



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 18th July 2006 commencing at 9.02am.

PRESENT:

Councillors J A C Hayes, (Mayor and Chairman), J H Bowell, E A Green, J C Gribbin, (T L Hunt from item DCS9), R H McWilliam, D F Saul, B R Sowter and E R Walker.

General Manager, A V Burgess; Director Shire Services, A P Vermeulen; Acting Director Sustainable Development Services, K J Ward; Director Corporate Services, G B Snape; Ken Woods, Minute Taker and Donna Pearson.



APOLOGY:

2006. 431

RESOLVED:

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

That the apology submitted by Councillor Hunt for late to the meeting be accepted.



DECLARATIONS OF INTEREST

Councillor Green declared an interest in item DSS7 regarding recycling for the reason that she is a friend of the Norton family referred to in the report.

Councillor Gribbin declared an interest in item GM4 Code of Conduct for the reason that he is the subject of the report.

Councillor McWilliam declared an interest in item DSDS5 for the reason that he is a former owner of the property next door to the property in the report.

CONSIDERATION OF CONFIDENTIAL REPORT

MOVED:

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

That the first item in the confidential section of the agenda Director Sustainable Development Services report be moved into open Council.

The MOTION was PUT to the Meeting and was LOST.

2006. 432

RESOLVED:

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

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



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 13TH JUNE 2006

2006. 433

RESOLVED:

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

That the minutes of the Ordinary Meeting of Kempsey Shire Council dated 13th June 2006 be adopted with the notation that Councillor Gribbin had recorded his vote against DSS9 National Roads Congress.



MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 20TH JUNE 2006

2006. 434

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Green*

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 20th June 2006 be adopted.



CONSIDERATION OF LATE REPORTS

2006. 435

RESOLVED:

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

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



ADOPTION OF AGENDA ORDER OF BUSINESS

2006. 436

RESOLVED:

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

1. That items MM1, NOM1, DCS5 and DCS6 be dealt with in conjunction.
2. That items DSS2 and GM8 be dealt with in conjunction.
3. That the remaining Agenda Order of Business be adopted.

MAYORAL REPORT

That following items MM1, NOM1, DCS5 and DCS6 were dealt with in conjunction.

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| MM1 | VISIT BY MINISTER KELLY |
| FILE: 579 | JACH (NRN) {Folio No. 325305} |

SUMMARY:

To advise the outcomes of Council's meeting with the Minister of Lands and Emergency Services.



2006. 437

RESOLVED:

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

That the information be noted.

NOTICE OF MOTION

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|-------------------------|---------------------------|
| NOM1 | KEMPSEY SHOWGROUND |
| FILE: LA2942 APV | {Folio No. 325306} |

The foregoing MOTION was WITHDRAWN at the request of Councillor Bowell.

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| DCS5 | GOOLAWAH RESERVE |
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SUMMARY:

Reporting on a petition received in support of the Goolawah Reserve being managed by the National Parks and Wildlife Service.



Director Corporate Services Recommendation:

That Council advise the petitioners:-

- a) that any decision to transfer the Goolawah Reserve lands to Department of Environment and Conservation (National Parks Division) rests with the Department of Lands,
- b) that the Minister for Lands has advised that the lands would not be transferred, and
- c) that the Department of Lands has allocated \$100,000 for the preparation of Plans of Management for all Reserves in the coastal area of Kempsey Shire, including the Goolawah lands.

2006. 438 RESOLVED:

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

That Council advise the petitioners:-

- a) that any decision to transfer the Goolawah Reserve lands to Department of Environment and Conservation (National Parks Division) rests with the Department of Lands,
- b) that the Minister for Lands has advised that the lands would not be transferred, and
- c) that the Department of Lands has allocated \$100,000 for the preparation of Plans of Management for all Reserves in the coastal area of Kempsey Shire, including the Goolawah lands.
- d) That Council thanks the petitioners for their interest.

SUMMARY:

Reporting on an approach from the Department of Environment and Conservation (DEC) to transfer Crown lands in the vicinity of Grassy Head/Stuarts Point and Goolawah Reserve.



2006. 439 **RESOLVED:**

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

That Council advise the Department of Environment and Conservation that in view of the Minister for Lands announcement on 22nd June 2006 no further action would be taken in regard to the proposal to transfer the lands at both Grassy Head / Stuarts Point and Goolawah.

MAYORAL SUPPLEMENTARY REPORT

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| MM2 | MARSDENS LAW SEMINAR |
| SUPP | FILE: 165 JACH {Folio No. *} |

SUMMARY:

To provide an overview of the proceedings of the Marsdens Law seminar.



2006. 440 **RESOLVED:**

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

That the information be noted.

NOTICE OF MOTION

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| NOM1 | KEMPSEY SHOWGROUND |
| FILE: LA2942 APV | {Folio No. 325306} |

This report was dealt with earlier in the Meeting in conjunction with MM1.

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| NOM2 | AIR TRAVEL ARRANGEMENTS |
| FILE: 328 AVB (NRN) | {Folio No. 325307} |

MOVED:

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

That the General Manager submits a report to the September meeting of Council, advising:

- Of the circumstances involving air travel arrangements made since 1st July 2002, where frequent flyer points have been awarded, bearing in mind Circular 2002 - 29 issued by the NSW Premiers Department
- What frequent flyer points have been accumulated and how such points have been converted for subsequent air travel, or surrendered.
- Of membership of the Qantas Club, bearing in mind Council's policy C24.4 "Payment of Expenses and provision of Facilities for the Mayor and Councillors".
- If consideration has been given to air travel out of Coffs Harbour airport as an alternative to Port Macquarie airport.

An Amendment was MOVED:

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

That this matter be referred back to the General Manager for further investigation.

2006. 441

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

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| NOM3 | GENERAL MANAGER'S PERFORMANCE REVIEW |
| FILE: S10-13 AVB (NRN) | {Folio No. 325308} |

MOVED:

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

That the annual performance review of the General Manager to be held on 28th July 2006 be held in two parts;

- The General Manager's Performance Review is held at the morning session and open to the public.
- The afternoon session to be confidential and closed to the public to allow for any confidential discussions or staff matters.

The MOTION was PUT to the Meeting and was LOST.

**NOM4 COUNCIL EFFICIENCY SUMMARY
FILE: 584 AVB**

{Folio No. 325310}

MOVED:

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

That a report be submitted to the September meeting of Council providing a summary of efficiencies and savings achieved throughout the operation areas of Council for the year 2005 - 2006.

An Amendment was MOVED:

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

That a report be submitted on an annual basis providing a summary of efficiencies and savings achieved throughout all operational areas of Council for the year in question.

2006. 442 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

**NOM5 MACKSVILLE POOL COMPLEX
FILE: 121 AVB (NRN)**

{Folio No. 325312}

2006. 443 **RESOLVED:**

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

That council include a visit to Macksville Pool complex during a future works inspection.

**NOM6 TOILET FACILITIES AT SMITHTOWN WHARF
FILE: 447 AVB**

{Folio No. 325315}

MOVED:

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

That council gives consideration to the provision of toilet facilities in the draft 2007 - 2008 budget at the John 'Yakka' Watson Reserve Smithtown.

An Amendment was MOVED:

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

That further investigation be given to the provision of toilet facilities at the John 'Yakka' Watson Reserve Smithtown.

2006. 444 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.



At this stage 10.30a.m the Meeting adjourned for Morning Tea and upon resumption at 10.58 a.m. all present at the adjournment were in attendance.



DELEGATE'S REPORT

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| DR1 | KEMPSEY SHIRE ART PRIZE FILE: 274 AVB (NRN) {Folio No. 325317} |
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SUMMARY:

Reporting on proposed changes to the Kempsey Shire Art Prize.



Delegates Recommendation:

That Council support the recommendation of the Macleay Valley Community Art Galley Committee regarding the proposed changes to the Kempsey Shire Art Prize.

2006. 445 RESOLVED:

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

That Council support the recommendation of the Macleay Valley Community Art Galley Committee regarding the proposed changes to the Kempsey Shire Art Prize subject to sponsorship being confirmed.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

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| DSDS1 | DEMOLITION OF 3 DWELLINGS - LOTS 1, 2 & 3 DP334317 28,30 & 32 TOZER STREET, WEST KEMPSEY FILE: T6-06-216 TJN {Folio No. 325318} |
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SUMMARY:

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



MOVED:

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

That consent be granted subject to the following conditions:-

Demolition

1. **Before the commencement of site works, demolition or building, the following activities must be completed:**
 - (a) **Installation of soil erosion and sedimentation control devices.**
 - (b) **Installation of safety fencing / hoardings between the property and the street**
 - (c) **Protection barriers for existing trees**
 - (d) **Installation of builder's toilets**
 - (e) **Installation of signage in prominent, visible position including:**
 - **"Unauthorised site entry is prohibited"**
 - **Name and phone number of builder or other responsible person for contact outside working hours.**
2. **The following inspections are required to be made and a minimum of 48 hours notice is necessary where requesting an inspection. Appointments will be made in accordance with the inspection program for the area. Where inspections are carried out by an accredited certifier other than Council, compliance certificates will be required following each inspection and forwarded immediately to The Principal Certifier.**

Inspections required:

- (a) **Pre Commencement inspection**
 - (b) **Final inspection**
3. **All demolition waste is to be disposed of to Council's Waste Transfer Station.**
4. **All material in the building which contains asbestos shall be removed in accordance with the guidelines of the WorkCover**

Authority and the requirements of the Environmental Protection Authority.

- 5. The existing structure is to be removed and a Construction Certificate obtained prior to commencement of new works.**
- 6. The hours of demolition are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.**
- 7. All loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property.**
- 8. Building materials are not to be stored within the road reserve or any other public place.**
- 9. Excavated material from the site is not to be placed within the road reserve or any other public place.**
- 10. Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.**
- 11. All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.**
- 12. Hoarding / fencing is to be provided to the site in accordance with the assessment provided to Council, prior to commencement of site works.**

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

- 13. Demolition shall be carried out in a safe manner without danger to the public.**
- 14. Prior to demolition commencing, the person causing the demolition to be carried out shall give written notice of intention to the owners of any adjoining allotment of land seven (7) days prior to commencement of demolition works**
- 15. The demolition process and associated temporary structures are not to interfere with the day to day running of adjacent business, car parking areas, and pedestrian access.**
- 16. Prior to demolition occurring details are to be submitted outlining how it is proposed to stabilise soil on the site post**

- c) **AS3798 Guidelines on Earthworks for Commercial and Residential Development** requirements are to be incorporated into the Specification and construction certificate drawings.
- d) A Geotechnical Engineer is to certify that the material when placed in accordance with the approved specification will render each of the affected allotments suitable for residential development purposes.

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

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| DSDS3 | STRATEGIC PLANNING PROGRAM |
| FILE: 584 APB (NRN) | {Folio No. 325321} |

SUMMARY:

Reporting on the priority and program of strategic planning projects for 2006 / 07, having regard to available resources.



Director Sustainable Development Services Recommendation:

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

2006. 448 RESOLVED:

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

1. **That Council notes the report and endorses the priorities attached to each project.**
2. **That Mr Bob Higgins from the RTA be invited to update Council on the Pacific Highway Bypass.**
3. **That in conjunction with the annual financial report for 2005 / 06 the General Manager submits to the September meeting that additional resources for strategic planning be identified.**

Councillor McWilliam recorded his vote against the foregoing Resolution.

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| DSDS4 | RELEASE OF LAND FOR INDUSTRIAL PURPOSES |
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This report should be read in conjunction with Confidential Report DSDS1.

SUMMARY:

The purpose of this report is to inform Council on the progress being made in regard to the planning requirements for the release of industrial land in South Kempsey.



2006. 449 RESOLVED:

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

1. That in relation to the Thurgood land, Council seek the agreement of the owner to fund the preparation of a detailed noise report and the statement of environmental effects to determine the feasibility of developing the land for a range of industrial uses.
2. That in relation to the Farrawell land, Council proceed with preparation of the Local Environmental Study at the cost of the owner, subject to approval of the LEP Review Panel.

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

DSDS5

BUILDING AND DEVELOPMENT

FILE: 329 RBP

{Folio No. *}

SUMMARY:

Reporting that the following applications have been approved:



2006. 450 RESOLVED:

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

That the information be noted.

At this stage Councillor McWilliam returned to the Chamber.

**DSDS6 PROPOSED ALTERATIONS AND ADDITIONS TO AN
EXISTING THREE STOREY DWELLING CRESCENT
HEAD
FILE T6-06-52 DJW {Folio No. 325328}**

SUMMARY:

Reporting that Council has received a Development Application for alterations and additions to an existing three-storey dwelling which requires the support of a State Environmental Planning Policy 1 and compliance with Councils' DCP22 Local Housing Strategy's performance objectives.



2006. 451 RESOLVED:

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

That Development Application T6-06-52 is approved subject to the following conditions:

- 1 Submit revised plans with the construction certificate indicating the following:
 - The ridge height above the kitchen area being constructed at or below 35.2 AHD as indicated in red on the approved plans**
- 2. Details are to be submitted for approval for the disposal of the excavated material prior to the release of 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 4.3 metres 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.

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. 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.
11. A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
12. 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.
 - (i) 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 AS3786 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 (NSW 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, e.g.:
- | | |
|-----------|---|
| Walls | light to medium colour |
| Roof | white |
| Wall | F.C+ R1.0 insulation |
| Roof | metal deck roof with Anticon insulation |
| Ceiling | R2.5 insulation |
| Hot water | solar electric, Heat pump or gas |
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.

- d) 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 35.2 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 plans and specification of the lift construction prior to the issue of the Construction Certificate.
25. Submit engineering details of the pre-treatment storm water disposal system to comply with Clause 8 of SEPP71.

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

DIRECTOR SHIRE SERVICES REPORT

DSS1

FUNDING AGREEMENT – AGED CARE
SERVICES

FILE: 543 AF CC: APC

{Folio No. 325332}

SUMMARY:

Reporting on the Funding Agreement and Service Description Schedules for three Home and Community Care programs funded by the Department of Ageing, Disability and Home Care.



2006. 452 **RESOLVED:**

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

That the recurrent funding be accepted and that the Council seal be placed on the Funding Agreement (2 copies) and the completed Schedule 1 Part F: Property Details be included.

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| DSS2 | 2006 – 2011 TRANSPORTATION INFRASTRUCTURE STRATEGIC PLAN FILE: 697 NJT CC: APC {Folio No. 325333} |
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This item is dealt with later in the meeting in conjunction with item GM8.

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| DSS3 | HORSESHOE BAY RESERVE FILE: 505 KLB (NRN) {Folio No. 325334} |
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SUMMARY:

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



2006. 453 **RESOLVED:**

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

That the report be noted.

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| DSS4 | DONATIONS REQUESTS RECEIVED FILE: 3 MLB CC: APC {Folio No. 325335} |
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SUMMARY:

Reporting on requests received for in-kind donations for the provision of services to events.



2006. 454 **RESOLVED:**

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

1. That the requests received from the Macleay Relay for Life Committee and the South West Rocks Surf Life Saving Club for an in-kind donation be approved.

2. That the successful recipients of in-kind donations acknowledge in promotional material the contribution made by Kempsey Shire Council.
3. That the General Manager and or his nominated representative be given delegated authority to assess requests for in-kind donations within the limits of the budget provided.

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| DSS5 | NOXIOUS WEEDS AWARENESS CAMPAIGN |
| FILE: 913 GWE | {Folio No. 325336} |

SUMMARY:

Reporting on the program by Council's Weeds Officer to conduct Noxious Weed Awareness Campaigns throughout the Shire.



2006. 455 **RESOLVED:**

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

That the information be noted.

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| DSS6 | CRESCENT HEAD FISH CLEANING TABLE |
| FILE: 911 NJT COPY APC | {Folio No. 325341} |

SUMMARY:

Reporting on advice received from the NSW Department of Primary Industries regarding a grant to replace the Crescent Head Fish Cleaning Table.



Director Shire Services Recommendation:

That the grant of \$5,000 from the Recreational Fishing Trust to replace the Crescent Head fishing table be accepted.

2006. 456 **RESOLVED:**

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

1. That the grant of \$5,000 from the Recreational Fishing Trust to replace the Crescent Head fishing table be accepted.

2. That the Crescent Head Fishing Club be thanked for their support.

Councillor Green declared an interest in the following item DSS7 regarding recycling for the reason that she is a friend of the Norton family referred to in the report and retired from the Chamber.

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| DSS7 | EXTENSION FOR COLLECTION OF RECYCLABLES CONTRACT FILE: C15-629 GAW CC: APC{Folio No. 325347} |
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SUMMARY:

Reporting on the extension of the contract for the collection of recyclables at Council's recycling drop-off stations.



2006. 457 RESOLVED:

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

- 1 That the current service by Norton Recyclers for the collection of recyclables from recycling stations be extended for the period 1st July 2006 to 30th September 2006.
- 2 That an additional amount of \$11,270 be provided in the 2006 / 2007 budget for the servicing of recycling stations.

At this stage Councillor Green returned to the Chamber.

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| DSS8 | JERSEYVILLE AND GREENHILLS LPGP SEWERAGE SYSTEMS FILE: 874 & 875 SLM {Folio No. 325353} |
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SUMMARY:

Reporting on the tenders for the installation of the low pressure grinder pump sewerage system for Jerseyville and Greenhills.



2006. 458 RESOLVED:

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

- 1 That the tenders for the installation of a low pressure grinder pump sewerage system at Jerseyville and Greenhills not be accepted.
- 2 That new tenders be called for the installation of a low pressure grinder pump sewerage system for Jerseyville and Greenhills which does not include the house connections.
- 3 That Expressions of Interest be sought from suitable plumbers and electricians for hourly rates for house connections contracts.
- 4 That residents be kept informed of the tender progress.

DIRECTOR CORPORATE SERVICES REPORT

| | |
|------|--|
| DCS1 | STATEMENT OF BANK BALANCES AS AT 30 th JUNE 2006 FILE: 454 APC {Folio No. * } |
|------|--|

SUMMARY:

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



2006. 459 RESOLVED:

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

That the information be noted.

| | |
|------|--|
| DCS2 | STATEMENT OF INVESTMENTS AS AT 30 th JUNE 2006 FILE: 303 APC {Folio No. * } |
|------|--|

SUMMARY:

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



2006. 460 RESOLVED:

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

That the information be noted.

DCS3

**FLEET MANAGEMENT
FILE: 468 CSD (NRN)**

{Folio No. 325356}

SUMMARY:

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



2006. 461 RESOLVED:

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

That the information be noted.

The Mayor Councillor Hayes declared an interest in the following item for the reason that she is on the board of directors and retired from the Chamber and Councillor Sowter Deputy Mayor occupied the chair.

DCS4

**SLIM DUSTY CENTRE
FILE: 462 GBS CC: APC**

{Folio No. 325357}

SUMMARY:

Reporting on proposal for Council to provide financial assistance to the Slim Dusty Centre.



Director Corporate Services Recommendation:

That the Slim Dusty Foundation to be provided with financial assistance of \$25,000 as Council's commitment to become a foundation donor of the Slim Dusty Centre, such amount to be payable by equal instalments of \$5,000 over the next 5 years subject to the Centre providing an indemnity to refund the amounts donated if the project does not proceed.

MOVED:

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

That the Slim Dusty Foundation be provided with financial assistance of \$25,000 as Council's commitment to become a foundation donor of the Slim Dusty Centre, such amount to be payable by equal instalments of \$5,000 for 5 years from 2005 / 06 subject to the Centre providing an indemnity to refund the amounts donated if the project does not proceed.

An AMENDMENT was MOVED:

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

1. That the Slim Dusty Foundation be provided with financial assistance of \$25,000 as Council's commitment to become a foundation donor of the Slim Dusty Centre, such amount to be payable by equal instalments of \$5,000 for 5 years from 2005 / 06 subject to the Centre providing an indemnity to refund the amounts donated if the project does not proceed.
2. That the instalments of \$5,000 be placed into trust until such time as the construction certificate has been issued.

2006. 462 The AMENDMENT was PUT to the MEETING and was CARRIED and became the MOTION.

An AMENDMENT was MOVED:

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

That Council donate \$5,000 per year be tied to specific projects in the lead up to actual construction and in the event of the project not coming to fruition the funding not be forthcoming.

The MOTION LAPSED for want of a SECONDER.

2006. 463 The MOTION was PUT to the MEETING and was CARRIED.

Councillors Green and McWilliam recorded their votes against the foregoing Resolution.

At this stage, the Mayor Councillor Hayes returned to the Chamber and occupied the chair.

| | |
|-----------|---------------------------------|
| DCS5 | GOOLAWAH RESERVE |
| FILE: 869 | COPY 142 GBS {Folio No. 325365} |

This report was dealt with earlier in the Meeting.

| | |
|-----------|--|
| DCS6 | PROPOSALS FOR TRANSFER OF CROWN RESERVES |
| FILE: 869 | SJR {Folio No. 325372} |

This report was dealt with earlier in the Meeting.

DCS7

SUNDRY DEBTORS – WRITE OFF

FILE: 562 GBS (NRN) CC:APC {Folio No. 325375}

SUMMARY:

Reporting on the proposed write-off of sundry debtor accounts.



Director Corporate Services Recommendation:

1. That Council write-off the amount of \$505.21 for footpath contributions for each of the properties of 78 Phillip Drive and 84 Phillip Drive, South West Rocks.
2. That the write-off of \$448.61 for tipping fees on Assessment No. 20020/105/8 under delegated authority be noted.

2006. 464 RESOLVED:

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

1. That Council write-off the amount of \$505.21 for footpath contributions for each of the properties of 78 Phillip Drive and 84 Phillip Drive, South West Rocks.
2. That the write-off of \$448.61 for tipping fees on Assessment No. 20020/105/8 under delegated authority be noted.
3. That a report be prepared on the number of properties that have been billed for footpath construction since the policy was introduced.

DCS8

LEASE TO GIRL GUIDE ASSOCIATION – VERGE STREET, KEMPSEY

FILE: LA 3640 KRW {Folio No. 325380}

SUMMARY:

Reporting on the renewal of Lease to the Girl Guides Association.



2006. 465 RESOLVED:

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

That the Lease to the Girl Guides Association be approved and Council's seal be affixed to the Deed of Lease relating to the lease of land in Verge Street, Kempsey containing the Girl Guides Hall.

At this stage 12.58pm Councillor Hunt entered the Chambers.

| | |
|------------------|-------------------------------------|
| DCS9 | FLEET BUSINESS PLAN |
| FILE: 468 | GBS (NRN) {Folio No. 325385} |

SUMMARY:

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



Director Corporate Services Recommendation:

1. That the 2006 / 07 Fleet Business Plan be adopted.
2. That the proposed Hire Rates be adopted, and reviewed on a Quarterly basis.
3. That the 2006 / 07 Fleet Replacement Program as shown in the Business Plan be adopted.

2006. 466 RESOLVED:

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

1. That the 2006 / 07 Fleet Business Plan be adopted other than the allocation for plant purchases for 2007 / 08 and 2008 / 09.
2. That the proposed Hire Rates be adopted, and reviewed on a Quarterly basis.
3. That the 2006 / 07 Fleet Replacement Program as shown in the Business Plan be adopted.
4. That the plant utilisation rates and viability be investigated to see whether low utilised plant can be sold and hired as needed in the future.
5. That a quarterly report be provided to include details on the downtime due to mechanical or repair issues.



At this stage 1.10 p.m. the Meeting adjourned for Luncheon and upon resumption at 2.04 p.m. all present at the adjournment were in attendance.



GENERAL MANAGER'S REPORT

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|----------------------------|--|
| GM1 | OUTSTANDING REPORTS / RESOLUTIONS |
| FILE: 149 AVB (NRN) | {Folio No. 325387} |

SUMMARY:

Council's report on outstanding reports and resolutions.



2006. 467 RESOLVED:

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

That the information be noted.

| | |
|----------------------------|---------------------------|
| GM2 | WORKS PROGRAM |
| FILE: 153 AVB (NRN) | {Folio No. 325389} |

SUMMARY:

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



2006. 468 RESOLVED:

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

That the information be noted.

| | |
|-------------------------------|-------------------------------|
| GM3 | 25 - 27 PARAGON AVENUE |
| FILE: LA5660 AVB (NRN) | {Folio No. 325391} |

SUMMARY:

To advise Council that a property adjoining Council's car park at South West Rocks is for sale.



2006. 469 RESOLVED:

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

That the information be noted.

Councillor Gribbin declared an interest in the following item for the reason that he is the subject of the report and retired from the Chamber.

| | | |
|------------|---|---------------------------|
| GM4 | CODE OF CONDUCT COMPLAINT COUNCILLOR JIM GRIBBIN | {Folio No. 325392} |
| | FILE: 564 AVB | |

SUMMARY:

A request has been received from Councillor Jim Gribbin for Council to pay his legal costs in respect of the complaint made against him and investigated by the Conduct committee.



General Manager's Recommendation:

For Council's determination.

2006. 470 RESOLVED:

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

That this matter be deferred until the August Ordinary meeting.

At this stage Councillor Gribbin returned to the Chamber.

| | | |
|------------|--|---------------------------|
| GM5 | PROMOTING BETTER PRACTICE – ACTION PLAN | {Folio No. 325393} |
| | FILE: 458 AVB (NRN) | |

SUMMARY:

Reporting on the implementation of the Action Plan of the Department of Local Government Promoting Better Practice Report.



2006. 471 RESOLVED:

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

That the information be noted.

| | | |
|------------|----------------------------|---------------------------|
| GM6 | FOCUS GROUPS | {Folio No. 325394} |
| | FILE: 727 AVB (NRN) | |

SUMMARY:

To report to Council on progress to date regarding the development of a Focus Group Strategy.



General Manager's Recommendation:

That Council places the draft Focus Group Strategy on exhibition and call for community input.

2006. 472 RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Green*

That Council places the draft Focus Group Strategy on exhibition and call for community input and this matter be brought back to Council at the September meeting.

| | | |
|------------|-----------------------------|---------------------------|
| GM7 | LOCAL GOVERNMENT ACT | |
| | FILE: 150 AVB (NRN) | {Folio No. 325395} |

SUMMARY:

To advise Council of recent amendments to the Local Government Act 1993.



2006. 473 RESOLVED:

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

That Clause 4.10 of Council's Code of Meeting Practice is amended to provide the new leave of absence provisions.

The following items DSS2 and GM8 were dealt with in conjunction.

Councillor Hunt declared an interest in the following item for the reason that Black Spot funding would be used on roadworks fronting his property and retired from the Chamber.

| | | |
|-------------|---|---------------------------|
| DSS2 | 2006 – 2011 TRANSPORTATION INFRASTRUCTURE STRATEGIC PLAN | |
| | FILE: 697 NJT CC: APC | {Folio No. 325333} |

SUMMARY:

Reporting on the 2006 / 2011 Transportation Infrastructure Strategic Plan.



Director Shire Services Recommendation:

- 1 That the 2006 – 2011 Transportation Infrastructure Strategic Plan be adopted.
- 2 That the General Manager be authorised to sign the “Agreement for Block Grant of Assistance to Council for Regional Roads 2006 / 2007”.

| | |
|------------|---|
| GM8 | LONG TERM FINANCIAL PLAN FILE: 153 AVB (NRN) CC:PJH {Folio No. 325396} |
|------------|---|

SUMMARY:

To present to Council a long term financial plan for the period 2006 / 07 to 2015 / 16.



General Manager’s Recommendation:

That Council hold a workshop to address the funding issues identified in the 10 year financial Plan.

2006. 474 **RESOLVED:**

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

- 1 That the 2006 – 2007 Transportation Infrastructure Strategic Program be adopted.
- 2 That the General Manager be authorised to sign the “Agreement for Block Grant of Assistance to Council for Regional Roads 2006 / 2007”.
- 3 That Council hold a workshop to address the funding issues identified in the 10 year financial Plan.

| | |
|------------|--|
| GM9 | CONFERENCES & SEMINARS FILE: 117 AVB (NRN) {Folio No. 325397} |
|------------|--|

SUMMARY:

To provide details of conferences and seminars attended by Councillors and Staff.



General Manager's Recommendation:

1. That the information be noted.
2. That Council decides whether it wishes to receive legal advice regarding the disclosure of personal information under the Privacy and Personal Information Protection Act.

2006. 475 **RESOLVED:**

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

1. That the information be noted.
2. That Council ask the Department of Local Government for further advice regarding the Privacy and Personal Information Protection Act.

| | |
|----------------------------|-------------------------------------|
| GM10 | WORKERS COMPENSATION PREMIUM |
| FILE: 316 PJG (NRN) | {Folio No. 325398} |

SUMMARY:

To provide Council with information relating to the Workers Compensation Premium and Safety statistics achieved by Council for 2005 / 2006.



2006. 476 **RESOLVED:**

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

1. That the information be noted.
2. That the General Manager and Staff be congratulated on the achievements of reduced Workers Compensation premiums through the application of OH&S procedures.
3. That a media release be prepared advising details of the positive results achieved.

| | |
|----------------------------|--|
| GM11 | LOCAL GOVERNMENT ASSOCIATION CONFERENCE |
| FILE: 152 AVB (NRN) | {Folio No. 325399} |

SUMMARY:

To outline details of the Local Government Association Conference 29th October to 1st November 2006.



General Manager's Recommendation:

1. That Council select Councillors to attend the Conference.
2. That Council nominate its voting delegates to the Conference.
3. That Council nominates motions that it wishes to submit to the conference.

2006. 477 **RESOLVED:**

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

1. That the Mayor and Councillor Saul attend the LGA conference and both be voting delegates.
2. That Councillors are requested to provide motions for the conference one week prior to the meeting in August.

GENERAL MANAGER'S SUPPLEMENTARY REPORT

**GM12
SUPP.**

**STAFF VACANCIES
FILE: * AVB**

{Folio No. *}

SUMMARY:

To advise Council of current staff vacancies and the affect they are having on service provision.



General Manager's Recommendation:

That the information be noted.

2006. 478 **RESOLVED:**

*Moved: Cl. Bowell
Seconded: Cl. Green*

That this matter to be placed on the agenda for the workshop proposed for 10 year financial plan.

2006. 479 **RESOLVED:**

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

That the date for the workshop to address the funding issues identified in the 10 year financial Plan be Tuesday 19th September commencing at 8.30am.

2006. 480 **RESOLVED:**

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

That the date for the Works Inspection for Reserves at South West Rocks be listed for Thursday 17th August commencing at 8.30am.

LOCAL TRAFFIC COMMITTEE

2006. 481 **RESOLVED:**

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

That the minutes of the Local Traffic Committee meeting held Tuesday 4th July 2006 be adopted.



QUESTIONS WITHOUT NOTICE

COUNCILLOR WALKER

Q1

FILE: *

Wheelchair parking – please investigate policing late afternoons.

Responsible Officer

KJW

That area is already policed up to approx. 4pm daily. Discussions to be carried out with Woolworths to review arrangements.

Q2

FILE: *

Did the Cooney Harvey Doney law firm have permission to lop tree in front of their shop?

Responsible Officer

KJW

The matter is being investigated.

COUNCILLOR SOWTER

Q1

FILE: *

When in Taree recently noticed a sign 'end of Council maintained road', maybe we could use similar signs?

Responsible Officer

APV

Will look at using such signs.

Q2

FILE: *

Visibility reduced by trees at Smithtown turnoff from Rawson Street turning left.

Responsible Officer APV
Will investigate.

COUNCILLOR SAUL

Q1 FILE: *

Has any action been taken with person taking water at Kempsey Riverside Park?

Responsible Officer APV
The matter will be investigated further.

Q2 FILE: *

Has a report been received regarding the uneven footpath in front of the Hammond and Harwood shop at Gladstone?

Responsible Officer APV
The matter will be investigated.

COUNCILLOR McWILLIAM

Q1 FILE: *

Was the water turned off completely at a SWR residence?

Responsible Officer APV
The disconnection of water was done at the request of the Local Aboriginal Lands Council.

Q2 FILE: *

Will the Director Sustainable Services thank staff for the assistance given regarding the siting of the Aged Care Facility at SWR.

Responsible Officer KJW
Noted.

COUNCILLOR HUNT

Q1 FILE: *

Can the Director Shire Services advise what the situation is regarding Council subsidising funding for KAP.

Responsible Officer APV
Have not received any response from the Attorney General's Department.

Q2 FILE: *

Have people expressed an interest in the purchase of the old Smithtown Tennis Club building.

Responsible Officer APV
Council has currently advertised for expressions of interest for removal.

COUNCILLOR GRIBBIN

Q1 FILE: *

What is happening with sign for industrial area at SWR.

Responsible Officer APV
Will investigate.

Q2 FILE: *

What is done regarding people dumping rubbish on vacant blocks of land.

Responsible Officer KJW
Advise Customer First with as much details as possible.

COUNCILLOR GREEN

Q1 FILE: *

Visibility problems turning right from Cochrane into Kemp Street - trees blocking view.

Responsible Officer APV
Will investigate.

Q2 FILE: *

Large black butt at rear of 19th Avenue Stuarts Point - infestation of white ants.

Responsible Officer APV
Tree has been investigated, also had a request from Andrew Stoners office regarding the same issue. Now a Dept of Lands issue.

Q3 FILE: *

Is it possible to erect directional signage for the Gladstone Art Gallery.

Responsible Officer APV
Will investigate.

COUNCILLOR BOWELL

Q1 FILE: *

What is the situation with the Macleay Home Hospice regarding future accommodation in the SES building in River Street.

Responsible Officer JACH
Several community organisations interested – a reply has been forwarded to the hospice.

Q2 FILE: *

Is there any progress on the clearing of Gills Creek behind the industrial area.

Responsible Officer KJW
The matter will be investigated.

Q3 FILE: *

Request who is responsible for approaches and landscaping to airport?

Responsible Officer APV
The matter will be investigated.

COUNCILLOR HAYES

Q1

FILE: *

Has a survey been conducted in John Lane Road re weekly garbage service?

Responsible Officer

APV

Not as yet – will investigate in future.

Q2

FILE: *

Jacaranda on corner of River and Marsh Streets obscuring vision

Responsible Officer

APV

The matter will be investigated.



MOTION FOR CONFIDENTIAL COMMITTEE

2006. 482

RESOLVED:

Moved: Cl. Bowell

Seconded: Cl. Saul

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



**DIRECTOR SUSTAINABLE DEVELOPMENT
SERVICES CONFIDENTIAL REPORT**

| | | |
|------------------------|---|---------------------------|
| DSDS1 CONF. | CHRISTOPHER JOHN MOBBS V KEMPSEY SHIRE COUNCIL (2006) NSWLEC 284 FILE: T6-05-182 APB | {Folio No. 325400} |
|------------------------|---|---------------------------|

This report should be read in conjunction with Report DSDS4.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

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.

SUMMARY:

Reporting that legal advice has been received in regard to the conditions of consent imposed by the Court in respect to a dwelling at South Kempsey.



2006. 483 **RECOMMENDED:**

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

That the information be noted.

DIRECTOR SHIRE SERVICES CONFIDENTIAL REPORT

| | | |
|-----------------------|---|-----------------------------|
| DSS1 CONF. | TENDER – COLLECTION OF SCRAP METAL FILE: 648 GAW | { Folio No. 325403 } |
|-----------------------|---|-----------------------------|

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:

A joint tender was called for the collection of scrap metal from Council's landfill and transfer station sites by Midwaste.



2006. 484 **RECOMMENDED:**

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

That the tender submitted by Smorgon Steel Recycling offering a schedule of prices to be paid for ferrous and non ferrous metals

be accepted and that Council's common seal be affixed to the instrument of agreement for a period of one year.

DIRECTOR CORPORATE SERVICES CONFIDENTIAL REPORT

| | |
|--------------|---|
| DCS1 | SALE OF AKUBRA PLACE PROPERTY |
| CONF. | FILE: LA18995 GBS {Folio No. 325406} |

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis in accordance with Section 10A(2)(c) and Section 10A(2)(d)(i) on the basis that the discussion of the matter if an open meeting: -

- could prejudice the sale price, and
- would not preserve the confidentiality of commercial information supplied by the Agents.

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 proposed sale of Akubra Place property.



Director Corporate Services Recommended:

For determination of Council.

2006. 485 **RECOMMENDED:**

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

1. That Council authorise the General Manager to arrange lease / sale of the premises.
2. That the common seal of Council be affixed to documents relating to the sale of the premises at 5 – 7 Akubra Place.

GENERAL MANAGER'S CONFIDENTIAL REPORT

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. 486 **RECOMMENDED:**

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

That the information be noted.



**REPORT OF THE MEETING OF THE
COMMITTEE OF THE WHOLE**

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



**ADOPTION OF REPORT OF THE COMMITTEE
OF THE WHOLE**

2006. 487

RESOLVED:

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

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 4.25 p.m.

