitors mentioned in the report.

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CONSIDERATION OF CONFIDENTIAL REPORT

2006. 760

RESOLVED:

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

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

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**MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL
DATED 14TH NOVEMBER 2006**

2006. 761 RESOLVED: *Moved: Cl. Bowell
Seconded: Cl. Walker*

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 14th November 2006, be confirmed subject to the wording of the declarations of interest by Councillor Gribbin in relation to items RM1 and DCCS7 to be amended to:-

"Councillor Gribbin declared an interest in items RM1 and DCCS7 for the reason that he was advised by the Mayor and the General Manager that he should declare an interest and leave the chambers for these items as his wife is secretary of the SWR Heritage Committee and he would have a conflict of interest".

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**MINUTES OF THE WORKS INSPECTION COMMITTEE MEETING OF
KEMPSEY SHIRE COUNCIL DATED 6TH DECEMBER 2006**

2006. 762 RESOLVED: *Moved: Cl. McWilliam
Seconded: Cl. Saul*

That the Minutes of the Works Inspection Committee Meeting of Kempsey Shire Council dated 6th December 2006 be confirmed.

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PUBLIC FORUM

2006. 763 RESOLVED: *Moved: Cl. Walker
Seconded: Cl. Gribbin*

That as one of the PUBLIC FORUM speakers, Mr Doug Thompson, is on route from Sydney that he be permitted to speak when he arrives after the morning tea adjournment.

- 1 - Ms Pat Wheeldon addressed Council regarding NOM4 - Fluoridation.
- 2 - Mr Alan McDonald addressed Council regarding DSDS2 – Proposed Rural Workers Dwelling, Gowings Hill Road, Dondingalong.
- 3 - Ms Margaret Campbell addressed Council regarding item DSS6 – John "Yakka" Watson Reserve, Smithtown.

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CONSIDERATION OF LATE REPORTS

2006. 764 **RESOLVED:** *Moved: Cl. Howell*
Seconded: Cl. Saul

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

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CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports NOM4, DSDS2, DSS6 and DSDS5.

2006. 765 **RESOLVED:** *Moved: Cl. Hunt*
Seconded: Cl. Howell

That items dealt with in PUBLIC FORUM be brought forward and dealt with immediately and item DSDS5 be dealt with following the public forum address by Mr Thompson later in the meeting.

2006. 766 **RESOLVED:** *Moved: Cl. Hunt*
Seconded: Cl. Howell

That items NOM4 and DSS2 be dealt with in conjunction.

NOM4	FLUORIDATION	
	FILE: 240 APV	{Folio No. 337627}

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

That Kempsey Shire Council inform the Parliamentary Secretary for Health that this Shire will not be implementing the fluoridation of its drinking water and request reversal of the Gazettal to fluoridate.

An AMENDMENT was MOVED: *Moved: Cl. Howell*
Seconded: Cl. Hunt

That Kempsey Shire Council inform the Parliamentary Secretary for Health that this Shire request reversal of the Gazettal to fluoridate due to the increased costs to be imposed on the community of \$110,000 per annum at current costs.

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

An AMENDMENT was MOVED: *Moved: Cl. McWilliam*
Seconded: Cl. Hayes

1. That Council advise the Parliamentary Secretary for Health that Kempsey Shire Council accepts the water supply will be fluoridated but strongly objects to the Government's cost shifting exercise where \$110,000 per annum at current cost will be imposed on the community.

2. That the Parliamentary Secretary for Health be requested to urgently review the cost shifting exercise.

The AMENDMENT was PUT to the MEETING and was LOST.

2006. 767

The MOTION was PUT to the MEETING and was CARRIED.

DSS2	FLUORIDATION	{Folio No. 337661}
	FILE: 240 EU (NRN)	

SUMMARY:

Reporting on the reply from the Minister for Health regarding Council's request for ongoing funding for the operational costs associated with future fluoridation within the Kempsey Shire.

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2006. 768

RESOLVED:

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

That the information be noted.

DSDS2	PROPOSED RURAL WORKERS DWELLING - LOT1 DP1067268	
	No 1026 GOWINGS HILL ROAD, DONGDINGALONG	
	FILE: T6-06-422 TJN	{Folio No. 337653}

SUMMARY:

Reporting that Council has received an application to erect a rural workers dwelling that is contrary to the Kempsey Local Environmental 1987.

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Director Sustainable Development Service's Recommendation:

- A. That the applicant be invited to amend the application to provide for a second dwelling within 5 metres and attached to the primary residence and with a floor area of no greater than 90m² in accordance with Clause 31 of the KLEP 1987.
- B. That in the event the applicant does not wish to pursue a dual occupancy development, that they be invited to withdraw the application.
- C. That in the event neither option A or B is accepted within fourteen (14) days of notice being given that the proposal be refused for the following reasons.
 1. The proposal is contrary to Clause 17(4) of Kempsey Local Environmental Plan 1987.

2. The applicant has not demonstrated that the needs of the existing agriculture genuinely require a rural worker reside on site.
3. Approval of the application would create an undesirable precedent for similar proposals within Kempsey Shire Council.

MOVED:

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

That the Director Sustainable Development Service's Recommendation be adopted.

An Amendment was MOVED:

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

That a report be prepared for the January Meeting outlining consent conditions that would be imposed with an approval of the application.

The AMENDMENT was PUT to the MEETING and was LOST.

2006. 769 The MOTION was PUT to the MEETING and was CARRIED.

2006. 770 RESOLVED:

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

That the following item DSS6 and DSS7 be dealt with in conjunction.

DSS6	JOHN 'YAKKA' WATSON RESERVE FILE: 447 CC:LA7216 JM CC:APC {Folio No. 337668}
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SUMMARY:

Reporting on proposals for the development of the John 'Yakka' Watson Reserve on Crown Reserve 72371.

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Director Shire Service's Recommendation:

1. That \$25,000 be reallocated from Gladstone Tennis Courts and Field Development project to the development of Crown Reserve 72371.
2. That the first option for the removal and relocation of the Smithtown Tennis Clubhouse building be given to the Hat Head Dune Care Group subject to that group obtaining the necessary approvals for this proposal.

2006. 771 RESOLVED:

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

1. That \$25,000 be reallocated from Gladstone Tennis Courts and Field Development project to the development of Crown Reserve 72371 for a unisex amenities block and ancillary landscaping works.

2. That the first option for the removal and relocation of the Smithtown Tennis Clubhouse building be given to the Hat Head Dune Care Group subject to that group obtaining the necessary approvals for this proposal.
3. That the community group be congratulated on their initiative.

DSS7	HAT HEAD DUNE CARE: LEASE OF LAND
FILE: LA21483 GTS	{Folio No. 337669}

SUMMARY:

Reporting on Hat Head Community Dune Care Group's request for the use of a small part of Council's land at the Hat Head Sewage Treatment Works Dunal Effluent Disposal Site (Lot 1 DP1028231).

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2006. 772

RESOLVED:

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

That a portion of Lot 1 DP 1028231 be made available for use by the Hat Head Community Dune Care Group by way of a formal lease agreement.

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ADOPTION OF AGENDA ORDER OF BUSINESS

2006. 773

RESOLVED:

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

That reports NOM2 and GM3 be dealt with in conjunction.

That reports NOM5 and DCCS16 be dealt with in conjunction.

That the remaining Agenda Order of Business be adopted.

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MAYORAL REPORT - SUPPLEMENTARY

MM1	KEMPSEY SHOWGROUND
SUPP.	FILE: LA2942 EAG {Folio No. 337952}

SUMMARY:

Reporting on discussions with the Minister for Lands, Mr Tony Kelly, MP, regarding Kempsey Showground.

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Mayoral Recommendation:

That the above actions be implemented with a report back to Council for the April 2007 meeting before any decision is made.

MOVED:

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

That the Mayoral Recommendation be adopted.

An AMENDMENT was MOVED:

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

That a copy of this report be forwarded to the Kempsey Showground Trust and Council offer support to the implementation of the actions identified in the report.

The AMENDMENT was PUT to the MEETING and was LOST.

2006. 774

The MOTION was PUT to the MEETING and was CARRIED.

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PRESENTATIONS

At 10.22am the following Certificates of Merit were presented by the Mayor: -

Craig Fisher – Baseball

Kerri Fuller – Baseball (accepted by Lyn McMillan)

Emily Clarke – Soccer

Michael Quinn – Hockey (accepted by Maizy Quinn)

Leith Brodie – Swimming (accepted by Mr Brodie)

Employee Mark Hamilton accepted the runner-up award for Horseshoe Bay, South West Rocks in the NSW Clean Beach challenge on behalf of the SWR Civic Maintenance Team.

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At this stage 10.30am the Meeting adjourned for Morning Tea and upon resumption at 10.55am all present at the adjournment were in attendance.

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PUBLIC FORUM

At 10.56am PUBLIC FORUM speaker Mr Doug Thompson addressed Council regarding item DSDS5.

SUMMARY:

Reporting that Council has received an application for a proposed 130 bed Aged Care Facility, two (2) bedroom staff residence and associated works at Macleay St Frederickton for which an objection has been received.

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Director Sustainable Development Service's Recommendation:

A. That consent be granted subject to the following conditions:

1. Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including plans prepared by (Machon Paull Consultancy Architects for Thompson Health Care 28 June 2006); Machon Paull Consultancy DA-12E, DA-01G, DA-14 amendment 20 September 2006 except as modified by any condition in this consent.

Notes:

- Any alteration to the drawings and / or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under sec 96 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be carried out without the prior approval of Council.
 - Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of the inconsistency.
2. This consent relates to and permits construction of Stage 1 only. Stage 2 is displayed on the approved plans in concept form only and shall be subject to a separate Development Application.
 3. This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.
 4. A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.

5. 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.
6. Prior to any civil works commencing onsite, the applicant is to advise Council in writing of the following:
 - i Supervision is to be undertaken in accordance with the attached schedule "*Construction Guidelines*" - Section 4.2.3 Part 3.
 - ii The identity and qualification of the nominated contractor and / or sub-contractors to undertake the civil works associated with the subdivision / development.
 - iii A copy of the nominated contractor and/or sub-contractor's Certificate of Currency for Public Liability Insurance cover shall be forwarded to Council. The public liability cover shall be equal to but not less than \$10 million dollars and indemnify Kempsey Shire Council against loss.
 - iv Roadbase gravel to be used onsite shall conform to ARRB Report No 41, Section 5. A written report is to be forwarded to Council from a registered Geotechnical Engineer certifying that the roadbase material is suitable for the intended use prior to utilising onsite.
7. The residential care facility is not to be occupied prior to the issue of an Occupation / Interim Occupation Certificate by Council or an accredited certifier.

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.
8. The ancillary staff duplex is not to be occupied prior to the issue of an Occupation / Interim Occupation Certificate by Council or an accredited certifier.

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.
9. 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.
10. Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
- i Installing a temporary structure on land.
 - ii Carrying out water supply work.
 - iii Drawing water from a Council water supply or a standpipe or selling water so drawn.
 - iv Installing, altering, disconnecting or removing a meter connected to a service pipe.
 - v Carrying out sewerage work.
 - vi Carrying out stormwater drainage work.
 - vii Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
11. 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.
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 / fence is to be provided to the site in accordance with the assessment provided to Council.
16. Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.
17. A builder's toilet connected directly to the sewer is required on site throughout the entire building operation.
18. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

19. All loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property.
20. Building materials are not to be stored within the road reserve or any other public place.
21. Excavated material from the site is not to be placed within the road reserve or any other public place.

Engineering

Filling

Prior to Construction

22. Submission of a Geotechnical Engineering Specification to accompany the plans for the required Construction Certificate for the proposed excavation prepared by a N.A.T.A Registered Geotechnical Engineering Company and

or person(s), as it affects this development and shall include but not be limited to the following:-

- (i) Identify the extent of the proposed excavation with schedule of quantities;
- (ii) Geological / Geotechnical Analysis of the proposed excavated material to determine its suitability as a fill material for this stage and Stage 2 of the development. Filling is to be of sound clean material, reasonable standard and free from large rock, stumps, organic matter and other debris.
- (iii) Submission of a Slope Stability Assessment
- (iv) Method of Managing the excess excavated material onsite in the interim period between stages;
- (v) Method of disposing of any unsuitable soil material excavated from within the site;
- (vi) Specify monitoring and testing regime for the placement of the fill in this stage of the development in accordance with AS 3798-1996 including any quality assurance provisions and having consideration to the contents of the Coffee Geotechnical Assessment.
- (vii) Specify all temporary and permanent drainage including subsoil and surface drainage.
- (vii) How this specification relates to the requirements of the Soil and Water Management Plan.
- (viii) The applicant is to provide written confirmation that the Acid Sulfate Soil Management Plan contained in the statement of Environmental Effects was prepared in consultation with the NSW Department of Natural Resources.
- (ix) Any other matters.

This Specification is to be certified by a Qualified and Practising Geotechnical Engineer who is to confirm that if the earthworks are undertaken in accordance with the approved specification then the earthworks will be suitable for the intended purpose.

- 23. If an excess of earth will result, details of the means of disposing of all material are to be provided. Depending on the amount of any excess, Council may require lodgement of a cash bond to cover the cost of any damage to Council's road system caused by haulage.
- 24. A Soil and Water Management Plan incorporating a Site Inspection and Maintenance Program with associated Engineering Details and Plans is to be prepared by a

suitably qualified person who is currently working in this field in accordance with the Landcom Publication Soils and Construction Volume 1, 4 Edition 2004. This Soil and Water Management Plan is to be submitted to the Department of Natural Services for approval prior to the issue of the Subdivision Certificate.

25. Retaining walls and or other approved methods necessary to prevent the movement of excavated or fill ground, together with associated stormwater drainage measures is to be designed by an appropriately qualified person. Details are to be included with the plans and specifications to accompany any Construction Certificate.

During Construction

26. The applicant's Supervising Engineer is to have available onsite at all times a copy of the Geotechnical Engineering specification for the supply and placement of fill materials and associated engineering plans together with current monitoring and test results.
27. All areas where filling has been placed is to be dressed with clean arable topsoil, fertilized and sown with suitable grasses and landscaped. Top soil is to be spread to a depth of not less than 100 mm.

After Construction

28. Submission of a Certificate from your Geotechnical Engineer(including all supporting documentation) prior to issue of the final Occupation Certificate Certifying that the fill materials have been placed in accordance with the Geotechnical Engineering Specification, is fit for the intended use.
29. The applicant is to Submit a Work as Executed Plan to Council showing the final site levels after the cut of the site and filling for the noise barriers is completed for this stage of the development, prior to the issue of the Occupation Certificate.

Stormwater Drainage

Prior to Construction

30. A Constructed Wetlands Design prepared by an appropriately qualified person in strict compliance with the current publication The Constructed Wetlands Manual published by the Department of Land and Water Conservation(now the Department of Natural Resources) and incorporating a Plan of Management for the Operation, Maintenance and repair of the two proposed wetland basins identified in plan HS001 DA "E" shall be submitted to and approved by Council prior to the release of the construction certificate.

Further a Quantitative Assessment is to be prepared by an appropriately qualified person in conjunction with the Constructed Wetlands Design in order to determine Goals for the reduction of nutrients from this site.

The off line Wetlands system is not to be fully operational until this stage of the development is complete.

The applicant is to apply under Part 3A of the Rivers and Foreshores Act 1948 as amended for a permit to excavate the two proposed wetland basins and associated structures shown on plan HS001 DA "E" and obtain a permit for this work from the NSW Department of Natural resources prior to the issue of the Construction Certificate.

All Engineering Plans and details associated with the constructed wetlands design is to be certified by the appropriately qualified person as complying with the Constructed Wetlands Manual and once constructed will perform as designed.

31. All stormwater drainage from this site shall be designed to satisfactorily drain rainfall intensities for an average recurrence interval of 10 years and meet the following criteria:
 - i) Is to comply with Specification D5 Stormwater Drainage Design of Councils Development Control Plan No. 36 Engineering Guidelines for Subdivision and Development;
 - ii) Ensure that this proposed development either during construction and or upon completion does not impede and or divert natural surface water runoff outside the limits of the existing natural drainage pattern.
 - ii) Provide for a piped stormwater drainage system to discharge to the existing natural drainage lines where appropriate thence to the proposed water quality and quantity control systems and finally to the natural creek.
 - iv) Specify all temporary and permanent drainage including subsoil and surface drainage requirements.
32. The Detention Basin design is to be incorporated into the Constructed Wetlands Design by an appropriately qualified person for construction at full cost to the development. Full Engineering Plans and details are to accompany the application for Construction Certificate. The Engineering Plans and details associated with the Detention Basin design is to be certified by the appropriately qualified person as complying with the Constructed Wetlands Manual, Australian Rainfall and Runoff 1987 and

Development Control Plan No.36 and once constructed will perform accordingly.

During Construction

33. The applicant is to have in place a site Inspection and Maintenance Program for the following work prior to work commencing onsite:
 - i Constructed Wetlands; and
 - ii Soil and Water Management Plan
34. Disturbance of existing vegetation and soil on this site should be kept to the minimum practical. All drainage lines should remain undisturbed. This provision is most critical on the steeper sloping sections of the property.

All felled timber should be placed in stockpiles, located away from drainage lines.

Topsoil should be removed from all areas to be disturbed and stockpiled for later use in revegetation works. Run-off should be diverted away from disturbed areas during site development works.

After Construction

35. The applicant is to Submit Work as Executed Plans to Council for the following civil engineering works:-
 - i) The two Constructed Wetland (incorporating the detention basins and associated structures) basins have been constructed in accordance with the approved design, prior to the issue of the Occupation Certificate.
 - ii) The internal piped stormwater drainage system.
36. Submission of a Certificate from the Consultant Engineer (including all supporting documentation) prior to issue of the final Occupation Certificate certifying that the constructed wetlands has been constructed in accordance with the Construction certificate Plan and Specification Plans, and is suitable for the intended use.

Road-works and Parking

Prior to Construction

37. The plans for the required construction certificate are to include the design and construction details of new urban intersection in Macleay Street, Frederickton and include the following:
 - i) Detailed engineering plans providing for design and construction of a single cross intersection opposite

William Street and with opposed right turns in Macleay Street and including pedestrian links are to be prepared having regard for the Australian Roads Guide, Intersections at Grade Part 5 and any NSW Roads and Traffic Authority requirements. The applicant is to liaise with the NSW Roads and Traffic Authority during the preparation of the design.

- ii) The applicant is to apply separately to the NSW Roads and Traffic Authority seeking concurrence pursuant to Sections 61, 87 and 138 of the Roads Act 1993 for the Design and Construction of the new Urban Single Cross Intersection with opposed right turns in Macleay Street opposite William Street, Frederickton, prior to issue of the Construction Certificate.
 - iii) The applicant is to apply separately to the NSW Roads and Traffic Authority to obtain a Works Authority Deed (WAD) to carry out the proposed intersection upgrading work in Macleay Street prior to issue of the Construction Certificate.
 - iv) A Traffic Management Plan is to be incorporated into the detailed intersection design plans for all work to be carried out within Macleay Street (a public road) in strict compliance with the requirements contained in AS 1742.3 (Traffic Control Devices for Works on Roads).
 - v) Written evidence is to be obtained from the NSW Roads and Traffic Authority demonstrating that all the necessary liaison and approvals and consents have been obtained prior to the issue of the construction certificate.
 - vi) Preparation of a separate Soil and Erosion and Sediment Control Plan for the proposed intersection work in Macleay Street.
38. The plans for the required construction certificate are to include the design and construction details of all new internal parking areas, access-ways, turning areas, driveways and ramps and having regard for the following standards and guidelines:
- i) Council's Parking Code, AS/NZ 2890.1 Off Street car parking, AS/NZ 2890.2 Off Street Commercial vehicle facilities and Development Control Plan 36 Engineering Guidelines for Subdivision and Development before occupation of the building or commencement of the proposed land use.
 - ii) All pavement areas to be concrete paved and or bitumen sealed including the proposed access road

connecting this stage of the development to the proposed rainwater harvesting tanks.

39. Details on the method(s) to be employed by the Contractor to dispose of cleared vegetation shall be lodged with Council for approval prior to Council issuing the Construction Certificate. Council will not approve of disposal by burning off onsite.
40. Provision of a general security deposit to Kempsey Shire Council totaling \$50,000 to cover any damage sustained to public property including footway and kerb and gutter or road pavement during construction and to ensure satisfactory completion of any works on public property required in connection with this approval. The deposit is to be lodged with Council prior to the issuing of the required Construction Certificate and will be released upon submission of documentary evidence indicating that the development is complete and Final Occupation Certificate has been issued.

During Construction

41. 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.
42. Inspections for the intersection upgrading 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.

The following inspections are required: -

- (i) Council is to inspect all Telstra and Country Energy cables where they cross existing and or new Council sewer or water mains prior to the contractor back filling the trench.
- (ii) The inspections for the required civil engineering works are listed in Section 6.3 of Council's Engineering Guidelines for Subdivision and Development (DCP 36) and must be undertaken prior to the appointed contractor proceeding to the next stage of the construction.

Note: Accounts will be forwarded for inspections that are required and / or undertaken in addition to those inspections for which a pre-payment has been made.

After Construction

43. The applicant is to obtain in writing a clearance letter from the NSW Roads and Traffic Authority that all the new intersection work undertaken in Macleay Street has been carried out in accordance with the Works Authority Deed issued for this work.
44. A Work as Executed Plan is to be submitted to Kempsey Shire Council upon completion of the new intersection work located in Macleay Street, Frederickton by either a Professional Engineer or Registered Surveyor and duly certified prior to the issue of the Occupation Certificate. This plan is to be submitted in PDF format.

Road Traffic Noise

45. The applicant is to submit prior to the issue of the construction certificate an appropriately qualified Noise Engineers Certificate certifying that the proposed buildings have been designed to offset any potential impacts of noise emanating from Macleay Street (Pacific Highway) after having considered the recommendations of the VIPAC Noise Assessment, relevant Australia Standards, industry guidelines and compliance with the Building Code of Australia.

Contributions

46. Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of the Subdivision Certificate.
47. You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with:-
 - (i) Payment of a Sewerage developer charge in accordance with the Development Servicing Plan adopted by Council at the rate of \$6,300 per equivalent tenement, i.e. \$6,300 x 101 E.T = \$636,300 total for 2006 / 2007(Indexed).
 - (ii) Payment of a Water Supply developer charge in accordance with the Development Servicing Plan adopted by Council at the rate of \$7,468 per equivalent tenement, i.e. \$7,468 x 67 E.T = \$500,356 total for 2006 / 2007(Indexed).

Macleay Water

48. The proposed sewer system for the development which will discharge into Council's town system is to be completed at full cost to the applicant. Detailed plans are to be submitted

for approval prior to commencing work. The proposed Sewer System shall be designed in accordance with DCP36 and in consultation with Macleay Water. The system shall be designed to suit ultimate capacity. Discharge point for rising main to be manhole O6 on William St. Following construction the pump station and rising main will be privately owned.

49. Extension or modification of the town water supply main(s) is necessary to serve the proposed development, at full cost to the applicant. Detailed plans are to be submitted for approval prior to commencing work. The proposed shall be designed in accordance with DCP36 and in consultation with Macleay Water. The existing 100 mm diameter mains in the Macleay St Road Reserve shall be extended along the front boundary and connection will occur of this new main. Following construction the internal system will be privately owned

Department of Natural Resources

50. Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40 m from the top of the bank of the watercourse, without the prior issue of a Part 3A permit by DNR.
51. The Part 3A permit will be issued upon application to DNR comprising:
 - a. A copy of Council's development consent including all conditions of approval;
 - b. Plans and / or other documentation (2 copies) that satisfy the DNR General Terms of Approval and recommendations which are included in Council's consent conditions; and
 - c. The appropriate permit fee paid to DNR
52. Work is to be carried in accordance with drawings and any management plans required by these conditions and approved by DNR that will accompany the 3A permit.
53. Any Part 3A permit issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance provisions, have been satisfactorily completed in accordance with the permit conditions. Any application for renewal will be lodged at least 1 month prior to the permit expiry date.
54. Work shall not cause damage to, or increase erosion of, the stream bed or banks. The permit holder shall carry out any instructions given by DNR with a view to preventing degradation of the stream bed or banks.

55. Any vegetation or other material removed from the area of works shall be disposed of so that the material cannot be swept back into the stream during a flood.
56. Any stormwater outlet to the watercourse is to be designed and constructed to minimise any erosion or scour of the banks or bed of the watercourse.
57. All works proposed must be designed, constructed and operated so they do not cause erosion or sedimentation and do minimise adverse impacts on aquatic and riparian environments.
58. Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the river system. These measures are to be in accordance with Council's requirements and follow best management practices as outlined in the Landcoms "Managing Urban Stormwater: Soils and Construction" (4th Edition 2004) manual (the "Blue Book").
59. The permit holder and the owner or occupier of the land are responsible for any works undertaken by any other person or company on this site.
60. The rehabilitation of the area in accordance with the Part 3A permit conditions is the responsibility of the permit holder and the owner or occupier of the land.
61. Any Part 3A permit granted is not transferable to any other person or company without the written approval of DNR and does not authorise works at any other site.
62. Any Part 3A permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site and / or the activities proposed.
63. Work as executed survey plans of a professional standard shall be provided to DNR upon request.
64. If, in the opinion of a DNR officer, any activity is being carried out in such a manner that it may degrade the riparian zone, stream, lake or foreshore environment, all work shall cease immediately upon oral or written direction of such an officer.
65. If the permit conditions have been breached, the permit holder shall restore the site in accordance with the permit conditions and / or as directed by DNR. If any breach of the permit conditions requires a special site inspection by DNR, then the permit holder shall pay a fee prescribed by

DNR for this inspection and all subsequent breach inspections.

66. If works are to cease prior to completion DNR must be notified in writing one month in advance of the cessation of the operation.
67. A riparian zone is to be established along Christmas Creek. The riparian zone is to consist of a diverse range of native plant species as recommended in the brochure titled "Revegetating Streams in the Macleay Catchment".
68. A *Vegetation Management Plan* be prepared for the site by a person with knowledge and experience in bush regeneration and the establishment and maintenance of native vegetation. The VMP is to fully address all issues relating to the establishment and maintenance of planting within the riparian zone.
69. The area covered by the VMP must be maintained and monitored for a period of two years following final planting and primary bush regeneration works to ensure successful native vegetation establishment. Maintenance must include any watering, weed control, replacement of plant losses, disease and insect control, mulching etc, necessary for successful plant establishment.
70. Outlet structure not to protrude beyond the stream bank and to align evenly with the bank;
71. Outlet structure outlet to be located at invert level of stream and to point downstream;
72. Avoid use of concrete headwalls – pipes / culverts to rest on, and be packed in by, rip-rap;
73. Scour apron to be rip-rap and cut-off provided; flanks to be rip-rap and keyed in;
74. Scour protect the bed of the stream near the outlet if not bedrock and if scour is likely;
75. Scour protect to opposite bank as required (consider bank material and "jet" effect);
76. Calculate tractive stresses generated from outlet discharges and from bank full stream discharges to determine rock size requirements for the structure;
77. Rip-rap to consist of angular run-of-quarry durable rock placed over a bedding layer of angular cobbles over geotextile – all rock and cobbles to be packed with topsoil – gaps in rip-rap to be planted with local native sedges and rushes e.g. lomandra.

78. Rehabilitation of the stormwater outlet (or other) areas shall include planting native trees, shrubs and groundcover species local to the area. Bush regeneration works extending a minimum of 5 metres either side of the areas disturbed during construction is also required for weed control and to promote natural regeneration.

79. Test subsoils of site for their dispersiveness.

Dispersive soils require containment of all runoff from the 75th percentile, 5-day rainfall event and treatment of turbid water so that suspended solid content is less than 50mg per litre before being discharged into a receiving water.

80. Prepare a *Soil and Water Management Plan (S&WMP)* for all site works by a suitably qualified person prior to the issue of the Part 3A Permit.

81. The (S&WMP) is to be prepared in accordance with:

- a. *Managing Urban Stormwater: Soils & Construction* 4th Edition Landcom; and
- b. *Water Sensitive Urban Design Technical Guidelines* for Western Sydney May 2004

Clearly detail how works and mitigation measures are to be implemented and monitored;

82. The S&WMP is to cover all aspects of soil and water management requirements for the site that could impact on the stream and must include details of staging, monitoring, management responsibilities, maintenance and decommissioning requirements.

Roads and Traffic Authority (RTA)

83. All access to this land from the highway is to be restricted to a single point opposite William Street. All other existing accesses to the highway are to be legally and physically closed.

84. A section of the new access is to be constructed and dedicated as a public road in order to regulate traffic. This should be in accordance with an AUSTRROADS Fig.6.24 BAL treatment.

85. The existing seagull at William Street is to be removed and replaced with opposing CHR right-turn bays designed to AUSTRROADS standards.

86. The existing seagull and other superfluous road markings on the highway are to be removed by rot-milling and resealing with asphaltic concrete.

87. A pedestrian refuge is to be installed in one of the new right-turn bay medians to suit existing bus services.
88. The Pacific Highway is to be widened to provide an AUSTRROADS AUL left-turn deceleration lane.
89. A shared pedestrian / cycleway path is to be provided to connect to the new refuge and the existing network.
90. The highway frontage is to be landscaped to screen the development.
91. The development is to be designed to meet current DEC guidelines for road traffic noise and vibration.
92. All advertising is to be restricted to a single structure fronting the highway.

Planning and Environment

93. The proposed noise mound fronting the Pacific Highway as illustrated on plan DA-12E (Machon Paull Consultancy Pty Ltd amendment 20 September 2006) shall not continue over / beyond the eastern property boundary. All works shall be restricted to Lot 14 DP 1069003.
94. The recommendations given in Appendix C Coffey Geosciences (CH1566/1-AD) (2006) Acid Sulphate Soils Management Plan shall be endorsed. Prior to the release of the Construction Certificate, the Acid Sulphate Management Plan shall be refined to include and address the following features:
 - a. A schedule of the proposed acid sulphate treatment which includes any staging required for the treatment works. This schedule shall be cross referenced with a plan of the site which details areas which require treatment.
 - b. Prepare a plan for the location of treatment pads, stockpiles and other sensitive areas. During the treatment process these areas should be located away from sensitive environmental receptors such as watercourses.
 - c. During the treatment process vehicle movements shall be isolated to identified routes on the site in order to avoid unnecessary disturbance during remediation works.
 - d. A plan of the site shall clearly indicate where the acid sulphate soils containment areas will be located, illustrating the positions of containment bunds, diversion banks and ponding areas for leachate collection. Particular emphasis shall be placed on protection of the watercourses.

- e. Prepare contingency plans / measures for any disruption to works through unforeseen adverse events which may affect the remediation program. Such events may include:
 - i. Extremes in weather such as excessive wind or rain; and
 - ii. Deterioration of protection controls;
 - f. Spillage of potential acid sulphate soils outside of secured areas.
 - g. Appropriate techniques shall be used to finalise any treated acid sulphate soils. Techniques used will ensure that treated soils are appropriately contained.
 - h. A pump shall be located and maintained on site during the remediation works. Such equipment would be useful at removing excess rainwater from leachate containment areas if required in emergency situations.
95. All loading and unloading of goods is to be carried out off-street and wholly within the site.
96. A waste Management Plan shall be submitted and approved by Council prior to the release of the occupation certificate/s. This plan shall identify any strategies and / or policies directed to staff and residents to ensure a high level of Recycling occurs on site. The plan shall include but not be limited to:
- Functional attributes of waste management including but not limited to:
- i Hazardous substances – management and disposal;
 - ii Paper reuse and recycling;
 - iii Food organics and garden organics reprocessing;
 - iv Container recycling and general garbage collection;
 - v End-of-life computer reuse;
 - vi Electronic equipment e-waste recycling scheme; and
 - vii Environmentally Preferred Procurement.
 - viii Educational / training actions for staff / residents;
97. The minibus service made available through the Residential Care Facility shall be restricted to passenger pick up and set down within the premises. Pick up and set down on the Pacific Highway / Macleay St is prohibited.
98. A schedule of all external building materials and finishes shall be submitted to and approved by Council prior to the release of the construction certificate.

99. The building, constructed works and activities carried out on the site shall not cause injury to, or prejudicially affect the amenity of the locality by reason of the appearance of the buildings, works, materials or goods on the site; traffic movements, on-street parking; the emission of smell, noise, vibration, dust, waste products, oil, lights and the like.
100. The Structural Engineer's design of the buildings must be based upon a geotechnical report from a reputable soil testing engineering consultant. The structural engineer is to identify on the design plan the company and date of the geotechnical report on which the design is based.
101. Prior to the release of the construction certificate an amended landscape plan shall be provided to Council. The amended landscape plan shall incorporate locally occurring tree and shrub species within area not identified as 'courtyards' or areas immediately adjacent to the main building. This plan shall delete any reference to the following species within the planting schedule:
 - i Thornless Honey Locusts *Gleditsia triacanthos*; and
 - ii Pampass Grass *Cortaderia selloana*
102. Internal lighting shall be provided in accordance with AS/NZS 1158 as required.
103. A lighting Maintenance Policy shall be development for the development.
104. Vehicle Access routes to the Foyer / Lobby and Car parking area of the Residential Care Facility shall be clearly signposted.
105. Pedestrian footpaths located within the Macleay Street road reserve will be subject to RTA approval. Design and location plans such footpaths shall be prepared in consultation with the RTA and Council.
106. Washing of vehicles shall be conducted in a wash bay which is roofed and bunded to exclude rainwater. All waste water from vehicle washing shall be discharged to sewer under a Trade Waste Agreement. This may require the installation of a pre-treatment device. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

The means of disposal shall comply with:

- a. Council DCP 36 Guidelines for Engineering and Subdivision;
- b. EPA's Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste); and
- c. EPA's Managing Urban Stormwater: treatment technique

107. The applicant is to pay a contribution towards the embellishment of open space and ancillary facilities for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$555 per additional dwelling unit, i.e \$555 x 45.54 E.T = \$25,274.70. (Indexed 2006/2007)

A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.

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

2006. 775

RESOLVED:

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

That Director Sustainable Development Service's Recommendation be adopted subjected to condition 47 being amended to read;

47. You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with:-

- (i) Payment of a Sewerage developer charge in accordance with the Development Servicing Plan adopted by Council at the rate of \$6,300 per equivalent tenement, i.e. \$6,300 x 103.5 E.T = \$652,050 total for 2006 / 2007 (Indexed).
- (ii) Payment of a Water Supply developer charge in accordance with the Development Servicing Plan adopted by Council at the rate of \$7,468 per equivalent tenement, i.e. \$7,468 x 68.2 E.T = \$509,317 total for 2006 / 2007 (Indexed).

The Mayor noted that the forgoing resolution was passed UNANIMOUSLY.

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MM2	MAYORAL ACTIVITY REPORT FOR NOVEMBER 2006		
SUPP.	FILE: 380	EAG	{Folio No. 337954}

SUMMARY:

Reporting on the Mayoral activity report for November 2006.

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Mayoral Recommendation:

That the information be noted.

2006. 776

RESOLVED:

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

That the information be noted and that the Mayor reports on the matters discussed with the community groups and when future meetings are held that a report be provided.

NOTICE OF MOTION

NOM1	KEMPSEY HEALTH CAMPUS - CLINICAL SERVICE PLAN
FILE: 757 GBS	{Folio No. 337623}

MOVED:

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

That Mr Andrew Stoner, MP Member for Oxley, be requested to arrange a deputation including Mayor Betty Green to the Minister for Health in respect to the implementation of the Kempsey Health Campus Clinical Services Plan.

An AMENDMENT was MOVED:

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

That the Mayor Betty Green make urgent representations to the Minister for Health in respect to the implementation of the Kempsey Health Campus Clinical Services Plan.

The AMENDMENT was PUT to the MEETING and was LOST.

2006. 777

The MOTION was PUT to the MEETING and was CARRIED.

The following item NOM2 was dealt with in conjunction with report GM3.

NOM2	CORPORATE STRATEGIC PLAN AND 2007 - 2008 BUDGET
FILE: 339 AVB	{Folio No. 337625}

MOVED:

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

That an Extraordinary meeting of Council be arranged for January 2007 to consider the impacts of the Position Paper and Options Paper released by the Minister for Local Government, the Hon. Kerry Hickey MP bearing in mind the preparation of the 2007 / 2008 budget.

The MOTION was PUT to the MEETING and was LOST.

GM3	CORPORATE STRATEGIC PLAN
FILE: 339 AVB	{Folio No. 337695}

SUMMARY:

To report on progress of the public consultation in respect of the Corporate Strategic Plan.

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2006. 778 **RESOLVED:** *Moved: Cl. Howell*
Seconded: Cl. Saul

That Council appoint 2 Councillor representatives to the Strategic Plan Focus Group.

2006. 779 **RESOLVED:** *Moved: Cl. Howell*
Seconded: Cl. Saul

That Councillor representatives be the Mayor and one (1) Councillor representative with an alternate Councillor delegate.

The Mayor sought nominations for the Councillor representative and Councillors Hunt and Gribbin were nominated. An election by open voting was held with the following results:-

Councillor Gribbin – 4 votes being Councillors Howell, Gribbin, Saul and Walker.

Councillor Hunt – 5 votes being Councillors Hayes, McWilliam, Sowter, Green and Hunt.

The Mayor declared Councillor Hunt elected as the Councillor delegate to the Strategic Plan Focus Group with Councillor Gribbin the alternate representative.

At this stage Councillor Gribbin declined appointment as the alternate delegate.

The Mayor called for nominations for the one (1) alternate delegate and Councillor McWilliam was the only nomination and declared elected.

NOM3	CODE OF CONDUCT	
	FILE: 367 AVB	{Folio No. 337626}

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

That the General Manager submit a report to the January meeting of Council outlining proposed actions following the "Let's Make it Better" survey bearing in mind section 8 of the Model Code of Conduct – Relationship Between Council Officials.

The MOTION was PUT to the MEETING and was LOST.

Reporting on the attendance of Deputy Mayor Councillor John Bowell at a meeting held a Crescent Head of the "Building the Macleay" workshop by the Macleay Landcare Network held at the Wombat Conference Centre, Crescent Head on Friday 17th November 2006.

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Delegate's Recommendation:

That Council as a stakeholder supports the Macleay Landcare Network by attending future meetings.

2006. 782

RESOLVED:

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

1. That Council as a stakeholder supports the Macleay Landcare Network by attending future meetings.
2. That Councillor Hunt be Council's delegate to attend future meetings.

DR2	CLIMATE CHANGE	{Folio No. 337632}
FILE: 152	AVB	

SUMMARY:

Reporting on attendance of Deputy Mayor, Councillor John Bowell and Councillor Ellis Walker at the Mitigation and Adaptation Summit in Sydney on Monday, 27 November 2006.

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Delegate's Recommendation:

1. That Council advise the Local Government and Shires Associations of NSW of its support for a Regional Forum and that Grafton be nominated being the centre of "A" Division.
2. That Climate Change be included within the agenda of the Strategic Alliance.
3. That councils within MNCGOC be contacted with the recommendation that two Councillors be nominated to the membership of the Strategic Alliance for consideration of the important matter of Climate Change.

MOVED:

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

That the Delegate's Recommendation be adopted.

An AMENDMENT was MOVED:

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

1. That Council advise the Local Government and Shires Associations of NSW of its support for Regional Forums on climate change.
2. That Climate Change be included within the agenda of the Strategic Alliance.
3. That MIDGOC be asked to consider the appointment of two Councillors to the Strategic Alliance for consideration of the important matter of Climate Change.

2006. 783

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

DR3

PACT MEETING

FILE: 77 EAG (NRN)

{Folio No. 337633}

SUMMARY:

Reporting on the attendance of Deputy Mayor Councillor John Bowell a meeting held at Port Macquarie on Thursday, 9th November 2006.

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2006. 784

RESOLVED:

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

That the information be noted.

DR4

MID NORTH COAST WEEDS ADVISORY COMMITTEE

FILE: 373 GBS (NRN)

{Folio No. 337646}

SUMMARY:

Reporting on the Quarterly Mid North Coast Weeds Advisory Committee Meeting held at Port Macquarie on 23rd November 2006.

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2006. 785

RESOLVED:

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

That the information be noted.

DR5

**WUTUMA ABORIGINAL CULTURAL CENTRE AND
KEEPING PLACE**

FILE: 310 CC: LA18897 EAG (NRN) {Folio No. 337651}

SUMMARY:

Reporting on attendance by Councillors Dean Saul and Ellis Walker, representing the Mayor, at a forum held at the Coffs Harbour Indigenous Co-ordination Centre

on 10th November 2006 to discuss the development of the Wutuma Aboriginal Cultural Centre and Keeping Place.

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2006. 786

RESOLVED:

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

That the information be noted.

DIRECTOR SUSTAINABLE DEVELOPMENT REPORT

DSDS1	ENVIRONMENTAL LEVY ALLOCATION & NATURAL RESOURCE MANAGEMENT PROJECTS
FILE: 563 RFK (NRN)	{Folio No. 337652}

SUMMARY:

Reporting on the use of the Environmental Levy allocations to attract external funding and undertake Natural Resource Management projects and programs within the Shire.

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Director Sustainable Development Service's Recommendation:

That the information be received.

2006. 787

RESOLVED:

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

That a letter be forwarded to the Committee and Council's Mr Ron Kemsley and staff thanking them for their work undertaken in obtaining the funding detailed in the report.

DSDS2	PROPOSED RURAL WORKERS DWELLING - LOT1 DP1067268
No 1026 GOWINGS HILL ROAD, DONGDINGALONG	
FILE: T6-06-422 TJN	{Folio No. 337653}

This report DSDS2 was dealt with earlier in the Meeting just after PUBLIC FORUM.

DSDS3	REMOVAL OF DWELLING - LOT1 DP784613 & LOT1 DP947697
No.25-27 PARAGON AVENUE, SOUTH WEST ROCKS	
FILE: T6-06-504 TJN	{Folio No. 337654}

SUMMARY:

Reporting that Council has received an application to remove a building listed within the Draft Heritage Study (known as Ranges Retreat) for which objections have been received.

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Director Sustainable Development Service's Recommendation:

A. That the application be approved subject to the following conditions:-

- 1. The development referred to in the 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 to relocate the building 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 of 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. 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.**
- 10. 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 objectors be advised of Council's decision.

MOVED:

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

That the Director Sustainable Development Service's Recommendation be adopted subject to condition 2 being amended to read:-

- 2. This consent does not permit the demolition of the dwelling except by way of relocation to an approved site and this is confirmed in writing to Council.

An AMENDMENT was MOVED:

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

That this matter be deferred pending the adoption of the Community Based Heritage Study.

MOVED:

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

That the AMENDMENT be PUT.

The foregoing MOTION was WITHDRAWN at the request of Councillors Hunt and Howell.

The AMENDMENT was PUT to the Meeting and was LOST.

2006. 788

The MOTION was PUT to the MEETING and was CARRIED.

2006. 789

RESOLVED:

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

That the letters received on this matter regarding actions by staff and the article published in the Macleay Argus of 12th December be referred to Council's solicitor.

Councillor Gribbin recorded his vote against the foregoing Resolution.

At 12.23pm Councillor Bowell retired from the Chambers.

DSDS4 BUILDING AND DEVELOPMENT
FILE: 329 RBP {Folio No. *}

SUMMARY:

Reporting that the following applications have been approved:

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2006. 790

RESOLVED:

Moved: Cl. Gribbin
Seconded: Cl. Hayes

That the information be noted.

DSDS5 PROPOSED 130 BED RESIDENTIAL CARE FACILITY AND TWO
(2) BEDROOM STAFF RESIDENCE LOT14 DP1069003 NO.80-
114 MACLEAY STREET FREDERICKTON
FILE: T6-06-313 PRJ {Folio No. 337655}

This report DSDS5 was dealt with earlier in the Meeting just after PUBLIC FORUM.

DSDS6 PROPOSED MODIFICATION OF CONSENT
FILE: T6-06-175 RBP {Folio No. 337657}

SUMMARY:

Reporting that conditions of consent have been prepared in respect to a modification to conditions of consent for a bottle shop at South Kempsey.

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Director Sustainable Development Service's Recommendation:

For Council's determination.

2006. 791

RESOLVED:

Moved: Cl. Hayes
Seconded: Cl. Saul

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

The following conditions have been imposed in accordance with the requirements of Section 80A of the Environmental Planning and Assessment Act 1979 having regard to the relevant matters identified under Section 79C of the Act.

The following is a "deferred commencement" consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act. This consent shall not operate until the following matters have been satisfied:-

- (a) An engineer's certificate certifying the unauthorised footings and reinforced concrete slab as constructed shall be submitted to Council.
- (b) An application for a building certificate under Section 149D of the Environmental Planning Assessment Act combined with a recent surveyor certificate produced by a registered surveyor shall be submitted to Council with the prescribed fee.

Upon the above matters being satisfied, the consent may commence, subject to the following conditions:

General

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 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.

The building is not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.

3. This consent permits the use of the building for storage purposes only. The storage area is not to be accessible to the public and is not to be used for the display of any good for retail purposes.
4. Prior to the release of the Construction Certificate Council be provided, copies of any instruments under section 88b of the Conveyancing Act 1919 relevant to any restrictive covenants, easements or right of way created by or affected by the approved development. Kempsey Shire Council is to be nominated on the plan of Subdivision as the sole party to modify or extinguish the restriction unless otherwise specified in conditions.
5. All Building work shall be carried out in accordance with the requirements of the Building code of Australia (BCA). A Construction Certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

6. **BCA Assessment Report Building upgrade – A Building code of Australia Assessment Report shall be submitted with the Construction Certificate. This shall be prepared by an appropriately qualified person and shall provide recommendations regarding what upgrading is proposed to the entire building to bring it into conformity with the Building Code of Australia. The report shall address how it is proposed to protect persons using the building, egress from the building and restriction of the spread of fire from the building to other buildings nearby. Further, all recommendations contained within this report shall be incorporated with the scope of works covered by the Construction Certificate.**

7. **A Fire Safety Schedule shall be issued by an appropriately qualified person and provided to Council as part of a Construction Certificate in accordance with the Environmental Planning and Assessment Regulation 2000. This schedule shall distinguish between current proposed and required safety measures. The Fire Safety Schedule shall identify each Fire Safety measure that is / are Critical Fire Safety Measures and the intervals at which supplementary fire safety statements shall be given to the Council in respect to each such measure.**

8. **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.**

9. **Building materials are not to be stored within the road reserve or any other public place.**

10. **All loading and unloading in connection with the use of the subject premises shall be carried within the subject property to an extent that is practical.**

11. **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 upsite runoff around cleared and / or disturbed areas and areas to be cleared and / or disturbed.
- b) sediment control fences at the downslope 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.
12. The applicant is to apply separately in accordance with Section 138 of the Roads Act 1993 for consent to undertake the following Engineering Work within Tighes Lane prior to the issue of the Construction Certificate: -
- a) The pavement area in Tighes Lane where it is intended to run Service Vehicles is to be upgraded to accommodate the anticipated turning movements and associated pavement loading (5 x 10⁷ ESA). These areas are to receive a 50mm thick AC14 (PMB) wearing surface. The applicant is to submit detailed engineering plans and pavement design for this work.
 - b) Submit details identifying the method to be employed to ensure that the service vehicle exit into the Tighes Lane is kept clear at all times.
13. Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgment of a Certificate of Compliance indicating that the requirements of Section 306 of the Water

Management Act 2000 have been met, prior to issue of the Final Occupation Certificate.

You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matter being complied with:-

14. Details on the location and adequacy of the existing internal piped stormwater drainage system to accommodate the proposed increase in stormwater flow is to be submitted with the plans for the Construction Certificate.
15. All internal parking areas, access-ways (including the right of carriageway), turning areas, driveways and ramps are to be designed and constructed in accordance with AS/NZ2890.1, AS/NZ2890.2, Council's Parking Code and Development Control Plan No. 36 Engineering Guidelines for Subdivision and Development. These areas are to be concrete paved and drainage provided to capture all surface flows.

The applicant is to submit detailed engineering plans with the application for construction certificate.

16. Submission of a Worksite Risk Assessment from the trucking company servicing the development indicating that the access arrangements off Tighes Lane are satisfactory prior to release of the Construction Certificate

Councillor Bowell returned to the Chambers.

DIRECTOR SHIRE SERVICES REPORT

DSS1	ALDAVILLA SEWERAGE SYSTEM	{Folio No. 337658}
	FILE: 223 SLM	

SUMMARY:

Reporting on the viability and cost of constructing a sewerage system for properties on Sherwood Road, Aldavilla.

◆◆◆◆◆

2006. 792

RESOLVED:

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

- 1 That a meeting be held with the Sherwood Road property owners to discuss the options and costs to provide a sewerage service to these properties.
- 2 That the feedback from the meeting be tabled at a future Council meeting to assist in adopting a suitable option.

DSS2	FLUORIDATION	{Folio No. 337661}
	FILE: 240 EU (NRN)	

This report DSS2 was dealt with earlier in the Meeting just after PUBLIC FORUM.

DSS3	BUS SHELTERS - METRO ADVERTISING PROPOSAL	{Folio No. 337663}
	FILE: 423 MJT	

SUMMARY:

Reporting on the proposal from Metro Advertising Pty Limited for the supply and maintenance of bus shelters in Kempsey, in exchange for advertising rights on such shelters.

◆◆◆◆◆

Director Shire Service's Recommendation:

That Council enter into an agreement with Metro Advertising Pty Limited for the supply, installation and maintenance of a minimum of ten (10) bus shelters over ten years, in return for exclusive advertising rights on these shelters.

MOVED:

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

That Council call for tenders for the supply, installation and maintenance of a minimum of ten (10) bus shelters over ten years, in return for exclusive advertising rights on these shelters.

At this stage Councillor Hayes foreshadowed a further MOTION that no action be taken.

2006. 793

The MOTION was PUT to the Meeting and was CARRIED.

DSS4	CYCLEWAY FUNDING	{Folio No. 337666}
	FILE: 211 NJT	

SUMMARY:

Reporting on advice received from the RTA regarding cycleway funding for 2006 / 2007.

◆◆◆◆◆

Director Shires Service's Recommendation:

That the grant of \$25,000 to construct a cycleway in Kemp Street from the end of the footbridge adjacent to the railway bridge over the Macleay River to Eden Street be accepted.

MOVED:

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

That the Director Shires Service's Recommendation be adopted.

The foregoing Motion was WITHDRAWN at the request of Councillors Hunt and Hayes.

MOVED:

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

That no action be taken on this matter.

2006. 794

RESOLVED:

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

That this matter be deferred until after the luncheon adjournment.

DSS5	2006 NSW LOCAL ROADS CONGRESS FILE: 165 NJT	{Folio No. 337667}
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SUMMARY:

Reporting on a proposed motion for the 'A' Division Annual Conference on matters arising from the 2006 NSW Local Roads Congress.

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2006. 795

RESOLVED:

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

That the motion as proposed in the report be submitted to the 'A' Division Annual Conference of the Shires Association of NSW in Casino on 7th February 2007.

DSS6	JOHN 'YAKKA' WATSON RESERVE FILE: 447 CC:LA7216 JM CC:APC	{Folio No. 337668}
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This report DSS6 was dealt with earlier in the Meeting just after PUBLIC FORUM.

DSS7	HAT HEAD DUNE CARE: LEASE OF LAND FILE: LA21483 GTS	{Folio No. 337669}
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This item DSS7 was dealt with in conjunction with DSS6 just after PUBLIC FORUM.

SUMMARY:

Reporting on the 47th Annual Floodplain Management Authorities of NSW Conference.

◆◆◆◆◆

Director Shire Service's Recommendation:

That a Council delegate be determined.

MOVED:

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

That the Mayor be Council's only delegate for the Floodplain Management Authorities conference.

An AMENDMENT was MOVED:

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

That Councillor Saul be Council's delegate for the Floodplain Management Authorities conference.

The foregoing AMENDMENT was WITHDRAWN at the request of Councillor Powell.

2006.796

The MOTION was PUT to the MEETING and was CARRIED.

Councillor Gribbin recorded his vote against the foregoing Resolution.

Councillor Hunt declared an interest in the following item for the reason that he is a member of the Kempsey-Macleay RSL Club and Kempsey-Macleay Sub-Branch and retired from the Chamber.

SUMMARY:

Reporting on the need to affix Council's seal to Road Closure documents.

◆◆◆◆◆

2006. 797

RESOLVED:

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

That Council authorise the affixing of its seal to the Road Closure and Transfer documents to the road reserve being closed and transferred to the Kempsey-Macleay RSL Club and Kempsey-Macleay Sub-Branch.

Councillor Hunt returned to the Chamber.

DSS10	MACLEAY WATER – WATER EDUCATION PROGRAM
FILE: 264	TAK (NRN) {Folio No. 337672}

SUMMARY:

Reporting on a partnership between Kempsey Shire Council and various stakeholders to provide a water education program to schools in the district.

◆◆◆◆◆

Director Shire Service's Recommendation:

That the information be noted.

2006. 798

RESOLVED:

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

That the information be noted and that staff be congratulated on their initiative on this matter.

◆◆◆◆◆

At this stage 1.00pm the Meeting adjourned for Luncheon and upon resumption at 2.00pm all present at the adjournment were in attendance with the exception of Councillor Sowter who apologised for non-attendance for the remainder of the meeting.

◆◆◆◆◆

The following item DSS4 was deferred from earlier in the Meeting.

DSS4	CYCLEWAY FUNDING
FILE: 211	NJT {Folio No. 337666}

SUMMARY:

Reporting on advice received from the RTA regarding cycleway funding for 2006 / 2007.

◆◆◆◆◆

Director Shire Service's Recommendation:

That the grant of \$25,000 to construct a cycleway in Kemp Street from the end of the footbridge adjacent to the railway bridge over the Macleay River to Eden Street be accepted.

2006. 799

RESOLVED:

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

That no action be taken on this matter.

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

DCCS1	STATEMENT OF BANK BALANCES AS AT 30th NOVEMBER 2006
FILE: 454	APC
	{Folio No. *}

SUMMARY:

Reporting on the Statement of Bank Balances as at 30th November 2006.

◆◆◆◆◆

2006. 800

RESOLVED:

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

That the information be noted.

DCCS2	STATEMENT OF INVESTMENTS AS AT 30th NOVEMBER 2006
FILE: 303	APC
	{Folio No. *}

SUMMARY:

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

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2006. 801

RESOLVED:

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

That the information be noted.

At this stage Councillor Walker retired from the Chambers.

DCCS3	FLEET MANAGEMENT
FILE: 151	CAD (NRN)
	{Folio No. 337673}

SUMMARY:

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

◆◆◆◆◆

2006. 802

RESOLVED:

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

That the information be noted.

DCCS4

CUSTOMER MYSTERY SHOP RESULTS

FILE: 458 MAM (NRN)

{Folio No. 337674}

SUMMARY:

Reporting that the Customer First Centre has received positive feedback on service levels as a result of a Mystery Shop campaign.

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Director Corporate & Community Service's Recommendation:

That the information be noted.

2006. 803

RESOLVED:

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

That the information be noted and the staff be congratulated for the input into this matter.

DCCS5

HASTINGS MACLEAY NETWORK FOR MENTAL HEALTH SERVICES

FILE: 419 GRW (NRN)

{Folio No. 337675}

SUMMARY:

Reporting on advice received in relation to Council's concerns pertaining to mental health issues.

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Director Corporate and Community Service's Recommendation:

That the information be noted.

2006. 804

RESOLVED:

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

That the information be noted and that a copy of the report be forwarded to the Health and Ageing Working Party of the Social Strategic Planning Committee.

Councillor Walker returned to the Chamber.

DCCS6

POLICY – PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS

FILE: 276 PJH

{Folio No. 337676}

SUMMARY:

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

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Director Corporate & Community Service's Recommendation:

1. That Council determine the expense limits to be included in the draft policy C24:4 - Payment of Expenses and Provision of Facilities for the Mayor and Councillors, in the following sections:-
 - (a) cents per kilometre rate for councillor private vehicle use
 - (b) accommodation reimbursement limits for city & country accommodation venues
 - (c) daily limit for reimbursement of meal expenses
 - (d) daily limit for reimbursement of out of pocket expenses
 - (e) monthly limit for reimbursement of telephone calls from home and mobile phones of councillors
 - (f) monthly limit for cost to council of facsimile equipment
 - (g) monthly limit for internet use (downloads).
 - (h) monthly limit for cost of calls on mayor's mobile phone
2. That the new draft policy incorporating the expense limits be placed on public exhibition for 28 days.

2006. 805

RESOLVED:

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

That Council form itself into Committee of the Whole to conduct a workshop on this matter.

2006. 806

RESOLVED:

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

That the Council Meeting be resumed.

2006. 807

RESOLVED:

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

That the new draft policy C24:4 Payment of Expenses and Provision of Facilities to the Mayor and Councillors incorporating the following amendments be placed on public exhibition for 28 days.

- (a) cents per kilometre rate for Councillor private vehicle use to and from meetings to be 65c (>2.6litre vehicle) and 57c (<2.6litre vehicle) and for where a Councillor's private vehicle is used for travel outside the area in lieu of using a Council vehicle the cents per kilometre rate to be that paid by the State Government.
- (b) accommodation reimbursement limit to be up to the cost of the conference venue accommodation or otherwise authorised by the Mayor and General Manager.
- (c) meal costs to be reimbursed for reasonable expenses incurred.
- (d) Out of pockets expenses to be reimbursed for reasonable expenses incurred.

- (e) stationery to be provided to a reasonable level.
- (f) fixed telephone, facsimile, mobile phone and internet to be provided and / or reimbursed up to a combined cost limit of \$500.00 per month for the Mayor and \$250.00 per month for Councillors and a cordless handset to be provided with facsimiles for Council business calls.
- (g) Mayor's vehicle to be provided for Council business use and where the Mayor elects to use the vehicle for private use a contribution of \$100.00 per month to be paid to Council.
- (h) child or dependent care to be reimbursed for reasonable expenses.

DCCS7	VANDALISM COST TO COUNCIL	
	FILE: 657	MLB (NRN) {Folio No. 337677}

SUMMARY:

Reporting on advice received from Bob Debus MP, Attorney General of NSW and Tony Kelly MLC, Minister for Juvenile Justice, relating to requests for solutions to the rising cost of vandalism in the Shire.

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Director Corporate & Community Service's Recommendation:

That Council note the contents of this report.

2006. 808

RESOLVED:

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

1. That information be noted.
2. That Council obtain a copy of the Memorandum Of Understanding (MOU) between the NSW Police and the NSW Department of Juvenile Justice.

DCCS8	2005 ~ 2008 COMMUNITY SAFETY AND CRIME PREVENTION PLAN REVIEW	
	FILE: 761	MLB {Folio No. 337678}

SUMMARY:

Reporting on a review of the 2005 ~ 2008 Community Safety and Crime Prevention Plan.

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2006. 809

RESOLVED:

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

That the draft revised 2005 - 2008 Community Safety and Crime Prevention Plan be placed on exhibition for a period of twenty-eight (28) days.

DCCS9	CLASS 4 WEED CONTROL MANAGEMENT PLANS
FILE: 339	GWE (NRN) {Folio No. 337679}

SUMMARY:

Reporting on the changes to the Noxious Weeds Act and the need for the development of Class 4 Noxious Weeds Control Management Plans.

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2006. 810

RESOLVED:

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

That the report on the recent amendments to the Noxious Weeds Act 1993 be noted for information.

Councillor Walker declared an interest in the following item for the reason that he is a client of two of the solicitors mentioned in the report and retired from the Chamber.

DCCS10	APPOINTMENT OF COUNCIL'S SOLICITORS
FILE: 746	PJH {Folio No. 337682}

SUMMARY:

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

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Director Corporate and Community Service's Recommendation:

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

MOVED:

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

That the Director Corporate and Community Service's Recommendation be adopted.

An Amendment was MOVED:

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

That Wrights Legal be appointed as Council's principal solicitor for the next 12 months.

The AMENDMENT was PUT to the MEETING and was LOST.

2006. 811

The MOTION was PUT to the MEETING and was CARRIED.

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

Councillor Walker returned to the Chamber.

DCCS11	REVIEW OF FEES FOR HOLIDAY PARKS FILE: 120 SJR	{Folio No. 337684}
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SUMMARY:

Reporting on review of fees to determine future tariffs and pricing structures to be applied as from 1st July 2007.

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2006. 812

RESOLVED:

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

1. That the proposed fee structure as set out in the Director's report be adopted for the period effective from 1st July 2007.
2. That the Manager Business Services be empowered to approve of discounts on the standard fees for "special offers" as a promotional tool.

DCCS12	FINANCIAL REPORTS FOR THE TWELVE (12) MONTHS TO 30 JUNE 2006 FILE: 485 APC	{Folio No. 337685}
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SUMMARY:

Reporting on the requirements in relation to the preparation and audit of the Financial Reports to 30th June 2006.

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Director Corporate and Community Service's Recommendation:

That pursuant to Section 413(2)(c) of the Local Government Act 1993 Council declare that in its opinion:-

- a) the financial reports fairly represent the financial position of Kempsey Shire Council as at 30 June 2006; and
- b) the financial reports have been prepared in accordance with the requirements of the Local Government Act 1993 and the Regulations made thereunder, the Local Government Code of

Accounting Practice and Financial Reporting, and the Australian Accounting Standards; and

- c) the financial reports are in accord with Council's accounting and other records; and
- d) Council is not aware at this time of any circumstances, which would render any particulars included in the financial report to be misleading or inaccurate.

2006. 813

RESOLVED:

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

1. That the Director Corporate and Community Service's Recommendation be adopted.
2. That the General Manager and staff be congratulated on the excellent result achieved for the period.

DCCS13	CONFERENCES AND SEMINARS	
FILE: 117	PJH (NRN)	{Folio No. 337687}

SUMMARY:

To advise details of conferences and seminars attended by Councillors and staff during the month of October 2006.

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2006. 814

RESOLVED:

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

That the information be noted.

DCCS14	DRAFT PESTICIDES USE NOTIFICATION PLAN	
FILE: 810	GWE	{Folio No. 337688}

SUMMARY:

Reporting on the Draft Pesticide Use Notification Plan for Council.

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2006. 815

RESOLVED:

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

That the Draft "Pesticides Use Notification Plan" be placed on public exhibition for a period of 28 days.

**DCCS15 KEMPSEY WATER SUPPLY – TRANSFER OF LANDS FROM
MINISTER FOR WATER UTILITIES
FILE: LA20942 PJH {Folio No. 337690}**

SUMMARY:

To classify land that is to be transferred to Council from the Minister for Water Utilities.

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2006. 816

RESOLVED:

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

That Council classify land acquired in relation to the Kempsey Water Supply being Lot1, DP872794, at Hat Head Road, Kinchela, as operational land.

**DCCS16 YOUTH SPORTS INSTITUTE
FILE: 927 GBS (NRN) {Folio No. 337691}**

This report DCCS16 was dealt with earlier in the Meeting just after NOM5.

**DCCS17 AFFIXING OF COUNCIL'S SEAL – SURRENDER OF
LEASES – PILOT STATION AND BOATMANS COTTAGE
FILE: LA5587 CC:LA19251 PJH {Folio No. 337692}**

SUMMARY:

To authorise the affixing of Council's seal to surrender of lease documents.

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2006. 817

RESOLVED:

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

That Council's seal be affixed to documents relating to the Surrender of Leases 306239 and 195361 Pilot Station and Boatmans Cottage at South West Rocks.

GENERAL MANAGER'S REPORT

**GM1 OUTSTANDING REPORTS / RESOLUTIONS
FILE: 149 AVB (NRN) {Folio No. 337693}**

SUMMARY:

Council's report on outstanding reports and resolutions.

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2006. 818

RESOLVED:

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

That the information be noted.

GM2	LGMA NATIONAL CONGRESS FILE: 165 AVB	{Folio No. 337694}
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SUMMARY:

To advise Council of the LGMA National Congress to be held from 29th April to 2nd May 2007.

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General Manager's Recommendation:

That Council determine whether it wishes to be represented at the conference by Councillors.

2006. 819

RESOLVED:

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

That the Mayor be authorised to attend the LGMA Conference with the General Manager.

GM3	CORPORATE STRATEGIC PLAN FILE: 339 AVB	{Folio No. 337695}
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This report GM3 was dealt with earlier in the Meeting just after NOM2.

Councillor Hunt declared an interest in the following item for the reason that works are being undertaken on Armidale Road alongside his property and retired from the Chamber.

GM4	WORKS PROGRAM FILE: 153 AVB (NRN)	{Folio No. 337696}
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SUMMARY:

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

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2006. 820

RESOLVED:

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

That the information be noted.

Councillor Hunt returned to the Chambers.

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LOCAL TRAFFIC COMMITTEE

2006. 821

RESOLVED:

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

That the minutes of the Local Traffic Committee Meeting held 28th November 2006 be adopted.

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QUESTIONS WITHOUT NOTICE

COUNCILLOR BOWELL

Q1

FILE: *

What is current status with sale / development of Bullocks Quarry?

Responsible Officer

GBS

Unable to apply resources to this site as yet. Will be quite a deal of work involved and we may have to consider additional resources to progress it.

Q2

FILE: *

What is situation with Crottys Lane cemetery?

Responsible Officer

GBS

The viability of this development is being assessed for a report to the General Manager.

Q3

FILE: *

Regarding proposal for industrial land South Kempsey, is infrastructure i.e. water / sewerage available?

Responsible Officer

RBP

Part of the rezoning assessment will be to consider water and sewerage matters.

COUNCILLOR J C GRIBBIN

Q1

FILE: *

Who decided to change Council letterhead, remove the "bond of co-operation" heading and when did Councillors vote for the change?

Responsible Officer

AVB

The General Manger will check if there has been any changes.

Q2

FILE: *

Why is there no "General Manager's Delegation of Authority" copy in the Councillors 'Council Staff Policy Manual'?

Responsible Officer

AVB

This will be followed up. The delegation to the General Manager would be on the internet as a council policy.

Q3

FILE: *

When will Councillors be supplied with the performance criteria of Kempsey Shire Council against the other councils in our division?

Responsible Officer

AVB

The comparative statistics usually comes out late March each year.

COUNCILLOR J A C HAYES

Q1

FILE: *

Wanted to compliment staff on such a very good job at Woolshed Gully bridge.

Responsible Officer

APV

Will be passed on to the staff.

Q2

FILE: *

When will the Mayor bring forward the proposal to ship water out west?

Responsible Officer

EAG

The Mayor advised that she had discussions with Directors and local members but no-one has taken up the offer.

Q3

In regard to the feedlot in Sutherlands Lane, what is the situation?

Responsible Officer: RBP

Information was due back to Council in December from the operator. This will be followed up.

COUNCILLOR T L HUNT

Q1

FILE: *

When will the sealed section of Turner's Flat road which has been damaged be repaired?

Responsible Officer

APV

Armidale Road road works has taken priority of crews and while some work has been carried out the repairs to Turners Flat Road will probably not be completed before Christmas.

Q2

FILE: *

Have noticed normal green bins not being placed out as often with introduction of yellow bins. Could Council review collection of ordinary bins to maybe a fortnightly service?

Responsible Officer

APV

This can be assessed in the future along with possibility of having a green waste bin.

COUNCILLOR R McWILLIAM

Q1

FILE: *

Please look at signage near Surf Club SWR regarding dogs as it is misleading, one saying dog leash area the other stating dogs are prohibited.

Responsible Officer

RBP

This will be investigated.

Q2

FILE: *

Now recycling has been implemented, why hasn't Council done so at the Civic Centre?

Responsible Officer

GBS

The Civic Centre is still serviced by Norton's for paper and cardboard waste but it is intended to cease the arrangement and commence yellow bins in the near future.

Q3

Last week was Disability Week and only three councils did not put something on, including this Council. Can something be considered next year?

Responsible Officer GBS
This will be considered.

COUNCILLOR D F SAUL

Q1 FILE: *

Grass has overgrown at the area bounded by Tabrett, Beck and Cameron Streets, West Kempsey. Can this be attended to?

Responsible Officer APV
Will investigate.

COUNCILLOR E R WALKER

Q1 FILE: *

Could we investigate trucks using air brakes in Lachlan Street, South Kempsey?

Responsible Officer APV
Will request RTA to consider signage in the area regarding airbrakes.

Q2 FILE: *

Has a request for a bus shelter at the vocational college been received?

Responsible Officer APV
The Director is aware of this request.

Q3 FILE: *

Can mowing the grass approaches to Crescent Head before Christmas be considered?

Responsible Officer APV
The Director understands this is programmed.

COUNCILLOR E A GREEN

Q1 FILE: *

In regard to our Clean Beach Awards, could Council erect signage regarding award receipt.

Responsible Officer GBS
This will require a Notice of Motion as costs will be involved.

◆◆◆◆◆

MOTION FOR CONFIDENTIAL COMMITTEE

2006. 822

RESOLVED:

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

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

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GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	VARIOUS LEGAL MATTERS – CURRENT POSITION	
CONF.	FILE: 155	AVB (NRN) {Folio No. 337697}

Section 10A(2)(g) – Legal Proceedings

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

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

SUMMARY:

Reporting on the current position regarding legal matters.

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2006. 823

RECOMMENDED:

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

That the information be noted.

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OPEN COUNCIL

2006. 824

RESOLVED:

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

That the Open Council Meeting be resumed.

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REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE

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

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ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2006. 825

RESOLVED:

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

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

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CONCLUSION:

There being no further business, the Meeting terminated at 3.50pm.

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