



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 12th May 2009 commencing at 10.35 a.m

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, 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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DECLARATIONS OF INTEREST

Councillor Green declared a non-pecuniary interest in item GM6 (Macleay Vocational College) for the reason that she is chairperson of the board of the Macleay Vocational College.

CONSIDERATION OF CONFIDENTIAL REPORTS

2009. 295 RESOLVED:

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

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 7th April 2009

2009. 296 RESOLVED:

*Moved: Hayes
Seconded: Green*

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 7th April 2009 be confirmed.

MINUTES OF THE WORKS INSPECTION COMMITTEE MEETING OF KEMPSEY SHIRE COUNCIL DATED 27th April 2009

2009. 297 RESOLVED:

*Moved: Gribbin
Seconded: Green*

That the Minutes of the Works Inspection Committee Meeting of Kempsey Shire Council dated 27th April 2009 be confirmed.

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PUBLIC FORUM

1. - Mr Chris Dockrill addressed Council speaking in relation to item MM7 Point Plomer Road.
2. - Mr Peter Pearson and Senior Sergeant Phil Levison addressed Council speaking in relation to item MM8 South Kempsey Industrial Area.
3. - Ms Nancy Fuller addressed Council speaking in relation to item NOM1 Deferment of Land Sale at Jack Bond Crescent.
4. - Ms Jan Eason addressed Council speaking in relation to item GM6 Supp. Macleay Vocational College.
5. - Mr Trevor Martin addressed Council speaking in relation to item DSDS1 Conf. Unauthorised Use.

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CONSIDERATION OF LATE REPORTS

2009. 298 RESOLVED:

*Moved: Sproule
Seconded: Campbell*

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 MM7, MM8, NOM1, GM6 and DSDS1 Confidential.

2009. 299 RESOLVED:

*Moved: Hayes
Seconded: Sproule*

That the reports relating to the items dealt with in Public Forum with the exception of DSDS1 Confidential be brought forward and dealt with immediately.

**MM7 POINT PLOMER ROAD
FILE: R POINT PLOME MAYOR (NRN) {Folio No. 398160}**

SUMMARY:

Reporting that Council's Roads Asset Management Plan provides that Point Plomer Road needs grading approximately five (5) times each year.

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Mayoral Recommendation:

1. That the grading of Point Plomer Road be carried out after school holidays instead of prior to the holiday periods with additional grading before the summer school holiday, if required.
2. That the financial implications of the grading procedures compared to the cost of sealing of the road be presented to Council for consideration.

2009. 300 RESOLVED:

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

1. That the grading of Point Plomer Road be given further consideration in regard to the discretion of the Director Shire Services.
2. That the financial implications of the grading procedures compared to the cost of sealing of the road be presented to Council for consideration.

**MM8 SOUTH KEMPSEY INDUSTRIAL AREA
FILE:201 CC:69 863 1287 MAYOR (NRN) {Folio No.398161}**

SUMMARY:

Reporting that further representations have been made to clear undergrowth so as to reduce the level of crime

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2009. 301 RESOLVED:

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

That a report be presented to the June meeting of Council providing details of proposals in respect to: –

1. the offer for sale of the industrial lots;
2. the clearing of Gills Creek; and

3. the opening of Reginald Ward Street between Albert and West Streets.

**DSDS4 UPDATE ON PROGRESS OF ENVIRONMENTAL REHABILITATION WORKS, GILLS BRIDGE CREEK, SOUTH KEMPSEY
FILE: 1201 NDH {Folio No. 398195}**

SUMMARY:

Reporting to Council on the progress of environmental rehabilitation works within the Gills Bridge Creek Catchment, South Kempsey.

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2009. 302 **RESOLVED:**

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

That the information be noted.

**NOM1 DEFERMENT OF LAND SALE AT JACK BOND CRESCENT
FILE: 1287 CC: LA15596 KEO (NRN) {Folio No. 398165}**

MOVED:

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

That Council defer sale by auction of vacant land at Lot 102 DP813304 Jack Bond Crescent West Kempsey, so that further investigations can be undertaken

The MOTION was PUT to the Meeting and was LOST.

Councillor Green declared an interest in the following item for the reason that she is chairperson of the board of the Macleay Vocational College and retired from the Chamber.

**GM6 MACLEAY VOCATIONAL COLLEGE
SUPP FILE:LA2608 CC:LA13688 LA13689 LA2139 LA2657 AVB
{Folio No. 398547}**

SUMMARY:

To consider a request for a land swap relating to the Macleay Vocational College

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General Manager's Recommendation:

For Council's determination

2009. 303 RESOLVED:

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

That Council accept the offer from Macleay Vocational College on the basis that any land accepted by Council is cleared and costs in relation to the transfer are met by the Macleay Vocational College.

Councillor Green returned to the Chamber.

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ADOPTION OF AGENDA ORDER OF BUSINESS

2009. 304 RESOLVED:

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

That items:-

MM3 and DSS6
DSDS6 and DCCS6

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

MAYORAL REPORT

MM1	VISITOR INFORMATION CENTRE	
FILE: 447	MAYOR	{ Folio No. 398153 }

SUMMARY:

Reporting on a proposal to enhance the management of destination marketing through the operation of the Visitor Information Centre (VIC)

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Mayoral Recommendation:

1. That Council and the Tourist Association continue to work together in the promotion and development of tourism in the Shire.
2. That Council and the Tourism Association work together in the development of a sustainable business model to drive the future growth of the Visitor Information Centre.

2009. 305 RESOLVED:

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

1. That Council and the Tourist Association continue to work together in the promotion and development of tourism in the Shire.

2. That Council and the Tourism Association work together in the development of a sustainable business model to drive the future growth of the Visitor Information Centre.
3. That progress be provided in the Economic Development Manager's report on a monthly basis.

MM2	PORT MACQUARIE – HASTINGS COUNCIL ADMINISTRATOR
FILE: 264	MAYOR (NRN) {Folio No. 398154}

SUMMARY:

Reporting on a meeting with Mr Garry Payne on Friday 17th April 2009

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2009. 306 **RESOLVED:** *Moved: Cl. Howell*
Seconded: Cl. Green

That the information be noted.

The following items MM3 and DSS6 were dealt with in conjunction.

MM3	LOCAL WATER UTILITIES INQUIRY
FILE: 150	MAYOR {Folio No. 398155}

SUMMARY:

Reporting on the present position with local water utilities inquiry

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Mayoral Recommendation:

That Council make a submission to the Inquiry on the basis of Council continuing with the responsibility for water and sewerage services in Kempsey Shire.

2009. 307 **RESOLVED:** *Moved: Cl. Howell*
Seconded: Cl. Saul

1. That Council make a submission to the Inquiry on the basis of Council continuing with the responsibility for water and sewerage services in Kempsey Shire.
2. That Council, after consultation with other councils in the Mid North Coast, further investigates a binding alliance model similar to that of the Lower Macquarie Water Utilities Alliance with local water utilities in the Mid North Coast Region and Council seek financial support from the State Government for the investigation.

3. That Council approach CENTROC for information regarding their proposals for a local water utility model.

DSS6	LGSA LOCAL WATER UTILITIES INQUIRY FORUM
FILE: 150 BJM (NRN)	{Folio No. 398222}

SUMMARY:

Reporting on the outcomes of the LGSA Local Water Utilities Inquiry Forum

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Director Shire Services Recommendation:

That Council further investigates a binding alliance model similar to that of the Lower Macquarie Water Utilities Alliance with local water utilities in the Mid North Coast Region.

2009. 308 **RESOLVED:** *Moved: Cl. Hayes
Seconded: Cl. Green*

That the information be noted.

MM4	TOWN CENTRE MASTER PLANS
FILE: 153 MAYOR (NRN)	{Folio No. 398156}

SUMMARY:

Reporting that there is provision within Council's 10 year Budget for expenditure for Town Centre Master Plans.

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2009. 309 **RESOLVED:** *Moved: Cl. Bowell
Seconded: Cl. Walker*

That the availability of grant funds for capital works programs associated with Town Centre Master Plans be investigated.

MM5	MEDICAL SCHOLARSHIPS
FILE: 7 MAYOR	{Folio No. 398158}

SUMMARY:

Reporting on receipt of submissions from awardees of Scholarships

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2009. 310 **RESOLVED:** *Moved: Cl. Bowell
Seconded: Cl. Walker*

That a copy of each submission be forwarded to the Rotary Clubs of Kempsey, Kempsey West and South West Rocks, Macleay Regional Cooperative Limited and the GPs Network.

MM6

KEMPSEY DISTRICT HOSPITAL

FILE: 265 MAYOR

{Folio No. 398159}

SUMMARY:

Reporting on developments of community interest affecting Kempsey District Hospital

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Mayoral Recommendation:

That representations be made to the;

- . Federal Minister for Health, the Hon Nicola Roxon MP,
- . Federal Shadow Minister for Health, the Hon Peter Dutton MP,
- . State Minister for Health, the Hon John Della Bosca MLC,
- . State Shadow Minister for Health Ms Jillian Skinner MP,
- . Member for Cowper, Mr Luke Hartsuyker MP,
- . Member for Lyne, Mr Rob Oakeshott, MP, and
- . Member for Oxley, Mr Andrew Stoner MP

requesting support for the adoption of the 2006 Master Plan for the redevelopment of Kempsey District Hospital and in the meantime, the retention of all front line health professional positions, particularly that of Director of Nursing, full time Physiotherapy, Intensive Care Unit (ventilator hours) and Anti-Natal Midwife classes.

2009. 311 RESOLVED:

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

1. That representations be made to the;

- . Federal Minister for Health, the Hon Nicola Roxon MP,
- . Federal Shadow Minister for Health, the Hon Peter Dutton MP,
- . State Minister for Health, the Hon John Della Bosca MLC,
- . State Shadow Minister for Health Ms Jillian Skinner MP,
- . Member for Cowper, Mr Luke Hartsuyker MP,

- . Member for Lyne, Mr Rob Oakeshott, MP,
- . Member for Oxley, Mr Andrew Stoner MP,
- . Melinda Pavey MLC, and
- . Senator Michael Forshaw

requesting support for the adoption of the 2006 Master Plan for the redevelopment of Kempsey District Hospital and in the meantime, the retention of all front line health professional positions, particularly that of Director of Nursing, full time equivalent nursing positions, full time Physiotherapy, Intensive Care Unit (ventilator hours) and Anti-Natal Midwife classes.

2. That Council invite Mr Rob Oakeshott Member for Lyne to address Council on this and other matters and seek a copy of his speech referred to in the Delegates report to this meeting.

MM7	POINT PLOMER ROAD FILE: R POINT PLOME MAYOR (NRN) {Folio No. 398160}
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This report was dealt with earlier in the meeting just after PUBLIC FORUM.

MM8	SOUTH KEMPSEY INDUSTRIAL AREA FILE:201 CC:69 863 1287 MAYOR (NRN) {Folio No.398161}
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This report was dealt with earlier in the meeting just after PUBLIC FORUM.

MM9	ATTENDANCE AT CONFERENCES FILE: 563 CC: 345, 165, 357 MAYOR {Folio No. 398162}
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SUMMARY:

Reporting on matters concerning the "A" Division and the Australia Coastal Councils Conferences

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Mayoral Recommendation:

1. That further consideration be given to attendance at the 2010 "A" Division Conference depending on the location and time involved.
2. That Council discontinue its membership of the National Seachange Taskforce as from 30th June 2009.

2009. 312 RESOLVED: *Moved: Cl. Bowell*

Seconded: Cl. Hayes

1. That further consideration be given to attendance at the 2010 "A" Division Conference depending on the location and time involved.
2. That Council continue its membership of the National Seachange Taskforce and ask the Seachange Taskforce to embrace matters relative to the 'Closing the Gap' program
3. That this Council submit an expression of interest to hold the 2010 Australian Coastal Councils Conference at South West Rocks.

MM10	AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2009 / 10 FEDERAL BUDGET FILE: 552 CC: 165 MAYOR	{Folio No. 398163}
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SUMMARY:

Reporting on advice concerning the Submission of the Association in relation to the 2009 / 10 Budget

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2009. 313 RESOLVED: *Moved: Cl. Bowell*

1. That the Australian Local Government Association be congratulated on the submission.
2. That the Mayor attend the Australian Local Government Association Conference and forum and the Australian Council of Local Government.

MM11	COMMUNITY INFRASTRUCTURE PROGRAM FILE: 1259 MAYOR	{Folio No. 398164}
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SUMMARY:

Reporting on a suggestion that the Federal Government consider a reduction with the \$2 million threshold for the strategic component of the program

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2009. 314 RESOLVED: *Moved: Cl. Bowell*

That Council support the submission of the Mayor, Shire of Strathbogie to request a review of the Regional and Local Community Infrastructure Program.

NOTICE OF MOTION

**NOM1 DEFERMENT OF LAND SALE AT JACK BOND CRESCENT
FILE: 1287 CC: LA15596 KEO (NRN) {Folio No. 398165}**

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

**NOM2 GOOLAWAH AND BERANGHI COOPERATIVES
FILE: LA9164 CC:LA6198 RBP (NRN) {Folio No. 398174}**

2009. 315 RESOLVED: *Moved: Cl. Hayes
Seconded: Cl. Walker*

That a report be provided to Council in relation to the status of both the Goolawah and Beranghi Co-operatives.

NOTICE OF MOTION – SUPPLEMENTARY

**NOM3 DOMESTIC VIOLENCE COURT SUPPORT SERVICES
SUPP FILE: 761 MAYOR {Folio No. 398546}**

2009. 316 RESOLVED: *Moved: Cl. Green
Seconded: Cl. Hayes*

That Council write to the Attorney General of NSW raising our grave concerns at the proposed changes to the Domestic Violence Court Support Services in Kempsey, which will see the service to the residents of Kempsey Shire significantly reduced.

RESCISSION MOTION

**RM1 WORK FOR THE DOLE PROGRAM BETWEEN H & H
ACCREDITED TRAINING AUSTRALASIA INC AND COUNCIL
FILE: 282 MLB (NRN) {Folio No. 398177}**

That resolution number 2009.274 from the Ordinary Meeting held Tuesday 7th April 2009, as printed below:

"That Council's seal be affixed to the Work for the Dole Program CWC / Sponsor Contract between H & H Accredited Training Australasia Inc and Kempsey Shire Council."

be rescinded.

The RESCISSION MOTION was WITHDRAWN at the request of Councillors Hayes, Campbell and Gribbin.

2009. 317 RESOLVED: *Moved: Cl. Bowell
Seconded: Cl. Campbell*

That resolution number 2009.282 from the Ordinary Meeting held Tuesday 7th April 2009, as printed below:

"That the suppliers representing best value to participating MNC member councils, Statewide Traffic Control Clearwater Asset Services be appointed as traffic management service providers for the period 1st May 2009 until the 31st March 2011 and that provision be allowed for a 12 month extension to the contract based on satisfactory supplier performance which will extend this tender through to the 31st March 2012"

be rescinded.

2009. 318 RESOLVED: *Moved: Cl. Bowell
Seconded: Cl. Walker*

That suppliers representing best value to participating MNC member councils, Midcoast Traffic Services and Clearwater Asset Services be appointed as traffic management service providers for the period 1st May 2009 until the 31st March 2011 and that provision be allowed for a 12 month extension to the contract based on satisfactory supplier performance which will extend this tender through to the 31st March 2012.

DELEGATE'S REPORT

SUMMARY:

Reporting on attendance at Festival as Committees Chair / Deputy Mayor

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2009. 319 RESOLVED: *Moved: Cl. Saul
Seconded: Cl. Gribbin*

That the information be noted.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

SLIM DUSTY FOUNDATION FILE: T5-109 KJA	{Folio No. 398186}
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SUMMARY:

Reporting that no submissions have been received in response to the public exhibition of amendment No. 109 to the Kempsey Local Environmental Plan 1987 to rezone Lot 299 DP729768 and Lot 7 DP737376, Pacific Highway, South Kempsey to facilitate developments associated with the Slim Dusty Centre.

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

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2009. 320 RESOLVED: *Moved: Cl. Hayes*
Seconded: Cl. Green

That Council 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. 94) 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	Walker	F						

DSDS2 KOROGORO CREEK ESTUARY MANAGEMENT STUDY & PLAN FILE: 530 RFK	{Folio No. 398190}
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SUMMARY:

Reporting that the draft - Korogoro Creek (March 2009) Estuary Management Study and Plan has been prepared for Council to consider placing on public exhibition.

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2009. 321 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Sproule

That Council place the Draft Korogoro Creek Estuary Management Study & Plan on public exhibition for a period of twenty eight (28) days.

DSDS3 EXHIBITION OF DRAFT LOCAL ENVIRONMENTAL PLAN (LEP AMENDMENT NO. 111) FOR REZONING OF LAND AT 37 BELLE O'CONNOR STREET SOUTH WEST ROCKS
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SUMMARY:

Reporting that Written Authorisation to Exercise Delegation under Section 65(1) and 69 (1) of the Environmental Planning and Assessment Act 1979 has been issued by the Department of Planning for the rezoning of land at 37 Belle O'Connor Street, South West Rocks for which Council's endorsement is sought for the purposes of 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. 322 **RESOLVED:**

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

That Council endorse the draft LEP for the purposes of public exhibition.

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	Walker	F						

DSDS4 UPDATE ON PROGRESS OF ENVIRONMENTAL REHABILITATION WORKS, GILLS BRIDGE CREEK, SOUTH KEMPSEY
FILE: 1201 NDH {Folio No. 398195}

This report was dealt with earlier in the meeting just after MM8.

DSDS5 KEMPSEY LOCAL GROWTH MANAGEMENT STRATEGY – RESIDENTIAL COMPONENT
File: 879 RBP {Folio No. 398198}

SUMMARY:

Reporting that the Kempsey Local Growth Management Strategy – Residential Component has been prepared and is referred to Council to endorse for the purposes of public exhibition

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2009. 323 **RESOLVED:**

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

That Council endorse the Draft Residential Settlement Strategy for the purposes of public exhibition.

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						

The following items DSDS6 and DCCS6 were dealt with in conjunction.

DSDS6	INSTALLATION OF RELOCATABLE HOMES & ASSOCIATED STRUCTURES
	FILE: LA11308 CC: 120 KJW {Folio No. 398199}

SUMMARY:

Reporting that an application to install moveable dwellings and associated structures at Stuarts Point Caravan Park has been received that requires a variation to Council's Flood Risk Management Policy.

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2009. 324 **RESOLVED:**

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

That Council agree to vary the provision of the Flood Risk Management Policy for Stuarts Point Caravan Park and approve the relocatable homes subject to the following conditions:-

- a) Update the existing flood emergency response plan for this park;
- b) The floor level of the proposed relocatable homes is to be a minimum of 2.5 m AHD (1 in 100 Flood Level);
- c) The applicants Structural Engineer is to certify that the proposed relocatable homes have been designed to withstand the forces created by floodwaters, debris loadings, buoyancy and that there is no unacceptable hazard from floodwaters passing between buildings;
- d) The relocatable homes are to be designed, constructed and installed in accordance with the relevant requirements of Division 4 Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005;
- e) Prior to the placement of the new units the applicant is to submit an amended community map indicating the alteration to the six (6) park sites;
- f) The applicant is to obtain an approval under section 68 of the local Government Act for the onsite sewerage system (septic).

SUMMARY:

Reporting that the following applications have been approved:

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2009. 327 RESOLVED:

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

That the information be noted.

DIRECTOR SHIRE SERVICES REPORT

DSS1	ACQUISITION OF CROWN LAND AT HAT HEAD FOR PUBLIC ROAD PURPOSES FILE: LA31439 IJR (NRN) {Folio No. 398201}
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SUMMARY:

A report to consider the acquisition of Crown land at Hat Head for public road purposes

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2009. 328 RESOLVED:

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

1. That pursuant to Section 177 of the Roads Act 1993, Council make application to the Minister for Local Government and the Governor for the compulsory acquisition (for public road purposes), that part of Crown Reserve R80590 (Lot 7300 Deposited Plan 1128652) more particularly described as Lot 1 Deposited Plan 1136081.
2. That the application be made on the basis that native title has not been extinguished.
3. That all mines and minerals be exempted from the acquisition.
4. That on acquisition, Lot 1 Deposited Plan 1136081, be dedicated to the public as road.

DSS2	ACQUISITION OF LAND AT ALDAVILLA FOR PUBLIC ROAD PURPOSES FILE: LA20243 IJR (NRN) {Folio No. 398205}
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SUMMARY:

A report to consider the acquisition of land at the intersection of Sherwood and Aldavilla / Link Road for road widening purposes

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Director Shire Services Recommendation:

1. That compensation in the amount of \$890.00 (GST exclusive) be paid to the owner of Lot 6 DP1125821 for the acquisition of that part of Lot 6 DP1125821 more particularly described as Lot 1 DP1138558.
2. That the Common Seal of Council be affixed to:
 - a. Deed of Acquisition / Contract for the Sale of Land;
 - b. Land and Property Information Transfer Form.
3. That on acquisition, Lot 1 DP1138558, be dedicated as public road.

2009. 329 RESOLVED:

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

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

4. That the North Coast Correctional Centre's Community Consultative Committee be advised of this decision.

DSS3	MACLEAY WATER DRAFT CUSTOMER SERVICE AGREEMENT AND DRAFT RECYCLED WATER POLICY FILE: 1286 CC: 365 & 126 GTS (NRN) {Folio No. 398216}
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SUMMARY:

Reporting on the status of the Draft Macleay Water Customer Service Agreement and Draft Recycled Water Policy

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2009. 330 RESOLVED:

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

That Council endorse the draft Recycled Water Policy and draft Customer Service Agreement attached to the report for the purpose of public exhibition and other relevant purposes consistent with their draft status.

DSS4	NSW WATER SUPPLY AND SEWERAGE PERFORMANCE MONITORING REPORT 2006 / 07 FILE: 588 SM (NRN) {Folio No. 398218}
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SUMMARY:

Reporting Macleay Water's benchmarking results for 2006 / 07.

SUMMARY:

Reporting on a proposal by Department of Lands to remove fishing fleet facilities consisting of moorings and the finger wharf at Back Creek, South West Rocks

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Director Shire Services Recommendation:

1. That Council objects to the proposed removal of the finger wharf at Back Creek, South West Rocks.
2. That Council advise the Department of Lands that it is not prepared to enter into a licence for the finger wharf at Back Creek South West Rocks.

2009. 334 RESOLVED:

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

That this matter be listed for discussions on Friday 15th May with the Hon. Mr Tony Kelly MP, Minister for Lands.

DSS9	CHANGE TO WORKS PROGRAM - PAVEMENT RESEAL VERGE STREET - JOB No: 321139
FILE: 447 MJT (NRN)	{ Folio No. 398232 }

SUMMARY:

Reporting on Verge Street capital works program and a change in the scope of works within the existing budget allocation.

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2009. 335 RESOLVED:

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

That the changes to the works program as outlined in the report be endorsed by Council.

DIRECTOR SHIRE SERVICES SUPPLEMENTARY REPORT

DSS10	REVIEW OF WASTE COLLECTION CONTRACT
SUPP	FILE: T2008-001 BJM { Folio No. 398549 }

SUMMARY:

Reporting on the status of the urgent review of the waste collection services as resolved at the Ordinary Council Meeting of 7th April 2009.

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Director Shire Services Recommendation:

1. That Council endorses a weekly rural waste collection service for all rural areas.
2. That Council provides a Green Waste Service to all ratable properties within the designated Green Waste collection zone be provided with, and charged for a Green Waste Service with the exception of properties managed by a Body Corporate, with these properties receiving at least one bin unless additional are requested by the body corporate.
3. That Council prepares possible Green Waste Collection Zones and undertakes surveys for inclusion of such zones on request from a reasonable (say at least 10%) number of customers within each zone.

2009. 336 RESOLVED:

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

1. That surveys be carried out of those rate payers who were previously receiving a fortnightly service on whether they wish to continue with the new weekly service with a 140L bin.
2. That a workshop be conducted in relation to the additional areas to be covered by green waste and other matters.

DSS11	PLANTS FOR CLYBUCCA BUS MEMORIAL
SUPP	FILE: 675 GWE {Folio No. 398552}

SUMMARY:

Kempsey Shire Council has received correspondence from the Kempsey Lions Club asking for assistance in obtaining some suitable shrubs and plants for the planting in the Bus Memorial Gardens.

2009. 337 RESOLVED:

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

That Council endorse the action taken to donate the plants to the Kempsey Lions Club for the Clybucca Memorial Gardens from Council's nursery.

DSS12	REVIEW OF CONTRIBUTIONS – PROPOSED NURSING
SUPP	HOME AT FREDERICKTON
FILE: T6-06-313 BJM	{Folio No. 398554}

This matter was reported to the Council meeting of 7th April 2009 and deferred to allow any impact of changes to Council policy to be reported to Council.

SUMMARY:

Reporting on the potential impact of changes to Council policy in relation to developer contributions for water and sewerage infrastructure in relation to the development of Nursing Homes

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Director Shire Services Recommendation:

That the original report which is attached be considered.

MOVED:

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

That the relevant plans be reviewed with a view to building into the plans economic flexibility.

An Amendment was MOVED:

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

That the applicant be advised that Council is prepared to modify the consent and will agree to issue a Certificate of Compliance pursuant to the Water Management Act 2000, subject to the following preconditions:-

1. **Payment of a Sewerage developer charge in accordance with the Development Servicing Plan adopted by Council at the rate of \$6,704 per equivalent tenement, i.e. \$6,704 x 42.9 E.T = \$287,602 total for 2008 / 2009 (Indexed).**
2. **Payment of a Water Supply developer charge in accordance with the Development Servicing Plan adopted by Council at the rate of \$7,947 per equivalent tenement, i.e. \$7,947 x 42.9 E.T = \$340,926 total for 2008 / 2009 (Indexed).**
3. **Lodgement of a Bank Guarantee in favour of Kempsey Shire Council for the amount of \$658,687 prior to occupation of the premises in lieu of an additional upfront cash contribution towards the provision of water and sewerage. Upon receipt of a written request Council will consider relinquishing the Bank Guarantee, provided it can be demonstrated that actual flow rates do not exceed those specified in the Water Directorate Guidelines on which Council's Developer Servicing Plan is based.**

2009. 338 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

Councillor Hayes recorded her vote against the foregoing Resolution.

A Division resulted in the following votes.

**F = Voted For
A = Voted Against**

Bowell	F	Campbell	F	Green	A	Gribbin	A	Hayes	A	Saul	F
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2009. 339 RESOLVED:

Moved: Cl. Green
Seconded: Cl. Hayes

1. That Council review the relevant plans in regard to its Development Servicing plans
2. That Council be provided with the information from Councils on the Mid North Coast on their Development Servicing plans.

DSS13	BELLBROOK WATER TREATMENT PLANT
SUPP	FILE: 1143 BJM (NRN) {Folio No. 398573}

SUMMARY:

Reporting on progress with the Bellbrook Water Treatment Plant

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2009. 340 RESOLVED:

Moved: Cl. Green
Seconded: Cl. Gribbin

1. That Council note and receive the information.
2. That Council be provided with additional reports on the Bellbrook Water Treatment Plant as project milestones are achieved.

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At this stage 1.00 p.m. the Meeting adjourned for Luncheon and upon resumption at 1.40 p.m. all present at the adjournment were in attendance, with the exception of Councillor Gribbin who apologised for his absence for the remainder of the meeting.

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

DCCS1	STATEMENT OF BANK BALANCES AS AT 30 th APRIL 2009
FILE: 1028	APC (NRN)

SUMMARY:

Reporting on the Statement of Bank Balances as at 30th April 2009

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2009. 341 RESOLVED:

Moved: Cl. Hayes
Seconded: Cl. Green

That the information be noted.

SUMMARY:

Reporting on the proposed loan borrowings in 2008 / 09

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Director Corporate & Community Services Recommendation:

1. That Council accept the offer of loans from the institution providing an advantageous outcome to Council.
2. That the seal of Council is affixed to the necessary loan documents.

2009. 345 RESOLVED:

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

1. That Council resolve to accept the offer of loan funds from the National Australia Bank as detailed below:
 - * General Fund \$2,650,000 – 5 year fixed rate of 6.081% / 10 year term
 - * Water Fund \$900,000 – 5 year fixed rate of 6.081% / 10 year term
 - * Sewer Fund \$9,200,000 – 5 year fixed rate of 5.981% / 20 year term
2. That the seal of Council is affixed to the necessary loan documents.

DCCS6	LOCATION OF REPLACEMENT CABINS AT STUARTS POINT HOLIDAY PARK FILE: 120 CC: LA11308 SJR (NRN) {Folio No. 398240}
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This report was dealt with earlier in the meeting just after DSDS6.

DCCS7	FUNDING FOR KEMPSEY AIRPORT DEVELOPMENT FILE: 183 SJR (NRN) {Folio No. 398247}
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SUMMARY:

Advising Council of the need to identify budget processes for the development of the Kempsey Airport.

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2009. 346 RESOLVED:

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

That the information be noted.

DCCS8	HORSESHOE BAY CARAVAN PARK
FILE: LA5312	SJR (NRN) {Folio No. 398243}

SUMMARY:

Informing Council of the operation of Horseshoe Bay Holiday Park

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Director Corporate & Community Services Recommendation:

That the information be noted

2009. 347 **RESOLVED:** *Moved: Cl. Hayes
Seconded: Cl. Green*

That Council seek confirmation on:-

- **the risk assessment of Horseshoe Caravan Park**
- **identification of electricity meter boxes and their service areas**
- **need for a DA to be lodged for the additional 3 sites**
- **a list of priority works**
- **the number of cabins AlanSue Pty Ltd require to be replaced**

DCCS9	AUCTION SALE OF COUNCIL LAND
FILE: 840 CC: LA3789	SJR {Folio No. 398252}

SUMMARY:

Reporting on a Council owned land parcel that could be offered for auction sale.

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2009. 348 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. Walker*

That Lot 3, DP38161, 7 Wharf Street, East Kempsey, be included in Council's Auction of Surplus Properties.

DCCS10	GRAZING LEASES
FILE: 1177 TAB (NRN)	{Folio No. 398255}

SUMMARY:

Presenting a report on grazing leases and their suitability for sale

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Director Corporate & Community Services Recommendation:

That the information be noted

2009. 349 RESOLVED:

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

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

- 2. That an investigation on pricing / fee structure for lease properties and the potential sale of additional lands be undertaken.**
- 3. That a review come back to Council of all leased properties.**

DCCS11	ABORIGINAL CONSULTATIVE WORKING PARTY
FILE: 540 JLM (NRN)	{Folio No. 398259}

SUMMARY:

On the 26th March the Aboriginal Consultative Working Party met for the first time under the new format (formally known at the Aboriginal Liaison Committee). The Working Party agreed that the minutes of the Working Party be included in the Council reports for the purpose of Councillors perusal.

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2009. 350 RESOLVED:

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

That the information be noted.

DCCS12	ATTORNEY GENERAL'S CRIME PREVENTION FUNDING
FILE: 1279 CC: 1280 LY	{Folio No. 398268}

SUMMARY:

Reporting on additional funding received from the Attorney Generals Department.

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2009. 351 RESOLVED:

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

- 1. That the information be noted.**

DCCS16	CONFERENCES AND SEMINARS
FILE: 117	PJH (NRN) {Folio No. 398277}

SUMMARY:

Reporting on details of conferences and seminars attended by Councillors and staff for the four (4) months December 2008 to March 2009.

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2009. 355 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. Walker*

That the information be noted.

DCCS17	WILLAWARRIN AND FREDERICKTON COMMUNITY HALLS
FILE: 1074	PJH {Folio No. 398279}

SUMMARY:

Reporting on the need to make a decision on the future status of Willawarrin and Frederickton community halls

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2009. 356 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. Sproule*

1. **That Council initiate the transfer of ownership from the trustees of Willawarrin and Frederickton Halls and Council's seal be affixed to the transfer documents.**
2. **That on acquisition the land parcels for Willawarrin and Frederickton halls be classified as community land.**

DCCS18	SALEYARD OPERATORS CONFERENCE 2009
FILE: 388	SJR (NRN) {Folio No. 398283}

Advising Council of the upcoming 2009 Saleyard Operators Australia Conference and Annual General Meeting

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Director Corporate & Community Services Recommendation:

That Council consider nominating a Councillor delegate to attend the Saleyard Operators Australia 2009 Conference and Annual General Meeting.

2009. 357 RESOLVED:

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

Councillor Saul be Council's delegate to attend the Saleyard Operators Australia 2009 Conference and Annual General Meeting.

DCCS19	STEELE PARK, NORTH STREET		
	FILE: LA1543	LY (NRN)	{Folio No. 398287}

SUMMARY:

Reporting on the community meeting held in relation to Steele Park North Street, West Kempsey.

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2009. 358 RESOLVED:

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

1. That all the existing playground equipment be removed from this park.
2. That the financial implications of the following recommendations be determined as a priority.
3. That the cyclone wire fence be removed and a more suitable fence be erected, it is recommended the fence adjoin residential existing fence lines.
4. That a BMX track be developed on this site. This is a cost effective proposed use of the park and minimises vandalism and graffiti.
5. That a timetable for actions be developed.

DIRECTOR CORPORATE & COMMUNITY SERVICES SUPPLEMENTARY REPORT

DCCS20	FINANCIAL STATEMENT FOR THE PERIOD TO 31 MARCH 2009		
SUPP	FILE: 321	AVB (NRN)	{Folio No. 398548}

SUMMARY:

Reporting that the Budget Review for the quarter ending 31 March 2009 has been prepared for all funds

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2009. 359 RESOLVED:

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

That the Budget Review for the period ending 31st March 2009 be adopted and the variations contained therein be approved and financed from the sources as indicated.

GENERAL MANAGER'S REPORT

GM1	OUTSTANDING REPORTS / RESOLUTIONS
FILE: 149	AVB (NRN) {Folio No. 398290}

SUMMARY:

Council's report on outstanding reports and resolutions

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2009. 360 **RESOLVED:** *Moved: Cl. Hayes
Seconded: Cl. Walker*

That the information be noted.

GM2	WORKS PROGRAM
FILE: 153	AVB (NRN) {Folio No. 398292}

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

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

2. That Council contact the President of the Upper Macleay Sports Club and set up a meeting urgently to discuss how to progress the Willawarrin Sports Fields project.

GM3	QUARTERLY REPORT
FILE: 339	MRB (NRN) {Folio No. 398293}

SUMMARY:

Reporting on the implementation of Council's 2008 / 2009 Management Plan

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2009. 362 RESOLVED:

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

That the achievement of performance targets set by the 2008 / 2009 Management Plan for the period to the end of the March 2009 quarter be noted.

GM4	CODE OF CONDUCT	
	FILE: 367	AVB
		{Folio No. 398296}

SUMMARY:

To advise Council of responses received from potential Conduct Review Committee members.

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2009. 363 RESOLVED:

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

That the MIDGOC Councils be advised that Mr Claude Yarnold and Mrs Judith Evill have indicated a willingness to serve on Council's Conduct Review Committees.

GM5	CORRESPONDENCE AND COMPLAINT HANDLING	
	FILE: 584	AVB (NRN)
		{Folio No. 398303}

SUMMARY:

Reporting to Council on outstanding correspondence and complaints for the quarter ending 31st March 2009

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2009. 364 RESOLVED:

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

That the information be noted.

GENERAL MANAGER'S SUPPLEMENTARY REPORT

GM6	MACLEAY VOCATIONAL COLLEGE	
SUPP	FILE:LA2608 CC:LA13688 LA13689 LA2139 LA2657 AVB	
		{Folio No. 398547}

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

SUMMARY:

To advise Council that the Draft Management Plan has been placed on exhibition.

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2009. 365 RESOLVED:

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

That the information be noted.

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QUESTIONS WITHOUT NOTICE

COUNCILLOR J A C HAYES

Q1 FILE: 102, 208 {Folio No. 398580}
When will the area from Griffins Lane to Third Lane overhead bridge be slashed? At the same time could the bridge be checked for broken planks?

Responsible Officer BJM (NRN)
The Director Shire Services will investigate.

Q2 FILE: 109 {Folio No. 398581}
Can Council extend the footpath in Crescent Head Caravan Park Reserve down to the Club?

Responsible Officer KEO (NRN)
The Director Corporate & Community Services will investigate.

Q3 FILE: 264 {Folio No. 398583}
Does MIDGOC have KPI's for the Executive Officer for the General Manager's group?

Responsible Officer AVB (NRN)
The General Manager advised that the person in question acts as a facilitator of the group.

COUNCILLOR E A GREEN

Q1 FILE: 91 {Folio No. 398584}
The paint on the Kempsey Traffic Bridge – can Council contact RTA with a view to inspecting the bridge regarding the toxic paint falling into the river?

Responsible Officer BJM (NRN)
The Director Shire Services will investigate and advise.

COUNCILLOR J C GRIBBIN (questions asked by Councillor Campbell)

Q1 FILE: 467 {Folio No. 398585}

What was the cost to Council to hire the hall at the showground for Senior's Week.

Responsible Officer

KEO (NRN)

Councillor Hayes advised the meeting that the cost to hire the main hall was \$150 per day and \$55 per day for the dining hall.

Q2

FILE: LA2942 {Folio No. 398586}

Has the Government signed off on the Council loan to the showground?

Responsible Officer

AVB (NRN)

The General Manager advised that this has been approved.

Q3

FILE: 101 {Folio No. 398587}

Has Council received information on grant application for Boyters Lane Sports fields?

Responsible Officer

BJM (NRN)

The Director Shire Services advised that the advice has not yet been received.

COUNCILLOR J A SPROULE

Q1

FILE: 55 {Folio No. 398588}

Cedar trees on Smith Street are dying due to lack of room – can trees be saved?

Responsible Officer

BJM (NRN)

The Director Shire Services advised that there's an investigation underway – concrete blocks are being considered for surrounds and to build up soil, however, all the work required would cost in the vicinity of \$70,000.

Q2

FILE: 55 {Folio No. 398589}

Can the dead eucalyptus tree 575 Beranghi Road be investigated.

Responsible Officer

BJM (NRN)

The Director Shire Services will investigate.

Q3

FILE: 28 {Folio No. 398590}

What progress or actions have occurred on the reported dangerous dog activities at Stuarts Point?

Responsible Officer

SDS

The Director Sustainable Development Services advised that a new roster commencing at 6.00 a.m. has been established for Rangers to target areas such as Stuarts Point.

COUNCILLOR A D SNOWSILL

Q1

FILE: 91 {Folio No. 398591}

Can Council investigate the kerb on corner Smith and Forth Streets, it is raised up.

Responsible Officer

BJM (NRN)

The Director Shire Services advised this is currently being looked at, traffic lights have been damaged at this intersection, so it needs more than kerb repair. Funding will be required for this work.

COUNCILLOR D F SAUL

Q1

FILE: 263 {Folio No. 398592}

Can Council investigate the blocked drains in front of 118 Inches Road Verges Creek?

Responsible Officer

BJM (NRN)

The Director Shire Services will investigate.

Q2 FILE: LA2100 {Folio No. 398593}
Can Council investigate the requests for maintenance – both structural and internal repairs and maintenance at the Kempsey Historical Museum as requested by the volunteers?

Responsible Officer KEO (NRN)

The Acting Director Corporate & Community Services advised that she is aware of a leak in the roof and problems with the security doors and will investigate these and other matters raised.

Q3 FILE: 263 {Folio No. 398594}
Can Council investigate blocked drains in Two Hills Lane?

Responsible Officer BJM (NRN)

The Director Shire Services will investigate.

COUNCILLOR J H BOWELL

Q1 FILE: T6-03-492 {Folio No. 398595}
What is the situation with the gravel screening plant at Mainey's road Turners Flat?

Responsible Officer SDS

The Director Sustainable Development Services advised that the DA is currently in abeyance with the applicant seeking further information that is required by Council.

Q2 FILE: T4-95-110 {Folio No. 398596}
Can Council investigate the removal of material from the Macleay River at Lawrence's Road?

Responsible Officer SDS

The Director Sustainable Development Services advised that the operator has existing use rights to remove 29,000m³ and it is difficult to prove that excess to this is being removed.

Q3 FILE: 644 {Folio No. 398597}
Can Council ask Maddocks Lawyers to provide Council with a report from the Industrial Commissioner on the industrial hearing?

Responsible Officer AVB (NRN)

The General Manager will investigate.

COUNCILLOR E R WALKER (question asked by Councillor Hayes)

Q1 FILE: R.ELBOW ST {Folio No. 398598}
At the West Kempsey Post Office the Lilly Pilly trees have been cut down to a very low height. Why has this happened?

Responsible Officer BJM (NRN)

The Director Shire Services advised this action was related to the Elbow Street centre island parking proposals and these trees will not be able to remain in their present position because of this.

Q2 (question asked by Councillor Green) FILE: T6-08-115 {Folio No. 398600}

At the Elbow Street Screening plant an extra plant appears to be operating. Do they have approval?

Responsible Officer SDS

The Director Sustainable Development Services advised that Council has asked the operator to establish existing use rights for the screening plants.

GENERAL MANAGER A V BURGESS

Q1

FILE: S10-13 {Folio No. 398601}

Will Council be conducting a General Manager's appraisal and when will this be done?

Responsible Officer

MAYOR (NRN)

The Mayor advised that the General Manager should submit a report to the June meeting on his outputs and outcomes and this will be dealt with in the confidential section of the June council meeting as this year's performance appraisal.

2009. 366 RESOLVED:

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

That responses to questions without notice as listed in the agenda be noted.

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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. 367 RESOLVED:

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

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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DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES CONFIDENTIAL REPORT

**DSDS1
CONF**

**UNAUTHORISED USE
FILE: LA19004 SRR**

{Folio No. 398307}

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 status of compliance actions for an authorised land use at South Kempsey

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 Recommended:

For Council's information

2009. 368 RECOMMENDED:

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

That the information be noted and Council endorse the actions of the Director Sustainable Development Services.

A Division on this decision resulted in the following votes.

F = Voted For
A = Voted Against

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

At this stage 3.02 p.m. Councillor Walker left the Chamber.

DIRECTOR SHIRE SERVICES CONFIDENTIAL REPORT

DSS1	DANGAR STREET – DRAINAGE ISSUE
CONF	FILE: LA827 BJM {Folio No. 398310}

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.

SUMMARY:

Reporting on property located in Dangar Street West Kempsey that has had a long history of stormwater inundation problems.

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2009. 369 **RECOMMENDED:**

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

That Council discuss the proposed works and have the owners acknowledge and accept the limitations of the proposed works prior to commencing any drainage works or drainage studies associated with 17 Dangar Street, West Kempsey.

Councillor Walker returned to the Chamber.

GENERAL MANAGERS REPORT

GM1	VARIOUS LEGAL MATTERS - CURRENT POSITION
CONF	FILE: 155 AVB (NRN) {Folio No. 398315}

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. 370 RECOMMENDED:

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

That the information be noted.

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OPEN COUNCIL

2009. 371 RESOLVED:

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

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. 372 RESOLVED:

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

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 3.07 p.m.

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