



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 14th November 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 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.

◆◆◆◆◆

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".

◆◆◆◆◆

APOLOGY:

2006. 690

RESOLVED:

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

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

◆◆◆◆◆

DECLARATIONS OF INTEREST

Councillor Gribbin declared an interest in items RM1, DCCS7 for the reason that his wife is secretary of the SWR Heritage Committee.

Councillor Hunt declared an interest in item DSDS10 for the reason that he has a personal relationship with an applicant listed in the report.

CONSIDERATION OF CONFIDENTIAL REPORTS

2006. 691

RESOLVED:

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

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

◆◆◆◆◆

**MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL
DATED 10TH OCTOBER 2006.**

2006. 692

RESOLVED:

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

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated Tuesday 10th October 2006, be adopted.

◆◆◆◆◆

WELCOME

The Mayor welcomed St Joseph's Primary School year 5 students who attended the first section of the Meeting.

PUBLIC FORUM

- 1 - Mr Richard Collins addressed Council regarding item DCCS7 Visitor Information Centre South West Rocks.
- 2 - Mr Kendal Maclay addressed Council regarding item DSDS8 Proposed Additions to Dwelling Lot325 DP7544441 No 2 Dulconghi Street Crescent Head.
- 3 - Ms Geraldine Haigh addressed Council regarding item DSDS8 Lot325 DP7544441 No 2 Dulconghi Street Crescent Head.
- 4 - Mr Leith Ducat addressed Council regarding item DSDS9 Proposed Modification to Development Consent 50 Lachlan Street South Kempsey.

◆◆◆◆◆

CONSIDERATION OF LATE REPORTS

2006. 693

RESOLVED:

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

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

CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports RM1, DCCS7, DSDS8 & DSDS9

2006. 694

RESOLVED:

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

That the reports dealt with in Public Forum be brought forward and dealt with immediately.

RM1 VISITOR INFORMATION CENTRE – SOUTH WEST ROCKS
FILE: LA19251 CC: 584, 132 AVB {Folio No. 335872}

That part 1 of resolution number 2006.541 from the Ordinary Meeting held Tuesday, 12 September 2006, as printed below;

"That the South West Rocks Heritage Committee be advised of Council's offer of \$5,000 pa for the sub-lease of the Boatman's Cottage No. 1 as a Visitor Information Centre; plus 50% reimbursement of rates."

be rescinded.

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

Councillor Gribbin declared an interest in the following item for the reason that his wife is secretary of the SWR Heritage Committee and retired from the Chamber.

DCCS7 VISITOR INFORMATION CENTRE – SOUTH WEST ROCKS
FILE: LA19251 CC: 584, 132 GRW {Folio No. 335910}

SUMMARY:

Reporting on options available for the promotion of the Macleay Valley Coast at South West Rocks and comparative visitation statistics of the current information centre with the Kempsey Visitor Information Centre.

◆◆◆◆◆

Director Corporate & Community Services Recommendation:

1. That the SWR Heritage Committee be advised that their decision to either accept / reject Council's offer must be made within 14 days of this Council meeting.
2. Should the SWR Heritage Committee reject the offer;
 - a) further negotiations commence with the four (4) interested parties to determine the best operator to provide the VIC service, and
 - b) a report be submitted to the December meeting seeking endorsement of the new operator to run the VIC on behalf of Council.

MOVED:

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

days of the date of notice being given, that the application will be refused for the following reason:

1. The proposal is contrary to Council's Development Control Plan Crescent Head – Local Housing Strategy as the proposal would result in an unacceptable and avoidable loss of views from the adjoining dwelling.
- C. Upon submission of the amended plans incorporating the requested amendments, that Development Application T6-06-74 be approved subject to the following conditions:
1. Details are to be submitted for approval for the disposal of the excavated material prior to the release of the Construction Certificate.
 2. A schedule of finishes for the low tone non reflective finishes of the proposed buildings external façade including the fence shall be submitted with the Construction Certificate.
 3. Details of erosion control are to be submitted, approved and to be installed prior to commencing on site works.
 4. The cut excavation is not to exceed 3.7metres in depth.
 5. The Design Engineer is to supervise the excavation works.
 6. The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
 7. This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
 8. Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
 9. The dwelling is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.
 10. An application for a certificate is enclosed. It is requested that it be completed and returned to Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.
 11. This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.

12. A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.

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

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

13. Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.
14. All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.
15. A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.
16. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

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

- a) Structural Engineer's Details for retaining walls, reinforced concrete slab and structural steel work is to be submitted prior to the issue of the construction certificate
- b) Geotechnical Engineer's report shall be submitted to council for the excavation prior to issue of the construction certificate
- c) Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.

- d) That the floor surface of the wet areas are properly graded and drained and the junctions of the floor with the walls are treated to prevent the penetration of moisture into the walls. An inspection of the treated area is to be arranged with Council or suitable certification is to be submitted prior to the issue of an occupation certificate.
- e) The windows and glass installations within the building shall comply with AS 1288, Part 3.6 BCA Housing Provisions and AS2047. The applicant shall furnish Council with a report from the supplier upon completion of the window and glass installation indicating compliance with the requirements of AS1288 and AS2047.
- f) Should the veranda, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the veranda, patio or landing and steps for safety and convenience. Such balustrade to conform with the requirements of
 - (1) Part 3.9.1. and 3.9.2 of BCA Housing Provisions of the Building Code of Australia.

Note: Spacing of rails not to exceed 125mm.

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

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

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

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

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

AS 3786 or listed in the SSL Register of Accredited Products.

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

- l) All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.
 - m) The door to all fully enclosed sanitary compartments must open outwards, or slide, or be readily removable from the outside, in accordance with the requirements of the Building Code of Australia.
 - n) Any sarking used in the roof of the dwelling must have a flammability index not more than 5.
 - o) Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
 - p) Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).
- 17 The dwelling shall be constructed to include all the energy efficiency requirements contained within the single residence scorecard.
- 18 The hours of operation of the activity are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- 19 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult Mr Tony Castle of Council's Environmental Services Department for requirements before commencing construction.
- 20 Roof waters are to be directed by means of sealed pipes to the street gutter. Details are to be provided with the plans for the required Construction Certificate.
- 21 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
- a) diversion of uncontaminated up site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.

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

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

Note:

- i) Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
 - ii) Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.
- 22. Survey Certificate is to be submitted upon completion of the roof framing to ensure that the ridge height is at or below RL 45.33 metres A.H.D. above the kitchen area
 - 23. A survey certificate prepared by a registered surveyor being submitted to Council to verify the siting of the building in relation to adjacent boundaries, and work is not to proceed beyond that stage until a written release has been given by Council. The survey is to be submitted at completion of floor slab formwork before concrete is poured.
 - 24. Submit engineering details of the pre- treatment storm water disposal system prior to issue of the Construction Certificate
 - 25. Submission of a detailed landscaping plan providing for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing the landscaping beds prior to release of the Construction Certificate.
 - 26. Construction shall comply with AS3959-1999 level 3 'Construction of Buildings in bushfire prone areas'. Details to be provided with the Construction Certificate.
 - 27. Roller doors, tilt-a-door and the like shall be sealed to prevent the entry of embers into the structure.
 - 28. The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.

29. Access to the rear of the property shall be provide for fire fighting purposes.
30. All fencing shall be constructed from non-combustible materials.
31. All glazing towards the bushfire hazard on the northern and eastern sides of the proposed structure shall be fire rated glass.
32. There is to be no exposed timber on the northern and eastern sides of the proposed structure.
33. A 1.8metre high radiant heat shield made of non-combustible materials shall be constructed along the full length of the northern and eastern boundaries adjacent to the hazard. A pedestrian access gate is to be along this boundary. Where steel cladding material is used; all posts and rails will be constructed from steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth. Details to be provided with Construction Certificate.
34. The applicant is to nominate the haulage route for disposal of overburden, including where it is proposed to place the material and submit details to council prior to release of the Construction Certificate.

D. That the objectors be advised of Councils decision.

MOVED:

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

That the Director Sustainable Development Services recommendation be adopted.

The foregoing Motion was WITHDRAWN at the request of Councillors Bowell and Gribbin.

2006. 696

RESOLVED:

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

That this matter be listed for a Works Inspection.

DSDS9	PROPOSED MODIFICATION TO A DEVELOPMENT CONSENT LOT1 DP337328 NO. 50 LACHLAN ST SOUTH KEMPSEY FILE: T6-06-175 GAN {Folio No. 335885}
-------	---

SUMMARY:

Council is in receipt of an application to modify Development Consent T6-06-175 for Southside Cellars to remove 11 conditions of consent that primarily relate to the installation of a sealed right of way that would provide one way forward movement for delivery vehicles servicing the rear storage building.

◆◆◆◆◆

Director Sustainable Development Services Recommendation:

- A. That the applicant be advised that Council is prepared to agree to modify the consent by deletion of Condition 13 only.
- B. That the applicant be requested to provide his written agreement within fourteen (14) days of notice being given.
- C. That in the event an agreement is not provided as requested, that consent be refused for the following reasons:-
 - 1) The proposed modification would result in the manoeuvring of heavy rigid service vehicles with a minimum to two (2) reversing movements in Tighes Lane that is in contravention with the requirements of Council's Traffic Committee and AS 2890.2 through DCP 36 Engineering Guidelines of Subdivision and Development, thereby likely to adversely affect the existing pavement.
 - 2) The proposed modification does not comply with Council's Parking Code – Policy Number C23:12 in that entry and exit of the development site is not achievable in a forward direction, and the requirement for multiple reversing movements of service vehicles would increase the risk of conflict between the service vehicle and Tighes Lane.
 - 3) The applicant has failed to demonstrate that the safety and efficiency of the Tighes Lane and the Pacific Highway will not be adversely effected by the proposed modification to the development.

2006. 697

RESOLVED:

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

That this matter be listed for a Works Inspection.

ADOPTION OF AGENDA ORDER OF BUSINESS

2006. 698

RESOLVED:

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

That the Agenda Order of Business be adopted.

MAYORAL REPORT

MM1

LGSA LEADERS FORUM

FILE: 165 MAYOR (NRN)

{ Folio No. 335861 }

SUMMARY:

Report on attendance at the inaugural LGSA Leaders Forum in Sydney 20th October 2006. There are to be quarterly meetings of this forum to progress work arising from the Percy Allan Report.

◆◆◆◆◆

Mayoral Recommendation:

1. That the information be noted.
2. That council agree to support any appropriate actions required in relation to:- drought assistance and the LGSA Election platform.
3. That we galvanise our community to assist a like Local Government Area in the drought stricken areas to provide support and assistance as appropriate.
4. That we make the most of any increased resource opportunities which may become available during the current election campaign.

2006. 699

RESOLVED:

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

That the Mayor's Recommendation be adopted with the addition of:-

5. That Council make a formal approach to Member for Lyne, Mr Mark Vaile MP regarding drought relief options.

MM2

KEMPSEY SHOWGROUND TRUST MEETING

FILE: LA2942 MAYOR

{Folio No. 335862}

SUMMARY:

Meeting with the Showground Trust, Members of Show Society, Representatives of the Department of Lands, State member Mr Andrew Stoner, Council General Manager and myself to review the continuing position of the Kempsey Showground. Date 23 October 2006

◆◆◆◆◆

Mayoral Recommendation:

1. Further discussion with the Department of Lands to pursue the matter of funding for repairs and upgrade to the required standards.
2. Encourage additional membership of Showground Trust
3. Review Council's position following resolution of (1).

2006. 700

RESOLVED:

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

That the Mayor's Recommendation be adopted with the addition of:-

4. That Council offer to assist the Kempsey Showground Trust in applying for funding from the Public Reserves Management Fund (PRMF) to improve the showground.

5. That representations be made to the Minister for Lands, the Honourable, Mr Tony Kelly MP in regard to this matter.

MM3	MAYORAL ACTIVITIES FOR OCTOBER 2006
FILE: 380	MAYOR (NRN) {Folio No. 335863}

SUMMARY:

Reporting on a summary of Mayoral activities for October 2006

◆◆◆◆◆

2006. 701

RESOLVED:

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

That the information be noted.

MM4	GENERAL MANAGER'S PERFORMANCE REVIEW
FILE: S10-13	MAYOR (NRN) {Folio No. 335864}

SUMMARY:

Advising Council that a quarterly performance review of the General Manager was held on 8 November 2006.

◆◆◆◆◆

2006. 702

RESOLVED:

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

That the information be noted.

MM5	PURPORTED RELOCATION OF ABORIGINAL FAMILIES FROM DUBBO
FILE: 310	MAYOR (NRN) {Folio No. 335865}

SUMMARY:

Report on meeting to discuss purported relocation of Aboriginal families from Dubbo to Kempsey Shire.

◆◆◆◆◆

2006. 759

RESOLVED:

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

That the information be noted.

NOTICE OF MOTION

NOM1	YOUTH SPORTS INSTITUTE FILE: 927 CC: 343 SDS	{Folio No. 335866}
-------------	---	---------------------------

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

1. That in association with the implementation of the Ecologically Sustainable Development Strategy, the establishment of a 'Youth Sports Institute' within Kempsey Shire be investigated.
2. That a further report be submitted to Council on the costs associated with the investigation.

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

That this matter be deferred until a report comes back to Council on the associated costs with the investigation of the establishment of a Youth Sports Institute.

2006. 703 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

NOM2	BUSINESS AND INDUSTRY STAKEHOLDERS FILE: 368 KEO	{Folio No. 335867}
-------------	---	---------------------------

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

That Council facilitate a meeting designed to encourage the relevant stakeholders within the areas of business and industry to address the required planning for the infrastructure needed to stimulate economic growth and provide employment opportunities within Kempsey Shire.

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

2006. 704 **RESOLVED:** *Moved: Cl. Hayes*
Seconded: Cl. Hunt

That the MDAP Committee be asked to investigate the facilitation of a meeting designed to encourage the relevant stakeholders within the areas of business and industry to address the required planning for the infrastructure needed to stimulate economic growth and provide employment opportunities within Kempsey Shire.

PRESENTATION

At this stage 10.15am the Mayor made a presentation to Mr Dave Corbett for ten years service as a volunteer for the Library.

NOM3	STAFF CHRISTMAS PARTY	{Folio No. 335868}
	FILE: 230 AVB (NRN)	

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

That Council fund a 2006 staff Christmas party. Council's contribution to be capped at \$3,000 (three thousand dollars).

An AMENDMENT was MOVED: *Moved: Cl. Gribbin*
*Seconded: Cl. **

That the Christmas party be a family Christmas party and that Council provide \$5,000 towards the party.

The Amendment LAPSED for want of a SECONDER.

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

That the Council Staff Christmas party be reverted to its original format with staff input into the type of function.

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

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

That Council contribute \$3,000 towards a 2006 staff Christmas function and that consideration be given for a joint Christmas function in 2007 with input from staff.

2006. 705 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

The Mayor noted that this motion was carried unanimously.

PRESENTATION

At this stage the Mayor presented Council Staff Member Mr Mark Hamilton with Clean Beach Awards attained by Council.

At this stage 10.36a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.02a.m. all present at the adjournment were in attendance.

RESCISSION MOTION

RM1	VISITOR INFORMATION CENTRE – SOUTH WEST ROCKS
FILE: LA19251 CC: 584, 132 AVB	{Folio No. 335872}

This Rescission Motion was dealt with earlier in the meeting just after PUBLIC FORUM.

DELEGATE'S REPORT

DR1	MID NORTH COAST TOURISM PROPOSED BOARD RESTRUCTURE
FILE: 135 AVB	{Folio No. 335869}

SUMMARY:

Reporting on the meeting of the Mid North Coast Strategic Workshop held on September 13, 2006.

◆◆◆◆◆

2006. 706

RESOLVED:

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

1. That the Mid North Coast Regional Tourism Organisation board structure comprise eight (8) Tourism Managers or an alternative appointee from the LGA's (with an alternate delegate to be appointed by council), plus a maximum of four (4) direct tourism industry representatives, and a Tourism New South Wales representative - 13 in total. The four tourism industry representatives would hold their position for a maximum two (2) years and represent four different LGA's.
2. That Council re-affirms Councillor Hayes as the alternative delegate.

DR2	"A" DIVISION CONFERENCE
FILE: 345 JACH (NRN)	{Folio No. 335870}

SUMMARY:

Reporting on the need to submit motions to and to nominate representations to "A" Division Conference.

◆◆◆◆◆

2006. 707

RESOLVED:

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

1. That any motions to be considered at the "A" Division Annual Conference be considered by Council up to and including the January Ordinary Council meeting.

2. That the Mayor and Councillor Janet Hayes ("A" Division Representative) attend the Annual Conference of the "A" Division to be held in Casino on Wednesday, 7 February 2007.

Councillor Gribbin recorded his vote against the foregoing Resolution.

DR3	NSW RURAL FIRE SERVICE – MOBILE ASSETS
FILE: 441 APV	{Folio No. 335871}

SUMMARY:

Reporting on a meeting held with Rural Fire Service Captains on the proposal to transfer mobile fire assets to the Rural Fire Service.

◆◆◆◆◆

2006. 708

RESOLVED:

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

That the information be noted.

DR4	LOCAL GOVERNMENT ASSOCIATION
SUPP.	FILE: * EAG {Folio No. *}

SUMMARY:

Delegates Report Local Government Association of NSW Annual conference for 2006 28 October to 1 November 2006 held at Peppers Fairmont Leura NSW.

◆◆◆◆◆

2006. 709

RESOLVED:

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

That the information be noted.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

DSDS1	ADDITION OF LOT TO REZONING PROPOSAL SOUTH WEST ROCKS
FILE: T5-55 GAN	{Folio No. 335876}

SUMMARY:

Reporting on a request made to include an adjoining parcel of land, identified in Council's Land Release Strategy, in the Saltwater Developments rezoning in South West Rocks.

◆◆◆◆◆

2006. 710

RESOLVED:

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

Seconded: Cl. Hayes

That the information be noted.

DSDS4	ECONOMIC DEVELOPMENT STRATEGIC PLAN UPDATE
FILE: 584 KEO (NRN)	{ Folio No. 335879 }

SUMMARY:

Reporting on the progress of the strategic initiatives of the Kempsey Shire Council, Economic Development Plan 2004 – 2007 and proposed revised MDAP committee structure.

◆◆◆◆◆

2006. 713

RESOLVED:

Moved: Cl. Hunt
Seconded: Cl. Hayes

- 1 That the information relating to the progress of implementing the Kempsey Shire Council, Economic Development Plan 2004 – 2007 be noted.
- 2 That Council endorse the recommendations of MDAP in respect to the proposed structure, direction and current vacancies.

DSDS5	DRAFT ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD) STRATEGY
FILE: 927 NDH CC: MRB	{ Folio No. 335881 }

SUMMARY:

Reporting that the draft ESD Strategy has been prepared for Council's endorsement for the purposes of public exhibition.

◆◆◆◆◆

2006. 714

RESOLVED:

Moved: Cl. Powell
Seconded: Cl. McWilliam

That the draft ESD Strategy be endorsed for the purposes of public exhibition.

DSDS6	STATE OF ENVIRONMENT REPORT 2005/06 – SUPPLEMENTARY REPORT
FILE: 715 KEO	{ Folio No. 335882 }

SUMMARY:

The Kempsey Shire Supplementary State of the Environment (SoE) Report for 2005/06 has been prepared for submission by 30 November 2006 to the Department of Local Government.

◆◆◆◆◆

2006. 715

RESOLVED:

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

That the information be noted.

DSDS7	PROPOSED ALTERATIONS AND ADDITIONS TO AN EXISTING TWO (2) STOREY DWELLING FILE: T6-06-166 DJW {Folio No. 335883}
--------------	---

SUMMARY:

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

◆◆◆◆◆

2006. 716

RESOLVED:

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

A That Development Application T6-06-166 be approved subject to the following conditions:-

1. The applicant is to nominate the haulage route for disposal of overburden, including where it is proposed to place the material and submit details to council prior to release of the Construction Certificate.
2. A longitudinal section of the driveway complying with AS/NZS 2890.1.2004 shall be submitted to council prior to release of the construction certificate
3. A schedule of finishes for the low tone non reflective finishes of the proposed buildings roof and external façade including the fence shall be submitted to council prior to the release of the Construction Certificate.
4. A site plan indicating the dwelling additions setback 5m from the primary building line shall be submitted with the Construction Certificate.
5. Details of erosion control are to be submitted, approved and to be installed prior to commencing on site works.
6. The Design Engineer is to supervise the excavation works.
7. 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.
8. 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.

9. 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.
10. The dwelling is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.
11. 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.
12. 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.
13. A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.

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

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

14. 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.
15. 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.
16. 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.

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

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

- a) Structural Engineer's Details for retaining walls, reinforced concrete slab and structural steel work is to be submitted prior to the issue of the construction certificate.
- b) Geotechnical Engineer's report shall be submitted to council for the excavation prior top issue of the construction certificate.
- c) Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.
- d) That the floor surface of the wet areas are properly graded and drained and the junctions of the floor with the walls are treated to prevent the penetration of moisture into the walls. An inspection of the treated area is to be arranged with Council or suitable certification is to be submitted prior to the issue of an occupation certificate.
- e) The windows and glass installations within the building shall comply with AS 1288, Part 3.6 BCA Housing Provisions and AS2047. The applicant shall furnish Council with a report from the supplier upon completion of the window and glass installation indicating compliance with the requirements of AS1288 and AS2047.
- f) Should the 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
- (g) Part 3.9.1. and 3.9.2 of BCA Housing Provisions of the Building Code of Australia.

Note: Spacing of rails not to exceed 125mm.

- (h) 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.

- (i) Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site.
- (j) 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.
- (k) Kitchen exhaust fans are to be ducted externally of the building or a recirculation hood type be provided.
- (l) 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.
- (m) 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.
- (n) 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.
- (o) Any sarking used in the roof of the dwelling must have a flammability index not more than 5.
- (p) Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
- (q) Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).

18. The dwelling shall be constructed to include all the energy efficiency requirements contained within the single

residence scorecard. The requirements shall be indicated on the architectural drawings and shall be submitted prior to release of the Construction Certificate.

19. 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.
20. 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.
21. 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.
22. Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
 - a) diversion of uncontaminated up site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - b) sediment control fences at the down slope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.
 - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

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

Note:

- i) Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
 - ii) Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.
23. Survey Certificate is to be submitted upon completion of the slab formwork to ensure that the ground floor's finished floor height is at or below RL 59.46 metres A.H.D.
24. 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.

25. Submit engineering details of the pre- treatment storm water disposal system prior to issue of the Construction Certificate.
26. 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.
27. Construction shall comply with AS3959-1999 level 3 'Construction of Buildings in bushfire prone areas'. Details to be provided on the architectural drawings prior to the release of the Construction Certificate.
28. The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.
29. Access to the rear of the property shall be providing for fire fighting purposes.
30. All fencing shall be constructed from non-combustible materials.
31. Provide amended plans indicating suitable screens to minimum height of 1.5m on the outer edge to the balconies on the eastern elevations of the proposed additions to provide privacy to adjoining dwelling prior to release of the Construction Certificate.
32. Provide amended plans indicating 460mm sills to living room and north terrace windows prior to release of the Construction Certificate.
33. The plans for the require Construction Certificate are to indicate deletion the retractable sail awning deleted.

B That the objectors be advised of Councils decision.

DSDS8	PROPOSED ALTERATIONS AND ADDITIONS TO AN EXISTING TWO (2) STOREY DWELLING FILE: T6-06-74 DJW {Folio No. 335884}
--------------	--

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

DSDS9	PROPOSED MODIFICATION TO A DEVELOPMENT CONSENT LOT1 DP337328 NO. 50 LACHLAN ST SOUTH KEMPSEY
--------------	---

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

Councillor Hunt declared an interest in the following item for the reason that he has a personal relationship with an applicant listed in the report and retired from the Chamber.

DSDS10

BUILDING AND DEVELOPMENT

FILE: 329 RBP

{Folio No. *}

SUMMARY:

Reporting that the following applications have been approved:

◆◆◆◆◆

2006. 717

RESOLVED:

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

That the information be noted.

Councillor Hunt returned to the Chamber.

DSDS11

STRATEGIC PLANNING PROGRAM

FILE: 584 RBP

{Folio No. 335886}

SUMMARY:

Reporting on the progress of strategic planning projects, an internal reorganisation to address the Shire's strategic planning needs and seeking Council's endorsement for revised priorities for 2006 / 07.

◆◆◆◆◆

2006. 718

RESOLVED:

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

That Council notes the report and endorses the priorities attached to each project.

DIRECTOR SHIRE SERVICES REPORT

DSS1

SOLAR PHOTO ELECTRIC CELLS

FILE: 707 GTS CC: JCC

{Folio No. 335887}

SUMMARY:

Reporting on the possibility of installing solar photo electric cells on the roof of the Customer First Centre

◇◇◇◇◇◇

Director Shire Services Recommendation:

That the provision of funding in the amount of \$30,000 to undertake an energy audit be considered in the 2007 / 2008 budget estimates.

2006. 719

RESOLVED:

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

That the Director Shire Services recommendation be adopted with the addition of:-

2. That Kempsey Shire Council use energy saving light bulbs in its facilities whenever possible.

DSS2	HORSESHOE BAY RESERVE DRAFT PLAN OF MANAGEMENT FILE: 505 KLB (NRN) {Folio No. 335888}
-------------	---

SUMMARY:

Reporting on the progress of the Draft Plan of Management for Horseshoe Bay Reserve.

◇◇◇◇◇◇

2006. 720

RESOLVED:

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

That the revised draft Plan of Management for Horseshoe Bay Reserve be adopted.

DSS3	NSW RURAL FIRE SERVICES FILE: 441 APV (NRN) CC: APC {Folio No. 335889}
-------------	--

SUMMARY:

Reporting on the 2006 / 2007 Allocation for the NSW Rural Fire Fighting Fund.

◇◇◇◇◇◇

2006. 721

RESOLVED:

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

That the information be noted.

DSS4	STREET NAMING FILE: 147, T6-O5-366 SDS {Folio No. 335890}
-------------	---

SUMMARY:

Reporting on proposals for street names.

◆◆◆◆◆

2006. 722

RESOLVED:

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

That the naming of road 1 as Teague Drive, and road 2 as Daley Crescent in the proposed subdivision off Crescent Head Road be approved.

DSS5	2006 NSW LOCAL ROADS CONGRESS
FILE: 165 NJT	{Folio No. 335891}

SUMMARY:

Reporting on the 2006 NSW Local Roads Congress.

◆◆◆◆◆

Director Shire Services Recommendation:

That the information be noted.

2006. 723

RESOLVED:

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

That the Director Shire Services Recommendation be adopted with the addition of the following:-

2. **That the Director General RTA Mr Les Willinga be invited to meet with Council in early 2007 to discuss the Highway Bypass and any other relevant matters.**
3. **That a proposed motion for the "A" Division Conference on matters arising at the Roads Congress be prepared for Councils December meeting.**

DSS6	ELBOW STREET, WEST KEMPSEY – 40 KPH HIGH PEDESTRIAN ACTIVITY SPEED ZONE
FILE: 211 NJT CC: APC	{Folio No. 335893}

SUMMARY:

Reporting on funding received to conduct preliminary investigations into the feasibility of implementing a 40kph High Pedestrian Activity Speed Zone in Elbow Street, West Kempsey.

◆◆◆◆◆

2006. 724

RESOLVED:

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

That the grant of \$20,000 from the Roads and Traffic Authority be accepted to conduct preliminary investigations into the feasibility of implementing a 40kph High Pedestrian Activity Speed Zone in Elbow Street, West Kempsey, between Kemp Street and Harold Walker Avenue.

DSS7	REQUEST FOR INTEREST FREE LOAN FROM MACLEAY VALLEY BASEBALL AND SOFTBALL ASSOCIATION FILE: 161 KLB CC: APC {Folio No. 335896}
-------------	--

SUMMARY:

Reporting on a request from the Macleay Valley Baseball and Softball Association for an interest free loan.

◆◆◆◆◆

Director Shire Services Recommendation:

That the Macleay Valley Baseball and Softball Association be offered an interest free loan of \$3,000 over a three year term.

2006. 725

RESOLVED:

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

That the Macleay Valley Baseball and Softball Association be offered an interest free loan of \$3,000 over a three year term with 6 monthly repayments of \$500.

DSS8	FLOODPLAIN MANAGEMENT PROGRAM FILE: FM500 APV CC: APC {Folio No. 335897}
-------------	---

SUMMARY:

Reporting on grant offers for Kempsey's Floodplain Management Program.

◆◆◆◆◆

2006. 726

RESOLVED:

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

That the offers of financial assistance in the amount of \$385,000 for the Floodplain Management Program for 2006/2007 be accepted in accordance with the Conditions for Financial Assistance under the Floodplain Management Program.

DSS9	HAT HEAD SEWERAGE FILE: 217 AMB/PGA (NRN) CC:APC {Folio No. 335898}
-------------	--

SUMMARY

Reporting on the Hat Head Sewerage System.

◆◆◆◆◆

Director Shire Services Recommendation:

- 1 That \$30,000 be transferred from sewer fund reserves to a capital budget allocation for a chemical storage shade shelter.
- 2 That no action be taken to review DCP37 at this point in time.
- 3 That a further report be submitted to Council in March 2007.

2006. 727

RESOLVED:

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

That the Director Shire Services Recommendation be adopted with the addition of:-

- 4 That Council request an extension of the Defects Liability Period.

DSS10	RURAL FIRE SERVICE – SERVICE AGREEMENT
FILE: 441 APV (NRN)	{Folio No. 335900}

SUMMARY:

Reporting on the proposal to extend the term of the Service Agreement for the Twin Rivers Rural Fire Zone.

◆◆◆◆◆

2006. 728

RESOLVED:

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

That the current Service Agreement for the Twin Rivers Rural Fire Zone between Kempsey Shire Council and the NSW Rural Fire Service be extended for a period of 12 months from 1 July 2006 to 30 June 2007.

DSS11	MEETINGS WITH SPORTING FIELD USER GROUPS
FILE: 749 KLB (NRN)	{Folio No. 335902}

SUMMARY:

Reporting on meetings held with sporting field user groups in August 2006.

◆◆◆◆◆

2006. 729

RESOLVED:

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

That the information be noted.

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

DCCS1 STATEMENT OF BANK BALANCES AS AT 31st OCTOBER 2006
FILE: 454 APC {Folio No. *}

SUMMARY:

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

◆◆◆◆◆

2006. 730

RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Saul

That the information be noted.

DCCS2 STATEMENT OF INVESTMENTS AS AT 31st OCTOBER 2006
FILE: 303 APC {Folio No. *}

SUMMARY:

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

◆◆◆◆◆

2006. 731

RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Saul

That the information be noted.

DCCS3 FLEET MANAGEMENT
FILE: 151 CAD (NRN) {Folio No. 335903}

SUMMARY:

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

◆◆◆◆◆

2006. 732

RESOLVED:

Moved: Cl. Hayes
Seconded: Cl. Hunt

That the information be noted.

DCCS4 ABORIGINAL LIAISON OFFICER GRANT
DOCUMENTATION – AFFIXING COUNCIL SEAL
FILE: 389 MLB {Folio No. 335904}

SUMMARY:

Reporting the need for Council to authorise the affixing of the Council Seal on documentation.

◆◆◆◆◆

2006. 733

RESOLVED:

Moved: Cl. McWilliam

Seconded: Cl. Hayes

That Council's seal be affixed to the NSW Department of Community Services document titled 'Community Services Grants Program - Record of Achievements' in regard to the Aboriginal Community Liaison Officer's position.

DCCS5	FINANCIAL STATEMENT FOR THE PERIOD TO 30TH SEPTEMBER 2006
FILE: 321 JCC (NRN)	{Folio No. 335906}

SUMMARY:

Reporting that the Budget Review for the quarter ending 30th September 2006 has been prepared for all funds.

◆◆◆◆◆

2006. 734

RESOLVED:

Moved: Cl. Bowell

Seconded: Cl. Hunt

That the Budget Review for the period ending 30th September 2006 be adopted and the variations contained therein be approved and financed from the sources as indicated.

DCCS6	HOMES FOR THE AGED
FILE: LA19692 LA1800 LA3435 JMC (NRN)	{Folio No. 335908}

SUMMARY:

Reporting on Homes for the Aged as requested by Council at its April 2006 Meeting.

◆◆◆◆◆

2006. 735

RESOLVED:

Moved: Cl. Hayes

Seconded: Cl. Bowell

That at the time of the next annual review of Aged Unit rentals in April 2007, the rentals for the Tozer Street Aged Units be made the same as that applied to the Sheila Blackwell Gardens Aged Units.

DCCS7	VISITOR INFORMATION CENTRE – SOUTH WEST ROCKS
FILE: LA19251 CC: 584, 132 GRW	{Folio No. 335910}

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

DCCS8	KEMPSEY ASSISTANCE PATROL (KAP) OFFER OF FUNDING FILE: 558 MLB (NRN) CC: APC	{Folio No. 335912}
--------------	---	---------------------------

SUMMARY:

Reporting on an offer of funding received to sustain the Kempsey Assistance Patrol (KAP) until February 2007.

◆◆◆◆◆

Director Corporate & Community Services Recommendation:

For information of Council.

2006. 736

RESOLVED:

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

1. That the information be noted.
2. That the KAP Service be reviewed in February 2007.
3. That the Attorney General's Department be advised that unless the KAP Service is fully funded Council will be forced to cease operations due to lack of funding after 30th June 2007.

DCCS9	COMMUNITY SERVICES GRANTS PROGRAM – AFFIXING COUNCIL SEAL FILE: 646 MLB CC: APC	{Folio No. 335914}
--------------	--	---------------------------

SUMMARY:

Reporting on the need for Council to authorise the affixing of the Council seal on documents.

◆◆◆◆◆

2006. 737

RESOLVED:

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

That Council's seal is affixed to all documentation received from the NSW Department of Housing relating to the Community Development Worker.

DCCS10	CONFERENCES AND SEMINARS FILE: 165 PJH (NRN)	{Folio No. 335915}
---------------	---	---------------------------

SUMMARY:

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

◆◆◆◆◆

2006. 738

RESOLVED:

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

That the information be noted.

DCCS11	REVIEW OF 355 COMMITTEES OF COUNCIL
FILE: 433 KRW	{Folio No. 335921}

SUMMARY:

To review the 355 committees of Council and the ability of these committees to exist and function effectively in the long term and the availability of Council resources to manage and maintain the functions of those committees.

◆◆◆◆◆

2006. 739

RESOLVED:

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

1. That the delegation under Section 377 to Sporting Bodies listed in the Directors Report be withdrawn and a User Agreement be put in place to allow Volunteer management of sports facility.
2. That the delegation under Section 377 to Wigay Park Committee be withdrawn and an occupancy agreement be put in place between Council and the Djigay Student Association.
3. That the delegation under Section 377 to Birralee Hall Committee be withdrawn and the Crescent Head Lions Club be offered a lease of the Birralee Hall.
4. That the delegation under Section 377 to Macleay Valley Day Care Centre (Parklands Cottage) be withdrawn and an occupancy agreement be put in place between Council and Parklands Cottage Incorporated.
5. That the 25 committees assessed as meeting the requirements of Section 355 committees of Council be re-affirmed as such, and that the delegation of each Committee be reviewed and assessed against the requirements of OH&S, Risk management, and Sustainability.
6. That Council acknowledge the commitment of resources that will be required to implement proper management of Section 355 committees and Volunteers of Council.

DCCS12	POLICY – PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS
FILE: 276 PJH (NRN) CC: MRB	{Folio No. 335925}

SUMMARY:

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

◆◆◆◆◆

Director Corporate & Community Services 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. 740

RESOLVED:

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

That this matter be deferred until the December Council Meeting.

DCCS13

GOOLAWAH RESERVE

FILE: LA12633 CC: 142

SJR

{Folio No. 335928}

SUMMARY:

Reporting on discussions with representatives from the Department of Lands with regard to Crown Lands south of Crescent Head incorporating and enveloping Goolawah Reserve Primitive Camping area.

◆◆◆◆◆

Director Corporate & Community Services Recommendation:

1. That Council as Reserve Trust Manager, advise the Department of Lands of consent to relinquish trusteeship of Reserve 1003268 and Reserve 8864.
2. That Council advise the Department of Lands that it has no objection to the establishment of a community reserve trust to manage the reserve lands south of Crescent Head.

MOVED:

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

That Council hold a meeting with the Director of Land Management, Adrian Harte, regarding Goolawah Reserve.

An AMENDMENT was MOVED:

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

That the Director Corporate & Community Services Recommendation be adopted.

2006. 741 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

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

DCCS14	NSQA ANNUAL AUDIT 28/11/06	{Folio No. 335929}
	FILE: 255 TAB (NRN)	

SUMMARY:

Report on the Annual Audit on Kempsey Regional Saleyards.

◆◆◆◆◆

2006. 742

RESOLVED:

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

That the information be noted.

DCCS15	FUTURE MANAGEMENT OF AIRPORT LANDS	{Folio No. 335930}
	FILE: 183 SJR (NRN)	

SUMMARY:

Reporting on future directions for the Kempsey Aerodrome

◆◆◆◆◆

2006. 743

RESOLVED:

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

That the engagement of a Project Manager by the Macleay Development and Promotion Committee (MDAP) to further investigate the opportunities identified within the Strategic document for the airport be noted.

GENERAL MANAGER'S REPORT

GM1	OUTSTANDING REPORTS / RESOLUTIONS	{Folio No. 335931}
	FILE: 149 AVB (NRN)	

SUMMARY:

Council's report on outstanding reports and resolutions.

◇◇◇◇◇◇

2006. 744

RESOLVED:

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

That the information be noted.

GM2	WORKS PROGRAM	{Folio No. 335933}
	FILE: 153 AVB (NRN)	

SUMMARY:

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

◇◇◇◇◇◇

2006. 745

RESOLVED:

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

That the information be noted.

GM3	WORKERS COMPENSATION	{Folio No. 335935}
	FILE: 271 AVB (NRN)	

SUMMARY:

To advise Council of the results of the review of workers' compensation claims.

◇◇◇◇◇◇

General Manager's Recommendation:

That the information be noted.

2006. 746

RESOLVED:

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

That the General Manager's Recommendation be adopted with the addition of:-

2. That the staff who implemented the changes and those who negotiated the revised premiums be thanked.

GM4	CORRESPONDENCE AND COMPLAINT HANDLING	{Folio No. 335936}
	FILE: 584 AVB (NRN)	

SUMMARY:

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

◆◆◆◆◆

2006. 747

RESOLVED:

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

That the information be noted.

GM5	CONFERENCES AND SEMINARS	{Folio No. 335940}
	FILE: 117 AVB (NRN)	

SUMMARY:

To advise Council of the Department of Local Government response to the disclosure of personal information.

◆◆◆◆◆

General Manager's Recommendation:

That the information be noted.

2006. 748

RESOLVED:

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

That the General Manager's Recommendation be adopted with the addition of:-

2. That the report presented to Council on Conferences and Seminars include Councillors names, unless individual Councillors request to the General Manager that their names not be disclosed.

GM6	CODE OF CONDUCT	{Folio No. 335950}
	FILE: 367 AVB (NRN)	

SUMMARY:

To outline the Local Government Act provisions regarding councillor / staff relationships.

◆◆◆◆◆

2006. 749

RESOLVED:

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

That the information be noted.

Can representations be made through Mr Andrew Stoner MP Member for Oxley for the establishment of a Stroke Unit at Kempsey District Hospital?

Responsible Officer

*

The Mayor advised this request needs to be submitted to Council as a Notice of Motion

Q2

FILE: *

Can inquiries be made to determine if Nursing will be included within the curriculum of the three Macleay High Schools in 2007?

Responsible Officer

*

The Mayor advised this request needs to be submitted to Council as a Notice of Motion

Q3

Councillor Bowell congratulated the Director Shire Services for the tree plantings and maintenance along the Pacific Highway entrance to Kempsey.

COUNCILLOR J C GRIBBIN

Q1

FILE: *

Have Council issued rate notices (in the past 5 years) in respect of the following properties;

- **5 Ocean Street, South West Rocks Lot 374 DP822657**
- **7 Ocean Street, South West Rocks Lot 373 DP822657**

when / to whom were these notices issued; and if Council did issue these notices, when/by whom were they paid through its rate book?

Responsible Officer

AVB

The General Manager will investigate and advise.

Q2

FILE: *

Will the information sheets supplied to me on the remainder of the survey 'Lets Make it Better' questions and answers be supplied to the Argus newspaper and the TV program Stateline.

Responsible Officer

AVB

The General Manager advised that the survey results as far as he was aware were not supplied to the media by staff and it was the intention that the survey information was only for staff and Councillors information and consideration.

COUNCILLOR B R SOWTER (questions submitted by Councillor Hayes)

Q1

FILE: *

Can the Director Shire Services update Council regarding feed lot Sutherland Lane and B-doubles accessing this lane?

Responsible Officer

RBP & APV

The Director Sustainable Development Services advised that a letter had been sent out regarding the operation of a feed lot.

The Director Shire Services advised that this lane is not an authorised B-double route.

Q2

FILE: *

Could consideration be given to allocating designated parking for Councillors only on Council meeting days.

Responsible Officer GBS

The Director Corporate & Community Services advised that consideration would be given.

COUNCILLOR J A C HAYES

Q1

FILE: *

Was the holding of a Social Strategic Planning Committee meeting by teleconference a success?

Responsible Officer EAG

The Mayor advised that the teleconference meeting did not go ahead due to clashes with other meetings and a meeting by teleconference will be tried again in the future.

COUNCILLOR T L HUNT

Q1

FILE: *

Would the Director Corporate & Community Services please confirm that the net cost to the shire for rebates of pensioners' rates exceeds \$2.7m for the last 5 year period.

Responsible Officer GBS

The Director Corporate & Community Services advised that it would be in excess of \$2.5m for this period.

COUNCILLOR R McWILLIAM

Q1

FILE: *

Can Council look at providing fish cleaning bins at all fish cleaning tables especially at Back Creek and Mattys Flat, South West Rocks.

Responsible Officer APV

The Director Shire Services will investigate.

Q2

Councillor McWilliam congratulated the Director Shire Services on the Kerb and Gutter work in Hill Street South West Rocks.

COUNCILLOR D F SAUL

Q1

FILE: *

Can the Director Shire Services investigate lack of drainage in Morton Ave, Smithtown.

Responsible Officer APV

The Director Shire Services will investigate.

Q2

FILE: *

Can the Director Shire Services investigate potholes in Old Station Rd at the Kempsey end of the unsealed section.

Responsible Officer APV

The Director Shire Services will investigate.

Q3

FILE: *

In regard to the potholes in the sealed surface adjacent to Gladstone General Store – where does Council responsibility end?

Responsible Officer APV

The Director Shire Services advised that as this area is sealed up to the shop front Council responsibility would be in line with the sealed road surface of adjoining properties and Council could undertake repairs to the area close to the shop on a private works basis.

COUNCILLOR E R WALKER

Q1

FILE: *

Can the Director Sustainable Development Services confirm in writing to Mr Richard Sowter regarding road access matters which were discussed on site with a Council officer.

Responsible Officer

RBP

The Director Sustainable Development Services will arrange a letter to confirm the results of the on site discussions.

Q2

FILE: *

When will swimming pool tenders be advertised for the 2007 / 08 season onwards?

Responsible Officer

APV

The Director Shire Services advised specifications are being prepared and tenders will be called prior to the end of this summer swimming season.

COUNCILLOR E A GREEN

Q1

FILE: *

Would the Director Shire Services investigate the removal of Bunya pine nuts in the Clyde Street Mall area.

Responsible Officer

APV

The Director Shire Services will investigate.

At this stage, 2.27pm, Councillor Gribbin retired from the Chambers and apologised for non-attendance at the remainder of the meeting.

◆◆◆◆◆

MOTION FOR CONFIDENTIAL COMMITTEE

2006. 753

RESOLVED:

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

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

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES CONFIDENTIAL REPORT

DSDS1	ALLEGED UNAUTHORISED CLEARING
CONF.	FILE: LA13018 LA5091 RBP (NRN) {Folio No. 335943}

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

THIS IS PAGE 42 OF THE MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 14TH NOVEMBER 2006.

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 grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).

Discussion of the matter in an open meeting would on balance be contrary to the public interest in protecting the legal advice received by Council which is to be used in Council's decision in this matter.

◆◆◆◆◆

2006. 754

RECOMMENDED:

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

That Council take no further action.

DIRECTOR SHIRE SERVICES CONFIDENTIAL SUPPLEMENTARY REPORT

DSS1	TENDER 938 –CONSTRUCTION OF STATE
CONF. SUPP.	EMERGENCY SERVICES HEADQUARTERS BUILDING
FILE: 938 JM	{ Folio No. * }

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

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

On balance, the public interest in preserving the confidentiality of the commercial information supplied, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

SUMMARY:

Reporting on the assessment of tenders for the Construction of the State Emergency Services Headquarters Building.

◆◆◆◆◆

2006. 755

RECOMMENDED:

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

That Council accept the tender of \$225,909 (excl. GST) submitted by Osborne & Dowling Pty Ltd for the construction of the State Emergency Services Headquarters Building.

GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	VARIOUS LEGAL MATTERS - CURRENT POSITION
CONF.	FILE: 155 AVB (NRN) { Folio No. 335944 }

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. 756

RECOMMENDED:

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

That the information be noted.

◆◆◆◆◆

OPEN COUNCIL

2006. 757

RESOLVED:

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

That the Open Council Meeting be resumed.

REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE

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

◆◆◆◆◆

ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2006. 758

RESOLVED:

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

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

◆◆◆◆◆

CONCLUSION:

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