



# MINUTES OF THE WORKS COMMITTEE INSPECTION MEETING OF KEMPSEY SHIRE COUNCIL

Monday 29th May 2006 commencing at 8.30am and concluding Tuesday 30<sup>th</sup> May 2006.

## PRESENT:

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

Director Shire Services, A P Vermeulen; Director Sustainable Development Services, R B Pitt; Director Corporate Services, G B Snape.

## APOLOGY

**Councillor Green apologised for non-attendance at the morning inspection.**



**The Works Committee proceeded to inspect the following sites being Council's operational land, sites listed in the Draft Kempsey Shire Heritage Study and a proposed Development (item 84).**

Council Land or Heritage Study	Location / Address	Comment	
<b>West Kempsey</b>			
<b>1</b>	Heritage 1850079	35 Elbow Street, West Kempsey	Commercial Banking Company of Sydney
<b>2</b>	Heritage 1850364	39 Elbow Street, West Kempsey	Old Murphys Bakery
<b>3</b>	Heritage 1850096	38 Elbow Street, West Kempsey	Great Northern Hotel
<b>4</b>	Heritage 1850073	Marsh Street, West Kempsey	West Kempsey School
<b>5</b>	Heritage 1850076	91 Belgrave Street, West Kempsey	Railway Hotel
<b>6</b>	Heritage 1850128	Kemp Street, West Kempsey	Kempsey Railway Station & buildings
<b>7</b>	Heritage 1850078	4-6 Sea Street, West Kempsey	Kempsey Police Station
<b>8</b>	Heritage 1850388	Sea Street, West Kempsey	Bandbox Theatre

<b>9</b>	Council Land 2525	Perrins Lane West Kempsey 2440	Ella Hennessy Children's Playground
<b>10</b>	Council Land 2811	50 River Street Kempsey 2440	Floodway Clearance
<b>11</b>	Council 3020	Lot3, DP758556 Sea Street (opposite Sea St Park)	Floodway Clearance
<b>12</b>	Council Land 139	6 Becke Street West Kempsey 2440	Floodway Clearance Vacant – Sewer Mains
<b>13</b>	Council Land 12779	4 Becke Street West Kempsey 2440	
<b>14</b>	Council Land 519	Lot6, DP1676 Cameron Street (next to 42 Cameron St)	
<b>15</b>	Council Land 13204	Lots7-14, DP1676 Cameron Street West Kempsey 2440	
<b>16</b>	Council Land 3341	Lot40, DP1676 73 Tabrett Street West Kempsey 2440	
<b>17</b>	Council Land 13952	Lots41-42, DP1676 75-77 Tabrett Street West Kempsey 2440	
<b>18</b>	Council Land 18424	Lot 43-45, DP1676 Tabrett Street West Kempsey 2440	
<b>19</b>	Council Land 645	Lot19, DP20694 59 Clarence Ryan Av West Kempsey 2440	Vacant Land
<b>20</b>	Council Land 13227	Lot A, DP366584 10 Cochrane Street West Kempsey 2440	Vacant Land
<b>21</b>	Council Land 822	Lot3, DP18759 Dangar Street West Kempsey 2440	Sporting Fields
<b>22</b>	Council 1342	Lot193, DP752439 Heyson Street West Kempsey 2440	Ex Sanitary Depot. Previous Council set aside as Bird Sanctuary.
<b>23</b>	Heritage 1850365	North Street	Bunya Pines Reserve
<b>24</b>	Heritage 1850106	13 Broughton Street	Kempsey High School
<b>25</b>	Heritage 1850366	Broughton Street	West Kempsey Cemetery
<b>26</b>	Heritage 1850363	134 River Street	Kempsey District Hospital - part
<b>27</b>	Council Land 19630	Lot511, DP848755 Armidale Road West Kempsey 2440	Stuart McIntyre Dam Residence – Lease

<b>Sherwood</b>			
<b>28</b>	Council Land 17638 17639 17640 17641 19177	Lot A DP91411 Lot B DP91411 Lot C DP91411 Lot D DP91411 Lot E DP91411 Yarravel	Flood Mitigation Sherwood
<b>29</b>	Heritage 1850339	Sherwood Road	Sherwood Hall
<b>30</b>	Heritage 1850341	Sherwood Road	Catholic Church
<b>31</b>	Heritage 1850342	626 Sherwood Road	School
<b>32</b>	Heritage 1850464	628 Sherwood Road	School Residence
<b>33</b>	Council Land 17582	Aerodrome Lands	Report from Council meeting of 13 <sup>th</sup> February 2006
<b>34</b>	Council Land 13244 19618	Lot6, DP907438 (Cnr Tozer Street & Edinburgh Lane) Lot2, DP850013 (cnr Kemp St & Edinburgh Lane)	Land acquired for widening access to Edinburgh Lane carpark

**At this stage 10.30am Councillor Green joined the inspection.**

<b>Central Kempsey</b>			
<b>35</b>	Council Land 691	Lot12, DP804996 Clyde Street Kempsey 2440	Floodway Clearance
<b>36</b>	Council Land 14063	Lot102, DP549151 Hopetoun Street Kempsey 2440	Floodway Clearance
<b>37</b>	Council Land 3874	Lot1, DP196945 24 Yaelwood Street Kempsey 2440	Floodway Clearance
<b>38</b>	Council Land 3875	Lot11 22 Yaelwood Street Kempsey 2440	Floodway Clearance
<b>39</b>	Council 181	Lot2, DP807396 96 Belgrave Street Kempsey 2440	Lease – Ampol Service Station
<b>40</b>	Council Land 3607	Lot17, DP37215 Lot18, DP37215 Lot19, DP37215 Lot20, DP37215 36-42 Verge Street Kempsey 2440	Floodway Clearance Floodway Clearance Floodway Clearance Floodway Clearance
<b>41</b>	Council Land 3677	Lot212, DP776915 Vincent Street Kempsey 2440	Floodway Clearance
<b>42</b>	Heritage 1850326	83 Belgrave Street	Uniting Church Manse <b>Owner has objected to listing</b>

43	Heritage 1850324	58-66 Belgrave Street	Shop fronts – Gilmores to Barbers. <b>Owner of 66-68 has objected to listing</b>
44	Heritage 1850323	7-13 Belgrave Street	Knauer's building
45	Heritage 1850321	14 Belgrave Street	Tattersalls
46	Heritage 1850320	10-12 Smith Street	Barsby's Store
47	Heritage 1850319	22 Smith Street	Shop front – Tracies Gifts
48	Heritage 1850318	21-25 Smith Street	Shop front – Harveys Furniture
49	Heritage 1850317	7-29 Smith Street	Shop front – Raine & Horne to Randalls. <b>Owner of 7-9 has objected to listing</b>
50	Heritage 1850316	26-28 Smith Street	Shop front – The Warehouse <b>Owner of has objected to listing</b>
51	Heritage 1850315	32 Smith Street	Shop front – Bulk Heath Foods
52	Heritage 1850313	46-48 Smith Street	Macleay Colonial Building
53	Heritage 1850126	53-57 Smith Street	Preens brick building
54	Heritage 1850108	65 Smith Street	Rural Bank building
55	Heritage 1850438	Pacific Highway	Kempsey Traffic Bridge
<b>East Kempsey</b>			
56	Heritage 1850347	Lord Street	Melville Park
57	Heritage 1850346	Lord Street	War Memorial
58	Heritage 1850345	Rudder Street	Chaddies Store
59	Council 2934	Lot2, DP195698 Rudder Street East Kempsey 2440	Pumping Station
60	Heritage 1850348	Innes Street, East Kempsey	East Kempsey Public School
61	Heritage 1850344	Lord Street, East Kempsey	Rudder Park Lookout & Reservoir
62	Heritage 1850381	Naiooka Street, East Kempsey	East Kempsey Cemetery
<b>South Kempsey</b>			
63	Heritage 1850343	Middleton Street, South Kempsey	South Kempsey Park & Playing fields
64	Council Land 1895 13509	Lots 4 & 5, DP758556 Longworth Street South Kempsey 2440	Reservoir Potters Hill
65	Council Land 903	Lot22, DP553475 East Street South Kempsey 2440	Vacant

<b>66</b>	Council Land 2201	Lot11, DP758556 Middleton Street South Kempsey 2440	Vacant Land
<b>67</b>	Council Land 13570	Lot1, DP758556 Yarravel Street South Kempsey 2440	Vacant Land
<b>68</b>	Council Land 13571	Lot12, DP758556 Middleton Street South Kempsey 2440	Vacant Land
<b>69</b>	Council Land 1482	Lot14, DP19637 10 Jersey Street South Kempsey 2440	Parks & Reserves
<b>70</b>	Council Land 2346	Lot4, DP758556 Nicholson Street South Kempsey 2440	Floodway Clearance
<b>71</b>	Council Land 13576	Lot5, DP758556 Nicholson Street South Kempsey 2440	Floodway Clearance
<b>72</b>	Council Land 336	Lot8, DP759080 Lot5, DP758556 Lot6, DP758556 Lot1, DP119070 Bloomfield Street South Kempsey 2440	Vacant - Ex Pound
<b>Euroka</b>			
<b>73</b>	Heritage 1850353	235 Euroka Road	Uniting Church
<b>74</b>	Heritage 1850354	249 Euroka Road	Old School Residence
<b>75</b>	Heritage 1850355	255 Euroka Road	Old School - <b>Owner has objected to listing</b>
<b>76</b>	Heritage 1850346	Euroka Road	Euroka Cemetery

**At this stage 12.45p.m the Meeting adjourned for Luncheon and upon resumption at 1.15p.m all present at the adjournment were in attendance.**

**Following the Luncheon adjournment the Works Committee proceeded to inspect the following sites;**

<b>Kundabung</b>			
	Heritage 1850289	Main Road, Kundabung	Kundabung Hall
	Heritage 1850026	Kundabung	Kundabung Railway Station
	Heritage 1850451	Kundabung	Kundabung Reserve
	Heritage 1850454	Kundabung	Kundabung Timber Mill

<b>Crescent Head</b>			
<b>77</b>	Heritage 1850059	Baker Street, Crescent Head	Crescent Head Primary School
<b>78</b>	Heritage 1850286	Killuke Crescent & Baker Drive, Crescent Head	Birralee Hall
<b>79</b>	Heritage 1850327	Belmore Street, Crescent Head	Allman Rowe Grave
<b>80</b>	Council	Belmore Street / Loftus Road	Columbarium Wall site – request by Councillor Walker to include in inspection
<b>81</b>	Heritage 1850080	Rankine Street, Crescent Head	Post & Rail Fence & Golf Course Reserve
<b>82</b>	Heritage 1850064	Big Nobby Hill, Crescent Head	Odell Memorial
<b>83</b>	Heritage 1850093	Point Plomer Road, Crescent Head	Goolawah Reserve
<b>84</b>	DA T6-05-94	Proposed Dwelling Lot2 DP749884 Point Plomer Road	Resolution from Council meeting of 9 <sup>th</sup> May 2006 – refer to copy of report DSDS1

**At this stage 3.45p.m the Meeting adjourned to be reconvened on Tuesday 30th May at 8.30am.**



## **RESUMPTION OF THE WORKS COMMITTEE INSPECTION MEETING OF KEMPSEY SHIRE COUNCIL**

Tuesday 30th May 2006 commencing at 8.30am.

### **PRESENT:**

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

Director Shire Services, A P Vermeulen; Director Sustainable Development Services, R B Pitt; Director Corporate Services, G B Snape.



### **APOLOGIES**

**Councillors Howell apologised for non-attendance at the meeting on Tuesday morning and Councillor Walker apologised for non-attendance at the morning and afternoon inspections.**



**The Works Committee proceeded to inspect the following sites;**

<b>Willawarrin</b>			
<b>85</b>	Heritage 1850329	18-20 Main Street, Willawarrin	St Johns Catholic Church
<b>86</b>	Heritage 1850330	22 Main Street, Willawarrin	Residence
<b>87</b>	Heritage 1850331	24 Main Street, Willawarrin	Old Bakery
<b>88</b>	Heritage 1850322	26-28 Main Street, Willawarrin	Willawarrin Hall
<b>89</b>	Heritage 1850333	15-17 Main Street, Willawarrin	Willawarrin Hotel
<b>90</b>	Heritage 1850334	29 Main Street, Willawarrin	CWA Hall
<b>91</b>	Heritage 1850335	Main Street, Willawarrin	War Memorial
<b>92</b>	Heritage 1850336	47 Main Street, Willawarrin	St Thomas Anglican Church
<b>93</b>	Heritage 1850337	85-91 Main Street, Willawarrin	Willawarrin School
<b>94</b>	Heritage 1850338	Main Street, Willawarrin	Old Garage Site
<b>95</b>	Council Land 10207	Armidale Road, Willawarrin	Quarry & Tip
<b>Bellbrook</b>			
<b>96</b>	Heritage 1850292	32-40 Main Street, Bellbrook	Bellbrook School
<b>97</b>	Heritage 1850293	1-7 Main St, Bellbrook	Residence
<b>98</b>	Heritage 1850294	Main Street	Gowers Store (Trading Post)
<b>99</b>	Heritage 1850295	17 Main St, Bellbrook	Old Post Office
<b>100</b>	Heritage 1850296	21 Main St, Bellbrook	Residence
<b>101</b>	Heritage 1850297	23 Main St, Bellbrook	Residence
<b>102</b>	Heritage 1850298	31 Main St, Bellbrook	MacCarneys Police Station
<b>103</b>	Heritage 1850299	35 Main St, Bellbrook	Old Store / Bakery
<b>104</b>	Council Land 8953	33 Main St, Bellbrook	Vacant Land
<b>105</b>	Heritage 1850300	37 Main St, Bellbrook	McMaugh's Butchery
<b>106</b>	Heritage 1850291	24-30 Main St, Bellbrook	Bellbrook Police Station
<b>107</b>	Heritage 1850125	10-12 Main St, Bellbrook	Bellbrook Hotel
<b>108</b>	Heritage 1850307	52 Main St, Bellbrook	School of Arts
<b>109</b>	Heritage 1850308	Main St, Bellbrook	Bellbrook Park

<b>110</b>	Heritage 1850380	Off Armidale Road	Bellbrook Cemetery
<b>111</b>	Heritage 1850138	21-23 Oreen St, Bellbrook	St James, Anglican Church
<b>112</b>	Heritage 1850301	28-30 Oreen Street, Bellbrook	St Patricks Catholic Church
<b>Hickeys Creek</b>			
<b>116</b>	Heritage 1850352	492 Hickeys Creek Road	Masons House
<b>117</b>	Heritage 1850351	502 Hickeys Creek Road	The Bales (now residence)
<b>118</b>	Heritage 1850349 1850350	506 Hickeys Creek Road	Millbank School & Residence
<b>119</b>	Heritage 1850061	522 Hickeys Creek Road	Millbank Hall
<b>120</b>	Heritage 1850385	Armidale Road	Hickeys Creek Uniting Church. <b>Owner has objected to listing.</b>
<b>121</b>	Heritage 1850382	Tom's Gully Road	Tom's Gully Cemetery
<b>122</b>	Heritage 1850362	17-21 Factory Road, Toorooka	Toorooka Butter Company

**At this stage 12.10p.m the Meeting adjourned for Luncheon and upon resumption at 1.00p.m all present at the adjournment were in attendance with the addition of Councillor Bowell.**

**The Works Committee proceeded to inspect the following sites;**

<b>Collombatti</b>			
<b>179</b>	Heritage 1850386	Collombatti Road	Collombatti Hall
<b>Frederickton</b>			
<b>175</b>	Heritage 1850107	Macleay Street, Frederickton	Boat ramp & KSC Park
<b>176</b>	Heritage 1850089	1-5 Pacific Highway, Frederickton	Butter Factory
<b>177</b>	Heritage 1850065	1 Great North Road, Frederickton	War Memorial
<b>178</b>	Heritage 1850105	15-33 Great North Road	Frederickton Cemetery
<b>Grassy Head / Stuarts Point</b>			
	Heritage 1850440	Grassy Head	Millington Avenue
	Heritage 1850441	Grassy Head	Wharf site below Razorback
	Heritage 1850442	Grassy Head to Stuarts Point	Grassy Head Walk
	Heritage 1850359	Stuarts Point Road	Kinki Cemetery
	Heritage 1850452	Stuarts Point	Ships Wharf site

	Heritage 1850453	Stuarts Point	Ballast Rocks
	Heritage1 850455	Stuarts Point	Henessys Sawmill
	Heritage1 850461	Stuarts Point	Old Hall
	Heritage1 850456	Stuarts Point	Stuarts Point Reserve
<b>South West Rocks</b>			
<b>154</b>	Heritage 1850368	Gregory Street, SWR	Catholic Church
<b>155</b>	Heritage 1850030	Gregory Street, SWR	Old School Building - <b>owner has objected to listing.</b>
<b>156</b>	Heritage 1850068	1 Gregory Street, SWR	School of Arts
<b>157</b>	Heritage 1850025	21-23 Livingstone Street, SWR	Pacific Guest House
<b>158</b>	Heritage 1850369	Livingstone Street, SWR	Entrance Gates
<b>159</b>	Heritage 1850378	Livingstone Street & Memorial Ave, SWR	Norfolk Pine Trees
<b>160</b>	Heritage 1850367	Horseshoe Bay Reserve, behind Kiosk	Monument
<b>161</b>	Heritage 1850375	11 High St SWR	Block of Flats (Aquarius) <b>Owner has objected to listing.</b>
<b>162</b>	Heritage 1850374	27-33 Memorial Ave, SWR	Residences
<b>163</b>	Heritage 1850373 1850379	4 & 6 Paragon Avenue, SWR	Residences - <b>owner has objected to listing.</b>
<b>164</b>	Heritage 1850372	25-27 Paragon Avenue, SWR	Range's Retreat - <b>owner has objected to listing.</b>
<b>165</b>	Heritage 1850032	Landsborough Street, SWR	Brighton Park
<b>166</b>	Council 21070	Lot1, DP862328 Phillip Drive South West Rocks 2431	Roadside area – adjacent to Country Club
<b>171</b>	Council 19884	Lot100 DP854441 Bullocks Quarry Road, Arakoon	Bullocks Quarry
<b>Jerseyville</b>			
<b>146</b>	Heritage 1850449	2930 SWR Road, Jerseyville	Perrot's House
<b>147</b>	Heritage 1850450	Spencers Creek	Spencers Creek Bridge
<b>148</b>	Heritage 1850446	Cnr Main Street & SWR Road, Jerseyville	Old Gaol House
<b>149</b>	Heritage 1850444	8 Main Street, Jerseyville	School Residence
<b>150</b>	Heritage 1850445	10 Main Street, Jerseyville	Old School House
<b>151</b>	Heritage 1850443	30-32 Main Street, Jerseyville	Residence
<b>152</b>	Heritage 1850447	Main Street, Jerseyville	Jerseyville Wharf

153	Heritage 1850448	Main Street, Jerseyville	Fishing Fleet tie-off
174	Heritage 1850360	1194 Pacific Highway	Bellimbopinni School

At 4.53pm the Works Committee returned to the Civic Centre for its deliberations and Councillor Walker joined the Meeting.

2006. W6

**RESOLVED:**

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

That item 84 be brought forward and dealt with immediately.

<b>84</b>	<b>PROPOSED DWELLING LOT2 DP749884 POINT PLOMER ROAD FILE: T6-05-94 TJN</b>	<b>{Folio No. 320511}</b>
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2006. W7

**RESOLVED:**

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

That the application be approved subject to the following conditions:

1. The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
2. the pool house and tennis pavilion is not approved for or to be used for human habitation, industrial or commercial purposes. It is to be used ancillary to the dwelling house by people residing on site.
3. This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
4. 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.
5. A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
6. Two days prior to commencing Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
7. The buildings are not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.
8. before the commencement of site works, demolition or building, the following activities must be completed:

- (a) Installation of soil erosion and sedimentation control devices.
  - (b) Installation of safety fencing / hoardings between the property and the street
  - (c) Protection barriers for existing trees
  - (d) Installation of builder's toilets
  - (e) Installation of signage in prominent, visible position including:
    - "Unauthorised site entry is prohibited"
    - Name and phone number of builder or other responsible person for contact outside working hours.
9. 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.
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. Compliance with the Building Code of Australia.
- All building work must be carried out in accordance with the requirements of the (BCA).
- A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.
13. A Survey Report is to be submitted on completion of the slab to ensure the location of the building is in accordance with the approval issued.
14. Means of implementation of the BASIX certificate are to be submitted prior to release of the construction certificate. Namely how it is proposed to collect all stormwater runoff within the proposed dam.
15. The hours of operation of the construction are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m.

to 12 noon, Saturdays.

16. Building materials are not to be stored within the road reserve or any other public place.
17. Excavated material from the site is not to be placed within the road reserve or any other public place.
18. Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Rural Properties. Applicant is to consult Council's Sustainable Development Services Department for requirements before commencing construction.
19. Engineering details for the driveway are to be submitted and approved prior to release of the Construction Certificate.
20. Submission of a survey showing the location, height, and crown area of all trees within the required asset protection zone (as identified by conditions 26 and 27) for consideration of Council prior to release of the Construction Certificate. Any hollow bearing or potential hollow bearing trees within the area are to be identified by a suitably qualified ecological consultant.

Planning for Bushfire Protection 2001.

21. Construction shall comply with AS 3959 – 1999 level 2 “Construction of Buildings in Bushfire Prone Areas”.
22. The structure shall incorporate gutterless roofing or leafless guttering to prevent the build up of flammable material.
23. Roller doors, tilt-a-doors and the like shall be sealed to prevent entry of embers into the structure.
24. In recognition of the potentially unreliable reticulated water supply in the area a 5,000litre dedicated water supply tank shall be provided. A 65mm store fitting and ball or gate valve shall be installed in the tank.
25. Access shall comply with section 4.3.2 Planning for Bushfire Protection 2001.
26. The property around the dwelling on the western side to a distance of 25metres shall be maintained as an Inner Protection Area (IPA) as outlined within section 4.2.2 in Planning for Bushfire Protection.
27. The property around dwelling on the northern, eastern and southern sides to a distance of 30 metres shall be maintained as an Inner Protection Area (IPA) and 10metres shall be maintained as an Outer Protection Area (OPA) as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.
28. Prior to issue of the Construction Certificate, an Integrated

Property Management Plan (IPMP) shall be submitted, and approved by Council. The IPMP shall be prepared by a suitably qualified consultant, and shall incorporate the recommendations of the following specialists reports submitted with the application:

- a) EPBC Act 1999 –MNES, Threatened Species Act 1995, SEPP 44 – Koala Habitat Assessments by Darkheart Eco-Consultancy dated January 2004,
  - b) Bushfire Protection Assessment by Conacher Travers dated April 2004.
29. The IPMP shall be certified by each author of the specialist reports as achieving the recommendations contained therein.
30. The IPMP shall, in particular, include:
- a) The identification of the need to remove any hollow bearing or potential hollow bearing trees identified by the survey required by Condition 20, in order to achieve the bushfire protection recommendations. Where there is an identified need to remove any of these trees, the IPMP shall incorporate any additional ameliorative measures recommended by Darkheart Eco-Consultancy (or a suitably qualified ecologist).
  - b) The identification of the limit of clearing required to provide the asset protection zone, and ensure that no clearing beyond this occurs.
  - c) Compensatory vegetation planting of the lower cleared section of the site.
  - d) Retention of the paperbark forest along the drainage line including plantings to extend along the drainage line to the eastern boundary of the lot, and shall include the planting of Forest Red Gum.
  - e) Onsite effluent disposal to be designed to be located as far as practical from the drainage line.
  - f) Surface water run-off from the house site and access road to be directed to appropriate silt traps before entering the drainage line.
  - g) Management of disposal of any cleared vegetation from the site to minimise any impacts on retained vegetation.
31. Implementation of the IPMP prior to the issue of the occupation certificate.
32. The site is to be managed at all times in accordance with the IPMP.
33. Prior to issue of the Occupation Certificate, it will be necessary to create a suitable restricted as to user on the title of the lot
- a) Prohibiting the keeping of dogs
  - b) Requiring management of the site in accordance with the approval Integrated Property Management

**Plan.**

Such restriction shall nominate Kempsey Shier Council as the sole party to vary or modify and be in a form that binds successive owners.

36. Payment of a cash contribution towards the provision of additional open space in accordance with Council's Section 94 Plan for Outdoor Recreation at the rate of \$410 for dwellings on lots which have not been previously paid in accordance with Council's Section 94 Plan prior to issue of the Construction Certificate.

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

**Advices**

37. All contractors engaged in construction works involving the disturbance to subsurface sediments should be advised of their legal requirements with regard to Aboriginal cultural materials. Under the terms of the National Parks and Wildlife Act 1974 it is illegal for any person to knowingly disturb, deface, damage or destruction of an 'Aboriginal object' without first obtaining written consent to do so from the Department of Environment and Conservation. Should any materials thought to be of Aboriginal origin be detected during any stage of construction, work must immediately cease in their locality. Appropriate management advice should then be sought from both the DEC Northern Zone Cultural Heritage Unit at Coffs Harbour and the Kempsey LALC and Dunghutti Elders Council. Work should not resume in the subject locality until formal written clearance has been given by these organizations.

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



**KEMPSEY SHIRE DRAFT HERITAGE STUDY**

**FILE: 138**

**{ Folio No. \* }**

**MOVED:**

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

That the Heritage Listed items on the Draft Heritage Study where owners have objected be deleted from the Draft Study.

2006. W8

**RESOLVED:**

*Moved: Cl. Gribbin*

*Seconded: Cl. \**

That the MOTION be PUT.

The MOTION was PUT to the Meeting and was LOST.

**COUNCIL OPERATIONAL LAND**  
**FILE: 840**

{ Folio No. \* }

2006. W9

**RESOLVED:**

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

That consideration of the usage of Council's operational land be deferred for determination at Council's Extraordinary meeting on 20<sup>th</sup> June 2006.



**CONCLUSION**

There being no further business the Meeting terminated at 5.41pm.

