



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

13 October 2009 commencing at 9.00a.m.

PRESENT:

Councillors J H Bowell (Mayor and Chairman), E A Campbell, E A Green, J C Gribbin, J A C Hayes, 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; Administration Support Officer, H A Scott; 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 Campbell declared a non-significant non-pecuniary interest in item DCCS11 for the reason that she is an executive member of the Kempsey Chamber of Commerce and a pecuniary interest in item DCCS13 for the reason that her mother leases a property from Kempsey Shire Council which is mentioned in the report.

Councillor Green declared an interest in item DSS7 for the reason that she is a resident of Tozer Street.

Councillor Walker declared an interest in item DSS7 for the reason that he pays rates on a block of land in Tozer Street.

The General Manager declared a non-pecuniary non-significant interest in item DSDS5 for the reason that he rents, through a Real Estate Agent, a property owned by the developer from Saltwater Developments.

Councillor Hayes declared a non-pecuniary non-significant interest in item DSS1 for the reason that she is the LGSA representative on the Fluoridation of Water Supply Advisory Committee.

CONSIDERATION OF CONFIDENTIAL REPORTS

2009. 758 RESOLVED: *Moved: Cl. Hayes*
Seconded: Cl. Green

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 8 SEPTEMBER 2009**

2009. 759 RESOLVED: *Moved: Cl. Hayes*
Seconded: Cl. Sproule

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 8 September 2009 be confirmed.

**MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE
COUNCIL DATED 14 SEPTEMBER 2009**

2009. 760 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Campbell

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 14 September 2009 be confirmed.

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PUBLIC FORUM

- 1 - Mr Neville Ledger addressed council speaking in favour of item NOM2 Raised Flood Levees
- 2 - Mr Kevin Wilson addressed council speaking in favour of item GM6 Name Change Survey
- 3 - Mr Paul Shea addressed council speaking against item GM7 Airport Business Plan
- 4 - Ms Anne McCabe addressed council speaking against item DSDS6 Section 64 Charges – Proposed Dwelling, Frederickton

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**CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports
NOM2, GM6, GM7 and DSDS6**

2009. 761 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Saul

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

NOM2	RAISED FLOOD LEVELS	
	FILE: 1 BJM (NRN)	{Folio No. 410779}

2009. 762 RESOLVED: *Moved: Cl. Walker*
Seconded: Cl. Campbell

That Council investigate the potential benefits of raising the flood levees protecting the Kempsey CBD, as a part of the management study for the Kempsey flood model.

GM6	NAME CHANGE SURVEY	
	FILE: 129 MRB	{Folio No. 410860}

SUMMARY:

Reporting on the results of the survey carried out to gauge the community's preference for either the "Macleay Valley Coast Council" or "Macleay Valley Council" as the proposed new name for the Shire (*per resolution 2009. 664, 11 August 2009*).

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General Manager's Recommendation:

Council proceed with change to Macleay Valley Coast Council.

2009. 763 RESOLVED: *Moved: Cl. Campbell*
Seconded: Cl. Saul

That this item be deferred.

GM7	AIRPORT BUSINESS PLAN	
	FILE: 183 KEO (NRN)	{Folio No. 410861}

SUMMARY:

Reporting on the investigations into the long term viability of the Kempsey Airport under a number of development scenarios.

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

That this matter be deferred and the question of the future of Kempsey Airport be the subject of community engagement.

2009. 764 RESOLVED: *Moved: Cl. Hayes*

Seconded: Cl. Sproule

That the MOTION be PUT.

2009. 765 The MOTION was PUT to the MEETING and was CARRIED.

DSDS6	SECTION 64 CHARGES – PROPOSED DWELLING, FREDERICKTON FILE: T6-09-204 CC: 287 SDS {Folio No. 410883}
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SUMMARY:

Reporting that council has received an application for a dwelling that requires payment of contribution towards water and sewage headworks to which the applicant has objected.

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

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MOVED:

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

1. That the applicant be advised that in accordance with council's water and sewerage development service plans the requirement to obtain a certificate of compliance pursuant to the Water Management Act 2000 will need to be satisfied by the payment of a contribution of \$8,146 for water supply services and \$6,872 for sewage services.
2. That a report be provided to council in respect to consideration of adopting a policy to clarify the method for the implementing council's development servicing plans for water supply and sewerage services for different types of development.

The Motion LAPSED for want of a SECONDER.

2009. 766 **RESOLVED:**

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

1. That the applicant pay the rate that was on the block when it was given to council by the developers.
2. That a report be provided to council in respect to consideration of adopting a policy to clarify the method for the implementing council's development servicing plans for water supply and sewerage services for different types of development.

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										

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ADOPTION OF AGENDA ORDER OF BUSINESS

2009. 767 **RESOLVED:** *Moved: Cl. Green*
Seconded: Cl. Sproule

That the Agenda Order of Business be adopted.

MAYORAL REPORT

MM1	MAYORAL ACTIVITIES	
	FILE: 380	MAYOR (NRN) {Folio No. 410771}

SUMMARY:

Reporting to Council on the activities and functions attended by the Mayor and Councillors throughout the month of September 2009.

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2009. 768 **RESOLVED:** *Moved: Cl. Powell*

That the information be noted.

MM2	2009 NAIDOC WEEK WINNERS	
	FILE: 653	MAYOR {Folio No. 410772}

SUMMARY:

Reporting on presentations to two students during 2009 Naidoc Week.

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2009. 769 **RESOLVED:** *Moved: Cl. Powell*

That letters of congratulations be forwarded to Alex Borger and Cody Jeffery.

MM3	MARINE PARKS	
	FILE: 658	MAYOR {Folio No. 410773}

SUMMARY:

Reporting on further advice concerning Marine Parks off the coast of New South Wales.

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2009. 770 RESOLVED:

Moved: Cl. Howell

That the new Minister for Climate Change and the Environment, the Hon John Robertson MLC, be requested to advise the outcomes of the Government's consideration of the Torn Blue Fringe report.

MM4	CLOSING THE GAP FILE: 310 CC: 283 MAYOR (NRN) {Folio No. 410775}
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SUMMARY:

Reporting on advice received in respect to the Close the Gap campaign.

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2009. 771 RESOLVED:

Moved: Cl. Howell

That the information be noted.

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PRESENTATION

At 10.17am Mr Peter Thurtell, Superintendent Local Area Commander of NSW Police Force conducted a presentation and then joined councillors for morning tea.

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At this stage 10.37 a.m. the Meeting adjourned for Morning Tea and upon resumption at 10.57 a.m. all present at the adjournment were in attendance.

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NOTICE OF MOTION

NOM1	REVIEW OF OUTSOURCED WATER METER READING CONTRACT FILE: T2008-005 COPY:275 BJM (NRN) {Folio No. 410778}
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2009. 772 RESOLVED:

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

1. That Council review the contract for the provision of water meter reading services prior to its expiry on 29 July 2011.
2. That a review of Council's current tendering policies which result in lost job opportunities for local people be undertaken.

NOM2	RAISED FLOOD LEVEES	{Folio No. 410779}
	FILE: 1 BJM (NRN)	

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

NOM3	KEMPSEY AIRPORT – USE FOR OTHER ACTIVITIES	{Folio No. 410801}
	FILE: 183 SJR (NRN)	

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

That prior to the approval for the use of any area within Kempsey Airport for the purpose of drag racing by vehicles or other similar activities, the proposed Business Plan for the Airport be completed and adopted by Council

An AMENDMENT was MOVED: *Moved: Cl. Hayes
Seconded: Cl. Green*

That a full report be brought back to council on what is proposed by the Drag Racing Club and other users of the taxi-way and run-way, so that council is informed.

2009. 773 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

NOM4	DECLARATIONS SHOWN ON WEBSITE	{Folio No. 410805}
	FILE: 629 KEO (NRN)	

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

That Kempsey Shire Council follow the Shoalhaven City Council and place on the Kempsey Shire Council internet site next to each councillor's profile their election expenses and donation returns in addition to councillors' declarations of pecuniary interests.

The MOTION was PUT to the Meeting and was LOST.

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

NOM5	LIBRARY COMPLEX	{Folio No. 410813}
	FILE: 1334 KEO (NRN)	

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

That Kempsey Shire Council form a South West Rocks library committee with councillors, library staff, library volunteers and members of the community, to investigate and develop strategies for a new library complex at South West Rocks.

An AMENDMENT was MOVED:

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

That a process of establishing overall priorities for the community of South West Rocks be determined through broad community engagement.

2009. 774 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

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

NOM6	SALEYARDS AUDIT	{Folio No. 410814}
	FILE: 255 SJR (NRN)	

MOVED:

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

That council engage a consultant to conduct a feasibility study and an audit of the Kempsey Shire Council Saleyards to determine if the complex returns a reasonable income from the monies allocated to its operation.

An AMENDMENT was MOVED:

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

1. That a report be brought back to council on the triple bottom line cost benefit analysis of a feasibility study and an audit of Kempsey Shire Council Saleyards.
2. That council note that both Wingecarribee Council and Singleton Council saleyards have budgeted for an operating loss in their budget as noted in their management plans.

2009. 775 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

Councillor Gribbin recorded his vote against the foregoing Resolution.

DELEGATES REPORT

DR1	DEADLY DAYS 2009	{Folio No. 410815}
	FILE: 310 KEO	

SUMMARY:

Reporting on attendance at the official opening of Deadly Days 2009, at Port Macquarie TAFE Campus, on Friday 4 September - representing the Mayor.

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2009. 776 RESOLVED: *Moved: Cl. Campbell*
Seconded: Cl. Hayes

1. That council confirm the dates for Deadly Days 2010.
2. That council participate with an exhibition promoting the relevance of local government, Kempsey Shire Council's services to the community and as an employer of choice at Deadly Days 2010.

DR2	LAUNCH OF WEEDS AWARENESS BOOKLET
FILE: 373	MRB (NRN) {Folio No. 410818}

SUMMARY:

Reporting on my attendance as the Deputy Mayor and delegate on the Mid North Coast Weeds Advisory Committee at the official launch of a 2nd Edition Weeds Awareness Booklet held in the Greater Taree City Council Chambers on Wednesday, 26 August 2009.

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2009. 777 RESOLVED: *Moved: Cl. Saul*
Seconded: Cl. Hayes

That the information be noted and that council further assist the control of invasive weeds by publicising the availability of the booklet to the general public by way of the Council notices column in the local media.

DR3	KEMPSEY POLICE AND COMMUNITY YOUTH CLUB (PCYC) AGM 2009
FILE: 25	KEO (NRN) {Folio No. 410822}

SUMMARY:

Reporting on attendance as the Deputy Mayor to the PCYC annual general meeting held at the Kempsey PCYC, 38 Bloomfield Street, Kempsey on 25 August 2009.

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2009. 778 RESOLVED: *Moved: Cl. Saul*
Seconded: Cl. Hayes

1. That the information be noted.
2. That council make a note to continue to support the PCYC.

3. That council note the significant reduction in crime figures on the nights midnight basketball is being held and that this is an initiative of Kempsey Shire Council.

DR4	COUNTRY WEEK FORUM AT STATE PARLIAMENT HOUSE
FILE: 163	KEO (NRN) {Folio No. 410824}

SUMMARY:

Reporting on the forum held at State Parliament House by the Deputy Leader of the Opposition Mr Andrew Stoner on Thursday 6 August 2009. Minutes from forum tabled for information.

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MOVED:

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

1. That the information be noted.
2. That Kempsey Shire Council continue to attend these forums when called to ensure that our voice is heard and our issues clearly articulated.
3. That Council continue to lobby for the services and resources which our community requires.
4. That Kempsey Shire Council continue to be involved in local government organisation which will support our voice being heard, in as many forums which are required, for us to obtain the resources which we require.

An AMENDMENT was MOVED:

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

1. That the information be noted.
2. That the items in the report as applicable to Kempsey Shire Council be reviewed by the general manager.

2009. 779 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

DR5	MENTAL HEALTH QUARTERLY FORUM
FILE: 419	KEO (NRN) {Folio No. 410851}

SUMMARY:

Delegate's report on Kempsey quarterly Mental Health Forum.

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2009. 780 **RESOLVED:**

Moved: Cl. Green

Seconded: Cl. Campbell

1. That the information be noted
2. That the General Manager arrange for Council's Community Directory to be reviewed on an annual basis to ensure all Mental Health services are included.

DR6	SPADCO AGM & PRESENTATION OF DRAFT EMERGENCY BUSHFIRE ASSEMBLY PLAN
FILE: 71	KEO {Folio No. 410852}

SUMMARY:

Reporting to council on my attendance as the mayoral representative, to the Stuarts Point and District Community Organisation (SPADCO) 2009 annual general meeting held 10 September at the Stuarts Point community hall.

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2009. 781 **RESOLVED:** *Moved: Cl. Saul
Seconded: Cl. Hayes*

That the information be noted and that SPADCO be congratulated on their initiative in preparing a bushfire assembly plan for Stuarts Point residents.

DR7	PLANNING LEGISLATION SKILLS AND KNOWLEDGE FOR COUNCILLORS
FILE: 163	KEO (NRN) {Folio No. 410853}

SUMMARY:

Reporting on attendance at Local Government Learning Solutions' Councillor Professional Development Program on planning legislation skills and knowledge for councillors held at Macksville on 21 September 2009.

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2009. 782 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. Gribbin*

1. That the information be noted.
2. That all councillors be encouraged attend a similar workshop/seminar.

DR8	FLOODPLAIN MANAGEMENT AUTHORITIES AUGUST 2009 MEETING
FILE: 284	BJM {Folio No. 410854}

SUMMARY:

Reporting on attendance at the quarterly meeting of Floodplain Management Authorities (FMA) held in Sydney on 25 August 2009.

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2009. 783 RESOLVED: *Moved: Cl. Green
Seconded: Cl. Saul*

1. That the information be noted.
2. That Council advise the FMA of concerns in relation to all issues relevant to floodplain management, land use planning relevant to floodplain issues and relevant funding matters.
3. That Council continue to lobby all local state and federal members on issues arising from floodplain management and flooding issues including funding (grants and natural disaster funding).

GENERAL MANAGER'S REPORT

GM1	LOCAL GOVERNMENT ASSOCIATION ANNUAL CONFERENCE, TAMWORTH 24-28 OCTOBER 2009
FILE: 165	JCL {Folio No. 410855}

SUMMARY:

Reporting that the Local Government and Shires Associations require the names of Council's two voting delegates to this conference.

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2009. 784 RESOLVED: *Moved: Cl. Hayes
Seconded: Cl. Campbell*

That voting delegates are the Mayor and Councillor Hayes to the Local Government and Shires Associations conference.

GM2	WORKS PROGRAM
FILE: 153	DLR (NRN) {Folio No. 410856}

SUMMARY:

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

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2009. 785 RESOLVED: *Moved: Cl. Saul
Seconded: Cl. Campbell*

That the information be noted.

GM3	LOCAL WATER UTILITIES INQUIRY
FILE: 150	BJM (NRN) {Folio No. 410857}

SUMMARY:

Reviewing Council's position on the future structure in light of the position of other members of MIDGOC.

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2009. 786 **RESOLVED:** *Moved: Cl. Hayes
Seconded: Cl. Walker*

That Council no longer look to develop a binding alliance but continue to seek options to gain the most effective and efficient processes for providing water and sewerage services.

GM4	APPLICATION FOR HALF DAY HOLIDAYS IN 2010
FILE: 742	MRB {Folio No. 410858}

SUMMARY:

To consider applications that have been made for two half day holidays in the Kempsey Shire for the year 2010.

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2009. 787 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. Campbell*

That Council make application to the Director General NSW Department of Industrial Relations for two (2) half day holidays in the Kempsey Shire in 2010, being 21 April and 13 May 2010.

GM5	OUTSTANDING REPORTS / RESOLUTIONS
FILE: 149	DLR (NRN) {Folio No. 410859}

SUMMARY:

Council's report on outstanding reports and resolutions

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2009. 788 **RESOLVED:** *Moved: Cl. Bowell
Seconded: Cl. Saul*

That the information be noted.

GM6	NAME CHANGE SURVEY
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This report was dealt with earlier in the meeting just after PUBLIC FORUM.

GM7

AIRPORT BUSINESS PLAN

FILE: 183 KEO (NRN)

{Folio No. 410861}

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

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

DSDS1

COMMITTEE MEMBERSHIP – COAST AND ESTUARY
MANAGEMENT COMMITTEE AND MACLEAY RIVER
FLOODPLAIN PROJECT COMMITTEE

FILE: 565 CC: 774, 198 RFK CC: PJH, CLH {Folio No. 410863}

SUMMARY:

Reporting on membership details for the Coast and Estuary Management Committee and the Macleay River Floodplain Projects Committee.

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2009. 789 RESOLVED:

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

1. That council endorse the nomination from the Seven Oaks Private Drainage Board to the Macleay River Floodplain Project Committee.
2. That council endorse the nomination from the Crescent Head Residents and Ratepayers Association Inc. to the Coast and Estuary Management Committee.

DSDS2

COUNTRY AND REGIONAL LIVING EXPO 2009

FILE: 233 DBH

{Folio No. 410871}

SUMMARY:

Reporting on the Country and Regional Living Expo 2009 (formerly known as Country Week).

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2009. 790 RESOLVED:

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

That the information be noted.

DSDS3 ECONOMIC DEVELOPMENT MANAGER'S MONTHLY REPORT
FILE: 584 DBH {Folio No. 410873}

SUMMARY:

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

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2009. 791 **RESOLVED:** *Moved: Cl. Saul*
Seconded: Cl. Snowsill

That the information be noted.

DSDS4 KEMPSEY TOWN CENTRE MASTER PLAN – PROPOSED CLYDE STREET MALL REFURBISHMENT
File: 369/1300 CC: 153 SDS GHM CC: DPW {Folio No. 410874}

SUMMARY:

Reporting that the proposed Clyde Street Mall refurbishment concept plan has been publicly exhibited with two submissions received.

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2009. 792 **RESOLVED:** *Moved: Cl. Hayes*
Seconded: Cl. Campbell

1. **That council endorse the Clyde Street Mall refurbishment plan.**
2. **That part of the town centre masterplan funding be utilised to develop the detailed design for the Clyde Street Mall refurbishment.**
3. **That council thank the objectors for their interest.**

DSDS5 PART 3A APPLICATION – SALTWATER DEVELOPMENT, SOUTH WEST ROCKS
File: T5-55 SDS {Folio No. 410880}

SUMMARY:

Reporting that the Department of Planning (DoP) has advised that it intends to consider an application under Part 3A of the Environmental Planning and Assessment Act for part of the site known as the "Saltwater Development" without a development control plan being in place.

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2009. 793 RESOLVED:

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

That the actions be noted.

DSDS6	SECTION 64 CHARGES – PROPOSED DWELLING, FREDERICKTON FILE: T6-09-204 CC: 287 SDS {Folio No. 410883}
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This report was dealt with earlier in the meeting just after PUBLIC FORUM.

DSDS7	GAZETTAL OF AMENDMENTS TO KEMPSEY LOCAL ENVIRONMENTAL PLAN 1987 FILE: T5-81 & T5-109 SDS {Folio No. 410886}
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SUMMARY:

Reporting that Kempsey LEP Amendment No. 81 and Kempsey LEP Amendment No. 109 have been Gazetted.

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2009. 794 RESOLVED:

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

That the information be noted.

DSDS8	BUILDING AND DEVELOPMENT FILE: 329 RBP
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SUMMARY:

Reporting that the following applications have been approved:

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2009. 795 RESOLVED:

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

That the information be noted.

DIRECTOR SHIRE SERVICES REPORT

Councillor Hayes declared a non-pecuniary non-significant interest in the following item for the reason that she is the LGSA representative on the Fluoridation of Water Supply Advisory Committee and remained in the Chamber.

DSS1	FLUORIDATION OF KEMPSEY, CRESCENT HEAD AND SOUTH WEST ROCKS WATER SUPPLIES
FILE: 240 GTS (NRN)	{Folio No. 410889}

SUMMARY:

Reporting on the status of fluoridation facilities at the Kempsey, Crescent Head and South West Rocks Water Supply Schemes.

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2009. 796 **RESOLVED:** *Moved: Cl. Walker
Seconded: Cl. Snowsill*

That the information be noted.

DSS2	GREEN WASTE COLLECTION SURVEY
FILE: T2008-001 BJM	{Folio No. 410896}

SUMMARY:

Reporting on the outcome of the green waste collection survey for the first two areas surveyed to ascertain the community desire for an extension of the green waste collection service area to include rural residential areas that adjoin urban areas.

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2009. 797 **RESOLVED:** *Moved: Cl. Hayes
Seconded: Cl. Gribbin*

1. That Council not extend the green waste collection zone to include the rural residential areas along Crescent Head Road and adjoining the Frederickton urban areas.
2. That the property owners surveyed in the Crescent Head Road and Frederickton areas be notified of the outcome of the survey.
3. That Council proceed to survey the other areas considered at the waste workshop held on 16 June 2009 with the current waste service continuing to be provided to these residents, which excludes a green waste service.

DSS3	UNIVERSITY OF NEWCASTLE INDUSTRY SCHOLARSHIP SCHEME
FILE: 7 BJM	{Folio No. 410901}

SUMMARY:

Reporting on the progress to date in recruiting a scholar for the University of Newcastle Industry Scholarship Scheme (UNISS) from the Kempsey local government area.

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2009. 798 RESOLVED:

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

1. That council endorses the decision to offer the scholarship to the successful applicant.
2. That council continues to support the UNISS program with the offer of an annual scholarship.

DSS4	MATTYS FLAT RESERVE DRAFT PLAN OF MANAGEMENT FINALISATION COMMITTEE	{Folio No. 410905}
	FILE: 1305 BJM	

SUMMARY:

Reporting on the receipt of an additional nomination for the Mattys Flat Reserve Draft Plan of Management Finalisation Committee.

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2009. 799 RESOLVED:

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

That council accept the nomination of Mr James Wardrope for the Mattys Flat Reserve Draft Plan of Management Finalisation Committee.

DSS5	BELLBROOK WATER TREATMENT PLANT	{Folio No. 410907}
	FILE: 1099 AMB (NRN)	

SUMMARY:

Reporting on the change of scope recently negotiated for the Bellbrook water treatment plant.

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2009. 800 RESOLVED:

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

That the information be noted.

DSS6	SOUTH WEST ROCKS WASTE WATER TREATMENT PLANT	{Folio No. 410921}
	FILE: LA5706 COPY:1106 IJR (NRN)	

SUMMARY:

A report to affix the common seal of council to various documents pertaining to the granting of an easement for electricity supply at the South West Rocks waste water treatment plant.

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2009. 801 RESOLVED:

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

That the common seal of council be affixed to the following documents required to formalise electricity supply for the South West Rocks waste water treatment plants.

1. plan of easement creation
2. section 88B instrument

Councillor Green declared a non-pecuniary interest in the following item for the reason that she is a resident of Tozer Street and remained in the Chamber.

DSS7	TOZER STREET TREES – PUBLIC CONSULTATION SURVEY RESULTS FILE: 55 CC:153, R TOZER ST MJT (NRN) CC:DPW {Folio No. 410923}
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SUMMARY:

Report on the survey results from the resolution of council to canvass the preference of residents in relation to tree plantings in Tozer Street, West Kempsey.

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2009. 802 RESOLVED:

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

That a project for the upgrade of pavement and infrastructure in Tozer Street between Marsh and Short Streets be developed and put forward for inclusion in the list of future projects the council needs to prioritise.

DSS8	POINT PLOMER ROAD – MAINTENANCE AND CAPITAL EXPENDITURE FILE: R POINT PLOME MJT {Folio No. 410924}
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SUMMARY:

Reporting on the financial implications for council for the maintenance of Point Plomer Road, Crescent Head.

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MOVED:

Moved: Cl. Sproule

Seconded: Cl. Snowsill

1. That council establishes the practice of grading the Point Plomer Road after each holiday period
2. That in order to justify the reduction of number of gradings to a maximum of 3 per year Point Plomer Road that council consider the provision of funding for the construction and maintenance to a suitable pavement strength.

2009. 803 RESOLVED:

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

That the MOTION be PUT.

2009. 804 The MOTION was PUT to the MEETING and was CARRIED.

Councillor Walker recorded his vote against the foregoing Resolution.

At this stage Councillor Hayes advised of her intention to submit a Rescission Motion on this item.

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At this stage 12.45 p.m. the Meeting adjourned for Luncheon and upon resumption at 1.35 p.m. all present at the adjournment were in attendance.

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DIRECTOR CORPORATE AND COMMUNITY SERVICES

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

SUMMARY:

Reporting on the statement of bank balances as at 30 September 2009.

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2009. 805 RESOLVED:

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

That the information be noted.

DCCS2	STATEMENT OF INVESTMENTS AS AT 30 SEPTEMBER 2009
FILE: 303	APC (NRN)

SUMMARY:

Reporting on the statement of investments as at 30 September 2009.

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2009. 806 RESOLVED:

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

That the information be noted.

DCCS3	FINANCIAL REPORTS FOR THE TWELVE (12) MONTHS TO 30 JUNE 2009
FILE: 485	APC (NRN) {Folio No. 410925}

SUMMARY:

Reporting on the requirements in relation to the preparation and audit of the financial reports to 30 June 2009.

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2009. 807 RESOLVED:

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

That pursuant to Section 413(2)(c) of the Local Government Act 1993 council declare that in its opinion:-

1. the financial reports fairly represent the financial position of Kempsey Shire Council as at 30 June 2009; and
2. the financial reports have been prepared in accordance with the requirements of the Local Government Act 1993 and the regulations made thereunder, the Local Government Code of Accounting Practice and Financial Reporting, and the Australian Accounting Standards; and
3. the financial reports are in accord with council's accounting and other records; and
4. council is not aware at this time of any circumstances, which would render any particulars included in the financial report to be misleading or inaccurate.

DCCS4	FLEET MANAGEMENT
FILE: 151	CAD (NRN) {Folio No. 410926}

SUMMARY:

The fleet management business plan adopted by council requires that council be advised of plant purchases each month.

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2009. 808 RESOLVED:

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

That the information be noted.

DCCS5	COUNCIL MEETING DATES	
FILE: 335	PJH (NRN)	{Folio No. 410927}

SUMMARY:

Reporting on the proposed schedule of meeting dates for ordinary and extraordinary council meetings up to September 2010.

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2009. 809 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Hayes

1. That the following schedule of council meeting dates up to September 2010 be adopted:-

- Tuesday 10 November 2009 – ordinary meeting**
- Tuesday 15 December 2009 – ordinary meeting**
- Tuesday 2 February 2010 – ordinary meeting**
- Tuesday 23 February 2010 – extraordinary meeting (budget)**
- Wednesday 24 February 2010 – extraordinary meeting (budget)**
- Tuesday 9 March 2010 – ordinary meeting**
- Tuesday 13 April 2010 – ordinary meeting**
- Tuesday 11 May 2010 – ordinary meeting**
- Tuesday 8 June 2010 – ordinary meeting**
- Tuesday 13 July 2010 – ordinary meeting**
- Tuesday 10 August 2010 – ordinary meeting**
- Tuesday 14 September 2010 – ordinary meeting**

2. That the 13 April 2010 ordinary council meeting be held at South West Rocks and Mr Luke Hartsuyker Member for Cowper be requested to attend.

3. That the October meeting be held at Crescent Head and Mr Rob Oakshott Member for Lynne be requested to attend.

DCCS6	COUNCIL MEETING PROCEDURE – QUESTIONS WITHOUT NOTICE	
FILE: 395 COPY:149 (NRN)	PJH	{Folio No. 410929}

SUMMARY:

Reporting on the need to review council's practice of having questions without notice on the council meeting agenda.

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2009. 810 RESOLVED: *Moved: Cl. Hayes*
Seconded: Cl. Campbell

1. That council delete "questions without notice" as a council meeting agenda item and this be replaced by an agenda item "questions on notice" with councillor's questions to be provided to the general manager by 9.00am one week prior to the meeting for inclusion in the meeting agenda.
2. That council's code of meeting practice be amended accordingly.

DCCS7	POLICY ON PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS
	FILE: 276 PJH (NRN) {Folio 410932}

SUMMARY:

Reporting on the exhibition of council's policy on the payment of expenses and provision of facilities to the mayor and councillors.

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2009. 811 **RESOLVED:** *Moved: Cl. Green*
Seconded: Cl. Hayes

That council's amended policy on the Payment of Expenses and Provision of Facilities to the Mayor and Councillors be adopted.

DCCS8	FEDERAL GOVERNMENT LOCAL COUNCIL REGIONAL INFRASTRUCTURE GRANT
	FILE: 1259 COPY:LA13189 R.ELBOW ST KEO COPY:APC (NRN) {Folio 410933}

SUMMARY:

Reporting on the federal government local council regional infrastructure grant.

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2009. 812 **RESOLVED:** *Moved: Cl. Green*
Seconded: Cl. Gribbin

1. That council's federal government local council regional infrastructure grant of \$235,000 be allocated to the following projects:
 - a. \$160,000 for major renovations for the Kempsey library, these include new roof, ceiling and upgrade to the children's area.
 - b. \$74,000 for street furniture to complete Elbow Street upgrades
2. That additional projects be identified in line with council's management plan for future grant funding opportunities.

3. That council further investigate the possibility of applying for funding under the community infrastructure stimulus package for larger multiple locations.

DCCS9	COMMUNITY GRANTS PROGRAM ALLOCATION
FILE: 3	JLM {Folio No. 410935}

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. 813 RESOLVED:

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

1. That the following community organisations be notified that their grant application applied for through council's community grants program policy (C21:7) has been approved by Council for the following amounts for the 2009/10 financial year:

Dunghutti Ngaku Aboriginal Art Gallery	\$ 1,000
Crescent Head Lions Club	\$ 4,500
Macleay Valley Cricket Association	\$ 1,730
Stuarts Point Players	\$ 2,792
Kempsey PCYC	\$ 4,800
Macleay River Historical Society	\$ 1,750
Collombatti Public Hall Reserve Trust	\$ 2,500
Kempsey Rugby Union Club	\$ 1,731
Kempsey Macleay Sub-Branch	\$ 500
All Macleay Schools \$50 x 23	<u>\$ 1,150</u>
	<u>\$22,453</u>

2. That the following community organisations be notified that their grant applications applied for through council's community grants program policy (C21:7) has been unsuccessful for the 2009/10 financial year:

Dunghutti Sport and Recreation Indigenous Corporation
Kempsey Children's Service Coop
Young Achievement Australia
Booroongen Djugun Aboriginal Corporation
Kempsey District Meals on Wheels inc
Kempsey Golf Club Ltd
Kalateenee Progress Association
Crescent Head Pointers Swimming Club
Aboriginal Cultural Tourism – TAFE NSW Class
Macleay Valley Hope Farm
Kempsey Macleay Regional Shooting Complex Inc.

DCCS10	DONATION REQUEST
FILE: 3 CC: LA7228	JLM CC: APC {Folio No. 410937}

SUMMARY:

Reporting on a donation requests received from Smithtown Hall Committee.

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2009. 814 **RESOLVED:** *Moved: Cl. Saul
Seconded: Cl. Sproule*

1. That the Smithtown Hall Committee be given a \$499 donation to assist with the 2009/10 insurance costs.
2. That Council attempt to expedite the process of transferring the trusteeship from the Smithtown Hall Committee to Kempsey Shire Council through the Department of Lands.

Councillor Campbell declared an interest in the following item for the reason that she is an executive member of the Kempsey Chamber of Commerce and remained in the Chamber.

DCCS11	REPORTING ON ACTIONS IN THE CCTV FEASIBILITY STUDY
FILE: 1069	LY (NRN) {Folio No. 410939}

SUMMARY:

Reporting on the actions that have been implemented to date on the CCTV Feasibility Study.

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2009. 815 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. Hayes*

That the information be noted.

DCCS12	DRAFT COMMUNITY DELIVERY PROGRAM
FILE: 70 KEO COPY MRB (NRN)	{Folio No. 410940}

SUMMARY:

Reporting on the draft Community Delivery Program 2010/2015 for Council's consideration.

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2009. 816 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. Campbell*

That the draft Community Delivery Program 2010–2015 be adopted and placed on public exhibition for the required 28 days.

Councillor Campbell declared a pecuniary interest in the following item for the reason that her mother leases a property from Kempsey Shire Council and retired from the Chamber.

DCCS13	POTENTIAL SALE OF LEASED PROPERTIES
FILE: 1177	TAB (NRN) {Folio No. 410942}

SUMMARY:

Reporting on the suitability for sale of Council owned land which is currently leased.

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2009. 817 RESOLVED: *Moved: Cl. Hayes
Seconded: Cl. Green*

1. That a review of lease fees be undertaken for the 2010/2011 financial year, in line with commercial values and councils administration costs.
2. That a strategic review of all council properties be undertaken to identify opportunities to utilise properties for non rate income, those suitable for sale and those that can be used by Council at a future time.

Councillor Campbell returned to the Chamber.

DCCS14	STUARTS POINT HOLIDAY PARK PROGRESS OF PROJECTS
FILE: 120 COPY: 314	SJR {Folio No. 410943}

SUMMARY:

Updating council on the progress of projects at the Stuarts Point Holiday Park.

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2009. 818 RESOLVED: *Moved: Cl. Hayes
Seconded: Cl. Saul*

1. That council proceeds with the construction of a prefabricated amenities block from Landmark Products for installation within the Stuarts Point Reserve at an approximate cost of \$65,000.
2. That further application for loan funds be submitted to the Caravan Parks Levy Committee for the required funds for this project.

DCCS15	INVESTIGATION INTO NEIGHBOURHOOD WATCH
FILE: 147	LY {Folio No. 410946}

SUMMARY:

Reporting on Council's investigations concerning Neighbourhood Watch raised at the Council meeting on the 8 September 2009

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2009. 819 RESOLVED:

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

That consideration for re-establishing the Neighbourhood Watch program be referred to the Community Safety and Crime Prevention Working Party.

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LOCAL TRAFFIC COMMITTEE		
FILE: *	MJT	{ Folio No. * }

2009. 820 RESOLVED:

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

That the minutes of the Local Traffic Committee meeting held 2 September 2009 be confirmed.

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QUESTIONS WITHOUT NOTICE – Responses from 8 September 2009 meeting

2009. 821 RESOLVED:

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

That the responses to questions without notice from 8 September 2009 meeting as printed in the agenda be noted.

QUESTIONS WITHOUT NOTICE

COUNCILLOR E R WALKER	
Q1	FILE: *
What is the situation with the seal in Elbow Street – it seems to be breaking up in a couple of places and why is the seal left low at the kerb?	
Responsible Officer	BJM
The Director Shire Services advised this is not yet complete – there still has a further 50mm overlay of asphalt which will result in it being flush with the kerb. A couple of sections are to be repaired – one leaking water main and another section had a car skidded on it and ripped it.	

COUNCILLOR J A SPROULE	
Q1	FILE: *

Can council investigate the Camphor laurel trees in William Street (behind Mrs Worthing 14 William Street)?	
Responsible Officer	BJM
The Director Shire Services advised this has been inspected in the past. A further inspection will be undertaken. Currently there is insufficient funding in the tree maintenance budget for extra tree removal.	
Q2	FILE: *
What are the protocols for signing letters to state and federal members – is it more appropriate for the General Manager or Mayor to sign them?	
Responsible Officer	DLR
The General Manager advised that the current delegations which are in place have been there for a while.	

COUNCILLOR D F SAUL	
Q1	FILE: *
Can a sign to reduce the road speed limit at Right Bank Road Kinchela be erected or does it need to be taken to Traffic Committee?	
Responsible Officer	DLR
The Director Shire Services advised that a letter needs to be written to the General Manager requesting the Traffic Committee to review the speed limit.	

COUNCILLOR J C GRIBBIN	
Q1	FILE: *
Mr and Mrs Kerry Hale, 155 Macleay Street Frederickton have a camphor laurel tree on council land behind their property. It is dropping branches and has damaged their shed. As it is a weed can this tree be removed?	
Responsible Officer	BJM
The Director Shire Services advised the tree will be inspected.	
Q2	FILE: *
SWR we are having problems with parking and garbage bins on Council reserves. Why can't the works team be made into rangers?	
Responsible Officer	BJM / RBP
The General Manager advised the Civic Maintenance Team would need special training to become authorised rangers, with ongoing specialised training and additional budgetary provision made available.	
Q3	FILE: *
Gordon Young Drive caravan park has an expiry date in 04 but has a special licence number on it, can you tell me what this is.	
Responsible Officer	RBP
The Director Sustainable Development Services advised this is a contract date.	

COUNCILLOR E A GREEN	
Q1	FILE: *
Can council advise what the situation is with river bank erosion caused by continual use from cattle grazing and breaking up river banks – was there work being done to stabilise banks?	
Responsible Officer	RBP

The Director Sustainable Development Services advised this will be addressed as part of Macleay River management plan. The Catchment Management Authority has guidelines on this.	
Q2	FILE: *
What is the situation regarding flood mounds in the shire? When council is considering a development application do we take into account the effect these mounds will have on flooding?	
Responsible Officer	RBP
The Director Sustainable Development Services advised that this is taken into consideration when assessing development applications.	

COUNCILLOR J H BOWELL	
Q1	FILE: *
When is the application for funding to allow the preparation of a plan of management for Kemp Street playing fields?	
Responsible Officer	BJM
The Director Shire Services advised that the matter will be investigated.	
Q2	FILE: *
When will plan of management for Horseshoe Bay Reserve be completed?	
Responsible Officer	DLR
The General Manager advised this is currently being worked on with Department of Lands.	
Q3	FILE: *
Has advice been received of council's application for funds for Horseshoe Bay Beach Park?	
Responsible Officer	DLR
The General Manager advised not at this stage.	

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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. 822 RESOLVED:

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

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. 410948}

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. 823 RESOLVED:

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

That the information be noted.

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OPEN COUNCIL

2009. 824 RESOLVED:

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

That the Open Council Meeting be resumed.

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CONCLUSION:

There being no further business, the Meeting terminated at 2.43 p.m.

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