



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 13th June 2006 commencing at 9.05am.

PRESENT:

Councillors J A C Hayes, (Mayor and Chairman), J H Bowell, E A Green, 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; Pat Hanrahan, Minute Taker and Donna Pearson.



At 9.03am the Mayor called for one minute silence to be observed in respect of the passing of Mr Steuart McIntyre a retired Councillor and former Mayor of Kempsey Shire Council.



PUBLIC FORUM

- 1 - Mrs Leila Leneve addressed Council regarding item NOM3 Draft Heritage Study.



Councillor McWilliam declared an interest in the following item for the reason that he is a former owner of the property next door to the property in the report and retired from the Chamber.

- 2 - Mr Alan Rudge addressed Council regarding item DSDS1 Proposed development of 6 residential units - 35 McIntyre St, South West Rocks.

Councillor McWilliam returned to the Chambers.



DECLARATIONS OF INTEREST

Councillor McWilliam declared an interest in item DSDS1 for the reason that he is a former owner of the property next door to the property in the report.

CONSIDERATION OF CONFIDENTIAL REPORT

2006. 342 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Walker

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



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED TUESDAY 9TH MAY 2006

2006. 343 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Saul

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated Tuesday 9th May 2006, be confirmed.



CONSIDERATION OF LATE REPORTS

2006. 344 RESOLVED: *Moved: Cl. Sowter*
Seconded: Cl. Walker

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



CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports NOM3 and DSDS1.

2006. 345 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Sowter

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

MOVED:

Moved: Cl. Bowell
Seconded: Cl. McWilliam

That, in respect to the Draft Heritage Study, the inclusion of any reference on Section 149(5) Certificates be restricted to those premises, the owners of which have not already requested that their premises be excluded from the study.

The foregoing MOTION was WITHDRAWN at the request of Councillors Bowell and McWilliam.

2006. 346 RESOLVED:

Moved: Cl. Sowter
Seconded: Cl. Green

That any properties listed in the Draft Heritage Study not have any notation in relation to the abovementioned study on 149(5) Certificates until after the consultation period is completed and the Draft Heritage Study is adopted by Council.

Councillor Gribbin recorded his vote against the foregoing Resolution.

MOVED:

Moved: Cl. Sowter
Seconded: Cl. Walker

That a meeting be held to discuss all properties listed in the Draft Heritage Study for consideration as to whether they are included in the advertised listing.

The MOTION was PUT to the Meeting and was LOST.

Councillor McWilliam declared an interest in the following item for the reason that he is a former owner of the property next door to the property dealt with in the report and retired from the Chamber.

DSDS1 PROPOSED DEVELOPMENT OF 6 RESIDENTIAL UNITS -35 MCINTYRE STREET, SOUTH WEST ROCKS
FILE: T6-06-98 GGL {Folio No. 323226}

SUMMARY:

Reporting that Council has received amended plans for a proposed development previously considered at Council's meeting of 9th May 2006.



2006. 347 RESOLVED:

Moved: Cl. Howell

Seconded: Cl. Saul

That consent be granted subject to the following conditions:

1. The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
2. This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
3. The application for the Construction Certificate shall be accompanied by a survey prepared by a registered surveyor identifying the natural ground level at the critical locations of the external wall and demonstrate that the uppermost ceiling height measured at the bottom of the rake on the external walls does not exceed 7.2m above natural ground level and that the overall height of the building does not exceed 8.2m above natural ground level.
4. Prior to pouring of any of the floor slabs, submission of a surveyors report certifying that the floor levels are at of no higher than the floor level shown on t approved plans.
5. Submission of a surveyors report upon completion of the building certifying the height complies with condition 3.
6. 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.
7. Two days prior to commencing work 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.
8. A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
9. The six residential units are not to be occupied prior to the issue of a Final Occupation Certificate by Council.

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.

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:-
 - a) Installing a temporary structure on land.
 - b) Carrying out water supply work.
 - c) Installing, altering, disconnecting or removing a meter connected to a service pipe.
 - d) Carrying out sewerage work.
 - e) Carrying out stormwater drainage work.
 - f) 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.
 - g) Disposing of waste into a sewer of the Council.

11. Before the commencement of 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 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.

12. 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.

13. 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).

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. Access to the site for deliveries is to be confined to between 7.00 am and 5.00 pm daily. In this regard, a sign clearly indicating same is to be displayed at the entry to the development. Details, including location of signage, are to be provided with the plans for the required Construction Certificate.
15. The hours of construction are to be confined to 7.00 am to 5.00 pm, Mondays to Fridays, and 7.00 am to 12 noon, Saturdays.
16. Use of the pools is to be restricted to 8am to 10pm and a sign is to be displayed at the entrance to each pool to this effect.
17. All loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property.
18. Building materials are not to be stored within the road reserve or any other public place.
19. Excavated material from the site is not to be placed within the road reserve or any other public place.
20. Vehicular access from the street to the property boundary is to be via a heavy duty layback and full width 150mm thick reinforced concrete paving. A detailed plan is to be submitted prior to the release of the Construction Certificate.
21. Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
22. All internal parking areas, access ways, turning areas, driveways and ramps are to be constructed in accordance with Council's Parking Code and Engineering Guidelines for Subdivision and Development before occupation of the building or commencement of the proposed land use. All

such areas to be concrete paved. Details are to be submitted to Council for approval prior to the release of the Construction Certificate.

Stormwater Treatment

- 23. All roofwaters and stormwater runoff from all paved areas within the allotment boundaries are to be collected and treated prior to discharge. Treatment is to include on-site harvesting, re-use and infiltration to achieve nil discharge in the 1 in 3 months storm event. For larger events runoff is to be directed and conveyed off-site by means of a sealed pipe system designed for a 1 in 10 year storm recurrence interval and connected via an industry recognized outlet arrangement to the existing public stormwater drainage receival and disposal system. A pit is to be provided adjacent to southern allotment boundary to provide separation between the private house drainage service drainage line and the downstream stormwater system to become under the jurisdiction of Council.**
- 24. Detailed construction drawings and specifications for the entire stormwater management system which demonstrates compliance with the latest versions of Australian Rainfall and Runoff, Stormwater Industry Associated Guidelines, proprietary product manufacturers specifications and relevant Australian Standards must be prepared for relevant aspects of the system (including materials, installation, bedding, backfilling, compaction and quality testing) prior to the issue of the construction certificate.**
- 25. In relation to the management of seepage, leakage, drainage and any other waters entering the subterranean basement level of the development an industry recognised, detailed scheme of arrangement must be prepared, certified and submitted to Council for its approval prior to the issue of the Construction Certificate.**
- 26. The plans for the required Construction Certificate are to include provision of a sump or other means suitable to prevent flooding in the event of water entering the basement in excess of 300mm in depth during a 1 in 10 year stormwater event in accordance with Australian Rainfall and Runoff without reliance on mechanical pumping. Such plans are to include the means of draining the basement following such an event.**
- 27. The plans for the required Construction Certificate are to provide for planter boxes to be provided on all decks and balconies. Details of the plant species to be placed in the planter boxes to be**

28. The following inspections are required to be made and a minimum of 48 hours notice is necessary where requesting an inspection. Appointments will be made in accordance with the inspection program for the area. Where inspections are carried out by an accredited certifier other than Council, compliance certificates will be required following each inspection and forwarded immediately to The Principal Certifier.

Inspections required:

- (a) footings in position and prior to the pouring of concrete;
- (b) all steel reinforcement prior to the pouring of concrete;
- (c) completion of roof framing prior to wall sheeting being fixed;
- (d) wet area floor and wall surfacing prior to tiling;
- (e) completion of stormwater systems prior to backfilling.
- (f) driveway crossing prior to pouring concrete.

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

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

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

- a) Structural Engineer's Details for footings, reinforced concrete slab, structural steel work is to be submitted prior to any work commencing on the building.
- b) Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.
- c) That the floor surface of the wet areas are properly graded and drained and the junctions of the floor with the walls are treated to prevent the penetration of

moisture into the walls. An inspection of the treated area is to be arranged with Council or suitable certification is to be submitted prior to the issue of an occupation certificate.

- d) The windows and glass installations within the building shall comply with AS 1288, Part 3.6 BCA Housing Provisions and AS2047. The applicant shall furnish Council with a report from the supplier upon completion of the window and glass installation indicating compliance with the requirements of AS1288 and AS2047. The builder is to certify the windows have been installed in accordance with AS2048.
- e) Should the verandah, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the verandah, patio or landing and steps for safety and convenience. Such balustrade to conform with the requirements of:

(1) D2.16

of the Building Code of Australia.

Note: Spacing of rails not to exceed 125mm.

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

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

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

- g) Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site.
- h) Details of wall bracing to be carried out in accordance with Australian Standard 1684-1999 are to be submitted to Council prior to commencement of work.
- i) Kitchen exhaust fans are to be ducted externally of the building or a recirculating hood type be provided.
- j) All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight

line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.

- k) The walls immediately adjacent or behind a bath, basin, sink or trough, shall be finished to a height of not less than 300mm above the fixture or in the case of a shower, to a height of 1.8metres above the floor with cement render ceramic tiles or other approved finish impervious to water.
 - l) The door to all fully enclosed sanitary compartments must open outwards, or slide, or be readily removable from the outside, in accordance with the requirements of the Building Code of Australia.
30. The proposed building has been assessed by Council under the provisions of the Building Code of Australia as a Class 2 & 7 building, having a rise of 3 storeys. The buildings are to be constructed in Type A fire resistance construction. It is the builder's responsibility to ensure that all building elements have the minimum fire resistance level specified in Specification C1.1, Table 3 of the Building Code of Australia.
31. Every part of the building shall be constructed in a proper and workmanlike manner to achieve the required level of performance using materials that are not faulty or unsuitable for the purpose for which they are used.
32. A "Smoke Hazard Management System" shall be designed and installed within the building in accordance with the relevant provisions of Section E2.2a of the Building Code of Australia.
33. A survey certificate prepared by a registered surveyor being submitted to Council to verify the siting of the building in relation to adjacent boundaries, and work is not to proceed beyond that stage until a written release has been given by Council. The survey is to be submitted at completion of floor slab formwork before concrete is poured.
34. A survey certificate prepared by a registered surveyor being submitted to Council to verify that the work is being constructed at the level shown on the building approval. The work is not to proceed beyond the designated stage until a written release has been given by Council. The survey is to be submitted when the formwork is completed for the floor slab before concrete is poured.
35. Floors of balconies shall be graded and drained to a grated inlet connected to the stormwater drainage system.

36. Clothes drying facilities must comply with Part F, Clause F2.1 of the Building Code of Australia.
37. All materials used in the building shall comply with the provisions of Clause C1.10 of Building Code of Australia. A list of all the proposed construction and finishing materials detailing their early fire hazard properties (i.e. spread of flame and smoke development indexes) shall be compiled then submitted to Council for approval prior to their use in the Building.
38. Emergency lighting requirements must comply with Part E, Clause E4.2 of the Building Code of Australia.
39. Where protection is required, doorways, windows and other openings must be protected in accordance with Part C, Clause C3.4 of the Building Code of Australia.
40. The ceiling immediately below the roof and to the internal lining of any skylight shafts shall have a resistance to the incipient spread of fire to the roof space of not less than 60 minutes. (722B).
41. Lintels must comply with Clause 2.3 of Specification C1.1 of the Building Code of Australia.
42. Brick cavities shall be cleaned in accordance with the requirements of AS3700 – Masonry in Buildings.
43. Full details of the means of damp-proofing all garages below or partly below ground level shall be submitted to Council with the Construction Certificate.
44. Provisions shall be made for the installation of telephone and television services by installation of conduits during construction for each sole-occupancy unit.
45. No service installations shall be installed in exits or paths of travel leading to an exit except as conceded in D2.7 of the Building Code of Australia.
46. The space below a required non-fire-isolated stairway (including an external stairway) or ramp must not be enclosed to form a cupboard or enclosed space unless the enclosing walls and ceilings have a Fire Resistance Level (FRL) not less than 60/60/60 and any access doorways to the enclosed space must be fitted with a self closing 60/60/60 fire door.
47. Walls and floors separating sole-occupancy units and separating sole-occupancy units from a plan room, lift shaft,

stairway, public corridor or the like must have Sound Transmission Class (STC) not less than 45.

48. A wall separating a bathroom, laundry or kitchen in one sole-occupancy unit from a habitable room (other than a kitchen) in an adjoining unit must have a Sound Transmission Class (STC) not less than 50 and must comply with F5.5 of the Building Code of Australia. Details of the proposed method of complying with F5.5 must be submitted to Council for approval prior to the commencement of construction.
49. Soil and waste pipes passing through more than one sole-occupancy unit must be separated from rooms in any sole-occupancy unit by construction complying with F5.6 of the Building Code of Australia.
50. A master television antenna shall be installed within the roof of the building and provision made for the connection thereto being made to each flat. Such installation to be in strict compliance with AS1477. Receiving Antenna for Radio and Television – construction and installation.
51. Upon completion and prior to occupation of the building, certificate from a practising Structural Engineer shall be submitted to Council certifying that the building has been erected in accordance with the approved structural drawings and is structurally adequate for the loads imposed.
52. Where structural reinforced concrete members are required to have a fire resistant rating, the practising Structural Engineer shall certify that the requirements of the relevant SAA Concrete Structures Code have been satisfied. This is to be submitted prior to occupation.
53. A certificate shall be submitted by a practising Structural Engineer certifying that the building has been designed in compliance with the requirement as detailed in AS 1170.4 "SAA Earthquake Loads".
54. Openings in floors, walls and shafts for services must comply with Section C, Clauses C3.12, C3.13 and C3.14 of the Building Code of Australia.
55. The hours of construction work are to be confined to 7.00 am to 6.00 pm, Mondays to Fridays, and 7.00 am to 12 noon, Saturdays.
56. Building materials are not to be stored within the road reserve or any other public place.

57. Submission of a detailed landscaping plan providing for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing the landscaping beds prior to release of the Construction Certificate.
58. The following information to be submitted with the Construction Certificate.
- a) Two sets of specifications for the Class 2 & 7 building detailing the appropriate clauses of the BCA and Australian Standards for the work to be constructed.
 - b) Schedule of fire safety measures to be installed in the building.
59. The applicant's consultants are to provide certified plans and specifications with the Construction Certificate for the works to be constructed.
- a) The installation of the hydrants complying with Clauses E1-3 of the BCA and AS2419.
 - b) The installation of portable fire extinguishers.
 - c) The installation of the smoke management system complying with NSW, Part E Tables E2.2 of the Building Code of Australia.
 - d) Provide details of protecting the kitchen and dining room window openings located within 3 metres of the side boundary.
 - e) The installation of emergency lighting and exit signs complying with Part E4 and AS/NZS 2293 Part 1-1998.
 - f) The installation of plumbing and drainage complying with the requirements of the Local Government Act and Regulation, Australian Standard 3500 and New South Wales Code of Practice Standard 3500 plans as modified by any conditions of this consent.
60. Roofwaters are to be directed by means of sealed pipes to the Council's stormwater table. Details are to be provided with the plans for the required Construction Certificate.
62. A Survey Report is to be submitted on completion of slab formwork to ensure the location of the building is in accordance with the approval issued.
63. 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 Construction 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 matters being complied with:-

- a) Payment of a contribution towards district water supply at the rate of \$1211 per equivalent tenement, i.e $\$1256 \times 5 \text{ E.T} = \6280 . (Indexed 2005 / 2006)
 - b) Payment of a contribution towards the augmentation of sewerage headworks at the rate of \$2302 per equivalent tenement, i.e $\$2302 \times 5 \text{ E.T} = \$11,510$. (Indexed 2005 / 2006)
 - c) Provision of separate sewer junctions, with a maximum of two connections per junction to the existing sewer main.
 - d) Details of separate water meter for watering service to be included prior to the release of the construction certificate.
63. 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 \$1,953 per additional dwelling unit, i.e $\$1,953 \times 5 \text{ E.T} = \$9,765$. (Indexed 2005 / 2006)

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

64. Payment of a cash contribution prior to the issuing of the required Construction Certificate towards Council's trunk drainage system in accordance with Council's Section 94 Plan for Stormwater Drainage at the rate of \$1,531 per equivalent tenement, i.e. $\$1,531 \times 5 \text{ E.T.} = \8856 (Indexed 2005 / 2006).

The Plan may be inspected at Council's offices, Cnr Elbow and Tozer Streets, West Kempsey.

65. Security lighting to be provided in the car park, between the

units and in the internal void areas. Lighting is designed and directed to minimize impacting upon adjoining residences. Details are to be submitted to Council for approval prior to the release of Construction Certificate.

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

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

Councillor McWilliam returned to the Chambers.



ADOPTION OF AGENDA ORDER OF BUSINESS

2006. 348 **RESOLVED:** *Moved: Cl. Howell*
Seconded: Cl. Green

That items MM3 – Conference Reporting, NOM5 – Council Credit Cards & GM4 – Professional Development be dealt with in conjunction.

2006. 349 **RESOLVED:** *Moved: Cl. Saul*
Seconded: Cl. Green

That items NOM1 – Release of Land for Industrial Purposes and DS15 – Appeal: Proposed Dwelling Grass Tree Road, South Kempsey be dealt with in conjunction.

2006. 350 **RESOLVED:** *Moved: Cl. Green*
Seconded: Cl. Saul

That items GM3 – Customer First Centre Costings and GM8 – Customer First Centre be dealt with in conjunction.

2006. 351 **RESOLVED:** *Moved: Cl. Howell*
Seconded: Cl. Saul

That the remaining Agenda Order of Business be adopted.



MAYORAL REPORT

MM1	MID NORTH COAST GROUP OF COUNCILS
FILE: 131	JACH {Folio No. 323185}

SUMMARY:

To advise Council of the proceedings of the MIDGOC meeting held on the 31st May 2006.



2006. 352 **RESOLVED:**

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

That the information be noted.

MM2	INDEPENDENT INQUIRY INTO THE FINANCIAL SUSTAINABILITY OF NSW LOCAL GOVERNMENT
FILE: 579	JACH {Folio No. 323205}

SUMMARY:

To outline the next steps that should be taken in support of the LGSA Inquiry into Local Government Sustainability.



2006. 353 **RESOLVED:**

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

1. That the report be received and noted.
2. That the Independent Panel be commended on the successful conduct and completion of this watershed inquiry.
3. That the LGSA be commended for initiating the Inquiry.
4. That Council commit to support the LGSA in an ongoing effort to rebuild and strengthen the financial sustainability of NSW Local Government.
5. That Council request the LGSA to establish an implementation framework and process to consult with Councils and other stakeholders; and to advance the key recommendations of the report that have been endorsed by members.
6. That Council call on NSW Government to establish an "Independent Commission consisting of equal representation from the LGSA and the State to assess the gravity of the problems facing Local Government, to recommend urgent action to be undertaken, to help

implement such changes in cooperation with Local Government and to monitor progress in achieving agreed outcomes" (recommendation 49, *Final Report*).

MM3	CONFERENCE REPORTING
FILE: 563 CC:117 JACH	{Folio No. 323208}

SUMMARY:

To recommend a means of reporting costs associated with the attainment of professional development and learning of Councillors and staff.



2006. 354 **RESOLVED:**

Moved: Cl. Hayes
Seconded: Cl. Sowter

That a monthly report be submitted to Council outlining conferences / seminars attended by the Mayor, Councillors, General manager and staff during the preceding monthly period and the cost of those conferences / seminars.

NOM5	COUNCIL CREDIT CARDS
FILE: 444 AVB	{Folio No. 323218}

MOVED:

Moved: Cl. Gribbin
Seconded: Cl. Saul

That the General Manager and the Mayor be issued with their own Council credit card for their exclusive use for all costs associated with Council business. That a single Council credit card be used by all Councillors for any conferences, seminars or meetings outside Kempsey Shire Council meetings.

The MOTION was PUT to the Meeting and was LOST.

GM4	PROFESSIONAL DEVELOPMENT
FILE: 87 CC:163 & 153 AVB	{Folio No. 323271}

SUMMARY:

To provide Council with information on the cost of ensuring professional staff maintain their professional competencies.



2006. 355 RESOLVED:

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

That votes for Professional Development and associated traveling in the 2006/07 budget not be reduced.

MAYORAL SUPPLEMENTARY REPORT

MM4 SUPP	SHIRES CONFERENCE AND LGMA FORUM FILE: 152 JACH	{Folio No. * }
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SUMMARY:

To provide Councillors with details of the proceedings of the Shires Conference and LGMA Forum held in Sydney.



2006. 356 RESOLVED:

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

That the information be noted.

MM5 SUPP	AGENDA ITEMS SUBMITTED BY COUNCILLORS FILE: * JACH	{Folio No. * }
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SUMMARY:

That agenda items submitted by Councillors, be in accordance with the correct report pro-forma.



2006. 357 RESOLVED:

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

That any agenda items submitted by Councillors be completed in the correct format in accordance with the report pro-forma.



At this stage 10.30 a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.05 a.m. all present at the adjournment were in attendance.



NOTICE OF MOTION

NOM1 RELEASE OF LAND FOR INDUSTRIAL PURPOSES
FILE: T5-94 RBP {Folio No. 323209}

2006. 358 **RESOLVED:**

Moved: Cl. Howell
Seconded: Cl. Sowter

That a report be submitted to a meeting of Council within three months outlining progress being made with the planning requirements for the release of land for industrial purposes.

DSDS15 APPEAL BY C J MOBBS: PROPOSED DWELLING
GRASS TREE ROAD, SOUTH KEMPSEY
FILE: T6-05-182 APB {Folio No. 323239}

SUMMARY:

Reporting on the Court Decision in relation to the appeal against Council's refusal to a development application for a dwelling house within the investigation area for the South Kempsey Industrial Area.



2006. 359 **RESOLVED:**

Moved: Cl. Howell
Seconded: Cl. Walker

That a review of the proposed industrial area be undertaken having regard to the approved dwelling house, and whether or not further funds should be expended in further investigation of this area.

NOM2 MENTAL HEALTH AND SUICIDE PREVENTION
FILE: 419 GRW {Folio No. 323210}

MOVED:

Moved: Cl. Howell
Seconded: Cl. Walker

1. That the Social Strategic Planning Committee request the Health and Ageing Working Party and the Youth Working Party to consider a proposal for the creation of community based services to address early intervention in the field of mental health and suicide prevention.
2. That representations be made to Messrs Mark Vaile, MP Member for Lyne and Luke Hartsuyker, MP Member for

Cowper requesting details of available recurrent funding for services provided for early intervention and prevention in the field of mental health and suicide prevention.

3. That Mr Andrew Stoner MP Member for Oxley be requested to advise of details of funding which may be available to Local Government for the improvement of Mental Health Services, particularly in respect to early intervention and prevention.
4. That Council facilitate a meeting with representatives of the North Coast Area Health Service and the Department of School Education in respect to the establishment of a program proposed for the early intervention in the field of mental health and suicide prevention.
5. That the matter of Mental Health Services be referred to the Strategic Alliance Group for consideration within their agenda.

An Amendment was MOVED:

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

That the Social Strategic Planning Committee request the Health and Ageing Working Party and the Youth Working Party to consider a proposal for the creation of community based services to address early intervention in the field of mental health and suicide prevention.

The AMENDMENT was PUT to the Meeting and was LOST.

2006. 360 The MOTION was PUT to the MEETING and was CARRIED.

NOM3	DRAFT HERITAGE STUDY	
	FILE: 138 CC: 731 RBP	{Folio No. 323216}

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

NOM4	SEWERAGE CHARGES PHASE IN PERIOD	
	FILE: 556 AMB	{Folio No. 323217}

MOVED:

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

That the sewerage developer charges as recommended be adopted with no phase in period.

An Amendment was MOVED:

Moved: Cl. Walker

Seconded: Cl. Sowter

That the sewerage developer charges as recommended be adopted with a phase in period of two years with a resulting cross-subsidy of \$2.50 per rate assessment for a fifteen year period.

The AMENDMENT was PUT to the Meeting and was LOST.

2006. 361 The MOTION was PUT to the MEETING and was CARRIED.

NOM5	COUNCIL CREDIT CARDS	
	FILE: 444 AVB	{Folio No. 323218}

This Report was dealt with in conjunction with report MM3 earlier in the Meeting.

NOM6	NOXIOUS WEEDS AWARENESS CAMPAIGN	
	FILE: 64 CLR BRS	{Folio No. *}

2006. 362 **RESOLVED:**

Moved: Cl. Sowter
Seconded: Cl. Green

1. That Council conducts a Noxious Weeds Awareness Campaign in the urban areas of the Shire with particular emphasis on Giant Parramatta Grass.
2. That the Weeds Officer be requested to attend at least two Saturday cattle sales per year to raise awareness of the ongoing threat of noxious weeds.

RESCISSION MOTION

RM1	SPECIAL VARIATIONS TO COUNCIL'S GENERAL RATE INCOME 2006 / 07	
	FILE: 483 AVB	{Folio No. 323219}

MOVED:

Moved: Cl. Howell
Seconded: Cl. Gribbin

That resolution number 2006.159 from the ordinary Meeting held Tuesday 14th March 2006, as printed below;

"That Council make application under Section 508(2) to the Minister for Local Government for a Special Variation to

General Income for 2006-07, and ongoing, of 6% for the purpose of applying the additional funds to the maintenance and replacement of Council's road and bridge infrastructure."

be rescinded.

The MOTION was PUT to the Meeting and was LOST.

DELEGATE'S REPORT

DR1	MID NORTH COAST WEEDS ADVISORY COMMITTEE
FILE: 373	APV (NRN) {Folio No. 323221}

SUMMARY:

Reporting on Quarterly Mid North Coast Weeds Advisory Committee Meeting held at Kempsey on 25th May 2006.



2006. 363 **RESOLVED:**

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

That the information be noted.

DR2	KEMPSEY HEALTH CAMPUS SERVICES AND MASTER PLAN
FILE: 419 RBP	{Folio No. 323223}

SUMMARY:

Reporting that a further Steering Committee Meeting was held Wednesday 31st May 2006.



Delegates Recommendation:

That the Councils projected population details be made available to the North Coast Area Health Service.

2006. 364 **RESOLVED:**

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

1. That the Councils projected population details be made

available to the North Coast Area Health Service.

2. That consideration be given to representatives of the North Coast Area Health Service being invited to attend Council's July meeting to outline the future procedure with the Services and Masterplan.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

DSDS1	PROPOSED DEVELOPMENT OF 6 RESIDENTIAL UNITS -35 MCINTYRE STREET, SOUTH WEST ROCKS
	FILE: T6-06-98 GGL {Folio No. 323226}

This Report was dealt with earlier following Public Forum.

DSDS2	PROPOSED ALTERATIONS AND ADDITIONS AND DEMOLITION - LOT21 SEC5 DP758024 No.46 CARDWELL STREET SOUTH WEST ROCKS
	FILE: T6-06-113 DJW {Folio No. 323227}

SUMMARY:

Reporting that a Local Development Application has been received to demolish an existing carport and erect a brick garage and timber deck which requires a variation to Council's front setback requirement.



2006. 365 **RESOLVED:**

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

That Development Application T6-06-113 be approved subject to the following conditions

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 3 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.

- 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 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.

- 7 Before work commences, the Council must be informed in writing of the name and contractor license number of the licensee who has been contracted to do or intends to do the work.
- 8 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorized entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.
- 9 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

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

- a) Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.

- b) Should the verandah, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the verandah, patio or landing and steps for safety and convenience.

Such balustrade to conform with the requirements of the Building Code of Australia:-

- (1) Part 3.9.1 and 3.9.2 of BCA Housing Provisions

Note: Spacing of rails not to exceed 125mm.

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

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

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

- d) Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
- e) Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).
- 10 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.
- 11 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult Mr. Tony Castle of Council's Environmental Services Department for requirements before commencing construction.
- 12 Roof waters are to be directed by means of sealed pipes to the street gutter. Details are to be provided with the plans for the required Construction Certificate.
- 13 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 upside runoff around cleared and / or disturbed areas and areas to be cleared and/or disturbed.

- b) sediment control fences at the down slope perimeter of the cleared and / or disturbed area to prevent unwanted sediment and other debris escaping from the land.
- c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

Protection of any kerbed 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.
- 14 The plans are to be amended and submitted to council with Construction Certificate indicating the following:
- The deck shall provided with a brick fender wall
 - The deck shall be provided with timber screen walls
 - Provide details of staircase construction
- 15 The existing layback and driveway shall be demolished and replaced with turf prior to the issue of Final Occupation Certificate.
16. The plans for the required Conditions of Consent are to include a detailed landscaping plan providing for established endemic species.

Councillor Hunt recorded his vote against the foregoing Resolution.

DSDS3	REQUEST FOR CONSENT TO CARRY OUT A SECTION 138 ROADS ACT CONSTRUCT A DRIVEWAY
FILE: LA5942	AJC
	{Folio No. 323228}

SUMMARY:

Reporting to Council on objections to a proposal to construct a driveway access at South West Rocks.



Director Sustainable Development Services recommendation:

A. That Council grant consent subject to the following conditions:-

- 1. The applicant is to replace the existing fencing with a fence that will improve sight distance for a driver exiting the site. Details are to be lodged with Council for approval prior to commencing work.**
- 2. The details contained in the Agreement attached to the Request for Consent to Carry Out a Section 138 Roads Act Activity are to be complied with in full.**

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

MOVED:

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

That the Director Sustainable Development Services recommendation be adopted.

An Amendment was MOVED:

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

That this matter be listed for a Works Inspection.

2006. 366 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

DSDS4	PROPOSED RELOCATION OF DWELLING AND ERECTION OF DETACHED GARAGE WITH WATER TANK UNDER FILE: T6-06-20 DJW	{Folio No. 323229}
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SUMMARY:

Reporting that Council has received an application to relocate a single storey dwelling which is identified in Council's Heritage Study.



2006. 367 RESOLVED:

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

- A. That consent be granted subject to the following conditions:-**
- a) This is “deferred commencement” consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. This consent shall not commence until the following matters have been satisfied:**
 - (i) Kempsey Shire Council has been provided with documentation that a suitable restriction as to user has been created over adjoining Lot 2 DP 807291 to provide asset protection zone for the proposed dwelling. In order to achieve a low category of bushfire attack the minimum overall dimensions of the asset protection zone shall be 40metres, comprising an inner protection area of 30metres and an outer protection area of 10metres.**
 - b) Upon the matters specific in Part A being satisfied, the development may be carried out subject to the following conditions.**
 - 1. The applicant shall provide a historical / conservation report of the site and dwelling to the satisfaction of council. The report is to be recorded and placed in council’s libraries and a plaque is to be erected on site to the satisfaction of council prior to the release of the Construction Certificate.**
 - 2. The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
 - 3. This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the Construction Certificate.**
 - 4. 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.**
 - 5. A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.**
 - 6. 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.

7. The dwelling and demolition of existing dwelling is not to be occupied prior to the issue of an Occupation / Interim Occupation Certificate by Council.

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 following inspections are required to be made and a minimum of 48 hours notice is necessary where requesting an inspection. Appointments will be made in accordance with the inspection program for the area. Where inspections are carried out by an accredited certifier other than Council, compliance certificates will be required following each inspection and forwarded immediately to The Principal Certifier.
9. 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) Install or alter existing septic system.
- (ii) Carrying out storm water drainage work.

10. 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.

11. 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.
12. A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the

person responsible for the site and a contact number outside working hours.

13. A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

Note: Clause 78I requires that the toilet must be provided before any work is commenced.

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

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

- a) Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.
- b) That the floor surface of the wet areas are properly graded and drained and the junctions of the floor with the walls are treated to 5 June 2006 prevent the penetration of moisture into the walls. An inspection of the treated area is to be arranged with Council or suitable certification is to be submitted prior to the issue of an Occupation Certificate.
- c) Should the verandah, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the verandah, patio or landing and steps for safety and convenience.

Such balustrade to conform with the requirements of the Building Code of Australia:-

- Part 3.9.1. and 3.9.2 of BCA Housing Provisions

Note: Spacing of rails not to exceed 125mm.

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

Riser(R)		Going (G)		Quantity (2R+ G)	
max	min	max	min	max	min

190 115 355 240 700 550

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

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

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

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

- i) All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.
- j) The door to all fully enclosed sanitary compartments must open outwards, or slide, or be readily removable from the outside, in accordance with the requirements of the Building Code of Australia.
- k) Any sarking used in the roof of the dwelling must have a flammability index not more than 5.
- l) Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
- m) Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).

15 A Survey Report is to be submitted on completion of floor framework to ensure the location of the building is in

accordance with the approval issued.

- 16 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.
- 17 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult Mr Tony Castle of Council's Environmental Services Department for requirements before commencing construction.
- 18 Roof waters are to be directed by means of sealed pipes to the street gutter. Details are to be provided with the plans for the required Construction Certificate.
- 19 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.
20. The entire property shall be managed as an Inner Protection Area as outlined within section 4.2.2. in

Planning for Bushfire Protection 2001.

21. Provide three (3) copies of Architectural Drawings with recommendations of Rural Fire Services in correspondence dated 13th April 2006.

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

DSDS5	REVIEW OF COUNCIL'S TREE PRESERVATION ORDER	FILE: 544 GAN CC: MRB	{Folio No. 323230}
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SUMMARY:

Council's Tree Preservation Order requires review due to a number of recent events. These include the commencement of the Native Vegetation Act; a number of clearing activities; the resource demands for dealing with minor tree assessments; and liability issues relating to potentially dangerous trees.

This report recommends that a draft amended TPO be exhibited to address these issues.



Director Sustainable Development Services Recommendation:

That Council exhibit the draft Kempsey Shire Tree Preservation Order 2006.

2006. 368 RESOLVED:

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

That Council exhibits the draft Kempsey Shire Tree Preservation Order 2006 with an increased diameter for camphor laurels from 600mm to 1.2m.

DSDS6	PROGRESS REPORT ON ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD) STRATEGY	FILE: 298 NDH (NRN)	{Folio No. 323231}
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SUMMARY:

Reporting to Council on the progress of the Draft ESD Strategy.



2006. 369 RESOLVED:

Moved: Cl. Green

Seconded: Cl. Gribbin

1. That the information be noted.
2. That Council note the progress of the Strategy and the process being undertaken in the development of the strategy.

DSDS7	REVIEW OF "PUBLIC NOTIFICATION POLICY"
FILE: 126 KJW (NRN)	{Folio No. 323232}

SUMMARY:

Reporting that draft amendments to Public Notification Policy are recommended.



2006. 370 RESOLVED:

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

1. That the information be noted.
2. That Council endorse the change to Council Policy C23-22 "Public Notification" to Section 5 as detailed in the report.

DSDS8	REVIEW OF DCP30 – EXEMPT AND COMPLYING DEVELOPMENT
FILE: 170 KJW (NRN)	{Folio No. 323233}

SUMMARY:

Reporting on a review of DCP 30 Exempt and Complying Development.



2006. 371 RESOLVED:

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

1. That the information be noted.
2. That Council notes the result of the review of DCP30 and that no further amendments be made at this time.
3. That DCP30 be reviewed within 12 months.

DSDS9	ON-SITE SEWAGE MANAGEMENT SYSTEM
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SUMMARY:

Reporting on the OSMS Strategy (existing systems) progress from the period of 20 May 2005 to 31 May 2006.



2006. 372 RESOLVED:

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

That the information be noted.

**DSDS10 STRATEGIC ALLIANCE: JOINT SECTION 94 PLAN,
SHARED RESOURCE – SECTION 94
CONTRIBUTIONS OFFICER
FILE: 264 APB {Folio No. 323235}**

SUMMARY:

Reporting on a proposal to prepare a joint Section 94 Contributions Plan with Nambucca and Bellingen Shires and to jointly fund a Section 94 Officer for which Council's endorsement is sought.



2006. 373 RESOLVED:

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

- A. That Council prepare a joint Section 94 plan with Nambucca and Bellingen Councils to recover costs associated with the preparation and administration of Section 94 plans, including the employment of a Section 94 officer.**
- B. That Council endorse the employment of a Section 94 officer as a shared position between Kempsey, Nambucca and Bellingen Councils.**
- C. That Council appoint the Director of Sustainable Development Services (or his delegate) as its representative on a joint working group with representatives from Nambucca and Bellingen Councils to oversee the preparation of the joint Section 94 plan, employment of the section 94 officer and review of Councils Section 94 plans.**
- D. That a review be undertaken of all existing Section 94**

plans, with the joint working group to determine the priority for the review of each plan.

**DSDS11 PROPOSED REZONING – NICHOLSON STREET,
SOUTH KEMPSEY
DRAFT KEMPSEY LOCAL ENVIRONMENTAL PLAN
1987 (AMENDMENT NO 98)
FILE: T5-95 GGL (NRN) {Folio No. 323236}**

SUMMARY:

Reporting that the Minister of Planning has decided not to make the Kempsey LEP 1987 (Amendment 98) to rezone land from 2(a) (Residential 'A' Zone) to 3 (a) (Business (General 'A') in Nicholson Street, South Kempsey.



2006. 374 RESOLVED:

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

That the information be noted.

**DSDS12 REZONING OF LAND FROM ZONE NO. 1(A3) TO
ZONE NO. 1(C)
FILE:T5-93 GGL NRN CC:519, 846 {Folio No. 323237}**

SUMMARY:

Reporting that the Department of Planning has advised that the proposal to rezone land from Zone No. 1(A1) RURAL "A3" AGRICULTURAL PROTECTION ZONE) to Zone No. 1 (C) (Rural (SMALL HOLDINGS "C" ZONE) for a thirty six (36) lot rural subdivision, is unlikely to be supported.



2006. 375 RESOLVED:

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

That Council defer proceeding with rezoning applications for rural residential development until such time Council has revised its Rural Residential Land Release Strategy.

**DSDS13 REVOTES 2005/06
FILE: 153 RBP (NRN) CC:APC {Folio No. 323238}**

SUMMARY:

Reporting that consideration needs to be given to revote funds allocated to projects for 2005/06 administered by Council's Sustainable Development Services Department.



2006. 376 RESOLVED:

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

That Council revote the funds remaining as at 30th June 2006 from the 2005/06 Budget to the 2006/07 Budget in accordance with the above report.

**DSDS14 BUILDING AND DEVELOPMENT
FILE 329 RBP**

SUMMARY:

Reporting that the following applications have been approved:



2006. 377 RESOLVED:

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

That the information be noted.

**DSDS15 APPEAL BY C J MOBBS: PROPOSED DWELLING
GRASS TREE ROAD, SOUTH KEMPSEY
FILE: T6-05-182 APB {Folio No. 323239}**

This Report was dealt with in conjunction with NOM1 earlier in the Meeting.

**DSDS16 APPLICATION FOR COSTS BY NABATU,
RELOCATION OF SHERWOOD CHURCH TO
TOURIST FACILITY PLOMER ROAD
FILE: T6-02-122 APB (NRN) {Folio No. 323240}**

SUMMARY:

Reporting on an application for costs made by the applicant for relocation of the Sherwood Anglican Church to a tourist facility in Plomer Road.



2006. 378 RESOLVED:

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

That the report be noted.

DIRECTOR SHIRE SERVICES REPORT

**DSS1 PROPOSED PART ROAD CLOSURE AND SALE OF ROAD
FILE:LA14151 CC:R.BELLE O'CON APV{FolioNo.323241}**

SUMMARY:

Report on the part road closure of two unformed roads at South West Rocks and the possible sale of the land.



2006. 379 RESOLVED:

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

- 1 That the road on the southern side and western side of Lot315 DP1088661 be closed for half its width adjacent to that property.
- 2 That a valuation be obtained for the partially closed roads and the General Manager be authorized to negotiate the sale to Country Energy, of the partially closed roads, based on the valuation obtained.
- 3 That Council authorise the fixing of its seal to the necessary documents.

**DSS2 YOUTH INFORMATION REFERRAL SERVICE
FILE: 343 (323242) GRW NRN {Folio No. 323242}**

SUMMARY:

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



Director Shire Services Recommendation:

That the information be noted.

2006. 380 RESOLVED:

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

That the information be noted and Councillor Green be nominated as Council's representative at the proposed meeting.

**DSS3 ROADS TO RECOVERY
FILE:197 CC: R.QUEEN ST NJT CC:APC {FolioNo323243}**

SUMMARY:

Reporting on the Roads to Recovery Program 2005 / 2006.



2006. 381 RESOLVED:

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

That \$25,000 be reallocated under the Roads to Recovery Program from the Queen Street project to provide additional funding for Creek Street.

**DSS4 NSW PERFORMANCE MONITORING REPORTS –
MACLEAY WATER RESULTS FOR 2003/04
FILE: 588 TAK (NRN) {Folio No. 323244}**

SUMMARY:

Reporting Macleay Water's results for 2003/04.



2006. 382 RESOLVED:

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

That the report be received and noted.

**DSS5 REVOTE REQUESTS FOR 2006/07 – MACLEAY
WATER
FILE: 153 AMB (NRN) CC:APC {Folio No. 323245}**

SUMMARY:

Report on the revotes required for water and sewer fund capital works projects



2006. 383 RESOLVED:

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

That the funding allocated in 2005 / 2006 for the projects listed in the report be revoked in 2006 / 2007.

DSS6	BELLBROOK WATER SUPPLY
FILE: 350 AMB (NRN)	{Folio No. 323246}

SUMMARY:

This report is an update on the Bellbrook water supply.



2006. 384 RESOLVED:

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

That the information be noted.

DSS7	REVOTES 2005 / 2006
FILE: 153 NJT (NRN) CC: APC	{Folio No. 323247}

SUMMARY:

Reporting on requests to revoke funds allocated to projects for 2005 / 2006 administered by the Shire Services Department.



2006. 385 RESOLVED:

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

That the funding allocated in 2005 / 2006 for the projects listed in the report be revoked in 2006 / 2007.

DSS8	HAT HEAD SEWERAGE
FILE: 217 AMB (NRN)	{Folio No. 323248}

SUMMARY:

Reporting on the Hat Head Sewerage System.



2006. 386 RESOLVED:

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

That the information be noted.

DSS9	NATIONAL LOCAL ROADS & TRANSPORT CONGRESS
FILE: 19 APV (NRN)	{Folio No. 323249}

SUMMARY:

Reporting on the 7th National Local Roads & Transport Congress.



Director Shire Services recommendation:

- 1 That the Mayor be Council's delegate to the ALGA National Local Roads & Transport Congress.
- 2 That Council determines whether other Councillors attend the ALGA National Local Roads & Transport Congress.

MOVED:

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

That the Director Shire Services recommendation be adopted.

An Amendment was MOVED:

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

- 1 That the Mayor be Council's delegate to the ALGA National Local Roads & Transport Congress.
- 2 That no other Councillors attend the ALGA National Local Roads & Transport Congress at Council's expense.

2006. 387 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

DIRECTOR SHIRE SERVICES SUPPLEMENTARY REPORT

DSS10	ALDAVILLA SEWERAGE SYSTEM
SUPP	FILE: 223 SLM {Folio No. *}

SUMMARY:

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



Director Shire Service's recommendation:

That community consultation be undertaken with the affected property owners to discuss the issues raised within this report.

MOVED:

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

That the Director Shire Service's recommendation be adopted.

At 1.05pm discussion on this item was deferred until after the luncheon adjournment.



At this stage 1.05 p.m. the Meeting adjourned for Luncheon and upon resumption at 1.45 p.m. all present at the adjournment were in attendance.



PRESENTATION

At 1.50pm Mr Mark Thompson Council's Road Safety Officer conducted a presentation on the Aboriginal Road Safety and Licensing Program.



At this stage, 2.14pm, Councillor Bowell retired from the Chamber and apologised for non-attendance at the remainder of the Meeting.



At 2.15pm discussion resumed on item DSS10 – Aldavilla Sewerage System.

The MOTION that the Director Shire Service's recommendation be adopted was WITHDRAWN at the request of Councillors Hunt and Sowter.

2006. 388 **RESOLVED:**

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

That this matter be deferred to a future meeting for further information to be provided.

DSS11	WATER EDUCATION GRANT
SUPP.	FILE: 900 AMB {Folio No. *}

SUMMARY:

Reporting Macleay Water's successful grant application for water catchment education.



2006. 389 **RESOLVED:**

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

- 1 That the Catchment Management Authority's offer of a grant in the amount of \$14,920 (+\$1,492 GST) for water catchment education program be accepted.
- 2 That the General Manager be the delegated signatory for the contract relating to this grant.

DIRECTOR CORPORATE SERVICES REPORT

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

SUMMARY:

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



2006. 390 **RESOLVED:**

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

That the information be noted.

DCS2	STATEMENT OF INVESTMENTS AS AT 31st MAY 2006
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SUMMARY:

Reporting on the Statement of Investments as at 31st May 2006.



2006. 391 **RESOLVED:**

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

That the information be noted.

DCS3**FLEET MANAGEMENT****FILE: 151 CAD (NRN)****{Folio No. 323251}****SUMMARY:**

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



2006. 392 **RESOLVED:**

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

That the information be noted.



At 2.28p.m, Councillor Gribbin retired from the Chamber and apologised for non-attendance at the remainder of the meeting.

**DCS4****USE OF MICROPHONES AT COUNCIL MEETINGS****FILE: 469 PJH (NRN)****{Folio No. 323253}****SUMMARY:**

Reporting on a proposal to improve the use of Council's microphone system.



2006. 393 **RESOLVED:**

Moved: Cl. McWilliam

Seconded: Cl. Green

That the use of shorter stem microphones be trialled at the 20th June Extraordinary Council meeting with Councillors and Officers remaining seated when addressing the Chair for that meeting.

DCS5	CAPITAL WORKS EXPENDITURE
	FILE: 153 GBS (NRN) CC:APC {Folio No. 323254}

SUMMARY:

Reporting on Capital Works expenditures and estimated unexpended balances as at 30th June 2006.



2006. 394 RESOLVED:

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

That the unexpended funds as at 30th June 2006 in respect of the projects identified in the Directors Report be revoted for the 2006/07 year.

DCS6	MAYORAL AND COUNCILLOR FEES
	FILE: 276 PJH (NRN) CC:APC {Folio No. 323256}

SUMMARY:

Reporting that the Local Government Remuneration Tribunal has handed down its report for the 2006 - 2007 year.



2006. 395 RESOLVED:

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

That the Mayoral and Councillor fees payable for the 2006 - 2007 year be the maximum allowed in category 3 as determined by the Local Government Remuneration Tribunal.

DCS7	GOODS AND SERVICES TAX
	FILE: 615 APC {Folio No. 323257}

SUMMARY:

Reporting on the Department of Local Government requirements in

respect of Council's Goods and Services Tax (GST) compliance.



2006. 396 **RESOLVED:**

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

That Council provide a Goods and Services Tax Certificate certifying compliance with the requirements of the GST Legislation for the 2005/06 year.

DCS8	SALEYARDS OPERATORS ASSOCIATION – ANNUAL CONFERENCE
FILE: 388	GBS (NRN) {Folio No. 323258}

SUMMARY:

Reporting on proposed attendance at the 2006 Annual Conference.



Director Shire Services Recommendation:

That one (1) Councillor be nominated to attend the 2006 Saleyards Operators Conference to be held at Forbes, 25th to 27th July 2006.

2006. 397 **RESOLVED:**

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

That Councillor Sowter be nominated to attend the 2006 Saleyards Operators Conference to be held at Forbes, 25th to 27th July 2006.

DCS9	CODE OF MEETING PRACTICE AMENDMENTS
FILE: 395	PJH (NRN) {Folio No. 323260}

SUMMARY:

Reporting on the need to review Council's meeting practices.



Director Corporate Services Recommendation:

A That the following new section 9 be inserted in the Code of Meeting Practice:-

Part 9 - Workshops and Information Sessions

9.1 Conducting Workshops at Council Meetings

- (1) Council may hold workshops as part of Council meetings to allow for wider debate and discussions on certain issues. The procedure for holding such workshops is that Council shall form itself into a Committee of Whole (refer to clause 7.1 of the Code of Meeting Practice). A workshop may involve councillors, council staff and invited participants.**
- (2) These Council meeting workshops shall be open to the public unless grounds exist for closing the workshop to the public under section 10A of the Local Government Act.**
- (3) The decision to hold a workshop at a Council meeting shall be made by a resolution of the Council.**

9.2 Conducting Workshops separate from Council Meetings

- (1) Council may hold workshops separate from Council meetings where such workshops are for sharing and discussing of information only and no decisions or recommendations shall be made from these information workshops.**
- (2) Workshops held separate from Council meetings may involve councillors, council staff and invited participants. As the workshops are not meetings of the council or a formal committee of council, the attendance entitlements of the public do not apply and these workshops shall not be open to the public unless Council has resolved to make the workshop open.**
- (3) The decision to hold a workshop separate from a Council meeting shall be made by the Mayor or a resolution of the Council.**
- (4) The meeting procedure for the conduct of Workshops that are held separate from Council meetings shall be determined by the Mayor or the Chairperson.**

B That section 2.3 of the current Code of Meeting Practice be amended to read:-

2.3 Extraordinary Meetings of Council

- (1) Council may hold Extraordinary meetings to deal with**

special business or where there is so much business to be dealt with that an additional meeting is required (*Clause 242*).

- (2) An Extraordinary meeting may be called by a resolution of the Council or when at least two (2) councillors make a written request to the Mayor to hold an extraordinary meeting. The Mayor can be one of the two councillors, but the Mayor cannot call an extra-ordinary by herself or himself without having a written request from another councillor.
- (3) If an Extraordinary meeting is called for by two (2) councillors, the Mayor must call an extraordinary meeting as soon as practicable but in any event within 14 days after receipt of the request. (*Section 366*).
- (4) Extraordinary meetings will be included in Council's schedule of meetings where it is known they will be required e.g. budget meetings.

C That section 7.3 of the Code of Meeting Practice be amended to read:-

7.3 General and Special Committees of Council – Works Committee

- (1) Council's Works Committee consists of all councillors and meets as required when determined by council or the Mayor with the purpose of carrying out site inspections of any matters affecting the functions of council.
- (2) The Works Committee shall have delegated authority to determine matters provided a quorum of five (5) members is present.
- (3) The Works Committee shall commence from the Civic Centre at times nominated in the agenda and following site inspections shall reconvene at the council chambers for committee deliberations and the time for committee deliberations shall be listed in the agenda.
- (4) Council shall give notice to the public of the times and places of meetings of the Works Committee (*section 9*).

D That the amendments to the Code of Meeting Practice are deemed as not substantial and the amended Code of Meeting Practice be adopted without exhibition.

2006. 398 RESOLVED:

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

The Director Corporate Services recommendation be adopted subject to item D being amended as follows:-

D That the Draft Code of Meeting Practice incorporating the amendments be placed on public exhibition for 28 days.

DCS10	2005/06 LOAN BORROWING PROGRAM
FILE: 594 APC (NRN)	{Folio No. 323262}

SUMMARY:

Reporting on the 2005/06 Loan Borrowing Program for Sewerage Fund



2006. 399 RESOLVED:

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

That the information be noted.

DCS11	FLEET – SALE OF LOW LOADER
FILE: 577 GBS (NRN)	{Folio No. 323263}

SUMMARY:

Reporting on the sale of Fleet item V1984 (Low Loader).



2006. 400 RESOLVED:

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

That the information be noted.

DCS12	FLEET BUSINESS PLAN
FILE: 468 GBS (NRN)	{Folio No. 323265}

SUMMARY:

Reporting on the preparation of the 2006/07 Fleet Business Plan.



Director Corporate Service's Recommendation:

1. That the 2006/07 Fleet Business Plan be adopted.
2. That the proposed Hire Rates be adopted and implemented as from 1st July 2006.
3. That the 2006/07 Fleet Replacement Program as shown in the Business Plan be adopted.

2006. 401 RESOLVED:

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

That this item be deferred to the July Council Meeting.

GENERAL MANAGER'S REPORT

GM1	OUTSTANDING REPORTS / RESOLUTIONS
FILE: 149 AVB (NRN)	{Folio No. 323266}

SUMMARY:

Council's report on outstanding reports and resolutions.



2006. 402 RESOLVED:

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

That the information be noted.

GM2	WORKS PROGRAM
FILE: 153 AVB (NRN) COPY APC	{Folio No. 323267}

SUMMARY:

To outline progress of the capital works program for the 2005 / 06 year.



2006. 403 RESOLVED:

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

That the information be noted.

GM3

CUSTOMER FIRST CENTRE COSTINGS

FILE: 584

AVB (NRN)

{Folio No. 323268}

SUMMARY:

To compare costs of staffing the Customer First Centre to previous costs.



2006. 404 RESOLVED:

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

That the information be noted.

GM8

CUSTOMER FIRST CENTRE

FILE: 584

AVB (NRN)

{Folio No. 323275}

SUMMARY:

To outline the issues and benefits of the Customer First Centre.



General Manager's Recommendation:

That the information be noted.

2006. 405 RESOLVED:

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

- 1. That the information be noted.**
- 2. That Council unanimously supports the staff in the Customer First Centre and acknowledges the increased efficiency throughout the organisation and note with pleasure the increased productivity.**
- 3. That congratulations be forwarded to the staff of the Customer First Centre for their proficient and professional manner in which they undertake their duties.**
- 4. That the staff of the Customer First Centre be thanked for their patience during this time and the amount of work they have achieved.**

The Mayor noted that the foregoing resolution was passed unanimously.

GM4 PROFESSIONAL DEVELOPMENT
FILE: 87 AVB CC: 163 & 153 {Folio No. 323271}

This Report was dealt with in conjunction with MM3 and NOM5 earlier in the Meeting.

**GM5 ANNUAL PERFORMANCE REVIEW OF GENERAL
MANAGER**
FILE: S10-13 AVB (NRN) {Folio No. 323272}

SUMMARY:

To determine a date for the Annual Performance Review of the General Manager.



2006. 406 RESOLVED:

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

That the date for the Annual Performance Appraisal of the General Manager be the 28th July 2006 and facilitated by Dr John Martin.

GM6 DIRECTOR SHIRE SERVICES
FILE: S10-13 CC:876 AVB (NRN) {Folio No. 323273}

SUMMARY:

To advise Council of the appointment of the Director Shire Services.



2006. 407 RESOLVED:

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

That it be noted that Mr Tom Vermeulen has been appointed to the position of Director Shire Services.

GM7 LOCAL GOVERNMENT MANAGERS AUSTRALIA
FILE: 165 AVB {Folio No. 323274}

SUMMARY:

To outline the LGMA Conference highlights.



2006. 408 RESOLVED:

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

That the information be noted.

GM8	CUSTOMER FIRST CENTRE		
	FILE: 584	AVB (NRN)	{Folio No. 323275}

This Report was dealt with in conjunction with item GM3 earlier in the Meeting.

GM9	INTERNAL REPORTING SYSTEMS		
	FILE: 584	AVB	{Folio No. 323276}

SUMMARY:

To advise Council of improvements to be introduced to our internal reporting systems.



General Manager's Recommendation:

That the information be noted.

2006. 409 RESOLVED:

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

1. That the information be noted.
2. That the information on Councillor requests received and dealt with be included in the quarterly report on the complaints and correspondence handling system.
3. That a resource usage estimate be included in this report.



ABORIGINAL LIAISON COMMITTEE			
FILE: 540	DJM (NRN)		{Folio No. 323277}

2006. 410 RESOLVED:

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

That the minutes of the Aboriginal Liaison Committee meeting held Wednesday 3rd May 2006 be adopted.



LOCAL TRAFFIC COMMITTEE

2006. 411 RESOLVED:

*Moved: Cl. Walker
Seconded: Cl. Green*

That the minutes of the Local Traffic Committee meeting held Thursday 11th May 2006 be adopted.



WORKS INSPECTION COMMITTEE

2006. 412 RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Walker*

That the minutes of the Works Inspection Committee meeting held Monday 29th May 2006 and concluding Tuesday 30th May 2006 be adopted.



LATE BUSINESS – AMENDMENT TO JULY COUNCIL MEETING DATE

2006. 413 RESOLVED:

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

That this matter be dealt with at this meeting as it is deemed by the Mayor to be a matter of great urgency.

2006. 414 RESOLVED:

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

That the July Ordinary Council Meeting be held on Tuesday 18th July 2006.

QUESTIONS WITHOUT NOTICE

COUNCILLOR E R Walker

Q1 FILE: *

Can consideration be given to Council meeting lunches being as previous arrangements and adjust management plan as required?

Responsible Officer AVB

The General Manager advised that a resolution would be required to adjust the budget for Council meetings when the Management Plan is adopted at the 20th June Council meeting.

Q2 FILE: *

Can Council look at installing a light at Old Greenhill Ferry Road Greenhills?

Responsible Officer APV

The Director Shire Services will investigate.

COUNCILLOR B R Sowter

Q1 FILE: *

Can parking within the disabled parking spaces by unauthorised vehicles within the South West Rocks CBD area be investigated?

Responsible Officer RBP

The Director Sustainable Development Services will investigate.

Q2 FILE: *

Can consideration be given to extending the garbage collection in the Kundabung area?

Responsible Officer APV

The Director Shire Services will investigate.

COUNCILLOR D F Saul

Q1 FILE: *

Can action be taken against youth riding bicycles in Belgrave Street, Kempsey upsetting pedestrians?

Responsible Officer APV

The matter will be referred to the Community Safety Committee.

Q2 FILE: *

Can a new rope and fittings be installed at the Anzac Day Stuarts Point flagpole?

Responsible Officer APV

The Director Shire Services will investigate.

COUNCILLOR T L Hunt

Q1 FILE: *

Can consideration be given to displaying in the Chambers a copy of meeting procedures?

Responsible Officer PJH

Copies of the Code of Meeting Practice will be made available in the Chambers.

COUNCILLOR J C Gribbin (questions presented by Councillor Green on behalf of Councillor Gribbin).

Q1 FILE: *
When will Jerseyville sewerage system installation contract commence?

Responsible Officer APV
The Director Shire Services advised that tenders have just closed and will be reported to the next meeting

Q2 FILE: *
Could Council please slash the land at the rear of the houses at the bottom of Arthur Street, SWR – there are eight houses involved with pensioner residents and one is paying a contractor to slash as she is afraid of snakes coming into her back yard.

Responsible Officer APV
The Director Shire Services will investigate.

Q3 FILE: *
Could Council please advise me of the Council's intentions in regard to operation of Information Centre in the Boatsman's Cottage SWR.

Responsible Officer APV
The Director Shire Services advised that the SWR Heritage Committee has been given job of arranging the new leases and Council will be seeking continuation of its lease for the Information Centre service.

COUNCILLOR E A Green

Q1 FILE: *
Can representations be made to the RTA requesting a definite answer identifying the site for the Local Road take off from the proposed highway bypass in order for Council to progress our industrial lands.

Responsible Officer APV
The Director Shire Services will investigate.

Q2 FILE: *
Can we investigate the possibility of installing solar panels on the roof of the Customer First Centre to power the Council complex and sell residual to Country Energy?

Responsible Officer GBS
The Director Corporate Services will investigate.

COUNCILLOR J A C Hayes

Q1 FILE: *
Is there any obvious impediment to investigating the possibility of utilising Stuart McIntyre Dam for recreational purposes.

Responsible Officer APV
The Director Shire Services will investigate the possibility.

Q2 FILE: *
Could the artwork in the Council Chambers be rehung to display at best advantage.

Responsible Officer GBS
The Director Corporate Services will arrange.

Q3

FILE: *

Could the unsealed section of Point Plomer Road be graded after school holidays instead of prior?

Responsible Officer

APV

The Director Shire Services advised that this has been a point of discussion over a number of years – should it be graded before or after the holidays – Council has previously resolved to leave it to the Director's discretion.



MOTION FOR CONFIDENTIAL COMMITTEE

2006. 415

RESOLVED:

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

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.

At 4.06pm Councillor Hunt left the Chambers and apologized for non- attendance at the remainder of the meeting.

GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	LEGAL MATTERS	FILE: 155	AVB (NRN)	{Folio No. 323278}
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Section 10A(2)(g) – Legal Proceedings

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

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

SUMMARY:

Reporting on the current position regarding legal matters.



2006. 416 RECOMMENDED:

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

That the information be noted.



REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE

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



ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2006. 417 RESOLVED:

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

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



CONCLUSION:

There being no further business, the Meeting terminated at 4.15 p.m.

