



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Held at the Community Hall, Stuarts Point

Tuesday 3rd February 2009 commencing at 9.00am

PRESENT:

Councillors J H Howell (Mayor and Chairman), E A Campbell, E A Green, J A C Hayes, J C Gribbin, D F Saul, A D Snowsill and J A Sproule

General Manager, A V Burgess; Director Shire Services, B J Morris; Director Sustainable Development Services, R B Pitt; Acting Director Corporate & Community Services, K E Oliver; Manager Administration, P J Hanrahan; and Minute Taker D M Pearson.

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OPENING PRAYER

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

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APOLOGY:

2009. 1

RESOLVED:

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

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

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DECLARATIONS OF INTEREST

Councillor Hayes declared an interest in items DCCS23 and GM9 for the reason that she is Administrator of the Showground.

Councillor Saul declared an interest in item DCCS10 for the reason that he is Chairman of the Anglican Parish of the Lower Macleay Parochial Council.

Councillor Snowsill declared an interest in item DCCS23 and GM9 for the reason that he is an employee of the Kempsey Macleay RSL Club.

2009. 6 **RESOLVED:** *Moved: Hayes*
Secoded: Gribbin

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

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CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports NOM1, DSDS4 and DSS3

2009. 7 **RESOLVED:** *Moved: Hayes*
Secoded: Gribbin

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

NOM1	SOUTH WEST ROCKS SURF LIFE SAVING CLUB INC
	FILE: 447 AVB (NRN) {Folio No. 390282}

2009. 8 **RESOLVED:** *Moved: Cl. Gribbin*
Secoded: Cl. Saul

That \$10,000 be allocated in the 2009 / 10 budgets for the South West Rocks Surf Life Saving Club Inc to assist with the cost to stage the 2010 Country Surf Championships with South West Rocks Surf Club to roll over \$10,000 from profits to be allocated to the 2011 and 2012 Country Surf Championships.

DSDS4	PROPOSED LOCAL ENVIRONMENTAL PLAN AMENDMENT NO 55 TO REZONE LAND KNOWN AS "SALTWATER" AT SOUTH WEST ROCKS
	FILE: T5-55 KH {Folio No. 390309}

SUMMARY:

Reporting that submissions have been received in response to the public exhibition of the "Saltwater" rezoning that Council is required to consider in determining whether to proceed with the rezoning

SECTION 375A OF LOCAL GOVERNMENT ACT REQUIRES THAT A DIVISION BE CALLED IN RESPECT TO THIS REPORT

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Director Sustainable Services Department Recommendation:

1. That Council adopt draft LEP Amendment No.55 as indicated in boldfaced italics attached to this report and forward it to the Department of Planning for Gazettal (Appendix E – Page G18).

2. That the Department of Planning be advised that Council's endorsement of the draft LEP is contingent upon the requirement to prepare a DCP prior to any development consent being issued being retained in the approved LEP.
3. That all persons directly affected by this amendment, agencies and submission makers be advised of Council's decision.

2009. 9

RESOLVED:

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

1. That Council adopt draft LEP Amendment No.55 (as amended in boldfaced italics) attached to this report, except for the area of land that is within 400 metres of the South West Rocks STP Boundary and to be known as the Deferred Area Pursuant to S.68(5) of the EP&A Act, and forward it to the Department of Planning for Gazettal.
2. That the Department of Planning be advised that Council's endorsement of the draft LEP is contingent upon the requirement to prepare a DCP prior to any development consent being issued being retained in the approved LEP.
3. That all persons directly affected by this amendment, agencies and submission makers be advised of Council's decision.
4. That a further report be submitted to Council no later than the April 2009 Meeting.

The forgoing resolution was carried on the casting vote of the Mayor.

A Division on this decision resulted in the following votes.

F = Voted For
A = Voted Against

Bowell	F	Campbell	A	Green	F	Gribbin	A	Hayes	F	Saul	A
Sproule	A	Snowsill	F								

Councillor Gribbin lodged a Notice of Rescission in regard to the forgoing resolution.

DSS3	REQUEST FOR ONGOING DONATIONS FROM HAT HEAD COMMUNITY DUNE CARE GROUP
	FILE: LA 8505 CC: 3 KLB {Folio No. 390322}

SUMMARY:

Reporting on a letter received from the Hat Head Community Dune Care Group requesting Council permit connection of services to Dune Care shed and waive all charges (connection and ongoing) such as rates and usage.

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Director Shire Services Recommendation:

1. That Council does not accede to the request from the Hat Head Dune Care Group for the waiving of all charges, connection or ongoing such as rates and usage in relation to the Dune Care Storage Shed
2. That Council advise the Hat Head Dune Care Group that the connection of utilities is a matter for the group and appropriate applications will need to be lodged with fees needing to be met by the group.
3. That Council advise the Hat Head Dune Care Group that a lease will need to be actioned for the Storage Shed site, with a lease fee as approved by the Department of Lands payable by the Group.

2009. 10 RESOLVED:

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

1. That this item be deferred until the March Meeting to allow further information to be received.
2. That Council enquire into the responsibility of the Department of Lands on this matter.

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ADOPTION OF AGENDA ORDER OF BUSINESS

2009. 11 RESOLVED:

Moved: Cl. Howell

That items;

MM2, DR1 and DCCS22
MM7 and DSS2
MM8 and NOM4
MM9, DR3, DCCS13 and ALC Minutes
DSDS10 and DCCS5
DSS9 and GM8

be dealt with in conjunction and the remaining Agenda Order of Business be adopted.

MAYORAL REPORT

MM1	MAYORAL EXPENSES		
	FILE: 276	MAYOR (NRN)	{ Folio No. 390264 }

SUMMARY:

Reporting on the situation of Mayoral Expenses, following the first three months of term

Reporting on responses received from the North Coast Area Health Service in relation to Kempsey District Hospital and the NSW Minister for Education and Training concerning mental health issues within schools.

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Director Corporate & Community Services Recommendation:

1. That Council request a meeting with the CEO of NCAHS to discuss issues associated with Renal Services, including what provisions will be made if a shut down of the Renal Unit occurs as a result of renovations.
2. That Council forward to the NSW Education Minister, Health Minister and Minister for Local Government and Minister Assisting the Health Minister (Mental Health) the results of the June 2008 Mental Health Intervention within the local high schools highlighting the inadequacy of the services offered with the Shire and education system.

2009. 15 RESOLVED:

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

1. That Council request a meeting with the CEO of NCAHS to discuss issues associated with Renal Services, including what provisions will be made if a shut down of the Renal Unit occurs as a result of renovations.
2. That Council forward to the NSW Education Minister, Health Minister and Minister for Local Government and Minister Assisting the Health Minister (Mental Health), and the Minister for Youth the results of the June 2008 Mental Health Intervention within the local high schools highlighting the inadequacy of the services offered within the Shire and education system and also Mr Andrew Stoner MP be requested to support the recommendations.
3. That a Motion be submitted to the A Division Conference requesting that the State Government urgently review the financial support for;
 - a. the employment of a stronger workforce to support student mental health so that there can be greater access to school counsellors in schools by students and parents, and
 - b. the provision of an adequate supply of mental health 'beds' for clients suffering mental health problems, in our health system

MM3

BELLBROOK PUBLIC SCHOOL

FILE: 280

MAYOR

{Folio No. 390267}

SUMMARY:

Reporting that Bellbrook School has been identified with levels of asbestos

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2009. 20 **RESOLVED:** *Moved: Cl. Bowell*
Seconded: Cl. Saul

That representations be made to The Hon Carmel Tebbutt MP, Deputy Premier, Minister for Climate Change and the Environment and Minister for Commerce in respect to the matter of future Marine Parks in New South Wales.

The following items MM7 and DSS2 were dealt with in conjunction.

MM7	NATIONAL	REGIONAL	YOUTH	(BASEBALL)
	CHAMPIONSHIPS 2009			
	FILE: 56	CC: 334	MAYOR	{Folio No. 390273}

SUMMARY:

Reporting on the Championships which began at Kempsey on Saturday, 10th January 2009

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Mayoral Recommendation:

1. That a meeting be arranged of the users of the Kemp Street playing fields to consider matters of mutual interest for the area.
2. That the user organisations be invited to lodge a submission of matters for consideration at that meeting.

2009. 21 **RESOLVED:** *Moved: Cl. Bowell*
Seconded: Cl. Gribbin

That the Mayoral Recommendation be adopted with the addition of;

3. The Kempsey Baseball Association be congratulated for the tournament and Council wish them all the best for the future.

DSS2	MEETINGS WITH SPORTING FIELD USER GROUPS			
	FILE: 110	KLB (NRN)	{Folio No. 390320}	

SUMMARY:

Report on meetings convened with sporting field user groups during August 2008.

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Director Shire Services Recommendation:

That the information be noted.

2009. 22 RESOLVED:

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

That the Director Shire Services Recommendation be adopted with the addition of;

2. That the notion of reforming a sporting users group be investigated

The following items MM8 and NOM4 were dealt with in conjunction.

MM8	INSPECTION OF CARAVAN PARKS	{Folio No. 390275}
FILE: 120	MAYOR	

SUMMARY:

Reporting on the inspection of the caravan parks carried out on Friday 9th January 2009.

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Mayoral Recommendation:

1. That the location of the two replacement cabins at Stuarts Point Caravan Park be determined to allow installation from 1st February 2010.
2. That a report be submitted to Council in respect to the replacement of the two amenities buildings adjacent to the Manager's residence.
3. That urgent action be taken to obtain the consent of the Department of Primary Industry to enable Council to undertake the required bank restoration at Stuarts Point Caravan Park.
4. That steps be taken to have –
 - (a) the Plan of Management for the Horseshoe Bay Reserve approved by the Department of Lands; and
 - (b) the proposed upgrading of the Caravan Park approved by Sustainable Development Services as a matter of urgency.

2009. 23 RESOLVED:

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

1. That the location of the two replacement cabins at Stuarts Point Caravan Park be determined to allow installation from 1st February 2010.
2. That a report be submitted to Council in respect to the replacement of the two amenities buildings adjacent to the Manager's residence at Stuarts Point Caravan Park.

Reporting on my attendance to the Local Government Aboriginal Conference held 25th to 27th November 2008

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Delegates Recommendation:

That the information be noted.

2009. 26 **RESOLVED:** *Moved: Cl. Green*
Seconded: Cl. Gribbin

That this report be referred to the Aboriginal Consultative Working Party for consideration of preparing a submission of applying to have a future conference in Kempsey, possibly in 2012.

DCCS13	ABORIGINAL LIAISON COMMITTEE
FILE: 540	TLE {Folio No. 390363}

SUMMARY:

Reporting on the suggested change of name for the Aboriginal Liaison Committee

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2009. 27 **RESOLVED:** *Moved: Cl. Green*
Seconded: Cl. Gribbin

- 1. That the Aboriginal Liaison Committee be renamed the Aboriginal Consultative Working Party.**
- 2. That relevant organizations and community members be invited to participate and be members of the Working Party.**

ABORIGINAL LIAISON COMMITTEE

ABORIGINAL LIAISON COMMITTEE
FILE: 540 TLE (NRN) {Folio No. 390394}

2009. 28 **RESOLVED:** *Moved: Cl. Green*
Seconded: Cl. Gribbin

That the minutes of the Aboriginal Liaison Committee meeting held 19th November 2008 be noted.

MM10	RATE PEGGING V COST SHIFTING
FILE: 321 CC: 484 MAYOR	{Folio No. 390277}

SUMMARY:

Reporting that the matter of rate pegging was raised by the Premier, the Hon Nathan Rees MP at the Local Government Association Conference at Broken Hill in 2008

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2009. 29 **RESOLVED:** *Moved: Cl. Bowell*

That a motion be submitted to the "A" Division Conference at Tweed Heads -

1. **That the State Government be requested to review the impact on local government as a result of cost shifting with the aim of local government being provided with corresponding funding for services shifted to local government; and**
2. **This review to be undertaken in conjunction with any consideration of rate pegging.**

MM11	PUBLIC MEETING - BELLBROOK	
	FILE: 69 MAYOR (NRN)	{Folio No. 390278}

SUMMARY:

Reporting on attendance at a public meeting held on Saturday 17th January 2009.

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2009. 30 **RESOLVED:** *Moved: Cl. Bowell*
Seconded: Cl. Saul

That the information be noted.

MM12	MEDICAL SCHOLARSHIPS	
	FILE: 7 MAYOR	{Folio No. 390279}

SUMMARY:

Reporting on the result of interviews for the offer of Medical Scholarships for 2009

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2009. 31 **RESOLVED:** *Moved: Cl. Bowell*
Seconded: Cl. Saul

That the sponsors assisting Council:

- **Rotary Clubs of –**
 - **Kempsey**
 - **Kempsey West**
 - **South West Rocks**

NOM3	ALGA NEWS ELECTRONIC FILE: 210 AVB (NRN)	{Folio No. 390296}
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2009. 34 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Gribbin

That Council investigate the possibility of having the "ALGA News" emailed out to councillors in place of the hard copy currently being received, for those councillors who would like to receive it electronically.

NOM4	APPRECIATION OF INPUT FROM STUARTS POINT CARAVAN PARK RESIDENTS FILE: 120 SJR (NRN)	{Folio No. 390299}
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This report was dealt with earlier in the meeting just after MM8.

DELEGATE'S REPORT

DR1	HASTINGS / MACLEAY REHABILITATION FORUM FILE: 419 SJR (NRN)	MENTAL HEALTH {Folio No. 390301}
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This report was dealt with earlier in the meeting just after MM2.

DR2	FLOODPLAIN MANAGEMENT AUTHORITY QUARTERLY MEETING FILE: 284 BJM	{Folio No. 390303}
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SUMMARY:

Delegate's report on Floodplain Management Authority (FMA) quarterly meeting November 2008

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2009. 35 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Saul

1. That the information be noted.
2. That Council retain its membership of the Floodplain Management Authority.
3. The Council write to our respective State and Federal members requesting their support in ensuring that adequate funding is available for Floodplain Management Planning, Flood Risk Management projects and Flood Mitigation funding continues at a

level to ensure all flood infrastructure can be maintained at a safe and reliable functioning level.

4. That Council investigate the Flood Risk Management education programme being offered by UTS (Sydney) as a continuing development programme for relevant staff.
5. That Council support the development of a National (Peak) Floodplain Management body.

DR3	NSW LOCAL GOVERNMENT ABORIGINAL CONFERENCE 2008
	FILE: 165 SJR (NRN) {Folio No. 390304}

This report was dealt with earlier in the meeting just after MM9.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

DSDS1	CORRUPTION MANAGEMENT IN DEVELOPMENT
	ASSESSMENT
	FILE: 584 RBP (NRN) {Folio No. 390306}

SUMMARY:

Reporting on current measures used to reduce the potential for corrupt conduct in the development assessment process at Kempsey Shire Council.

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2009. 36 **RESOLVED:** *Moved: Cl. Hayes*
Seconded: Cl. Green

- A. That the information be noted.
- B. That Council develop a policy relating to development standards following commencement of the new standard LEP.

DSDS2	REVIEW OF INFRASTRUCTURE CONTRIBUTIONS
	FILE: 579 CC: 556 RBP (NRN) {Folio No. 390307}

SUMMARY:

Reporting on recent changes to the system for charging developer contributions and associated implications for Council

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2009. 37 **RESOLVED:** *Moved: Cl. Sproule*
Seconded: Cl. Saul

That the information be noted.

DSDS3 PROPOSED AMENDMENT TO KEMPSEY LOCAL ENVIRONMENTAL PLAN 1987 (AMENDMENT NO.81) TO REZONE LAND AT 511 PACIFIC HIGHWAY, SOUTH KEMPSEY FILE: T5-81 PJC {Folio No. 390308}

SUMMARY:

Reporting that submissions have been received in response to the public exhibition of Amendment No. 81 to Kempsey Local Environmental Plan 1987 to rezone land at 511 Pacific Highway South Kempsey to part 4(a) Industrial (General), part 4(e) Industrial (Extractive) and part 7(b) Environmental Protection (Habitat).

SECTION 375A OF LOCAL GOVERNMENT ACT REQUIRES THAT A DIVISION BE CALLED IN RESPECT TO THIS REPORT

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2009. 38

RESOLVED:

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

That Council resolve to exercise its delegation granted by the Director General under Section 69 of Environmental Planning and Assessment Act 1979 to forward Kempsey Local Environmental Plan 1987 (Amendment No. 81) to the Minister to make the plan.

A Division on this decision resulted in the following votes.

F = Voted For
A = Voted Against

Bowell	F	Campbell	F	Green	F	Gribbin	F	Hayes	F	Saul	F
Snowsill	F	Sproule	F								

DSDS4 PROPOSED LOCAL ENVIRONMENTAL PLAN AMENDMENT NO 55 TO REZONE LAND KNOWN AS "SALTWATER" AT SOUTH WEST ROCKS FILE: T5-55 KH {Folio No. 390309}

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

DSDS5 PROPOSED AMENDMENT TO KEMPSEY LOCAL ENVIRONMENTAL PLAN - REZONING OF LAND AT 37 BELLE O'CONNOR STREET SOUTH WEST ROCKS FILE: T5-111 PK {Folio No. 390310}

SUMMARY:

Director Sustainable Services Department Recommendation:

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

- 1. Development is to be in accordance with approved plans**
The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No. / Supporting Document	Version	Prepared by	Dated
Site plan 0433/06 S01 & 02	2	Robert Dennis Associates	23 rd Oct 2007
Hydrological Assessment Plan D01	1	Robert Dennis Associates	16 th Sept 2008

In the event of any inconsistency between conditions of this development consent and the plans / supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

- 2. This consent does not permit commencement of any works**
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.

Required work	Specification of work
Driveways <i>Rural – unsealed roads</i>	All-weather driveways, in accordance with Council's rural driveway standards, from the edge of the road to 3 metres within the property boundary for each of the proposed new allotments.
Driveway <i>Internal – where 2wd access not available to building</i>	A three (3) metre wide all-weather driveway to the building site for proposed Lot(s) 1 & 2. The plans will include certification that the access construction will not have detrimental effects on the stormwater flow patterns or local flooding in the area.
Service Conduits	Service conduits to each of the proposed new allotments laid in strict accordance with the service authorities' requirements.
Culverts required across drainage channels or streams	Culvert to be designed to ensure that peak flow rates for the 1 in 20 year storm event are not affected. The applicant is to obtain any necessary approvals from the Department of Natural Resources and / or the Department of Primary Industries, Fisheries, and plans.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

3. Engineering Construction Plans

Three (3) copies of engineering construction plans and specifications must accompany the construction certificate application. Such plans are to provide for the works in the following table in accordance with Council's current Design and Construction Manuals and Specifications.

4. Erosion and Sedimentation Control Plan

The plans and specifications to accompany the construction certificate application are to include a sediment and erosion control plan to indicate the measures to be employed to control erosion and loss of sediment from the site. The sediment and erosion control plan is to be designed in accordance with the requirements of the Landcom Blue Book, *Soils and Construction -Managing Urban Stormwater*.

The sediment and erosion control plan must be prepared by a suitably experienced person such as a person certified by:

- The Institution of Engineers, Australia, for engineering and hydrology matters.
- The International Erosion Control Association for soil conservation matters.
- The Australian Society of Soil Science for collection or analysis of soil data.

The plan must incorporate (without being limited to) information on general site management, material handling practices, soil

stabilisation, water control, sediment control, wind erosion control and access measures.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO COMMENCEMENT OF SUBDIVISION WORKS

5. **Written Notification**
Written notification of intention to commence works must be forwarded to the Council seven (7) days prior to work commencing. Notification is to include contact details of the supervising engineer and site contractor.
6. **Public Liability Insurance**
The developer and / or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$10 million. Council is to be nominated as an interested party on the policy. The public liability insurance cover is to be maintained for the duration of the period of the works and during any maintenance period.
7. **Erosion & sediment measures in accordance with the approved Erosion and Sediment Control Plan**
Erosion and sedimentation controls are to be in place in accordance with the approved Erosion and Sediment Control Plan.

Note: Council may impose on-the-spot fines of up to \$600 for non-compliance with this condition.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH DURING CONSTRUCTION OF SUBDIVISION WORKS

8. **Construction times**
Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on residential premises, can only occur:
 - a) Monday to Friday, 7 am to 6 pm.
 - b) Saturday, 8 am to 1 pm.
 - c) No construction work to take place on Sundays or Public Holidays.
9. **Construction noise**
Construction noise is to be limited as follows:
 - a) For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
 - b) For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation

must not exceed the background level by more than 10 dB(A).

10. Construction vibration

Construction vibration is to be limited in accordance with:

- (a) The NSW Roads and Traffic Authority Environmental Noise and Management Manual;
- (b) EPA Environmental Noise Control Manual, Chapter 174, *Vibration in Buildings*; and
- (c) Australian Standard AS 2670, *Evaluation of Human Exposure to Whole Body Vibration, Part 2: Continuous and Shock-Induced Vibration in Buildings (1 to 80 Hz)*.

11. Fencing to protect trees

Trees to be retained are to be protected by a fence so as to minimise disturbance to existing ground conditions within the drip line of the trees. The fence is to be constructed:

- a) with a minimum height of 1.2 metres,
- b) outside the drip line of the tree,
- c) of steel star pickets at a maximum distance of 2 metres between pickets,
- d) using a minimum of 3 strands of steel wire,
- e) to enclose the tree, and
- f) with orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter.

The fence is to be maintained for the duration of the site clearing, preparation and construction works.

12. Care to be taken when placing services near trees

All care is to be taken to manually excavate around or under any lateral structural support roots of any tree so as to minimise root disturbance where services are to be laid within the drip-line of a tree.

13. No filling around trees

No soil or fill material is to be placed within the drip line of a tree so as to cause changes in surface level by more than 50mm from the existing level and such soil is not to be compacted. Such soil / fill must be finer than that being covered in situ, *e.g. clay must not be placed over loam soil*.

14. Inspection of Public Works

Development works on public property are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection. You must quote your construction certificate number and property description to book your inspection.

- a) prior to commencement of site clearing and installation of erosion control facilities;
- b) at completion of installation of erosion control measures

- c) prior to installing traffic management works
- d) at completion of installation of traffic management works
- e) at the commencement of earthworks;
- f) before commencement of any filling works;
- g) when the sub-grade is exposed and prior to placing of pavement materials;
- h) when trenches are open, stormwater / water / sewer pipes and conduits jointed and prior to backfilling;
- i) at the completion of each pavement (sub base / base) layer;
- j) before pouring of concrete for kerb and guttering;
- k) prior to the pouring of concrete for sewerage works;
- l) prior to the pouring of concrete or paved foot paving works;
- m) on completion of road gravelling or pavement;
- n) during construction of sewer infrastructure;
- o) during construction of water infrastructure;
- p) prior to sealing and laying of pavement surface course.

All works at each hold point are to be certified as compliant, in accordance with Council's current Design and Construction Manuals and Specifications, prior to proceeding to the next hold point. Council will undertake random audit of work sites to verify compliance of public works as required.

15. Responsibilities under the National Parks and Wildlife Act 1974

All earthmoving contractors and operators must be instructed that, in the event of any bone, or stone artefacts, or discrete distributions of shell, being unearthed during earthmoving, work must cease immediately in the affected area, and the Local Aboriginal Land Council and officers of the National Parks and Wildlife Service, informed of the discovery. Work must not recommence until the material has been inspected by those officials and permission has been given to proceed. Those failing to report a discovery and those responsible for the damage or destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the National Parks and Wildlife Act 1974.

16. Maintenance of sediment and erosion control measures
Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

17. Public safety requirements
All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. Council is not held responsible for any negligence caused by the undertaking of the works.

18. Council Specification

All works to be constructed to at least the minimum requirements of Council's Adopted Engineering Standard.

19. **Approved Plans to remain on site**
A copy of the approved Construction Certificate including plans, details and specifications must remain at the site at all times during the construction of the subdivision.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

20. **Plan of Subdivision**
An application for a Subdivision Certificate must be made on the approved form. The Subdivision Certificate fees, in accordance with Council's adopted schedule of fees and charges, must accompany such application. Seven (7) copies of the plan of subdivision are to be submitted with the application for a subdivision certificate. The location of all buildings and / or other permanent improvements including fences and internal access driveways / roads must be indicated on 1 of the copies.
21. **Plan of Subdivision and Section 88B Instrument requirements**
A Section 88B Instrument and 1 copy are to be submitted with the application for a subdivision certificate. The final plan of subdivision and accompanying Section 88B Instrument are to provide for the items listed in the following table:

Item for inclusion in Plan of Subdivision and / or Section 88B Instrument	Details of Item
Dwelling Envelope	Restrictions to limit the erection of dwellings to the nominated dwelling envelope.

22. **Completion of All Works**
All roads, drainage and civil works, required by this development consent and associated Construction Certificate, are to be completed. Works are to include restoration, replacement and / or reconstruction of any damage caused to surrounding public infrastructure, including damage to road pavements along any haulage routes used for the construction of the subdivision.
23. **Electricity Supply Certificate**
Written evidence from an electricity supply authority is to be submitted with the application for a subdivision certificate stating that satisfactory arrangements have been made for the provision of underground electricity supply throughout the subdivision.
24. **Telephone Supply Certificate**
Written evidence from Telstra is to be submitted with the application for a subdivision certificate stating that

satisfactory arrangements have been made for the provision of underground telephone supply throughout the subdivision.

25. Contributions for Water and Sewer Services prior to this issue of a Subdivision Certificate.

Contributions set out in the following table are to be paid to Council prior to the issue of a Construction Certificate. Contributions are levied in accordance with Council's Kempsey Shire Council Macleay Water DSP for Water & DSP Sewage Services dated July 2006. The Plans may be viewed during office hours at Council's Offices.

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. Payments will only be accepted by cash or bank cheque

The Certificate of Compliance under Section 306 of the Water Management Act 2000, identifying payment of the contributions, is to be provided to the Principal Certifying Authority.

Public service	No. of Equivalent Tenements	Contribution Rate (Amount per ET)	Contribution Levied	Date until which Contribution rate is applicable
Water	1 ET	\$7,947	\$7,947	30 th June 2008 / 09
TOTAL			\$7,947	

26. Contribution to be paid towards provision or improvement of amenities or services prior to the issue of a Subdivision Certificate.

The particulars of the contributions levied pursuant to Section 94 of the Act are set out in the following table:

The specific public amenity or service in respect of which the condition is imposed.	The contributions plan under which the condition is imposed	Date of contributions plan
Outdoor Recreation	Outdoor recreation -2001	September 2000
Rural Roads	Rural Roads Developer	May 2000
Section 94 – Project Administration	Project Administration	10 th August 2007

The above plans may be viewed during office hours at the Council Customer First Centre located at 22 Tozer Street West Kempsey.

Contributions set out in the following Schedule are to be paid to Council prior to the issue of a Construction Certificate. The following contributions are current at the date of this consent. The contributions payable will be

Public amenity or service	Unit type	No. of Units	Contribution Rate (Amount per Unit)	Contribution Levied	Date until which Contribution rate is applicable
Outdoor Recreation	ET	1	\$449.00	\$449.00	30 th June 2008 / 09
Arterials Road	ET	1	\$1,074.00	\$1,074.00	30 th June 2008 / 09
Subtotal				\$1,523.00	
S94 Administration	6% of total Section 94 charge applicable			\$91.40	30 th June 2008 / 09
TOTAL				\$1,614.40	

adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The contribution rates for specific dates are available from Council offices during office hours. Payments will only be accepted by cash or bank cheque

Schedule of Contributions pursuant to Section 94 of the Environmental Planning and Assessment Act 1979

27. **Integrated Rural Bushfire Service**
The development proposal is to comply with the subdivision layout identified on the drawing prepared by Robert Dennis and Associates Pty Ltd, project number 0433/06 dated 28/8/2007.
28. The plan of subdivision is to indicate that the boundaries traversing the SEPP14 wetland have been set by following the existing fence-lines.
29. The plans for the required construction certificate are to include detailed engineering plans for the required internal access road to the approved dwelling envelope to 2WD all weather standard. Such plans shall indicate that the road has been designed so as not to impede the flow of stormwater during a 1 in 20 year storm event in accordance with "Australian Rainfall and Runoff".

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

2009. 40 RESOLVED:

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

That this item be listed for a Works Inspection.

A Division on this decision resulted in the following votes.

F = Voted For

A = Voted Against

Bowell	F	Campbell	F	Green	F	Gribbin	F	Hayes	F	Saul	F
Snowsill	F	Sproule	F								

DSDS7	KEMPSEY SHIRE ESD STRATEGY	{ Folio No. 390313 }
	FILE: 927 NDH	

SUMMARY:

Reporting to Council on the progress of implementation of actions listed in the Kempsey Shire ESD Strategy for the period July to December 2008.

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2009. 41 **RESOLVED:** *Moved: Cl. Hayes*
Seconded: Cl. Sproule

That the information be noted.

DSDS8	PUBLIC HEALTH RELATED INSPECTIONS SUSTAINABLE DEVELOPMENT SERVICES (SDS)	{ Folio No. 390314 }
	FILE: 128 JGR	

SUMMARY:

Reporting on the number, type, results and cost of health inspections required to be carried out within the Shire.

◆◆◆◆◆

2009. 42 **RESOLVED:** *Moved: Cl. Sproule*
Seconded: Cl. Green

- A. That the information be noted.
- B. That Council review the inspection fees for Health Inspections in setting the 2009 / 10 Fees and Charges.

DSDS9	DERELICT OR ABANDONED BUILDINGS	{ Folio No. 390316 }
	FILE: 1 DJW CC: MRB	

SUMMARY:

Reporting on the number of derelict or abandoned buildings on the major roads within the Kempsey Shire

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

DSS4	BELLBROOK WATER TREATMENT PLANT – PROGRESS UPDATE ON GRANT FUNDING FILE: 1143 PA (NRN) {Folio No. 390323}
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SUMMARY:

Reporting on the status of the grant funding for Bellbrook Water Treatment Plant

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2009. 48 **RESOLVED:** *Moved: Cl. Sproule
Seconded: Cl. Green*

That the information be noted.

DSS5	WEST KEMPSEY SEWAGE TREATMENT WORKS - PROGRESS UPDATE FILE: 645 AMB {Folio No. 390324}
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SUMMARY:

Reporting on the progress of the alternative options for provision of this Sewage Treatment Plant

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2009. 49 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. Sproule*

- 1 That Council receive a further report on the implications of the WICA Act for infrastructure provision and particularly for the West Kempsey project.
- 2 That Council seek, in writing, from Department of Environment and Climate Change (EPA), their acknowledgement and support for the work being undertaken on the development of a new West Kempsey Sewage Treatment Plant.

DSS6	PETITION FOR SERIOUS CONSIDERATION TO CONSTRUCTION OF A SKATE PARK AT HAT HEAD FILE: 334 KLB {Folio No. 390326}
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SUMMARY:

Reporting on the receipt of a petition requesting that Council give serious consideration to the construction of a skate park at Hat Head

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3. That Council receive further reports, as required, prior to the engagement of a contractor or contractors to progress the works associated with fluoridation installation or rectification works

DIRECTOR SHIRE SERVICES SUPPLEMENTARY REPORT

DSS13 SUPP	REPLACEMENT OF SES VEHICLES FILE: 151 BJM (NRN) CC:APC	{Folio No. 390497}
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SUMMARY:

Reporting on a proposal to replace the current SES fleet with standardised vehicles

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2009. 58 RESOLVED: *Moved: Cl. Green
Seconded: Cl. Saul*

1. That Council proceed with the replacement of the South West Rocks SES Unit vehicle as proposed by the SES, at an anticipated cost to Council of up to \$7,000
2. That Council reallocate \$7,000 from the budget line item for Telephone Charges within the Emergency Services budget area for the replacement of SES vehicles.
3. That Council accept the vehicle replacement schedule proposed by the SES and adjust the long term budgets as required to implement the program in future years.

DSS14 SUPP	LOCAL COMMUNITY INFRASTRUCTURE PROGRAM FILE: 579 BJM (NRN)	{Folio No. 390498}
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SUMMARY:

Reporting on the submission of Council's application for the Local Community Infrastructure Program grant funds

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2009. 59 RESOLVED: *Moved: Cl. Sproule
Seconded: Cl. Gribbin*

That the information be noted.

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

DCCS1	STATEMENT OF BANK BALANCES AS AT 16 th JANUARY 2009 FILE: 1028 APC (NRN)
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2009. 63

RESOLVED:

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

That the Budget Review for the period ending 31st December 2008 be adopted and the variations contained therein be approved and financed from the sources as indicated.

DCCS5	KEMPSEY AIRPORT DEVELOPMENT
FILE: 183	SJR (NRN) {Folio No. 390337}

This report was dealt with earlier in the meeting just after DSDS10.

DCCS6	APPOINTMENT OF COUNCIL'S SOLICITORS
FILE: 746	PJH {Folio No. 390338}

SUMMARY:

Reporting on the appointment of Council's solicitors for the next 12 month term

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2009. 64

RESOLVED:

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

That Council's panel of solicitors being:-

- Cooney Harvey Doney Lawyers
- Wrights Legal
- Donovan Oates and Hannaford
- Marsdens Law Group
- Maddocks Lawyers

be re-appointed for the next 12 month period with Cooney Harvey Doney and Wrights Legal being the principal solicitors.

DCCS7	CONFERENCES AND SEMINARS
FILE: 117	PJH (NRN) {Folio No. 390339}

SUMMARY:

Reporting on details of conferences and seminars attended by Councillors and staff for the three (3) months September 2008 to November 2008.

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2009. 65

RESOLVED:

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

That the information be noted.

SUMMARY:

Reporting on the nominations received from community members to serve on Council's committees.

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Director Corporate & Community Services Recommendation:

1. That Council appoint by election its community delegates to its committees.
2. That policy C24:13 - Committee Meeting Arrangements be amended as recommended in the report.
3. That each of Council's committees conduct a review of their full membership and report this back to Council for confirmation.

2009. 66 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. Hayes*

1. That for the committees that where applications are equal or less than the number required the persons be appointed.
2. That policy C24:13 - Committee Meeting Arrangements be amended as recommended in the report.
3. That each of Council's committees conduct a review of their full membership and report this back to Council for confirmation.

The Mayor noted that the forgoing resolution was passed UNANIMOUSLY

SUMMARY:

Reporting on a request received from Kempsey High School.

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2009. 67 **RESOLVED:** *Moved: Cl. Saul
Seconded: Cl. Green*

1. That Council introduce the policy of "take your rubbish with you" at events and only provide the existing sulo bin/s at the site.

3. That sporting groups with existing licences provide Council with details of their Responsible Service of Alcohol certificates of those selling the alcohol.

2009. 72

RESOLVED:

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

That the Director Corporate & Community Services recommendation be adopted with the addition of;

4. That the National Parks & Wildlife and Department of Lands be requested to align their policies to those of Council on Alcohol Policies.
5. That Council's Policy be drawn to the attention of the Superintendent of Police.

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PRESENTATION

At this stage 12.15 p.m. Mr Richard Holloway CEO Arts Mid North Coast gave a presentation to Council on the work of Arts Mid North Coast.

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At this stage 12.30 p.m. the Meeting adjourned for Luncheon and upon resumption at 1.35 p.m. all present at the adjournment were in attendance.

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DCCS16	REPORTING ON ACTIONS IN THE CCTV FEASIBILITY STUDY
FILE: 1069	LY (NRN) {Folio No. 390368}

SUMMARY:

Reporting on the progress of the implementation of the CCTV Feasibility Study

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2009. 73

RESOLVED:

*Moved: Cl. Sproule
Seconded: Cl. Hayes*

That the information be noted.

DCCS17	VIDEOFIED SECURITY SYSTEM
FILE: 1069	KEO (NRN) {Folio No. 390371}

SUMMARY:

Reporting on the Notice of Motion – 1 11th November 2008 concerning the Videofied security systems.

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2009. 74

RESOLVED:

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

That the information be noted.

DCCS18	YARRAHAPINNI FESTIVAL	{Folio No. 390373}
FILE: 3	KEO	

SUMMARY:

Reporting on the Yarrahapinni Festival held at Stuarts Point 29th, 30th and 31st August 2008.

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Director Corporate & Community Services Recommendation:

1. That the information be noted.
2. That the Organising Committee and SPADCO be congratulated for the success of the event.
3. That Council supports the 2010 Yarrahapinni Festival.

2009. 75

RESOLVED:

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

That the Director Corporate & Community Services Recommendation be adopted with point 3 being amended to read;

3. That Council supports the 2010 Yarrahapinni Festival and that it be included in the donations 2010 / 11 budget.

DCCS19	COMMUNITY HALL RENEWAL FUND	{Folio No. 390374}
FILE: 101	KEO (NRN)	

SUMMARY:

Reporting on the NSW Government's Community Hall Renewal Fund

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Director Corporate & Community Services Recommendation:

1. That further consultation is undertaken with the community to identify an appropriate project.

2. That a report is provided to Council identifying the project for consideration.

2009. 76

RESOLVED:

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

That the Director Corporate & Community Services Recommendation be adopted with the addition of;

3. That a full asset risk management assessment be carried out on all Council halls for a priority to be developed for all Council's works.

DIRECTOR CORPORATE AND COMMUNITY SERVICES SUPPLEMENTARY REPORT

DCCS20 SUPP	OPERATION OF KEMPSEY REGIONAL SALEYARDS FILE: 255	SJR (NRN)	{Folio No. 390499}
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SUMMARY:

Reporting on considerations for the control and future operation of Kempsey Regional Saleyard

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Director Corporate & Community Services Recommendation:

That the information contained within this report be noted and further considered in conjunction with the report on the outcomes of the Saleyards Focus Group to be presented to Council in March 2009.

2009. 77

RESOLVED:

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

1. That the information be noted.
2. That upon receipt of the final report from the Focus Group, Council hold a Workshop with the Focus Group which shall include a site visit to the Saleyards.

DCCS21 SUPP	REVIEW OF FEES FOR HOLIDAY PARKS FILE: 120	SJR (NRN)	{Folio No. 390500}
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SUMMARY:

Reporting on strategies to optimise the financial return to Council from Holiday Park operation

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2009. 78

RESOLVED:

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

That the Manager Business Services monitor booking conditions to ensure optimum return from business operations of the Holiday Parks.

DCCS22	HEALTH SERVICES	
SUPP	FILE: 419 CC:46 KEO	{Folio No. 390502}

This report was dealt with earlier in the meeting just after DR1.

Councillor Hayes declared an interest in the following item DCCS23 for the reason that she is Administrator of the Showground and retired from the Chamber.

Councillor Snowsill declared an interest in the following item DCCS23 for the reason that he is an employee of the Kempsey Macleay RSL Club and retired from the Chamber.

DCCS23	SENIORS WEEK ACTIVITIES	
SUPP	FILE: 76 AF (NRN) CC: MRB	{Folio No. 390506}

SUMMARY:

Reporting on the activities planned for Seniors Week 2009.

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Director Corporate & Community Services Recommendation:

That these activities be supported and promoted through Kempsey Shire Council.

2009. 79 RESOLVED: *Moved: Cl. Sproule
Seconded: Cl. Green*

That the Director Corporate & Community Services Recommendation be adopted with the addition of;

2. That a limit per person be set on the allocation of tickets.
3. That a debrief be conducted after the week's activities.

Councillors Hayes and Snowsill returned to the Chamber.

GENERAL MANAGER'S REPORT

GM1	OUTSTANDING REPORTS / RESOLUTIONS	
	FILE: 149 AVB (NRN)	{Folio No. 390375}

SUMMARY:

Council's report on outstanding reports and resolutions

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2009. 80 RESOLVED: *Moved: Cl. Green
Seconded: Cl. Howell*

That the information be noted.

GM2	WORKS PROGRAM	
	FILE: 153 AVB (NRN)	{Folio No. 390376}

SUMMARY:

To outline progress of the capital works program for the 2008 / 09 year

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General Manager's Recommendation:

That the information be noted.

2009. 81 RESOLVED: *Moved: Cl. Hayes
Seconded: Cl. Sproule*

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

2. That a report be prepared for the budget meeting on the status of revotes.

GM3	QUARTERLY REPORT	
	FILE: 339 MRB (NRN)	{Folio No. 390377}

SUMMARY:

Reporting on the implementation of Council's 2007 / 2008 Management Plan

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2009. 82 RESOLVED: *Moved: Cl. Green
Seconded: Cl. Sproule*

That the achievement of performance targets set by the 2007 / 2008 Management Plan for the period to the end of the December 2008 quarter be noted.

GM4	SHIRES ASSOCIATION A DIVISION CONFERENCE	
	FILE: 345 AVB (NRN)	{Folio No. 390378}

SUMMARY:

GM7	COMMUNITY ADDRESSING COUNCIL
FILE: 395	AVB (NRN) {Folio No. 390384}

SUMMARY:

To identify the benefits of allowing the public to address Council on issues not on the Agenda

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2009. 86 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. Hayes*

That Council not extend its public forum to allow members of the public to address Council on matters not included in the Agenda.

GM8	WATER INQUIRY MODELS
FILE: 150	AVB (NRN) {Folio No. 390385}

This report was dealt with earlier in the meeting just after DSS9.

Councillor Hayes declared an interest in the following item GM9 for the reason that she is Administrator of the Showground and retired from the Chamber.

Councillor Snowsill declared a non-pecuniary interest in the following item GM9 for the reason that he is an employee of the Kempsey Macleay RSL Club and remained in the Chamber.

GM9	KEMPSEY SHOWGROUND
FILE: LA2942	AVB {Folio No. 390389}

SUMMARY:

To process an application for loan funds by the Kempsey Showground Trust.

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General Manager's Recommendation:

That Council offer the Kempsey Showground Trust a loan of \$250,000 repayable over 15 years at the interest rate applicable at the time of borrowing to build a commercial kitchen, new toilets, showers and a laundry.

MOVED: *Moved: Cl. Sproule
Seconded: Cl. Green*

That Council offer the Kempsey Showground Trust a loan of \$250,000 repayable over 15 years at the interest rate applicable at the time of

borrowing to build a commercial kitchen, new toilets, showers and a laundry to meet required health and safety standards.

An Amendment was MOVED:

*Moved: Cl. Gribbin
Seconded: Cl. Snowsill*

That Council sight a business plan of organisations wishing to use the Kempsey Showground facility and details of income and expenditure and the letter received by the General Manager on this.

2009. 87 RESOLVED: *Moved: Cl. Green*

That the MOTION be PUT.

The AMENDMENT was PUT to the Meeting and was LOST.

2009. 88 The MOTION was PUT to the MEETING and was CARRIED.

A division was called by Councillors Gribbin and Saul resulting in the following votes.

Bowell	F	Campbell	F	Green	F	Gribbin	A	Hayes	F	Saul	A
Snowsill	F	Sproule	F								

**GM10 CORRESPONDENCE AND COMPLAINT HANDLING
FILE: 584 AVB (NRN) {Folio No. 390392}**

SUMMARY:

Reporting to Council on outstanding correspondence and complaints for the quarter ending 31st December 2008

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2009. 89 RESOLVED: *Moved: Cl. Green
Seconded: Cl. Saul*

That the information be noted.

ABORIGINAL LIAISON COMMITTEE

**ABORIGINAL LIAISON COMMITTEE
FILE: 540 TLE (NRN) {Folio No. 390394}**

This report was dealt with earlier in the meeting just after MM9.

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QUESTIONS WITHOUT NOTICE

2009. 90 RESOLVED: *Moved: Cl. Green*

That the responses from Councillors Questions Without Notice from 16th December 2008 meeting be noted.

COUNCILLOR J A SPROULE

Q1 FILE: *

Could an investigation be carried out into the mysterious water which pools on the road on the corner of Dodds and Hutchinson Streets Hat Head?

Responsible Officer BJM
The Director Shire Services will investigate.

Q2 FILE: *

Could Council arrange a meeting with Narelle Moulton to address issues raised with the Kempsey Shire Council Action on Ageing Strategy document?

Responsible Officer KEO
The Director Corporate & Community Services advised there is a public meeting on the Action on Ageing Strategy tonight 3rd February at Council Chambers and it is understood Ms Moulton will be in attendance.

Q3 FILE: *

What is the employment status and potential employment prospects for the Waste Disposal drivers and other workers with J R Richards and / or Kempsey Shire Council?

Responsible Officer BJM
The Director Shire Services advised there is potential for Council staff to be employed by J R Richards and J R Richards have been given the contact details of the Council workers involved and 3 ½ positions at Council are affected.

COUNCILLOR A D SNOWSILL

Q1 FILE: *

On a recent visit to Kempsey Tip it was a pleasure to deal with the new staff member formerly employed by J R Richards. Was this appointment made because he worked for Council's contractor?

Responsible Officer BJM
The Director Shire Services advised that the position was advertised and he was the best applicant.

COUNCILLOR D F SAUL

Q1 FILE: *

At 329 Gregory Street South West Rocks there is water running off the roadway into the driveway and there is also odours coming from Council's manholes. Can this be investigated?

Responsible Officer BJM
The Director Shire Services will investigate.

Q2 FILE: *

Has work on pedestrian access at the intersection of Gowings Hill Road and "Old" Pipers Creek Road identified on the roads inspection on 25th November 2008 been scheduled yet?

Responsible Officer BJM
The Director Shire Services will investigate.

Q3

FILE: *

Hickeys Creek Road – shire grader only goes as far as boundary – can road be looked at?

Responsible Officer

BJM

The Director Shire Services advised there are quite a few roads which aren't Council roads or are Council roads but not maintained by Council for the full length.

COUNCILLOR J A C HAYES

Q1

FILE: *

A compliment to Weeds Officer for spraying on Plummers Lane, the banks where lantana was very thick and now residents can see river. Is there provision in the budget to keep these weeds maintained?

Responsible Officer

BJM

The Director Shire Services advised that the budget for weeds maintenance is very limited and priority is given to urgent matters.

Q2

FILE: *

Regarding the recent SPADCO letter received at Council requesting consideration for 355 committee. Have they received a reply?

Responsible Officer

JHB

The Mayor advised that they don't meet criteria for 355 committees and a response has been sent advising of this.

Q3

FILE: *

Regarding the J R Richards garbage collection, Council was to do a survey of Collombatti Road residents who sought a collection, what were the results of this?

Responsible Officer

BJM

The Director Shire Services advised that he can't recall the survey but will check on this, however, currently Council has complaints this road and a garbage service would make this worse.

COUNCILLOR J C GRIBBIN

Q1

FILE: *

Jubilee St SWR is a one way street with a large boat which protrudes out onto roadway. The trailer is registered which expired in 2006. Could the parking officer please inspect this?

Responsible Officer

RBP

The Director Sustainable Services Department will investigate.

COUNCILLOR E A GREEN

Q1

FILE: *

With the Horticultural or garden shop part of South Kempsey Cellars, did they put a DA in for this?

Responsible Officer

RBP

The Director Sustainable Services Department advised they did not need DA approval for this business.

Q2

FILE: *

With regard to the desire to exclude cattle grazing from around Council bore fields, has this happened?

Responsible Officer

BJM / KEO

The Director Shire Services advised the exclusions will happen after the expiry of the current grazing leases.

Q3 FILE: *
Council previously developed a standard format for agendas and minutes of its committees and there now seems to be different formats used, particularly people arriving late and leaving early not being recorded correctly. Could we have an education program for this?

Responsible Officer KEO
The Mayor advised that it is the responsibility of the directors to ensure minutes are prepared to correct format.

COUNCILLOR E A CAMPBELL

Q1 FILE: *
What is the timeframe for the completion of the Riverside Plaza streetscape work?

Responsible Officer BJM
The Director Shire Services advised that it is anticipated to be completed within the next two weeks.

Q2 FILE: *
Could grass clippings left on CBD carparks e.g. IGA carpark be removed after mowing to keep the area tidy?

Responsible Officer BJM
The Director Shire Services will investigate.

Q3 FILE: *
Can we investigate holding a speed reading course for Councillors, staff and other public servants?

Responsible Officer AVB
The Mayor advised that a Notice of Motion for this would be required so that full investigation can be undertaken.

COUNCILLOR J H BOWELL

Q1 FILE: *
Does Council conduct regular environment inspections of caravan parks?

Responsible Officer RBP
The Director Sustainable Development advised this is not currently undertaken by his department and details of the contract management requirements would be available from the Corporate and Community Services department.

Q2 FILE: *
What is position with Verge Street Oval regarding the letter to principle users?

Responsible Officer BJM
The Director Shire Services advised that the letters were sent out and quite a few have responded and a meeting is to be organised.

Q3 FILE: *
In regard to Boyters lane, what is the position with discussions with South West Rocks Sports Groups and their response to Council?

Responsible Officer BJM
The Director Shire Services advised that this is on hold at the moment due to limited resources staff-wise and will be followed up.

At this stage the Mayor thanked Administration staff for the organisation of the Council meeting at Stuarts Point Hall.

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MOTION FOR CONFIDENTIAL COMMITTEE

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it,
 - or
 - (ii) confer a commercial advantage on a competitor of the council,
 - or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

2009. 91 **RESOLVED:**

*Moved: Cl. Saul
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.

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CONFIDENTIAL MAYORAL REPORT

MM1	RECRUITMENT OF GENERAL MANAGER
CONF	FILE: 1252 MAYOR {Folio No. 390395}

Section 10A(2) (e) – Commercial Advantage

This report is submitted on a confidential basis as it includes information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting business.

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 that four Expressions of Interest have been received

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MOVED:

*Moved: Cl. Hayes
Seconded: Cl. Sproule*

That Council accept the offer from the Local Government Employment Solutions.

An Amendment was MOVED:

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

That Council accept the offer from John Kleem Consulting

The AMENDMENT was PUT to the Meeting and was LOST.

2009. 92 The MOTION was PUT to the MEETING and was CARRIED.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES CONFIDENTIAL REPORT

**DSDS1 DERELICT BUILDINGS
FILE: 1 CC: LA3140 LA10722 LA167 DJW {Folio No. 390399}**

Section 10A(2)(e) – Maintenance of Law

This report is submitted on a confidential basis as it involves information that would, if disclosed, prejudice the maintenance of law. (Local Government Act 1993, section 10A(2)(e))

On balance, the public interest in preserving the confidentiality of the information which relates to matters of law, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

and

Section 10A(2)(a) – Personnel Matters

This report is submitted on a confidential basis as it involves personnel matters concerning particular individuals (other than Councillors). (Local Government Act 1993, section 10A(2)(a))

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.

THIS REPORT IS TO BE READ IN CONJUNCTION WITH DSDS9

SUMMARY:

Reporting on the number of derelict or abandoned buildings on the major roads within the Kempsey Shire and the steps that are being taken to have these buildings either demolished or refurbished.

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2009. 93

RECOMMENDED:

*Moved: Cl. Sproule
Seconded: Cl. Hayes*

That the information be noted.

DIRECTOR SHIRE SERVICES SUPPLEMENTARY CONFIDENTIAL REPORT

DSS1	SOUTH WEST ROCKS RECYCLED WATER PIPELINES TENDER
SUPP	FILE: T2008-009 AMB {Folio No. 390507}
CONF	

Section 10A(2)(c) – Commercial Advantage in Business Dealing

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 results for the South West Rocks Recycled Water Pipelines Tender (T2008-009) submissions received.

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2009. 94

RECOMMENDED:

*Moved: Cl. Hayes
Seconded: Cl. Gribbin*

1 That Council appoint the selected Tenderer, as per the Tender Assessment report, subject to satisfactory resolution of any residual technical and / or commercial issues.

2. That Council adopt the proposed funding outlined in Table 1 within this report, subject to an assessment of reducing loan borrowings and maximising the utilisation of current water reserve funds.

DIRECTOR CORPORATE & COMMUNITY SERVICES CONFIDENTIAL REPORT

DCCS1	TENDER ROAD SWEEPER
CONF	FILE: T2008-002 CAD {Folio No. 390401}

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report was submitted on a confidential basis as it involved commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it (Local Government Act 1993, section 10A(2)(d)(i)).

SUMMARY:

Reporting on tenders received for the purchase of one (1) road sweeper and the sale of one (1) Hino / MacDonald Johnston road sweeper (V1009)

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2009. 95 RECOMMENDED: *Moved: Cl. Gribbin
Seconded: Cl. Saul*

1. That Council accept the tender from Rosmech Sales & Service Pty Ltd for the purchase of a road sweeper, as per Council's tender specification, at a cost of \$277,173.00 (GST excl).
2. That Council accept the sum of \$50,000.00 (GST excl) from Rosmech Sales & Service Pty Ltd for the trade of the Hino / MacDonald Johnston road sweeper (V1009).
3. That Council accept the sum of \$7,045.00 (GST excl) from Rosmech Sales & Service Pty Ltd for the additional identified options being the weed spray unit, shovel mount and broom mount.
4. That tenders be advised of Councils decision.

GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	VARIOUS LEGAL MATTERS - CURRENT POSITION
CONF	FILE: 155 AVB (NRN) {Folio No. 390402}

Section 10A(2)(g) – Legal Proceedings

This report is submitted on a confidential basis as it involves advice concerning litigation, or advice that would otherwise be privileged from production in legal

proceedings on the ground of legal professional privilege. (Local Government Act 1993, Section 10A(2)(g))

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

SUMMARY:

Reporting on the current position regarding legal matters

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2009. 96 RECOMMENDED: *Moved: Cl. Hayes
Seconded: Cl. Gribbin*

That the information be noted.

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OPEN COUNCIL

2009. 97 RESOLVED: *Moved: Cl. Hayes
Seconded: Cl. Green*

That the Open Council Meeting be resumed.

REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE

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

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ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2009. 98 RESOLVED: *Moved: Cl. Saul
Seconded: Cl. Green*

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

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CONCLUSION:

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

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