



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

8 September 2009 commencing at 9.04am.

PRESENT:

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

General Manager, D L Rawlings; 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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DECLARATIONS OF INTEREST

The General Manager declared a non-pecuniary non-significant interest in item DSDS7 for the reason that he rents, through a Real Estate Agent, a property owned by the developer from Saltwater Developments.

Councillor Snowsill declared a non-pecuniary significant interest in items DCCS11 and DCCS18 for the reason that he is an employee of the Kempsey RSL Club.

Councillor Hayes declared a pecuniary interest in the following items DCCS13 for the reason that she is the Administrator of the Kempsey Showground and DCCS1 Confidential for the reason that she is employed as a consultant with Corrective Services.

CONSIDERATION OF CONFIDENTIAL REPORTS

2009. 676 RESOLVED:

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

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

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**MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL
DATED 11 AUGUST 2009**

2009. 677 RESOLVED: *Moved: Cl. Green
Seconded: Cl. Sproule*

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 11 August 2009 be confirmed.

**MINUTES OF THE WORKS INSPECTION COMMITTEE MEETING OF
KEMPSEY SHIRE COUNCIL DATED 24 AUGUST 2009**

2009. 678 RESOLVED: *Moved: Cl. Saul
Seconded: Cl. Walker*

That the Minutes of the Works Inspection Committee Meeting of Kempsey Shire Council dated 24 August 2009 be confirmed.

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PUBLIC FORUM

1. - Mr Ross Garven addressed Council speaking in relation to item MM4 NSW Fishing Clubs Association
2. - Mr Colin McNeil addressed Council speaking in relation to item DR2 Turners Flat Bridge.

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CONSIDERATION OF LATE REPORTS

2009. 679 RESOLVED: *Moved: Cl. Hayes
Seconded: Cl. 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
MM4 and DR2**

2009. 680 RESOLVED: *Moved: Cl. Hayes
Seconded: Cl. Green*

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

SUMMARY:

Reporting that the State Individual and Club Team Championships will be held at South West Rocks between 17 & 24 July 2010

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2009. 681 **RESOLVED:**

*Moved: Cl. Howell
Seconded: Cl. Gribbin*

That Council offer support to the Association through the Economic Development Office.

DR2	1. NSW STATE PLAN 2009 REVIEW CONSULTATION ON 18 AUGUST 2009
	2. PRIME MINISTER AND CABINET – COMMUNITY CABINET PUBLIC FORUM ON 25 AUGUST 2009
	3. TURNERS FLAT BRIDGE – ADF PROJECT PROPOSAL
	FILE: 579, 552 KEO {Folio No. 408125}

SUMMARY:

Reporting on three recent events on the Mid North Coast which were attended by Kempsey Shire Councillors

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2009. 682 **RESOLVED:**

*Moved: Cl. Sproule
Seconded: Cl. Gribbin*

1. That the information be noted.
2. That the Federal Member for Lyne, Robert Oakeshott, MP be warmly thanked for:
 - i) attracting the Prime Minister, Kevin Rudd and Cabinet Ministers to the Mid North Coast and providing the opportunity for the community to raise important local and regional issues, and
 - ii) arranging a special meeting for Mid North Coast Mayors to discuss a regional plan for the three airports with the Prime Minister and the Minister for Infrastructure, Transport, Regional Development and Local Government, Anthony Albanese, MP.
3. That Council prepares a formal letter of request to the Minister for Defence, the Hon. John Faulkner to seek approval for the Australian Defence Force to erect a Medium Girder Bridge across the Macleay River at Turners Flat.

4. That Birdon Marine be thanked for their support in providing the information.

The Mayor noted that the foregoing resolution was passed UNANIMOUSLY.

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ADOPTION OF AGENDA ORDER OF BUSINESS

2009. 683 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Hayes

That items:-

- DSDS1, DCCS11, DCCS12, DCCS16, DCCS17 and GM6 be dealt with in conjunction; and
- the Delegates Reports be dealt with prior to the General Manager's reports

and the remaining Agenda Order of Business be adopted.

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MAYORAL REPORT

MM1	SYDNEY MEETINGS FILE: 344 COPY: 118 MAYOR (NRN) {Folio No. 408003}
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SUMMARY:

Reporting on attendance at meetings of the Country Mayors' Association and Pacific Highway Taskforce on Friday, 21 August 2009

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2009. 684 RESOLVED: *Moved: Cl. Bowell*

That the information be noted.

MM2	MAYORAL ACTIVITIES FILE: 380 MAYOR (NRN) {Folio No. 408005}
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SUMMARY:

Reporting on Mayoral activities for August 2009

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2009. 685 RESOLVED: *Moved: Cl. Bowell*

That the information be noted.

MM3	VISITS – STATE AND FEDERAL GOVERNMENTS
FILE: 165 COPY: 552	MAYOR {Folio No. 408007}

SUMMARY:

Reporting on forums held at Port Macquarie.

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2009. 686 **RESOLVED:** *Moved: Cl. Howell*

That the information be noted and Council be advised of progress.

MM4	NSW FISHING CLUBS' ASSOCIATION
FILE: 56	MAYOR {Folio No. 408015}

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

MM5	ANNUAL REVIEW
FILE: 380	MAYOR (NRN) {Folio No. 408026}

SUMMARY:

Reporting on the Mayoral perspective of Council's activities over the past 12 months

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2009. 687 **RESOLVED:** *Moved: Cl. Howell*
Seconded: Cl. Saul

That the information be noted.

MM6	COMMUNITY INFRASTRUCTURE PROGRAM
FILE: 1259	MAYOR (NRN) {Folio No. 408028}

SUMMARY:

Reporting on advice received from the Australian Government in respect to the reason Council's application for funding for the Boyters Lane Community Playing Fields was unsuccessful.

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2009. 688 **RESOLVED:** *Moved: Cl. Howell*

1 That Council ensure that it is prepared for the current and future

Community Infrastructure Programs.

- 2 That when guidelines are available for any upcoming funding that Council be advised of the programs relating to the Community Infrastructure Program that are applied for.

DELEGATE'S REPORTS

DR1	PROFESSIONAL DEVELOPMENT FROM LOCAL GOVERNMENT LEARNING SOLUTIONS COUNCILLOR WEEKEND PROGRAM: FRIDAY 27 MARCH 2009 & SATURDAY 28 MARCH 2009 FILE: 163 KEO (NRN) {Folio No. 408124}
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SUMMARY:

Reporting on attendance Councillor Weekend Professional Development by Cr Liz Campbell and Cr Jenny Sproule

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2009. 689 **RESOLVED:** *Moved: Cl. Campbell
Seconded: Cl. Sproule*

1. That the information be noted
2. That Council continues to support ongoing Councillor's professional development within the budgeted provision.

DR2	1. NSW STATE PLAN 2009 REVIEW CONSULTATION ON 18 AUGUST 2009 2. PRIME MINISTER AND CABINET – COMMUNITY CABINET PUBLIC FORUM ON 25 AUGUST 2009 3. TURNERS FLAT BRIDGE – ADF PROJECT PROPOSAL FILE: 579, 552 KEO {Folio No. 408125}
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This report was dealt with earlier in the meeting just after PUBLIC FORUM.

DR3	COUNTRY WEEK FILE: 233 KEO (NRN) {Folio No. 408126}
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SUMMARY:

Reporting on attendance at Country Week

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2009. 690 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. Saul*

1. That the information be noted
2. That Council await the statistical report from the Economic Development Manager when available.

RESCISSION MOTION - SUPPLEMENTARY

RM1	SOUTH KEMPSEY PARK LACHLAN STREET – FURTHER SAFETY CONCERNS FILE: 69 COPY:LA18897 CLRS JHB EAC ADS {FolioNo. 408325}
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2009. 691 RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Campbell*

That resolution number 2009.444 from the Ordinary Meeting held 9 June 2009, as printed below:

1. That the Crime Prevention Officer proceed with the purchase and installation of the cable gate at South Kempsey Park, Lachlan Street.
2. That the South Kempsey Park, Lachlan Street be closed at dusk and re-opened at dawn each day.
3. That Council liaise with the Roads and Traffic Authority to install the appropriate signage in relation to the Park closures.
4. That Council investigate a more suitable location for a Kempsey designated rest area.
5. That this matter be listed for consideration at the upcoming meeting of the former PACT committee.

be rescinded.

2009. 692 RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Snowsill*

That Council, after consultation with the Roads and Traffic Authority give further consideration to the matter of community safety in South Kempsey Park, as a matter of urgency.

GENERAL MANAGER'S REPORT

GM1	ELECTION OF MAYOR FILE: 740 PJH (NRN)	{Folio No. 408029}
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SUMMARY:

Reporting on the election of Mayor for the 12 month term to September 2010

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The General Manager as Returning Officer advised that there had been two (2) nominations received for Mayor being Councillor John Howell and Councillor Janet Hayes.

2009. 693 RESOLVED:

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

That the Mayoral election be conducted by open voting.

The election of Mayor was held by a show of hands which resulted in the following votes being recorded:-

	Councillor Howell	Councillor Hayes
Howell	✓	
Campbell	✓	
Green		✓
Gribbin	✓	
Hayes		✓
Saul	✓	
Snowsill	✓	
Sproule		✓
Walker	✓	

The General Manager declared Councillor Howell elected as Mayor for the ensuing twelve months.

**GM2 ELECTION OF DEPUTY MAYOR
FILE: 740 PJH (NRN)**

{ Folio No. 408030 }

SUMMARY:

Reporting on the election of Deputy Mayor for the 12 month term to September 2009

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The General Manager as Returning Officer advised that one (1) nomination had been received for Deputy Mayor, being Councillor Liz Campbell.

The General Manager declared Councillor Campbell elected as Deputy Mayor for the ensuing twelve months.

**GM3 FIXING OF DATE, TIME AND PLACE OF ORDINARY COUNCIL
MEETINGS**

FILE: 335 PJH (NRN)

{ Folio No. 408032 }

SUMMARY:

To fix the date, time and place for the holding of Ordinary Council meetings in

the next 12 months to September 2010.

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MOVED:

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

1. That Council's Ordinary meetings be held on the second Tuesday of each month commencing at 6:00pm, subject a list of meeting dates being provided to the October Council meeting for adoption.
2. That Council's Pre-Council Workshop meetings be held on the second Monday of each month commencing at 1:30 pm.
3. That Council's Code of Meeting Practice be amended to include the existence of the Pre-Council Committee meetings after clause 2.1 (2) and to clarify that;
 - a. matters are debated but no resolutions or recommendations are to be made, and
 - b. that the session is a workshop session in accordance with the procedures in the Code of Meeting Practice.
4. That Council's Code of Meeting Practice be amended to remove clause 9.3.

An AMENDMENT was MOVED:

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

1. That Council's Ordinary meetings be held on the second Tuesday of each month commencing at 9:00 am, subject a list of meeting dates being provided to the October Council meeting for adoption.
2. That Council's Code of Meeting Practice be amended to remove clause 9.3 regarding the holding of Council pre-meetings.

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

An AMENDMENT was MOVED:

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

1. That Council's Ordinary meetings be held on the second Tuesday of each month alternatively commencing at 9:00am and the next month at 6:00pm, subject a list of meeting dates being provided to the October Council meeting for adoption.
2. That Council's Code of Meeting Practice be amended to remove clause 9.3.

The AMENDMENT LAPSED for want of a SECONDER.

2009. 694 The MOTION was PUT to the MEETING and was CARRIED.

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

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At this stage 10.35 a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.50 a.m. all present at the adjournment were in attendance.

GM4 FIXING THE TIME AND MANNER OF GIVING NOTICE OF ORDINARY AND EXTRAORDINARY MEETINGS FILE: 335 PJH (NRN) {Folio No. 408036}
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SUMMARY:

To set the time and manner of giving notice of Ordinary and Extraordinary meetings of Council

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2009. 695 **RESOLVED:** *Moved: Cl. Green*
Seconded: Cl. Campbell

That the period of notice to be given in respect of ordinary and extraordinary meetings be at least 96 hours (4 days) and in respect of budget estimates meetings, seven (7) days clear notice, however, if an extraordinary meeting of the Council needs to be held at short notice, notice of such extraordinary meeting must be given either verbally or in writing by the General Manager as circumstances warrant and the period of notice shall be entirely at the discretion of the Mayor.

GM5 REVIEW OF COMMUNITY ENGAGEMENT PROCESS AND ADVISORY COMMITTEE STRUCTURE FILE: 1308 KEO {Folio No. 408038}
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SUMMARY:

Providing information on how it is proposed that the Council move forward with engaging the community to identify the needs, desires and priorities in the Management Planning of the Council

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2009. 696 **RESOLVED:** *Moved: Cl. Green*
Seconded: Cl. Gribbin

1. That Council adopt the following geographic community groups for consultation:
 - Kempsey East
 - Kempsey South
 - Kempsey West

- Frederickton Catchment
 - Smithtown / Gladstone Catchment
 - Upper Macleay Catchment
 - Stuarts Point Catchment
 - South West Rocks Catchment
 - Crescent Head Catchment
2. That Council adopt the following communities of interest to consult with:
- Aboriginal
 - Agricultural
 - Business / Tourism
 - Disabled
 - Youth

GM6	REVIEW OF COMMITTEE STRUCTURE AND WORKING GROUPS	
	FILE: 584	KEO
		{Folio No. 408042}

2009. 697 **RESOLVED:** *Moved: Cl. Green*
Seconded: Cl. Sproule

That GM6 be deferred until later in the meeting after DCCS17.

GM7	STANDING COMMITTEES	
	FILE: 335	PJH (NRN)
		{Folio No. 408067}

SUMMARY:

To appoint the standing committees of the Council

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2009. 698 **RESOLVED:** *Moved: Cl. Green*
Seconded: Cl. Snowsill

- 1 That a Works Committee comprising the full Council be appointed for the purpose of carrying out inspections of any matters affecting the functions of Council, and that the Works Committee has delegated authority to determine matters, other than those matters that cannot be delegated by the Council under section 377 of the Act.
- 2 That the quorum for any meeting of the Works Committee be five (5) members.
- 3 That Works Committee meetings and inspections be held on a needs basis as determined by the Council or the Mayor.

GM8	REVIEW OF COUNCILLOR DELEGATES TO COMMITTEES
FILE: 198 PJH (NRN)	{Folio No. 408074}

SUMMARY:

Reporting on the review of Councillor delegates to committees.

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2009. 699 RESOLVED:

*Moved: Cl. Walker
Seconded: Cl. Campbell*

1. That the Councillor delegates remain in place until changes to the delegates are made by Council.
2. That the existing committee community members be invited to indicate their willingness to remain on the relevant committee for the ensuing 12 months.

GM9	ADVERTISING COSTS
FILE: 53 MRB (NRN)	{Folio No. 408077}

SUMMARY:

Reporting on the amount of monies spent with Rural Press on advertising in the Macleay Argus, the Mid Coast Observer, and the Macleay Happynings in the financial year 1 July 2008 to 30 June, 2009 and detailing Council's statutory obligations (*as per Resolution 2009.511, 14 July 2009*).

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2009. 700 RESOLVED:

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

That Council continue with the current arrangements for advertising and providing community information.

GM10	LANDSBOROUGH STREET DEVELOPMENT
FILE: 674 KEO	{Folio No. 408081}

SUMMARY:

The Landsborough Street Development would seem to be reasonably financially sound in a stronger economic climate, with the risk profile currently being considered high. Council would need to consider whether the net cost of the development would be offset by the future income and whether any net cost is still a good investment in community infrastructure.

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2009. 701 RESOLVED:

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

That Council not proceed with the development of the Landsborough Street development until such time as -

- strong market conditions would indicate that the units can be sold to cover the loan funds required; and
- the full ongoing cost of owning and running the remaining facilities be determined to not create an unsustainable burden on the Council's finances.

GM11	MEETING PROCEDURES
FILE: 395 COPY: 458	DLR (NRN) {Folio No. 408090}

SUMMARY:

Review of the current process when closing meetings to the public and discussion on the use of pre-council meetings.

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2009. 702 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. Gribbin*

That Council note the proper process for closed parts of Council meetings does not involve entering into committee of the whole.

GM12	CODE OF CONDUCT REVIEW COMMITTEE
FILE: 367	KEO {Folio No. 408094}

SUMMARY:

Council has previously appointed two people to undertake Code of Conduct reviews. One of these has indicated that they are not capable of adjudicating as a sole reviewer. The other has no experience in running sole reviews and as such the Council is considered not to have suitable appointees for undertaking a sole review at this time. Council needs to determine a direction forward on this matter.

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2009. 703 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. Gribbin*

That Council appoint Kath Roach as a sole Reviewer, in accordance with Council's Code of Conduct, as an interim measure and seek further nominees from people appointed to other Council's panels and locally to allow it to meet its requirements to appoint a Conduct Review Committee.

GM13	IPART DRAFT REPORT ON LOCAL GOVERNMENT
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SUMMARY:

IPART has suggested a revised method of determining the rate pegging level and an option to allow Councils to operate outside rate pegging by showing that they are good performers.

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2009. 704 **RESOLVED:**

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

That Council lodge a submission:

- supporting the use of a transparent mechanism for setting the rate peg amount, and
- the introduction of a system where Councils that are good financial managers and have community support need not follow the rate peg determinations, and
- noting that the IPART review has not considered the impact of increased use of user fees and charges on lower socio-economic community members, and
- noting that if a productivity factor is to be determined it has to account for factors reducing productivity, such as increased legislative or reporting requirements, as well as improvements to productivity, and
- expressing concerns that an approach indicating that the rate plan for a future Council may work against the long term good of the community by promoting populist election campaigns by nominees who do not have sufficient information to make an informed decision.

SUMMARY:

Proposing a change to how Council's minutes are recorded not to retain the recommendation.

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2009. 705 **RESOLVED:**

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

That Council no longer record the recommendation in the minutes of Council.

GM15 OUTSTANDING REPORTS / RESOLUTIONS

FILE: 149 DLR (NRN)

{Folio No. 408115}

SUMMARY:

Council's report on outstanding reports and resolutions

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2009. 706 RESOLVED: *Moved: Cl. Campbell
Seconded: Cl. Sproule*

- 1. That the information be noted.**
- 2. That Council note positively at the movement on the majority of the outstanding reports and the staff be thanked.**

GM16 WORKS PROGRAM

FILE: 153 DLR (NRN)

{Folio No. 408117}

SUMMARY:

To outline progress of the capital works program for the 2009 / 10 year

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2009. 707 RESOLVED: *Moved: Cl. Walker
Seconded: Cl. Gribbin*

That the information be noted.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

DSDS1 ECONOMIC DEVELOPMENT MANAGER'S MONTHLY REPORT

FILE: 584 DBH (NRN)

{Folio No. 408131}

SUMMARY:

Reporting on the progress of the strategic initiatives of the Kempsey Shire Council Economic Development Plan 2007 – 2010.

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2009. 708 RESOLVED: *Moved: Cl. Hayes
Seconded: Cl. Sproule*

That the information be noted and the recipients of the Mid North Coast Tourism awards be congratulated by Council.

DSDS2	KEMPSEY SHIRE COUNCIL – DRAFT INTERIM SEA LEVEL RISE POLICY
	FILE: 1048 SDS COPY: MRB {Folio No. 408132}

SUMMARY:

Reporting that a Draft Interim Sea Level Rise Policy has been prepared

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

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2009. 709 RESOLVED: *Moved: Cl. Green
Seconded: Cl. Snowsill*

That the Draft Interim Sea Level Rise Policy be placed on public exhibition for a period of twenty eight (28) days.

A Division 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	Walker	F										

DSDS3	HUMAN SIGN PROJECT
	FILE: 3 SDS {Folio No. 408133}

SUMMARY:

Reporting to Council on the outcomes of the Human Sign Project - "Caretakers of the Land - Guardians of the Future" undertaken by the Macleay Educational Community of Schools (MECS) with the support of Council, Macleay Water, Coastline Credit Union, Kempsey Macleay RSL Club and Country Energy.

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2009. 710 RESOLVED: *Moved: Cl. Sproule
Seconded: Cl. Hayes*

1. That the information be noted and Macleay Educational Community of Schools be congratulated for undertaking such an innovative project.
2. That all supporting organisations be thanked for their contributions to this project.

DSDS4	EXPRESSIONS OF INTEREST FOCUS GROUP FOR PACIFIC HIGHWAY BYPASS STRATEGY FOR KEMPSEY
	FILE: E2009-012 COPY: 118 GHM {Folio No. 408134}

SUMMARY:

Reporting that Expressions of Interest (EOIs) to serve on a Focus Group for the Pacific Highway Bypass Strategy for Kempsey have been received for Council's consideration

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2009. 711 RESOLVED: *Moved: Cl. Green
Seconded: Cl. Gribbin*

- A. That Council appoint all four (4) community representatives for the focus group from the list provided in this report.
- B. That Council select two (2) Councillors for the Focus Group.

Nominations were received for Councillors Gribbin and Saul.

The Mayor declared Councillors Gribbin and Saul appointed as Council's delegates to the Focus Group for Pacific Highway Bypass Strategy for Kempsey.

DSDS5	STATE OF ENVIRONMENT REPORT 2008/09 – COMPREHENSIVE REPORT	{Folio No. 408135}
	FILE: 715 SDS	

SUMMARY:

Reporting that the Draft 2008/09 Comprehensive State of the Environment (SoE) Report for the Kempsey Shire has been prepared for Council's endorsement for the purposes of public exhibition

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2009. 712 RESOLVED: *Moved: Cl. Sproule
Seconded: Cl. Walker*

- 1. That the draft 2008 / 09 Comprehensive State of Environment Report for the Kempsey Shire be endorsed for the purposes of public exhibition.
- 2. That the staff be congratulated on the development of this report.

DSDS6	SAFE ACCESS FOR METER READERS	{Folio No. 408136}
	FILE: 63 SDS	

SUMMARY:

Reporting on the options available to Council for controlling fencing in urban areas to ensure safe access for meter readers.

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for which Council's endorsement is sought for the purposes of seeking approval from the Department of Planning to proceed to public exhibition.

SECTION 375A OF LOCAL GOVERNMENT ACT, 1993 REQUIRES THAT A DIVISION BE CALLED IN RESPECT TO THIS REPORT

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2009. 715 **RESOLVED:** *Moved: Cl. Green*
Seconded: Cl. Hayes

- 1 That Council resolve to forward Draft KLEP 2009 to the Department of Planning seeking a certificate to publicly exhibit the plan under Section 65 of the Environmental Planning and Assessment Act 1979.
- 2 That Council hold a workshop on this matter.

A Division 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	Walker	F										

DSDS9	DRAFT LOCAL ROADS & TRAFFIC INFRASTRUCTURE DEVELOPER CONTRIBUTION PLAN 2009
FILE: 556	SDS COPY: MRB {Folio No. 408140}

SUMMARY:

Reporting to Council on the preparation of the Draft Local Roads and Traffic Infrastructure Section 94 Developer Contribution Plan 2009

SECTION 375A OF LOCAL GOVERNMENT ACT, 1993 REQUIRES THAT A DIVISION BE CALLED IN RESPECT TO THIS REPORT

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2009. 716 **RESOLVED:** *Moved: Cl. Green*
Seconded: Cl. Gribbin

That Council resolve to place on public exhibition the Draft Local Roads and Traffic Infrastructure Developer Contribution Plan 2009 in accordance with the Environmental Planning and Assessment Act 1979 and Regulation 2000, for a period of not less than 28 days, subject to the following amendments being made prior to exhibition:-

1. Deletion of the requirement to pay additional contributions for additions to dwellings resulting in more than 3 bedrooms or for new dwellings containing more than 3 bedrooms.

2. Inclusion of a provision requiring payment of contributions for dwellings in remote locations up to the maximum permissible cap of \$20,000, commensurate with the level of road upgrading required as provided for under the current Rural Roads Developer Contribution Plan."

A Division 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	Walker	F										

**DSDS10 BUILDING AND DEVELOPMENT
FILE: 329 RBP**

SUMMARY:

Reporting that the following applications have been approved:

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2009. 717 RESOLVED: *Moved: Cl. Green
Seconded: Cl. Gribbin*

That the information be noted.

**DSDS11 DRAFT DEVELOPMENT CONTROL PLAN OLD SCHOOL
SITE, GREGORY STREET, SOUTH WEST ROCKS
FILE: T5-100 KJH / RBP {Folio No. 408141}**

SUMMARY:

Reporting that a draft Development Control Plan (DCP) has been prepared for the Old School Site, Gregory Street, South West Rocks for public exhibition

SECTION 375A OF LOCAL GOVERNMENT ACT, 1993 REQUIRES THAT A DIVISION BE CALLED IN RESPECT TO THIS REPORT

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2009. 718 RESOLVED: *Moved: Cl. Hayes
Seconded: Cl. Green*

That Council resolve to publicly exhibit Draft Development Control Plan – Old School Site, Gregory Street, South West Rocks to conclude at the expiry of the draft LEP period.

A Division resulted in the following votes.

F = Voted For
A = Voted Against

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

DIRECTOR SHIRE SERVICES REPORT

DSS1	GLADSTONE STATE EMERGENCY SERVICES
FILE: 144 & 513 IJR	{Folio No. 408142}

SUMMARY:

A report to give further consideration to the relocation of the Gladstone State Emergency Services (SES).

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2009. 719 RESOLVED:

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

- 1 That application be made to the Department of Lands for the closure of that part of Darkwater Street as defined on the plan attached to this report.
- 2 That if the closure is approved, the Department of Lands be requested that on publication of the Notice of closure, the land vest in Council as "operational" land and that any compensation payable for the land be waived.
- 3 That the Common Seal of Council be affixed to the linen plan of road closure for first title creation.
- 4 That the General Manager be authorised to apply for the issue of a certificate of title for the land comprised in the closed road.

DSS2	NATIONAL TIMBER COUNCILS TASKFORCE
FILE: 101 WCB COPY: DPW	{Folio No. 408143}

SUMMARY:

To report to Council on the cost benefit of membership of the National Timber Council's Taskforce.

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2009. 720 RESOLVED:

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

1. That Council join the National Timber Council's Taskforce.
2. That a respective budget provision be made for annual membership costs and attendance at the meetings be undertaken only when meetings coincide with other events that are already being attended.

3. That the Director Shire Services and Councillor Green be nominated as contacts in Council's application for membership of the NTCT.
4. That the Councillor who attends the meetings held in conjunction with the National Timber Council Taskforce be authorised to attend the Taskforce meeting.

DSS3	NSW WATER SUPPLY AND SEWERAGE PERFORMANCE MONITORING REPORT 2007 / 08
	FILE: 588 SM (NRN) {Folio No. 408144}

SUMMARY:

Reporting Macleay Water's benchmarking results for 2007/08.

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2009. 721 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. Saul*

1. That Council be presented with proposals to phase in the required increases to water and sewer income over future years at the December Council meeting.
2. That all the staff involved be congratulated on the improvements from previous reports.

DSS4	HAT HEAD, SMITHTOWN, MATTYS FLAT RESERVE, BOYTERS LANE PLAYING FIELDS PRIORITISATION COMMITTEES – APPOINTMENT OF COMMUNITY MEMBERS
	FILE: 1304, 1305, 1306 & 1307 MJT {Folio No.408147}

SUMMARY:

Reporting on the nominations received from community members to serve on the Hat Head, Smithtown, Mattys Flat Reserve and the Boyters Lane Playing Fields Works Prioritisation Committee's.

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

That Council accepts the nominated community members for each committee being:

1. Smithtown Town Improvement Works - Mr Ralph Walker and Mr Brian Sowter.
2. Mattys Flat Reserve Draft Plan of Management Finalisation Committee - Mr Ian McCarthy, Mr Peter Hadlow, Mr Rod

McDonagh, Mr John Schmidt and Mr Kevin Hill.

3. That the nominee for the Boyters Lane Playing Fields Implementation Committee be advised of Councils decision in relation to the Boyters Lane development.

An AMENDMENT was MOVED:

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

That Council accepts the nominated community members for each committee being:

1. Smithtown Town Improvement Works - Mr Ralph Walker and Mr Brian Sowter.
2. Mattys Flat Reserve Draft Plan of Management Finalisation Committee - Mr Ian McCarthy, Mr Peter Hadlow, Mr Rod McDonagh, Mr John Schmidt and Mr Kevin Hill.
3. That Mr Tim Needs be accepted as community member of the Boyters Lane development committee.
4. The two late nominees for the Boyters Lane committee be followed up.

The AMENDMENT was PUT to the Meeting and was LOST.

2009. 722 The MOTION was PUT to the MEETING and was CARRIED.

Councillors Green, Hayes and Sproule recorded their votes against the foregoing Resolution.

**DSS5 COUNCIL'S RESPONSIBILITIES AS TRUSTEE OF CROWN LANDS - OUTSTANDING MATTERS
FILE: 505, 749, 272, LA8505 MJT (NRN) {Folio No. 408149}**

SUMMARY:

A report informing Council on the progress made to implement an asset management system which will assist Council to conform to their legislative requirements and responsibilities as trustees of Crown Reserves.

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At this stage 12.05pm Councillor Saul left the Chambers.

2009. 723 RESOLVED:

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

That the report be received and noted by Council.

**DSS6 BELLBROOK WATER TREATMENT PLANT
FILE: LA8937, LA22187 COPY: 1292 IJR {Folio No. 408150}**

SUMMARY:

Reporting on the compulsory acquisition of Crown land at Bellbrook for the purposes of providing land for a new water treatment plant

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Councillor Saul returned to the Chambers.

2009. 724 RESOLVED:

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

1. That pursuant to Section 186 of the Local Government Act 1993, application be made to the Minister for Local Government and the Governor for the compulsory acquisition of that part of Lot 2 Section 2 Deposited Plan 758083 more particularly described as Lot 1 Deposited Plan 14100625.
2. That the acquisition of Lot 1 Deposited Plan 14100625 be for the purpose of providing a water treatment plant.
3. That all mines and minerals be excluded from the compulsory acquisition.
4. That on acquisition, Council advertise the draft resolution "That Lot 1 Deposited Plan 14100625 (Main Street Bellbrook) be classified as operational land."

DSS7	WATER SUPPLY AND SEWERAGE BILLING FOR PERIODS INVOLVING TWO FINANCIAL YEARS
FILE: 86 GTS (NRN)	{Folio No. 408151}

SUMMARY:

Reporting on water supply and sewerage billing for periods involving "two financial years"

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2009. 725 RESOLVED:

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

That the report be received and noted by Council.

DSS8	REVIEW OF DEVELOPMENT SERVICING PLANS
FILE: T6-06-313 AMB/BJM COPY:DH (NRN)	{Folio No. 408152}

SUMMARY:

Reporting on a review of the Development Servicing Plans in relation to resolution 2009.339

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2009. 726 RESOLVED:

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

That no change be made to the water and Sewer Development Servicing Plans (DSPs).

DIRECTOR CORPORATE & COMMUNITY SERVICES REPORT

**DCCS1 STATEMENT OF BANK BALANCES AS AT 31 AUGUST 2009
FILE: 1028 APC (NRN)**

SUMMARY:

Reporting on the Statement of Bank Balances as at 31 August 2009.

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2009. 727 RESOLVED:

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

That the information be noted.

**DCCS2 STATEMENT OF INVESTMENTS AS AT 31 AUGUST 2009
FILE: 303 APC (NRN)**

SUMMARY:

Reporting on the Statement of Investments as at 31 August 2009.

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2009. 728 RESOLVED:

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

That the information be noted.

**DCCS3 FINANCIAL STATEMENT FOR THE PERIOD TO 30 JUNE 2009
FILE: 321 APC (NRN) {Folio No. 408153}**

SUMMARY:

Reporting that the Budget Review for the quarter ending 30 June 2009 has been prepared for all funds

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2009. 729 RESOLVED:

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

1. That the Budget Review for the period ending 30 June 2009 is adopted and the variations contained therein are approved and financed from the sources as indicated.
2. That Council approve the transfer of the following funds:
 - \$200,000 to Employees Leave Entitlement Reserve
 - \$229,127 to the Water Fund Augmentation Reserve
 - \$453,295 to the Sewer Fund Augmentation Reserve
 - \$140,000 to the Working Fund.
3. That all the staff be congratulated on this result.

DCCS4	FLEET MANAGEMENT	
	FILE: 151 CAD (NRN)	{Folio No. 408154}

SUMMARY:

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

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2009. 730 **RESOLVED:** *Moved: Cl. Walker*
Seconded: Cl. Campbell

That the information be noted.

DCCS5	FLEET MANAGEMENT ANNUAL REVIEW REPORT	
	FILE: 151 CAD (NRN)	{Folio No. 408155}

SUMMARY:

Reporting on the 6 monthly review of the Kempsey Fleet Management Business Plan, year ending 30 June 2009

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2009. 731 **RESOLVED:** *Moved: Cl. Campbell*
Seconded: Cl. Green

That the information be noted.

DCCS6	COSTS TO UPGRADE ENTRY ROAD TO CRESCENT HEAD RESERVE	
	FILE: 120 COPY: 314 & R.RESERVE C/H	
	SJR COPY: APC	{Folio No. 408156}

SUMMARY:

Reporting on estimates to upgrade the entry road to Crescent Head Reserve

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2009. 732 RESOLVED:

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

That Council review the cost benefit of using reserve funds against the use of loan funds for carrying out of the upgrade to the Crescent Head Reserve entry road.

DCCS7	SALEYARDS SIX MONTHLY REPORT
FILE: 255	SJR (NRN) {Folio No. 408157}

SUMMARY:

Reporting on Saleyard operations over the six months to June 2009

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2009. 733 RESOLVED:

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

That the information be noted.

DCCS8	KEMPSEY AIRPORT SIX MONTHLY REPORT
FILE: 183	SJR (NRN) {Folio No. 408158}

SUMMARY:

Reporting on airport activities over the preceding six months

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2009. 734 RESOLVED:

*Moved: Cl. Saul
Seconded: Cl. Sproule*

That the information be noted.

DCCS9	KEMPSEY AIRPORT DEVELOPMENT
FILE: 183	SJR {Folio No. 408159}

SUMMARY:

Advising Council of the outcomes of an information session with Council's Airport Consultant

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2009. 735 RESOLVED:

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

1. That Council do not formally rate the airport and continue operating as at present.
2. That Council develop as a matter of urgency a staged approach business plan for the airport.
3. That Council staff meet with Greater Taree Council to discuss development of the airport and potential opportunities for Kempsey airport.
4. That the Economic Development Manager canvass possible related businesses who would be interested in relocating to Kempsey airport.
5. That Council continue its dialogue with Greater Taree and Port Macquarie Hastings Council regarding Regional Strategy for the airports.

DCCS10	HOLIDAY PARKS SIX MONTHLY REPORT
FILE: 120	SJR (NRN) {Folio No. 408160}

SUMMARY:

Reporting on the Council operated Holiday Parks operations over the past six months to June 2009.

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2009. 736 **RESOLVED:** *Moved: Cl. Green*
Seconded: Cl. Hayes

That the information be noted and a further report be submitted in relation to Stuarts Point and Grassy Head Holiday Parks to the next Council meeting.

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

DCCS11	COMMUNITY SAFETY AND CRIME PREVENTION PLAN
	2005 ~ 2008 UPDATE
FILE: 560	MLB (NRN) {Folio No. 408161}

SUMMARY:

Reporting on the progress of the implementation of the Community Safety and Crime Prevention Plan 2005 ~ 2008

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2009. 737 **RESOLVED:** *Moved: Cl. Green*
Seconded: Cl. Sproule

That the progress report be noted.

Councillor Snowsill returned to the Chamber.

DCCS12	CULTURAL PLAN 2002 ~ 2007 UPDATE
FILE: 625	KEO (NRN) {Folio No. 408162}

SUMMARY:

Reporting on the progress of the implementation of the Kempsey Shire Cultural Plan 2002

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2009. 738 **RESOLVED:**

*Moved: Cl. Sproule
Seconded: Cl. Campbell*

That the progress report be noted.

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At this stage 12.44 p.m. the Meeting adjourned for Luncheon and upon resumption at 1.34 p.m. all present at the adjournment were in attendance with the exception of Councillor Walker.

Councillor Hayes declared a pecuniary interest in the following item DCCS13 for the reason that she is Administrator of the Kempsey Showground Trust and retired from the Chambers.

DCCS13	DONATION REQUESTS
FILE: 3 JLM COPY: APC	{Folio No.408163}

SUMMARY:

Reporting on donation requests received from Hat Head Bowling Club, Kempsey Macleay 'Relay for Life' Branch and Cancer Council NSW.

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2009. 739 **RESOLVED:**

*Moved: Cl. Saul
Seconded: Cl. Snowsill*

1. That the \$750 donation request from the Kempsey Macleay branch of 'Relay for Life' be declined and that the organisation be advised of Council's annual Community Grants Policy.
2. That the Hat Head Bowling and Recreation Club and the Cancer Council NSW donation requests for \$50 and \$240 respectively, be accepted. The funds are to be sourced through the discretionary donation budget.

Councillor Hayes returned to the Chambers.

Reporting on the progress of the implementation of the Kempsey Shire Council
2004 ~ 2009 Social Plan

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2009. 743 RESOLVED:

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

That the progress report be noted.

Councillor Snowsill declared a non-pecuniary significant interest in the following item DCCS18 for the reason that he is an employee of the Kempsey Macleay RSL Club and retired from the Chamber.

DCCS18	GRANT FUNDING RECEIVED FROM ROADS AND TRAFFIC AUTHORITY (RTA) FILE: 211 COPY: 69 LY COPY: APC (NRN) {Folio No. 408168}
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SUMMARY:

Reporting on successful grant application, in partnership with the local Liquor Accord, to co-ordinate a courtesy bus in Kempsey

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2009. 744 RESOLVED:

*Moved: Cl. Gribbin
Seconded: Cl. Sproule*

That the information be noted.

Councillor Snowsill returned to the Chamber.

DCCS19	COMMUNITY GRANTS PROGRAM ALLOCATION FILE: 3 JLM COPY: APC {Folio No. 408169}
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SUMMARY:

Reporting on applications received from community based organisations for Kempsey Shire Council's Community Grants Program - 2009/10 allocations.

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2009. 745 RESOLVED:

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

That this matter be deferred to allow further consideration and be brought back to the next meeting of Council.

At this stage 1.41pm, Councillor Walker entered the Chambers.

DCCS20

OBSOLETE COMPUTER EQUIPMENT

FILE: 577

KEO (NRN)

{Folio No. 408170}

SUMMARY:

Reporting on proposal to donate obsolete computer equipment to community groups.

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2009. 746 RESOLVED:

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

1. That Council endorses the provision of low value obsolete computer equipment to community groups.
2. That this equipment is allocated to community groups on a "first in" basis at the discretion of the Director.

DCCS21

ELECTRONIC APPENDICES TO COUNCIL REPORTS

FILE: 395

KEO (NRN)

{Folio No. 408171}

SUMMARY:

Reporting on proposal to provide Councillors with electronic copies of Council report appendices

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2009. 747 RESOLVED:

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

That Council appendices are provided electronically from October 2009

DIRECTOR CORPORATE AND COMMUNITY SERVICES SUPPLEMENTARY REPORT

DCCS22

SALE OF AGED CARE UNITS – AFFIXING COUNCIL'S SEAL TO TRANSFERS

SUPP

FILE: LA1800, LA1801, LA15597 PJH

{Folio No. 408217}

SUMMARY:

Reporting on the need to authorise the affixing of Council's seal to the transfer documents for the sale of Aged Units at Leith Street and Jack Williams Crescent, Kempsey, to the Department of Housing

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2009. 748 RESOLVED:

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

That Council authorise the affixing of its seal to the transfer documents relating to the sale of 10-12 Leith Street and 9 Jack Williams Crescent, Kempsey, to the Department of Housing.

The following item GM6 was deferred from earlier in the meeting.

GM6	REVIEW OF COMMITTEE STRUCTURE AND WORKING GROUPS	FILE: 584	KEO	{Folio No. 408042}
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SUMMARY:

Proposing changes to a number of committees

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MOVED:

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

1. That the following Committees be disbanded:-
 - Land Release Taskforce Committee
 - Social Strategic Planning Committee and working parties with the exception of the Community Safety and Crime Prevention Working Party and the Health and Ageing (Aged Care) Working Party
 - Yarrahapinni Wetlands Reserve Working Party
2. That the Kempsey Masterplan Implementation Committee be renamed the Kempsey Masterplan Review Committee, with the objective of undertaking a review of the Kempsey Masterplan and that the Committee be wound up once that project is completed.
3. That the General Manager discuss with the Department of Lands whether they would like to be involved in a Committee to discuss the future of the Caravan Parks and report back to Council.

An AMENDMENT was MOVED:

*Moved: Cl. Campbell
Seconded: Cl. Saul*

1. That the following Committees be disbanded:-
 - Land Release Taskforce Committee
 - Social Strategic Planning Committee and working parties with the exception of the Community Safety and Crime Prevention Working Party and the Health and Ageing (Aged Care) Working Party
 - Yarrahapinni Wetlands Reserve Working Party
2. That the Kempsey Masterplan Implementation Committee be renamed the Kempsey Masterplan Review Committee, with the objective of undertaking a review of the Kempsey Masterplan and that the Committee be wound up once that project is completed.
3. That the General Manager discuss with the Department of Lands

whether they would like to be involved in a Committee to discuss the future of the management of the Caravan Parks and report back to Council.

4. That delegated authority to the Macleay Development and Promotion board to allocate funds of Council be revoked and the makeup of the board be reviewed by the General Manager.

2009. 749 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

Councillors Green and Hayes recorded their votes against the foregoing resolution.

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QUESTIONS WITHOUT NOTICE

COUNCILLOR D F SAUL	
Q1	FILE: *
Has council applied for flood damage to Maria River road to be included in the funding application?	
Responsible Officer	BJM
The Director Shire Services advised that he has not seen the submission but would be sure it was included.	
Q2	FILE: *
Can Inner Rd Austral Eden be considered for urgent road works?	
Responsible Officer	BJM
The Director Shire Services advised that this would need to be assessed with all other roads needing works done.	

COUNCILLOR J A C HAYES	
Q1	FILE: *
The approach road to Bellbrook mission is in poor condition. Can something be done?	
Responsible Officer	BJM
The Director Shire Services advised a check would need to first be made on the status of this road before any consideration.	
Q2	FILE: *
Regarding the property owned by the Thomas brothers and the watermain, what is the status?	
Responsible Officer	BJM
The Director Shire Services advised that he would take on notice and advise.	
Q3	FILE: *
In regard to the work Council is to do to support the relay for life, why is there a discrepancy between what was charged to the Show Society for 20 bins (\$450) and what is being charged to the Cancer Council for 2 days.	
Responsible Officer	KEO
The General Manager advised this will be checked.	

COUNCILLOR J A C HAYES**COUNCILLOR J C GRIBBIN**

Q1

FILE: *

To Councillor Hayes – are you a committee member on the Rural Advisory Committee for Country Energy and if so is this a paid position?

Responsible Officer

PJH

Councillor Hayes responded yes and no

Q2

FILE: *

Why were ratepayers only given the options of new council names, and not given the option of keeping council's current name?

Responsible Officer

DLR

The General Manager advised Council resolved to be supportive of the change to the new names but any comments will be considered when the surveys are collated.

Q3

FILE: *

Will council be utilising the local newspapers to inform ratepayers to check their recent rate notices to make them aware of mistakes in the printing process?

Responsible Officer

KEO

The General Manager advised he would take this on notice and investigate.

COUNCILLOR J A SPROULE

Q1

FILE: *

Is Council going to recruit additional trainees and apprentices under the stimulus packages?

Responsible Officer

DLR

The General Manager advised unlikely as it may be too difficult to recruit in a short period of time. It will depend on what has to be done and where priorities are. Will look at and assess the best way to do it.

Q2

FILE: *

Was a survey sent out to determine if the Kundabung area wanted a garbage service?

Responsible Officer

BJM

The Director Shire Services advised no survey was conducted as it was implemented following a Council resolution. Residents on a gravel road who have to bring their bins to a collection point can opt out of the service if they wish.

Q3

FILE: *

With Neighbourhood Watch, could Council determine if this program is operating in other Council areas and can it be looked at for areas in our Shire including South Kempsey?

Responsible Officer

KEO

The requirements will need to be checked before consideration is given.

COUNCILLOR E A GREEN

Q1

FILE: *

What is the situation with receipt of the Flood Recovery Coordinator's report?

Responsible Officer

JHB

COUNCILLOR E A GREEN	
The Mayor advised that he has seen part A but part B is yet to be received.	
Q2	FILE: *
Vehicles accessing Hat Head Beach from the boat ramp have cut up the beach. Do we need to put a barrier in?	
Responsible Officer	RBP
The Mayor advised that maybe this is something the Ranger should be looking at. The Director Sustainable Development Services advised that there had been a customer request come in about this.	
Q3	FILE: *
What is being done about the state of the following properties which are an eyesore and detract from the Shire:-	
<ul style="list-style-type: none"> ▪ Old Service station at corner of highway and Great North Rd at Frederickton ▪ Old Mobile Petroleum depot near railway crossing in West Kempsey ▪ Old service station on Smith St near Colonial Court Motel 	
Responsible Officer	RBP
The General Manager advised Council has no control over the impact of visual amenity. The Director Sustainable Development Services would look into these sites.	

COUNCILLOR E A CAMPBELL	
Q1	FILE: *
When will flood rubbish and paint tins on Smithtown Road be removed?	
Responsible Officer	BJM
The Director Shire Services advised that these items have been placed out well after the flood pick up by Council was over.	
Q2	FILE: *
Can Council investigate removal of a significant amount of rubbish at Ryan's Cut?	
Responsible Officer	BJM
The Director Shire Services advised he will investigate however for Council to clean up it would need approvals from State Govt authorities and a budget which may need to be considerable.	
Q3	FILE: *
Can Council acknowledge the achievement of Anne Flanagan in the recent business awards.	
Responsible Officer	DLR
The General Manager advised this matter needs to be a notice of motion.	

COUNCILLOR J H BOWELL	
Q1	FILE: *
Do all caravan parks within Kempsey Shire comply with license requirements and the relevant standards of the Regulations?	
Responsible Officer	RBP
The Director Sustainable Development Services will investigate and advise.	

COUNCILLOR J A C HAYES

COUNCILLOR J A C HAYES	
Q4	FILE: *
Could the General Manager advise Councillors which type of questions need to be submitted as a Notice of Motion and which ones can be questions without notice?	
Responsible Officer	DLR
The General Manager advised that he will go through the questions without notice asked at today's meeting and will provide advice on these which should assist Councillors in the future.	

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MOTION FOR CONFIDENTIAL SESSION

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.

Councillors are reminded of their statutory obligations in relation to the non-disclosure to any outside person of matters included in this section.

2009. 750 **RESOLVED:**

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

That Council form itself into the Confidential Session, 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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GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	VARIOUS LEGAL MATTERS - CURRENT POSITION
CONF	FILE: 155 DLR (NRN) {Folio No. 408172}

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. 751 RESOLVED:

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

That the information be noted.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES CONFIDENTIAL REPORT

DSDS1	UNSIGHTLY PREMISES – SOUTH KEMPSEY
CONF	FILE: LA1713 RBP {Folio No. 408173}

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 a question without notice raised in the confidential session of the Council meeting of 11 August 2009.

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2009. 752 RESOLVED:

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

That the information be noted.

DIRECTOR SHIRE SERVICES CONFIDENTIAL REPORT

Councillor Hayes declared an interest in the following item DSS1 for the reason that she does consultant work for Corrective Services and retired from the Chamber.

DSS1 CONF	SEWAGE PUMP STATION FOR THE CORRECTIONAL CENTRE FILE: LA11559 AMB	{Folio No. 408174}
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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 direction to be taken with the Sewage pump station at the correctional Centre

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2009. 753 RESOLVED:

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

That Council endorse the proposed intention of discussions to be held with Correctional Services and Department of Commerce.

Councillor Hayes returned to the Chamber.

DIRECTOR CORPORATE & COMMUNITY SERVICES CONFIDENTIAL REPORT

DCCS1 CONF	SALE OF COUNCIL LAND FILE:1287 COPY:LA12779,13208,13207 SJR {Folio No.408175}
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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 Council owned land parcels that could be offered for sale.

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2009. 754 RESOLVED:

*Moved: Cl. Walker
Seconded: Cl. Campbell*

- 1. That the General Manager be authorised to negotiate the sale of the following properties:**
 - Lot 10, DP1676, Cameron Street, West Kempsey.
 - Lot 11, DP1676, Cameron Street, West Kempsey.
 - Lot 2, DP40664, Becke Street, West Kempsey.

- 2. That the Council seal be affixed to all documents relating to the sale of the following properties:**
 - Lot 10, DP1676, Cameron Street, West Kempsey.
 - Lot 11, DP1676, Cameron Street, West Kempsey.
 - Lot 2, DP40664, Becke Street, West Kempsey.

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OPEN COUNCIL

2009. 755 RESOLVED:

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

That the Open Council Meeting be resumed.

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CONCLUSION:

There being no further business, the Meeting terminated at 2.35 p.m.