



KEMPSEY
Shire Council

MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 14th July 2009 commencing at 9.05 a.m.

PRESENT:

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

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

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The Deputy Mayor welcomed the new General Manager; Mr David Rawlings to Kempsey and on behalf of Councillors and staff conveyed best wishes to him and his family.

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OPENING PRAYER

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

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APOLOGY:

2009. 484 RESOLVED:

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

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

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DECLARATIONS OF INTEREST

Councillor Hayes declared an interest in item NOM10, DSS12 and DSS19 for the reason that she is administrator of the Kempsey Showground Trust.

Councillor Sproule declared a non-pecuniary interest in item DSDS5 for the reason that she owns land adjoining the property referred to in the report.

CONSIDERATION OF CONFIDENTIAL REPORTS

2009. 485 RESOLVED: *Moved: Cl. Hayes*
Seconded: Cl. Gribbin

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 9TH JUNE 2009

2009. 486 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Sproule

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 9th June 2009 be confirmed.

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MINUTES OF THE WORKS INSPECTION COMMITTEE MEETING OF KEMPSEY SHIRE COUNCIL DATED 29TH JUNE 2009

2009. 487 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Campbell

That the Minutes of the Works Inspection Committee Meeting of Kempsey Shire Council dated 29th June 2009 be confirmed.

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MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 30TH JUNE 2009

2009. 488 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Sproule

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 30th June 2009 be confirmed.

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PUBLIC FORUM

1. - Mr Paul Francis and Mr Noel Lockwood addressed Council regarding item MM5 - Closing the Gap
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2. - Mr Andrew Lister addressed Council regarding item DSDS5 - Proposed Extension of Quarry
3. - Ms Cathy Slater addressed Council regarding item DSDS14 - Mixed Use Development – Hat Head
4. - Mr Denis Hammersley addressed Council regarding item DSS22 - Road Repairs – Flood Damage

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CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports MM5, DSDS5, DSDS14 and DSS22

2009. 489 RESOLVED:

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

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

**MM5 CLOSING THE GAP
FILE: 18 CC:LA31613, LA18922 MAYOR {Folio No. 403430}**

SUMMARY:

Reporting on receipt of further advice concerning continuing costs to Council in respect to two potential developments in South Kempsey

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Mayoral Recommendation:

1. **That Council support the proposal of Aboriginal Connections for a business opportunity with the establishment of a timber frame and truss plant and kitchen manufacturing plant**
2. **That subject to the provision of total funding by the Federal Government for the required infrastructure Council provide a block of land for a nominal price (\$1) within the South Kempsey Industrial area.**
3. **That Council support Dunghutti Sport and Recreation Indigenous Corporation in a submission to the Minister for Lands the Hon Tony Kelly MLC for the transfer of responsibility for vacant crown land – Lot 7300 DP1133601 and Lot 7001 DP1026841 Nicholson Street, South Kempsey to allow the establishment of an Indigenous Sports Academy.**

2009. 490 RESOLVED:

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

That the Mayoral Recommendation be adopted with the addition of:-

4. That Council support be at no future cost to Council
5. That Aboriginal Connections be congratulated on the outcomes they have achieved to date and their plans for the future.

Councillor Sproule declared an interest in item DSDS5 for the reason that she is an adjoining land owner and retired from the Chambers.

DSDS5	PROPOSED EXTENSION OF QUARRY
FILE: T6-08-328 SDS	{Folio No. 403476}

SUMMARY:

Reporting that Council has received an application for the extension of the existing 'Bates' Quarry for which objections have been received

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

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2009. 491 RESOLVED:

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

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

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

Plan No./ Supporting Document	Version	Prepared by	Dated
605/1 to 6051/7		Hopkins	20/07/2006
Staged Quarry Rehabilitation Plan 1/1		Rupert G.H. Milne Home, Landscape Consulting	13/08/2007
Proposed Rehabilitation	Document	Rupert G.H. Milne Home, Landscape Consulting	29/05/2006 & 23/01/2008
Noise and Blasting Impact Assessment	Document	Bridges Acoustics	02/09/2007
Air and Water quality monitoring	Document	Hackett Laboratory Services	15/04/2008
Traffic Impact Assessment	Document	Hopkins	02/2007
Flora and Fauna Impact Assessment	Document	Keystone	01/2007
Petrographic Report	Document	Geochempet Services – Hackett Laboratory	02/04/2007

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

2. Submission of written advice to Council of the nominated date on which it is intended to commence operations following compliance with all relevant conditions of this consent.
3. Submission of a separate application providing for a workers toilet in accordance with the BCA prior to commencement of extraction activities.
4. Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
 - Installing, constructing or altering a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.
5. Excavated material from the site is not to be placed within the road reserve or any other public place.
6. Permitted Extraction
 - a) This consent permits a total extraction volume of 450,000m³ of gravel from the quarry. The consent also permits excavation of material consisting of stripped topsoil which will be utilised in the rehabilitation of the site.
 - b) The amount of material extracted and transported is not to exceed 50,000 cubic metres per annum.

7. Hours of Operation

- a) The hours of operation of the business are restricted to the times set out in the following table:-

Period	Start Time	Finish Time
Monday to Friday	7.00am	4.00pm
Saturday	8.00am	12.00pm
Sunday	No Work	No Work
Public Holiday	No Work	No Work

- b) Any alteration to the above hours of operation will require the further consent of Council.

INTERNAL ACCESS ROAD

8. Detailed Engineering Plans prepared by an appropriately qualified person are to be submitted to and endorsed by Council providing for construction of the internal haul access road from the intersection of Gowings Hill Road to the quarry site within the subject property, incorporating the following: -

- a) Provision of a dust free wearing surface for the 50 metres of the proposed internal haul access road. The minimum wearing surface treatment is to be a two coat bitumen seal in accordance with the requirements of the RTA and DCP 36.
- b) Submission of a separate Sediment and Erosion Control Plan for the proposed roadwork for the construction consistent with the requirements contained in *Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition, 2004* (Landcom).
- c) The speed limit is to be restricted to 30km/hr. The applicant is to supply and erect adequate signage.

All works are to be carried out in accordance with such plans, as endorsed by Council, prior to commencement of extraction activities.

9. A water tanker or trailer is to be provided to ensure all manoeuvring areas are to be kept damp at all times, so as to minimise potential for dust.
10. A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.

WASTE MANAGEMENT PLAN REQUIRED

11. A Waste Management Plan is to be submitted to and approved by Council to ensure all waste is collected, stored and disposed of to the satisfaction of Council. The plan must incorporate measures to separate recyclable materials and describe the methods for collection of waste containers from the site.
12. Burning of felled trees prohibited
The burning of trees and associated vegetation felled during clearing operations is not permitted. Where possible, vegetation is to be mulched and reused on the site.

FLORA AND FAUNA

13. The quarry operator shall:
- a) Comply with the rehabilitation plan and documentation as endorsed under this permit.
 - b) Reserve topsoil for future re-establishment of native vegetation in disturbed areas at completion of operations.
 - c) Implement appropriate sediment and erosion control measures to ensure minimal sedimentation and flooding of downstream environments.
 - d) Protect the strand of *Allocasuarina* in the south-eastern corner of the site which forms part of the feeding resource for the Glossy Black-Cockatoo
 - e) Retain hollow logs, large rocks, etc so they can be replaced during the restoration Works

WATER QUALITY

14. The quarry operator shall:
- a) Ensure fuels and chemicals will be located away from natural drainage paths and stored in a covered and bunded area in accordance with the requirements of the DECC and WorkCover NSW.

ARCHAEOLOGY

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

ROADS

16. **ROADS**
- a) The heavy vehicle movements are limited to 15 haulage trips per day or 30 vehicle movements into and out of the site / day.
 - b) The intersection of the internal road network and Gowings Hill road must comply with the AustRoads Rural Road Design – A Guide to the Geometric Design of Rural Road 2005.
 - c) Line marking is required and should be installed 150 metres distance in both directions from the access road on Gowings Hill Road. Signage (truck symbol W5-22) is required in accordance with AS 1742 – Manual Uniform traffic Control Devices and AS 1743 – Road signs – Specifically and any other relevant Australian Standard.

DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE (DECC)

Administrative Conditions

Information supplied to the DECC

17. Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the

proposal contained in:

- a) the development application Development Application number T6-08-328 submitted to DECC on 20 October 2008;
- b) the document *Environmental Impact Statement, Extension of Existing Gravel Quarry, Lot 4 DP 622304, Gowings Hill road, Dondingalong* relating to the development; and

18. Fit and Proper Person

- a) The applicant must, in the opinion of the DECC, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

19. Limit conditions

a) Pollution of waters

Note: Mandatory condition

- i) Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

b) Concentration Limits

Note: Conditions to be used where applicable

- i) For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.
- ii) Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.
- iii) To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Sediment Basin Discharge Point (location yet to be identified)

Pollutant	Units of Measure	50 percentile concentrate-ion limit	90 percentile concentrate-ion limit	3DGM concentrate-ion limit	100 percentile concentrate-ion limit
Total Suspended Solids	mg/L				50
Grease & Oil	mg/L				5
pH					5.5-9.5

c) Waste

- i) The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.
- ii) This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence

under the Protection of the Environment Operations Act 1997.

- d) Noise limits
- i) Noise from the premises must not exceed the sound pressure level (noise) limits presented in the table below. Note the limits represent the sound pressure level (noise) contribution, at the nominated receiver locations in the table.

Noise Limits (dB(A))

Noise Assessment Location	Day
	L _{Aeq} (15 minute)
Early Stage 1	
R3	39
R5	36
Stage ½	
R3	40
R5	36
Stage 2/3	
R3	40
R5	36
Late Stage 3	
R3	40
R5	35

Note: Assessment locations are shown in Figure A1 of "Hopkins Consultants PTY LTD – Noise and Blasting Impact Assessment – Bates Quarry, Dondingalong, dated 2 September 2007 and prepared by Bridges Acoustics for Hopkins Consultant Pty Ltd.

For guidance in the selection of an assessment location, reference should be made to the NSW Industrial Noise Policy.

- e) For the purposes of condition (d) Noise Limits:
- i) Day is defined as the period from 7am to 4pm Monday to Saturday and 8am to 12pm Saturdays.
- f) Noise from the premises is to be measured at the most affected point with the residential boundary, or at the most effected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in Condition (d) Noise Limits unless otherwise stated.
Where it can be demonstrated that direct measurement of noise from the premises is impractical, the DECC may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.
The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.
- g) The noise emission limits identified in condition (d) Noise Limits apply under meteorological conditions of:
- i) Wind speed up to 3m/s at 10 metres above ground level; or
- ii) Temperature inversion conditions of up to 3°C/100m and wind speed up to 2m/s at 10 metres above the

ground.

20. Construction

- a) All construction work at the premises must be conducted between 7am and 4pm Monday to Friday and between 8am and 1pm Saturdays and at no time on Sundays and public holidays, unless inaudible at any residential premises.
- b) The proponent must prepare and implement a construction Noise Management Plan (CNMP), prior to commencement of construction activities, that includes but is not necessarily limited to;
 - i) identification of each work area, site compound and access route (both private and public);
 - ii) identification of the specific activities that will be carried out and associated noise sources at each work area, site compound and access route;
 - iii) identification of all potentially affected sensitive receivers;
 - iv) the construction noise and vibration objectives identified in the EIS for construction periods less than 26 weeks;
 - v) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in the EIS for construction periods less than 26 weeks;
 - vi) where the objectives are predicted to be exceeded and analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts;
 - vii) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers;
 - viii) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
 - ix) measures to receive, record and respond to complaints;
 - x) measures to monitor and report against noise performance.

21. Noise Management Plan

The proponent must prepare and implement a Noise Management Plan that covers all quarry extension, processing and transport operations. The plan must be developed prior to submitting an application for an Environment Protection Licence with DECC and must include but not be limited:

- a) Detailing the actual noise attenuation measures that will be implemented on site in order to achieve the noise limits identified in (d) Noise Limits;
- b) Where the limits in (d) Noise Limits exceed the Project Specific Noise Levels (as identified as 35 dB(A) in the Noise and Blasting Impact Assessment produced by Bridges Acoustic), the plan must identify how noise will be reduced over time to satisfy the PSNL;
- c) Outline a compliance monitoring program to be implemented

- within six (6) months of commencement of operation.
- d) Ongoing assessment of feasible and reasonable noise mitigation measures to seek to achieve the noise limits in (d) Noise Limitations at all times;
 - e) A system that allows for periodic assessment of best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) to minimize noise impacts over the life of the proposal;
 - f) Measures to monitor noise performance and respond to complaints;
 - g) Measures for community consultation including site contact details;
 - h) Noise monitoring, and reporting procedures.

22. Blasting

Overpressure

The overpressure level from blasting operations on the premises must not:

- a) Exceed 115dB (L in Peak) for more than 5% of the total number of blasts over a period of twelve (12) months; and
- b) Exceed 120dB (Lin Peak) at any time.

Ground Vibration (ppv)

Ground vibration peak particle velocity from the blasting operation at the premises must not:

- a) Exceed 5mm/s for more than 5% of the total number of blasts over a period of twelve (12) months; and
- b) Exceed 10mm/s at any time, when measured at any point within one (1) metre of any affected receiver.

Time of Blasting

- a) Blasting operation on the premises may only take between 9am and 5pm Monday to Saturday.
- b) The hours of operation for blasting operations specified in this condition may be varied if the DECC, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

Frequency of Blasting

- a) Blasting at the premises is limited to one (1) blast each day on which blasting is permitted.
- b) The hours of operation specified in condition 24 may be varied with written consent if the DECC is satisfied that the amenity of the residents in the locality will not be adversely affected.

23. Operating Conditions

Hours of Operation

- a) Noise generating activities are permitted during the following periods:
 - i) 7am to 4pm Monday to Friday; and
 - ii) 8am to 12pm Saturdays.

No noise generating activities are permitted on Sundays and

Public Holidays.

- b) All construction work at the premises must be conducted between 7am and 7pm Monday to Friday and between 8am and 12pm Saturdays, and at no time on Sundays and Public Holidays.
- c) The hours of operation specified in condition 24 may be varied with written consent if the DECC is satisfied that the amenity of the residents in the locality will not be adversely affected.

24. Dust

- a) Activities occurring at the premises must be carried out in a manner that will minimize emissions of dust from the premises.
- b) Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Stormwater / Sediment and Erosion Control – Construction and Operation Phases

- 25. A Soil and Water Management Plan (SWMP) must be prepared and implemented for the site. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to land and / or waters during construction and operation activities including but not limited to:**
- a) How surface runoff from adjacent un-quarried land will remain isolated and un-impacted from runoff generated from the quarry site;
 - b) How all runoff up to a five (5) – day rainfall depth of 70.0mm will be retained on site through the implementation of reuse strategies etc;
 - c) The location of any discharge points.

The SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (Blue Book).

- 26. The SWMP must be completed prior to applying to DECC for an Environment Protection Licence for the quarry, and should be submitted with the application.
- 27. The drainage of all areas on the premises with the potential to mobilize sediment must be controlled and diverted through appropriate sediment control measures / structures.
- 28. Sediment basins must be designed and maintained to capture a five (5) day rainfall depth of 70.0mm.
- 29. Natural watercourse is not permitted to be utilized for the management and treatment of sediment and erosion control on site.
- 30. **Noise**
Blast management protocol
 - a) **A Blasting / Vibration Management Protocol must be**

prepared in relation to the development and implemented. The protocol must include, but need not be limited to, the following matters:

- compliance standards;
- mitigation measures;
- remedial action;
- monitoring methods and program;
- monitoring program for flyrock distribution;
- measures to protect underground utilities (e.g.: rising mains, subsurface telecommunication and electric cables) and livestock nearby;
- notification of procedures for neighbours prior to detonation of each blast;
- measures to ensure no damage by flyrock to people, property, livestock and power lines.

31. Monitoring and recording conditions

Monitoring records

a) The results of any monitoring required to be conducted by the DECC's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions 34.

- i) All records required to be kept by the licence must be:
- in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least four (4) years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of the DECC who asks to see them.

- ii) The following records must be kept in respect of any samples required to be collected:
- the date(s) on which the sample was taken;
 - the time(s) at which the sample was collected;
 - the point at which the sample was taken; and
 - the name of the person who collected the sample.

b) Requirement to monitor concentration of pollutants discharged

For each monitoring / discharge point or utilization area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Sediment Basin Discharge Point

Pollutant	Units of measure	Frequency	Sampling Method
Total Suspended Solids	mg/L	Daily during discharge	Grab sample
Oil and Grease	mg/L	Daily during discharge	Grab sample

pH		Daily during discharge	Grab sample
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32. **Testing methods – concentration limits**
- a) **Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition 33 must be done in accordance with:**
- i) **the Approved Methods Publication; or**
 - ii) **if there is no methodology required by the Approved Methods Publication or by the general terms of approval of in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the DECC in writing before any tests are conducted; and**
 - iii) **unless otherwise expressly provided in the licence.**
33. **Blast Monitoring**
- a) **For the purpose of blast monitoring, the ground vibration or the over-pressure must be measured at receivers R3 and R5 as identified in *"Hopkins Consultants PTY LTD – Noise and Blasting Impact Assessment – Bates Quarry, Dondingalong, dated 2 September 2007 and prepared by Bridges Acoustics for Hopkins Consultant Pty Ltd.***
34. **Reporting conditions**
- a) **The applicant must provide an annual return to the DECC in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.**
35. **General Terms of Approval**
Mandatory Conditions for all DECC Licences

OPERATING CONDITIONS

36. **Licensed activities must be carried out in a competent manner.**
- a) **This includes:**
- i) **the processing, handling, movement and storage of materials and substances used to carry out the activity; and**
 - ii) **the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.**
- Maintenance of plant and equipment**
- b) **All plant and equipment installed at the premises or used in connection with the licensed activity:**

- i) must be maintained in a proper and efficient condition;
and
- ii) must be operated in a proper and efficient manner.

MONITORING AND RECORDING CONDITIONS

37. Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

- a) The record must include details of the following:
 - i) the date and time of the complaint;
 - ii) the method by which the complaint was made;
 - iii) any personal details of the complainant which were provide by the complainant or, if no such details were provided, a note to that effect;
 - iv) the nature of the complaint;
 - v) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - vi) if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least four (4) years after the complaint was made.

The record must be produced to any authorised officer of the DECC who asks to see them.

38. Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

Environment Protection Authority – NSW

This condition does not apply until three (3) months after this condition takes effect.

REPORTING CONDITIONS

39. Annual Return documents

What documents must an Annual Return contain?

- a) The licensee must complete and supply to the DECC and Annual Return in the approved form comprising:
 - i) a Statement of Compliance; and
 - ii) a Monitoring and Complaints Summary.

A copy for the form in which the Annual Return must be supplied to the DECC accompanies this licence. Before the end of each reporting period, the DECC will provide to the licensee a copy of the form that must be completed and returned to the DECC.

- 40. Period covered by Annual Return**
An Annual Return must be prepared in respect of each reporting, except as provided below
Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.
- a) Where this licence is transferred from the licensee to a new licensee:
- the transferring licensee must prepare an annual return for the periods commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.
- Note: An application to transfer a licence must be made in the approved form for this purpose.
- b) Where this licence is surrendered by the licensee or revoked by the DECC or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on
- i) in relation to the surrender of a licence – the date when notice in writing of approval of the surrender is given; or
 - ii) in relation to the revocation of the licence – the date from which notice revoking the licence operates.
- 41. Deadline for Annual Return**
The Annual Return for the reporting period must be supplied to the DECC by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').
- 42. Notification where actual load can not be calculated (Licences with assessable pollutants)**
Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of the pollutant due to circumstances beyond the licensee's control, the licensee must notify the DECC in writing as soon as practicable, and in any event not later than the due date.
- a) Notification must specify:
 - b) The assessable pollutants for which the actual load could not be calculated; and
 - c) The relevant circumstances that were beyond the control of the licensee.
- 43. Licensee must retain copy of Annual Return**
The licensee must retain a copy of the annual return supplied to the DECC for a period of at least 4 years after the annual return was due.

44. **Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary**
Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by
- (a) the licence holder; or
 - (b) by a person approved in writing by the ECC to sign on behalf to the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of the first review this licence.

45. **Notification of environmental harm**

Note: the licensee or its employees must notify the DECC of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the DECC's Pollution Line service on 131555.

The licensee must provide written details of the notification of the DECC within 7 days of the date on which the incident occurred.

46. **Written Report**

Where an authorised officer of the DECC suspects on reasonable grounds that:

- a) where this licence applies to premises, an event has occurred at the premises; or
- b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the DECC within such time as may be specified in the request.

- c) The request may require a report which include any or all of the following information:
 - i) the cause, time and duration to the event;
 - ii) the type, volume and concentration of every pollutant discharge as a result of the event;
 - iii) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
 - iv) the name, address and business hours telephone number of any other person (of whom the licensee is

- aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- v) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; (details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
 - vi) (any other relevant matters).

The DECC may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the DECC within the time specified in the request.

GENERAL CONDITIONS

- 47. Copy of the licence kept at the premises or on the vehicle or mobile plant.
 - a) A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies;
 - b) The licence must be produced to authorise officer of the DECC who asks to see it;
 - c) The licence must be available for inspection by any employee or agent of the licensee working at the premises or operation the vehicle or mobile plant.

DEPARTMENT OF PRIMARY INDUSTRIES

- 48. The operator shall provide ensure that the quarry is managed so it does not have an adverse impact of the adjoining or downstream agricultural and uses.

ROADS AND TRAFFIC AUTHORITY

- 49. The traffic generation for the project should be limited to 30 haulage trips per day.
- 50. A truck warning sign, W5-22, including a suggested distance of 200 metres should be provided on Wyrallah Road on each approach to the quarry access to be displayed during hours of operation.
- 51. The proponent is required to upgrade their access to meet Austroads figure 6.6.1 for rural property access – layout for semi-trailers.

Section 94 Contributions

- 52. Payment of a cash contribution at the rate of \$2.19 per cubic metre for 2009 / 2010 (indexed) of extracted material from Bates Quarry site towards the upgrading and maintenance of Gowings Hill Road has been determined in accordance with the current Section 94 Rural Roads Developer Contribution Plan subject to the following provisions:-
 - a) Payment is to be made within 30 days of Council's notification of the amount of the contribution payable for the specified period, and;
 - b) Submission of a return 12 months from the date of this consent and thereafter within each 12 month period,

containing sufficient documentation to establish the amount of material removed from the quarry in cubic metres. The return is to be accompanied by a Statutory Declaration stating that all the information is true and accurate record of extraction within the relevant period.

Department of Water & Energy

The following conditions have been imposed through the General Terms of Approval issued by the Department of Environment and Climate Change.

53. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to T6-08-328 and provided by Council.
- i) Site plan, map and/or surveys
 - ii) Structural design and specifications
 - iii) A Vegetation Management Plan
 - iv) Works Schedule
 - v) Erosion and Sediment Control Plan
 - vi) Soil and Water Management Plan
 - vii) Rehabilitation Plan

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the Department of Water & Energy must be notified to determine if any variations to these GTA will be required.

54. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder obtain a Controlled Activity Approval (CAA) under the Water Management Act from the Department of Water & Energy. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the to of the bank or shore of the identified.

55. The consent holder must prepare or commission the preparation of:
- i) Vegetation Rehabilitation Plan
 - ii) Erosion and Sediment Control Plan
 - iii) Soil and Water Management Plan

56. All plans must be prepared by a suitably qualified person and submitted to the Department of Water & Energy for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with Department of Water & Energy guidelines located at www.naturalresources.nsw.gov.au/water/controlled_activity.shtml
- i) Vegetation Management Plans
 - ii) Riparian Corridors

57. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and / or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the Department of Water & Energy.

58. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the Department of Water & Energy.
59. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the Department of Water & Energy as required.
60. The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to the Department of Water & Energy as and when required.
61. The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.
62. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the Department of Water & Energy.
63. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the Department of Water & Energy.
64. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the Department of Water & Energy. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
65. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.
66. The consent holder must ensure that any excavation does not result in (i) diversion of any (ii) bed or bank instability of (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the Department of Water & Energy.
67. The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the Department of Water & Energy.

68. The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the Department of Water & Energy.
69. The consent holder must establish a riparian corridor along the unnamed creek in accordance with a plan approved by the Department of Water & Energy.
70. The use of the road by haulage trucks shall be restricted to outside the hours of use by school buses.

In this regard, it will be necessary to obtain the written advice from the local school bus operator to be incorporated in the required plan of management.

A Division on this decision resulted in the following votes.

F = Voted For
A = Voted Against

Campbell	F	Green	F	Gribbin	F	Hayes	F	Saul	F	Snowsill	F
Walker	F										

Councillor Sproule returned to the Chamber.

DSDS14	MIXED USE DEVELOPMENT - 22 STRAIGHT STREET HAT HEAD
	FILE: T6-08-469 SDS {Folio No. 403489}

SUMMARY:

Reporting that Council has received an application for a mixed-use development for which objections have been received.

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

◆◆◆◆◆

2009. 492 **RESOLVED:**

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

- A. The applicant be invited to submit amended plans to reduce the height of the building to a maximum of 8.5 metres from ground level to the top of the roof.
- B. That upon receipt of suitable amended plans, which consent be issued subject to the following conditions:

Conditions of Consent

1. Development is to be in accordance with approved plans
2. Design Changes: Amended plans required

The design of the development is to be modified as set out in the following table. Amended plans and specifications incorporating the following design amendments must be incorporated in the plans and specifications submitted with the application for a Construction Certificate:

Design Amendment	Reason for Amendment
(a) Security measures are to be provided from car parking area to rear of the commercial area.	CEPTED

3. **Separate application required for signs not approved by this consent**
 Separate development consent is required from Council prior to the erection of any advertisements or advertising structures other than the sign/s, approved in this consent.
4. **Separate application required for fit out of individual tenancies**
 Separate development consent is required from Council prior to the provision of any proposed partitions, fittings, fixtures and other tenancy work unless such work is exempt development.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE FOR BUILDING WORKS

5. **Water and Sewerage Section 68 approval required**
 An approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained. This application is to include the installation of the proposed rainwater tank and any associated plumbing.
6. **Trade Waste Section 68 approval required**
 An approval under Section 68 of the Local Government Act 1993 to discharge liquid trade waste into Council's sewer must be obtained.
7. **Reticulated sewer supply**
 Prior to the issue of a Construction Certificated design details and specifications for the provision of reticulated sewer supply to the site are to be submitted for approval by the Manager of Macleay Water. The plans are to clearly detail the adequate design detail including justification of ET calculation and flows from the system, type of system and management of such system including the establishment of any required easements or restrictions and maintenance.

Although reticulated sewer system is available at the site there are problems with the supply of adequate pressure / flow to the future development therefore this advice is required to be complied with prior to the issue of the Certificate of Compliance under the Water Management Act 2000 and a Construction Certificate.

8. **On-site stormwater detention approval required**
Stormwater drainage is to be designed to direct all water to a Council approved drainage system to prevent discharge runoff onto adjoining land. On-site stormwater detention is required, restricting stormwater discharge to the pre-development runoff rate, for a 1 in 5 year storm event. The design detail is to include the following information:
- Hydraulic calculations are required demonstrating that the existing Council stormwater system has sufficient spare capacity to cater for the additional load provided by this development; and
 - The internal stormwater system should collect all flows at one point on property and then discharge to the stormwater pits and not contain seven lines crossing Council's road reserve.

This system must be designed in accordance with AS/NZS 3500.3:2003 - *Plumbing and drainage*, Part 3: Stormwater drainage. All piped drainage lines over adjoining land are to be located within drainage easements.

All costs are the responsibility of the proponent.

An approval is to be obtained under Section 68 of the Local Government Act 1993 to *carry out stormwater drainage work*.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

Engineering plans and specifications are to be submitted in triplicate and must include details in accordance with Appendix C of AS/NZS 3500.3:2003 - *Plumbing and drainage*, Part 3: Stormwater drainage.

The plans must be in compliance with Council's Adopted Engineering Standard.

9. **Consent required for works within the road reserve**
Consent from Council must be obtained for all works within the road reserve including driveway and any awnings or parts of the building that overhang Council's road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve. Such plans are to be in accordance with Council's Adopted Engineering Standard.
10. **Footpath area to be reconstructed**
The footpath area for the full street frontage (Straight Street) of the development must be paved (with materials

consistent with those in the locality). Pedestrian access from car parking area to commercial area especially for disabled access is to be provided. A full set of amended plans are required to be submitted to Council for approval. Design is to be in accordance with DCP 36 and relevant Australian Standards.

In this regard, plain concrete will only be accepted if it is the predominant material in the immediate area. Prior consent for the proposed paving must obtain from Council pursuant to Section 138 of the Roads Act 1993.

11. **Access and facilities for disabled**
The application for a Construction Certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to and within the development in accordance with AS 1428.1 - *Design for Access and Mobility* and Part D3 of the *Building Code of Australia*.

Such plans and specifications must be approved as part of the Construction Certificate.

12. **Driveway details required**
The application for a Construction Certificate is to include plans and specification that indicate vehicular access from the site boundary to the proposed car space(s). Comply with the requirements of AS/NZS 2890.1 for a domestic driveway and dimensions would be required to comply with table 2.2 and fit for the B85. Plans are to include the following items:
- a) pavement description (grades exceeding 15% must be sealed);
 - b) site conditions affecting the access;
 - c) existing and design levels;
 - d) drainage (open drains, pipes, etc.), including calculations and catchment details.

The plans must be in compliance with Council's Adopted Engineering Standard.

13. **Car parking plans required**
The application for a Construction Certificate is to include plans and specification that indicate access, parking and manoeuvring details in accordance with the plans approved by this consent. The access, parking and manoeuvring for the site is to comply with the requirements of Council's Development Control Plan for Car Parking. Plans are to include, but not be limited to, the following items:
- a) pavement description;
 - b) site conditions affecting the access;
 - c) existing and design levels;
 - d) drainage (pipes, pits, on-site detention, etc.);
 - e) Disabled space design and access paths to buildings in accordance with AS1428;

- f) a clearance height 2.2m for all internal car parking areas. Where disabled parking is to be provided a minimum clearance height of 2.5m is required. Building elements such as pipes, ducts, conduits and beams are not to encroach below the specified clearance height; and
- g) linemarking and signs.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

The plans must be in compliance with AS2890.1. Such plans and specifications must be approved as part of the Construction Certificate.

- 14. Contribution to be paid towards provision or improvement of amenities or services prior to the issue of a Construction Certificate

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

The specific public amenity or service in respect of which the condition is imposed.	The contributions plan under which the condition is imposed	Date of contributions plan
Open Space	Section 94 Contribution Plan for Outdoor Recreation	Sep 2001
S94 Administration	Project Administration	10 th Aug 2007

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

Contributions set out in the following Schedule are to be paid to Council prior to the issue of a Construction Certificate. The following contributions are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The contribution rates for specific dates are available from Council offices during office hours. Payments will only be accepted by cash or bank cheque.

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

Public amenity or service	Unit type	No. of Units	Contribution Rate (Amount per Unit)	Contribution Levied	Date until which Contribution rate is
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					applicable
Open Space	ET	0.66	\$549.00	\$362.00	30th June 2009 / 10
Sub Total				\$362.00	
Section 94 Admin	6% of total Section 94 charge applicable			\$22.00	30th June 2009 / 10
TOTAL				\$384.00	

15. **Public liability insurance cover required prior to the issue of a Construction Certificate**
The developer and / or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$10 million. Council is to be nominated as an interested party on the policy.

16. **Compliance with BASIX Certificate**
The Principal Certifying Authority (PCA) is to ensure that the proposed development is constructed in accordance with the requirements of BASIX Certificate No. 222820M, dated 10th December 2008. The Plans submitted for approval with the Construction Certificate must include all of the BASIX Certificate commitments indicated in this certificate.

Where changes to the development are proposed that may affect the water, thermal comfort or energy commitments, a new BASIX Certificate may be required.

17. **Long Service Levy to be paid**
A Long Service Levy must be paid to the Long Service Payments Corporation prior to the issue of a Construction Certificate. This amount payable is currently based on 0.35% of the cost of the work. This is a State Government Levy and is subject to change.

These payments may be made at Council's Administration Office. Cheques are to be made payable Council.

18. **Flood Planning Level for new buildings**
The plans and specifications to accompany the construction certificate application are to indicate a ground floor level of 2.1 m AHD.

The plans and specifications to accompany the construction certificate application are also to indicate the use of flood compatible materials, fixtures and power outlets where used in the building below the flood planning level. The flood compatible materials, fixtures and power outlets must be those components listed in the Australian Department of Housing and Construction "Housing in Flood Prone Areas1975".

19. **Storage facilities above floor level**
The application for a Construction Certificate is to include the plans and specifications that indicate secure storage

facilities, within the approved proposal, above the flood planning level. Such space is to be equivalent to at least one cubic metre per square metre of floor space that is subject to flooding. Such space must accommodate goods or fittings that are not flood compatible. The nominated space may be used for purposes other than storage when flooding is not expected, provided the space is readily available and can be made secure during the period of flooding.

Such plans and specifications must be approved as part of the Construction Certificate.

20. **Garbage storage area required**
The application for a Construction Certificate is to include details indicating the construction of a garbage storage area on-site. The garbage storage area is to be designed and constructed so as to conceal its contents from view from public places and adjacent properties and is to be blended into the landscaping layout. The storage area is to be located so as to be readily accessible from within the site and serviceable by the waste collector from the adjoining road.

Specifically the garbage storage area is to contain the following design elements:

- a. Bunded with a minimum volume of the bund being capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is the greatest;
- b. Provided with a hose tape connected to the water supply;
- c. Paved with impervious material;
- d. Graded and drained to the sewer system; and
- e. Roofed to prevent the entry of rainwater.

Such plans must be approved as part of the Construction Certificate.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ANY BUILDING OR CONSTRUCTION WORKS COMMENCING

21. **Erosion & sediment measures in accordance with Council's Guidelines**
Erosion and sedimentation controls are to be in place in accordance with Development Control Plan (DCP) 36.
22. **Toilet facilities**
Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet connected to a public sewer.
23. **Site construction sign required**

A sign or signs must be erected before the commencement of the work in a prominent position at the frontage to the site:

- a. showing the name, address and telephone number of the principal certifying authority for the work;
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c. stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. No sign is to have an area in excess of one (1) m².

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION

24. Construction times

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:

- Monday to Friday, from 7 am to 6 pm.
- Saturday, from 8 am to 1 pm.

No construction work is to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

25. Limiting construction noise

Construction noise is to be limited as follows:

- a. For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- b. For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

26. Construction dust suppression

All necessary works are to be undertaken to control dust pollution from the site.

These works must include, but are not limited to:

- a. restricting topsoil removal;
- b. regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;

- c. alter or cease construction work during periods of high wind;
 - d. erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

- 27. **Builders rubbish to be contained on site**
All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Building materials are to be delivered directly onto the property. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

- 29. **Removal of asbestos**
All asbestos wastes associated with demolition / renovation works are to be disposed of in accordance with the requirements of the WorkCover Authority. The applicant / owner is to produce documentary evidence that this condition has been met. Council requires 48 hours notice prior to disposal at Council's waste depot.

- 30. **Standards for demolition work**
All demolition works are to be undertaken in accordance with the provision of Australian Standard AS 2601-2001 *The Demolition of Structures*. Prior to demolition, all services are to be disconnected and capped off.

No work is to be commenced in regard to the demolition or removal of the building until such time as the appropriate fees for disconnection of water and sewerage services are paid to Council where such services are no longer required. The sewer drainage system is to be appropriately sealed to prevent ingress of water and debris into the Council's main. Arrangements are to be made with Council for the withdrawal of the garbage services and collection of the waste bins.

- 31. **Support for neighbouring buildings**
If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the adjoining building from damage;
 - b. if necessary, must underpin and support the building in an approved manner; and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land

and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land, public road or any other public place is not to be held liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the public road, any other public place or the adjoining allotment of land.

32. **Food premises fitout**
The food premises are to be fitted out to comply with the *National Code for the Construction and Fitout of Food Premises, Food Act 2003, Australia and New Zealand Food Standards Code and the Australian Standard 4674 - Design, construction and fit-out of food premises.*
33. **Wiring in flood prone buildings**
All wiring, power outlets, switches, etc., must be provided in accordance with the following requirements:
- a. To the maximum extent possible must be located above the flood planning level;
 - b. All electrical equipment installed below the flood planning level must be suitable for continuous submergence in water and must not contain fibrous components;
 - c. All electrical equipment installed below the flood planning level must be capable of disconnection by a single plug and socket assembly;
 - d. Electrical circuits to areas below the flood planning level must be separated from circuits serving areas above the flood planning level;
 - e. Only submersible-type splices are to be used below flood planning level;
 - f. All conduits located below flood planning level are to be so installed that they will be self-draining when subjected to flooding; and
 - g. Any existing wiring is to be certified by a licensed electrical contractor as compliant with current electrical standards.
34. **Design of basement car park in relation to flood risk**
Any pedestrian and vehicle exit doors in the basement car park are to be constructed to ensure that doors can be opened within the basement car park during an extreme flood. In particular the design must ensure that:
- a. the doors can be opened when there is an ingress of flood waters from all flood events up to a Probable Maximum Flood (PMF) (e.g. - the door opens away from the incoming water or in parallel with the adjacent wall.(i.e. a grilled door);
 - b. the electrical motor to open the vehicle security door to the garage is located above the PMF level); and
 - c. all doors can be opened at all times from within the basement car park (internal handles of doors to be unlocked at all times). If applicable, the doors must also comply with the relevant fire regulations.

35. **Stormwater drainage work**
Stormwater must be collected and disposed within the road reserve and must be sewer class or other approved equivalent. All drainage works are to be installed by a suitably qualified person and in accordance with the requirements of AS/NZS 3500.3:2003 - *Plumbing and drainage*, Part 3: Stormwater drainage.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO OCCUPATION OF THE BUILDING

36. **Works to be completed**
All of the works shown on the plans and granted by this consent, including any other consents that are necessary for the completion of this development, are to be completed and approved by the relevant consent authority/s prior to the issue of an Occupation Certificate.
37. **Site to be landscaped**
The site must be landscaped in accordance with the approved landscape plan.
38. **Car parking areas to be completed and signs to be provided**
The car parking areas are to be constructed in accordance with the approved plans. Signs are to be erected clearly indicating the availability of off-street parking and the location of entry / exit points, visible from both the street and the subject site.
39. **Sealed driveway in accordance with Roads Act**
A sealed driveway is to be constructed from the edge of the road formation to property boundary in accordance with the Roads Act consent.
40. **Access and facilities for persons with disabilities are to be provided**
Access and facilities for persons with disabilities are to be provided in accordance with AS 1428 - *Design for Access and Mobility*. An accessible car parking space is to be provided in the car parking area.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH AT ALL TIMES

41. **Car parking spaces are to be available for the approved use**
Tenants and customers of the development must have unrestricted access to the car parking spaces on a daily basis during business hours of the development.
- No car parking spaces are to be reserved (generally or specifically) for any tenant or customer.
42. **Goods not to be stored or displayed for sale on footpath**
No goods to be displayed for sale or stored on the footpath in front of the premises at any time without further consent of Council.

43. **Restricted hours of operation**
The hours of operation of the proposed business are restricted to the times set out in the following table:-

Period	Start Time	Finish Time
Monday to Friday	7am	7pm
Saturday	7am	7pm
Sunday	7am	7pm
Public Holiday	7am	7pm

Any alteration to the above hours of operation will require the further consent of Council.

Advice

Contributions for Water and Sewer Services prior to this issue of a Construction Certificate

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

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

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

Public service	No. of Equivalent Tenements	Contribution Rate (Amount per ET)	Contribution Levied	Date until which Contribution rate is applicable
Water	0.72	\$8,146.00	\$5,865.00	30 th June 2009
Sewer	1.23	\$6,872.00	\$8,453.00	30 th June 2009
TOTAL			\$14,318.00	

- C. That the objectors be advised of Council's decision.

A Division on this decision resulted in the following votes.

F = Voted For

A = Voted Against

Campbell	F	Green	F	Gribbin	F	Hayes	F	Saul	F	Snowsill	F
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DSS22	ROAD REPAIRS – FLOOD DAMAGE
FILE: 1291	BJM (NRN) {Folio No. 403522}

SUMMARY:

Reporting on the conditions of NDRRA funding for flood damage to Roads

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Director Shire Services Recommendation:

That Council make a determination in relation to the inclusion or exclusion of Council dedicated roads that are not currently maintained by Council for NDRRA funding applications.

2009. 493 RESOLVED:

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

- 1. That Council include those roads in the NDRRA funding applications where there has been a contribution to the roads maintenance by the adjoining land owners by way of funding or contribution to maintenance and that this has occurred within the last 5 years.**
- 2. That Council also include any roads that will not have a negative financial impact on Council's budget.**

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CONSIDERATION OF LATE REPORTS

2009. 494 RESOLVED:

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

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

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ADOPTION OF AGENDA ORDER OF BUSINESS

2009. 495 RESOLVED:

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

That the Agenda Order of Business be adopted.

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MAYORAL REPORT

MM1	GRANTS OFFICER FILE: 447 CC: 153 MAYOR CC: DPW {Folio No. 403426}
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SUMMARY:

Reporting that there are opportunities to obtain grant funds for community services.

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Mayoral Recommendation:

That an approach be made to Port Macquarie - Hastings Council for consideration of a shared appointment of a Grants Officer.

2009. 496 **RESOLVED:** *Moved: Cl. Hayes*
Seconded: Cl. Walker

That the Mayoral recommendation be adopted with the addition of:-

That any financial contribution be discussed in conjunction with the budget.

MM2	COUNTRY MAYORS ASSOCIATION FILE: 344 MAYOR {Folio No. 403427}
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SUMMARY:

Reporting that Mr Robert Pitt, Director Sustainable Development Services and I attended a meeting of the Country Mayors Association and met with the Honourable Kristina Keneally MP in Sydney on Friday 19th June 2009

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2009. 497 **RESOLVED:** *Moved: Cl. Saul*

1. That the information be noted.
2. That Council's officers review and report on various State Government funds referred to.
3. That the Minister the Hon. Kristina Keneally be thanked for her attention.

MM3	AUSTRALIAN COUNCIL OF LOCAL GOVERNMENT NATIONAL GENERAL ASSEMBLY – AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION FILE: 165 MAYOR CC: APC (NRN) {Folio No. 403428}
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SUMMARY:

Reporting on attendance at the above held at Canberra from 21st to 25th June 2009.

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Mayoral Recommendation:

1. That a report be submitted to Council on 11th August 2009 outlining:
 - . works which are eligible for consideration of the allocation of the \$253,000
 - . projects which could be submitted for consideration of the larger infrastructure program funding.
2. That the General Manager review the issues and outcomes of the Australian Council of Local Government to determine likely benefit to the Shire's community.

2009. 498 RESOLVED:

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

That the Mayoral recommendation be adopted with the addition of:-

3. That Council investigate the Global Learning Village program used in Victoria for possible implementation at South Kempsey.
4. That the Mayor be requested to expand on his comments on Climate Change on page A10 of the Mayoral Minute.

MM4	MID NORTH COAST GROUP OF COUNCILS FILE: 131 MAYOR (NRN) {Folio No. 403429}
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SUMMARY:

Reporting on attendance at a meeting at Harrington on Friday 5th June 2009

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2009. 499 RESOLVED:

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

That the information be noted.

MM5	CLOSING THE GAP FILE: 18 CC:LA31613, LA18922 MAYOR {Folio No. 403430}
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This report was dealt with earlier in the meeting just after PUBLIC FORUM.

SUMMARY:

Reporting on motions for Local Government Conference 2009

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Mayoral Recommendation:

1. That the Local Government Association be requested to support a Framework of recommendations following the North and Mid North Coast Flood Recovery Review referred to in Appendix D of report MM6.
2. That a copy of the recommendations be provided to the Shires Association of NSW through Division "A" representative Councillor Janet Hayes.
3. That a copy be provided to the Flood Plain Management Authority through Councillor Betty Green.

2009. 500 RESOLVED:

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

That the Mayoral recommendation be adopted with the addition of:-

4. That any further motions from Councillors for inclusion in the agenda for the Local Government Conference be included in the agenda for the August Council meeting for consideration.

SUMMARY:

Reporting that the Congress will be held at Mackay Queensland from 8th to 10th November 2009

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2009. 501 RESOLVED:

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

That a Councillor be appointed to attend the National Local Roads and Transport Congress 2009 at Mackay Queensland from 8th to 10th November 2009.

2009. 502 RESOLVED:

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

Councillor Gribbin be nominated to attend the National Local Roads and Transport Congress 2009 and the alternate delegate be determined by the Mayor if required.

MM8	MACLEAY STREET FREDERICKTON FILE: R MACLEAY FRE CC: R PACIFIC HWY, 118 MAYOR {Folio No. 403433}
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SUMMARY:

Reporting that Macleay Street Frederickton still has to be completed by the Roads and Traffic Authority

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MOVED:

Moved: Cl. Saul
Seconded: Cl. Snowsill

1. That representations be made to the Minister for Roads, the Hon. Michael Daley MP to have the upgrade of Macleay Street Frederickton completed prior to the proposed upgrade of the Pacific Highway.
2. That this matter be included in an agenda for a visit by Minister Daley.
3. That Mr Andrew Stoner MP Member for Oxley be invited to support Council's representation.

An AMENDMENT was MOVED:

Moved: Cl. Green
Seconded: Cl. Sproule

That Council negotiate, with the RTA, the upgrade of Macleay Street Frederickton to a suitable standard following the Highway Bypass Construction before hand over to Council.

2009. 503 RESOLVED:

Moved: Cl. Gribbin
Seconded: Cl. Hayes

That this matter be deferred to the next Council meeting with options for Council to negotiate on this road.

MM9	MAYORAL VEHICLE EXPENSES FILE: 276 MAYOR (NRN)	{Folio No. 403434}
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SUMMARY:

Reporting on the situation for the period 1st October 2008 to 30th June 2009

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Mayoral Recommendation:

That the information be noted.

2009. 504 RESOLVED:

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

1. That Council investigate all the activities which were previously Mayoral activities that have been delegated to other Councillors and that the costs be included in this report in future.
2. That a monthly report be reinstated on the Mayoral and other delegates activities for information.
3. That the Mayor be congratulated on the delegation of duties to other Councillors.

The Deputy Mayor noted that the forgoing resolution was passed UNANIMOUSLY.

MM10	WESTPAC RESCUE HELICOPTER SERVICE FILE: 131 CC:346 MAYOR	{Folio No. 403435}
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SUMMARY:

Reporting on the desirability of a base for the service within the Mid North Coast area

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Mayoral Recommendation:

1. That the practicality of an additional base for the Westpac Rescue Helicopter Service be referred to the next meeting of the Mid North Coast Group of Councils (MIDGOC).
2. That it be requested that Mr Richard Jones, General Manager, Westpac Rescue Helicopter Service, be invited to address MIDGOC.

2009. 505 RESOLVED:

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

1. That the practicality of an additional base for the Westpac Rescue Helicopter Service be referred to the next meeting of the Mid North Coast Group of Councils (MIDGOC).
2. That MIDGOC be requested to invite Mr Richard Jones, the General Manager, Westpac Rescue Helicopter Service, to address MIDGOC.

MM11	KEMPSEY TRAFFIC BRIDGE FILE: 680 MAYOR	{Folio No. 403436}
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SUMMARY:

Reporting that advice has been received concerning the condition of the Kempsey Traffic Bridge

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Mayoral Recommendation:

1. That the Minister for Roads the Hon Michael Daley MP be invited to visit Kempsey Shire
2. That Mr Andrew Stoner MP Member for Oxley be invited to support Council's representations to the Minister.

MOVED:

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

That this report be deferred to the August Council meeting and be considered in conjunction with the deferred report on Macleay Street Frederickton

2009. 506 **RESOLVED:**

Moved: Cl. Hayes

That the MOTION be PUT.

2009.507 The MOTION was PUT to the MEETING and was CARRIED.

The Deputy Mayor noted that the forgoing resolution was passed UNANIMOUSLY.

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PRESENTATION

At 10.32 a.m. Council was presented with a painting titled 'Dreamtime' by Mr John Kelly and his son Allan. The Deputy Mayor also acknowledged receipt of the Kempsey NAIDOC Award 2009 for Honouring Our Elders & Nurturing Our Youth received during the opening of the Barrunbatayi at East Kempsey Cemetery.

2009. 508 **RESOLVED:**

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

That Council include, as part of the monthly Council meeting, acknowledgement of the traditional Aboriginal Land Owners following the opening prayer and that the Council Chambers be subject of a 'smoking ceremony' at beginning of each year.

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At this stage 10.40 a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.06 a.m. all present at the adjournment were in attendance with the exception of Councillor Walker.

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NOTICE OF MOTION

NOM1	SOUTH WEST ROCKS NURSING HOME
FILE: T6-07-318	SDS {Folio No. 403437}

At this stage 11.07 a.m., Councillor Walker entered the Chambers.

2009. 509 RESOLVED: *Moved: Cl. Hayes*
Seconded: Cl. Gribbin

That a report on the status of compliance of the construction of the South West Rocks Nursing Home be provided to Council at its August 2009 meeting.

The Deputy Mayor noted that the forgoing resolution was passed UNANIMOUSLY.

NOM2	SHIRE WIDE FIRE SAFETY AUDIT
FILE: 459	BJM COPY: KRW {Folio No. 403438}

2009. 510 RESOLVED: *Moved: Cl. Hayes*
Seconded: Cl. Snowsill

That a report on the progress of the Shire Wide Fire Safety Audit, including any implications for Council, be provided to Council at its August meeting.

The Deputy Mayor noted that the forgoing resolution was passed UNANIMOUSLY.

NOM3	ADVERTISING COSTS
FILE: 53	MRB {Folio No. 403439}

2009. 511 RESOLVED: *Moved: Cl. Gribbin*
Seconded: Cl. Snowsill

A report be brought to Council at the August meeting on the amount of monies spent with Rural Press on advertising in the Macleay Argus, the Observer, and the Happenings from 1st July 2008 to the 30th June 2009 and details of Council's statutory obligations.

NOM4	COUNCILLORS ADDRESSING COUNCIL MEETING
FILE: 395	PJH {Folio No. 403440}

2009. 512 RESOLVED: *Moved: Cl. Gribbin*
Seconded: Cl. Snowsill

That Councillor's vote on whether all Councillors stand or remain seated when addressing the council or the Mayor.

2009. 513 RESOLVED:

Moved: Cl. Hayes

That Council move to the next business.

NOM5	9.00 A.M. COMMENCEMENT TIME FOR MEETINGS FILE: 335 CC: 395 PJH (NRN) {Folio No. 403441}
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MOVED:

Moved: Cl. Gribbin
Seconded: Cl. Snowsill

That all meetings where all members are Councillors commence at 9.00 a.m. on the morning of the date the meeting is nominated.

The MOTION was WITHDRAWN at the request of Councillors Gribbin and Snowsill.

NOM6	COUNCILLORS CHAIRS FILE: 213 PJH (NRN) {Folio No. 403442}
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MOVED:

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

That Council repair as a matter of urgency Councillors chairs in the Council Chamber room.

The MOTION was WITHDRAWN at the request of Councillor Gribbin.

NOM7	FINANCIAL ASSISTANCE GRANTS FILE: 238 DLR {Folio No. 403443}
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2009. 514 RESOLVED:

Moved: Cl. Green
Seconded: Cl. Snowsill

1. That the NSW Grants Commission be requested to include a greater weighting for the % of Aboriginal Population, in a given Council Area, into their financial Assistance Grants formula.
2. That this motion be forwarded to the ALGA National Assembly in 2010.
3. That this motion be forwarded to the Local Government Association for inclusion in the agenda for their annual conference.

The Deputy Mayor noted that the forgoing resolution was passed UNANIMOUSLY.

NOM8

TIMBER INDUSTRY GRANTS

FILE: 101 BJM

{Folio No. 403444}

2009. 515 **RESOLVED:**

Moved: Cl. Green
Seconded: Cl. Snowsill

1. That Council investigate becoming a member of the Timber Towns Network as this could be a source of additional road funding.
2. That this issue be placed on the agenda for the Local Government Association annual conference.

The Deputy Mayor noted that the forgoing resolution was passed **UNANIMOUSLY**.

NOM9

CONFIDENTIAL SECTION OF BUSINESS PAPER

FILE: 395 DLR (NRN)

{Folio No. 403448}

MOVED:

Moved: Cl. Hayes
Seconded: Cl. Campbell

1. That Council's confidential business paper be distributed to Councillors at the pre-meeting on the day before the Council meeting and be handed in to the General Manager at the conclusion of the pre-meeting and returned to Councillors on Council meeting day.
2. That Councillors leave the confidential section of their business paper with the staff for shredding at the close of the Council meeting.

An **AMENDMENT** was **MOVED:**

Moved: Cl. Green
Seconded: Cl. Sproule

1. That confidential papers continue to be included in the business paper.
2. That the following words be included in the motion to move into the confidential (committee of the whole) "and Councillors are again reminded of their statutory obligations in relation to the non disclosure to any outside person of matters included in this section"
3. That the confidential papers be destroyed at the end of the Council meeting.
4. That any alleged incidences of breach of confidentiality be fully investigated.

2009. 516 **RESOLVED:**

Moved: Cl. Green

That the **MOTION** be **PUT**.

2009. 517 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

A DIVISION ON THE FOREGOING DECISION RESULTED IN THE FOLLOWING;

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

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

**NOM10 "R V FRIENDLY TOWN" STATUS
FILE: 233 & 184 CC: LA2942 MAYOR {Folio No. 403457}**

2009. 518 RESOLVED: *Moved: Cl. Campbell
Seconded: Cl. Green*

That Council supports the efforts of the Kempsey Showground Trust to achieve 'R V Friendly Town' status for Kempsey.

Councillor Gribbin recorded his vote against the foregoing Resolution.

Councillor Hayes returned to the Chamber.

**NOM11 REBRANDING KEMPSEY SHIRE TO MACLEAY VALLEY
COAST COUNCIL
FILE: 129 DLR (NRN) {Folio No. 403460}**

MOVED: *Moved: Cl. Campbell
Seconded: Cl. Hayes*

That a report be prepared in conjunction with Council's restructure program on the benefit of the rebranding of Kempsey Shire Council to the Macleay Valley Coast Council.

An AMENDMENT was MOVED: *Moved: Cl. Gribbin
Seconded: Cl. Snowsill*

That this matter be deferred until the next election and be included in the voting for the Mayor as a referendum question.

The AMENDMENT was PUT to the Meeting and was LOST.

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

That this Council support the re-branding of Kempsey Shire Council to the Macleay Valley Coast Council and the necessary statutory obligations be fulfilled and any changeover be gradual with normal replacement of items that need re-branding.

2009. 519 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.

NOM12	KEMPSEY HIGHWAY BYPASS	{Folio No. 403461}
FILE: 118	MAYOR	

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

1. That Council invite representatives of the RTA, either Bob Higgins or Allan McKinnon (Project Manager), to address Council on the progress of the Bypass design.
2. That a representative of the Consultant Reviewing Flood Studies be invited to attend the address by the RTA.
3. That a representative of the Department of Planning be also invited.

2009. 520 RESOLVED: *Moved: Cl. Hayes*

That the MOTION be PUT.

2009. 521 The MOTION was PUT to the MEETING and was CARRIED.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

DSDS1	ON-SITE SEWAGE MANAGEMENT STRATEGY	{Folio No. 403463}
FILE: 257	SDS	

SUMMARY:

Reporting on the status of the On-site Sewage Management System Strategy (OSMSS) (existing systems) between the period of 1st July 2008 to 30th June 2009.

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2009. 522 RESOLVED: *Moved: Cl. Hayes*
Seconded: Cl. Green

That the information be noted.

DSDS2	BELLBROOK AND WILLAWARRIN SEPTIC SYSTEMS	{Folio No. 403471}
FILE: 802	SDS	

SUMMARY:

Reporting on the current status of domestic on-site sewage disposal in Bellbrook and Willawarrin

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2009. 523 RESOLVED:

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

That the information be noted.

DSDS3	PUBLIC HEALTH RELATED INSPECTIONS 1ST JANUARY 2009 TO 18TH JUNE 2009
FILE: 128	SDS {Folio No. 403473}

SUMMARY:

Reporting on the Public Health Inspections undertaken by Council for the six (6) month period 1st January 2009 to 30th June 2009

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2009. 524 RESOLVED:

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

That the information be noted.

DSDS4	NEW SOUTH WALES FOOD AUTHORITY - SIX MONTHLY REPORT
FILE: 196	SDS {Folio No. 403475}

SUMMARY:

Reporting on the NSW Food Authority Mandatory Food Surveillance Report 1st July 2008 to 31st December 2008.

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Director Sustainable Development Services Recommendation:

That the information be noted.

2009. 525 RESOLVED:

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

That the Director Sustainable Development Services recommendation be adopted with the addition of;

2. That an additional column be added showing the % of premises that pass inspection on the first and subsequent inspection.

That the information be noted.

2009. 528 RESOLVED:

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

That the Director Sustainable Development Services recommendation be adopted with the addition of;

2. That it be noted there are a number of legal requirements for implementing the principals of ESD.
3. That the staff be congratulated for the work they have completed to-date.

The Deputy Mayor noted that the forgoing resolution was passed UNANIMOUSLY.

DSDS9	UPDATE ON CITIES FOR CLIMATE PROTECTION PROGRAM
FILE: 1048 SDS	{Folio No. 403482}

SUMMARY:

Reporting to Council on a recent decision by the Federal Government to cease its funding of the Cities for Climate Protection (CCP) Program as of 30th June 2009 and the implications this will have on Council's completion of the Program and associated climate change mitigation works.

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Director Sustainable Development Services Recommendation:

1. That Council note the change in funding arrangements and thus the ability for ICLIE to provide the same level of support on climate change mitigation works as done so previously.
2. That Council continue its work on developing a Local Greenhouse Action Plan and associated actions to reduce energy consumption.
3. That Council participate in the CCP Partners Program for 12 months and reassess involvement after that.

2009. 529 RESOLVED:

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

That the Director Sustainable Development Services recommendation be adopted with the addition of;

4. That the staff be congratulated for achieving the milestones as outlined in the report.
5. That Council advise the Federal Government Department of Climate Change of the advantages of the work undertaken by

Council under the ICLIE program and request reversal of the withdrawal of funding from the program and the motion be submitted to the Local Government Association Conference.

DSDS10	LOCAL ADAPTATION PATHWAYS PROGRAM
FILE: 1309 SDS	{ Folio No. 403483 }

SUMMARY:

Reporting to Council that a joint grant application prepared by Nambucca, Bellingen and Kempsey Shire Councils was successful in attracting \$140,000 to develop local strategies for climate change adaptation and risk management work in each of the three (3) shires.

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Director Sustainable Development Services Recommendation:

That the information be noted.

2009. 530 **RESOLVED:** *Moved: Cl. Green
Seconded: Cl. Sproule*

That the information be noted and this joint partnership with other Mid North Coast councils be acknowledged.

DSDS11	STRATEGIC PLANNING PROGRAM
FILE: 584 SDS	{ Folio No. 403484 }

SUMMARY:

Reporting on the progress of the Strategic Planning Program for 2008 / 09

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2009. 531 **RESOLVED:** *Moved: Cl. Walker
Seconded: Cl. Hayes*

That Council note the report and endorse the recommended priorities attached to each project.

DSDS12	CONSTRUCTION OF A CLASSROOM AT THE KEMPSEY ADVENTIST SCHOOL
FILE: T6-09-97 SRR	{ Folio No. 403485 }

SUMMARY:

Reporting that Council has received an application to construct a single classroom building to replace an existing demountable classroom, for which objections have been received.

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

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2009. 532 RESOLVED:

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

- A. That the development application be approved subject to conditions:-

PARAMETERS OF THIS CONSENT

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

Plan No./ Supporting Document	Version	Prepared by	Dated
Existing Site Plan and Demolition plan	-	Kneeler Design Pty Ltd	June 2009
Proposed Site Plan	-	Kneeler Design Pty Ltd	June 2009
Proposed Floor Plan	-	Kneeler Design Pty Ltd	June 2009
Elevations	-	Kneeler Design Pty Ltd	June 2009

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

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

2. **Compliance with Building Code of Australia**
All building work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.

This condition does not apply:

- a. to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
- b. to the erection of a temporary building.

3. This consent does **not** permit commencement of any works
This consent does **not** permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE FOR BUILDING WORKS

4. Engineer's details

Engineer's details for all structural members reinforced concrete slabs and cut and fill are to be submitted to Council prior to the issue of a Construction Certificate. The engineer's details shall be prepared by qualified and experienced practicing Engineer.

5. Sediment and erosion control plan required

The application for a Construction Certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site. Control over discharge of stormwater and containment of run-off and pollutants leaving the site / premises must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins. The sediment and erosion control plan is to be designed in accordance with the requirements of the Landcom Blue Book, "Soils and Construction - Managing Urban Stormwater".

The sediment and erosion control plan is to be prepared by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

The plans must be in compliance with Council's current Council's Adopted Engineering Standard. Such plans and specifications must be approved as part of the Construction Certificate.

6. Stormwater disposal on-site

The application for a Construction Certificate is to include plans and specifications that indicate stormwater management for the site, in accordance with AS/NZS 3500.3:2003 - *Plumbing and drainage*, Part 3: Stormwater drainage. The point of disposal for stormwater is to be via an infiltration pit located on the subject property.

The infiltration area is to be designed:

- By a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field;
- With a safety factor of 2 to allow for any long-term deterioration in infiltration rate;
- To ensure that the stormwater run-off entering the infiltration area is pre-treated to remove sediment and gross pollutants;

- To ensure that the stormwater run-off from the site is restricted to a pre-development discharge rate for all storm events up to and including the 1 in 20 year storm;
- In accordance with the requirements of Landcom Blue Book, "Soils and Construction -Managing Urban Stormwater"; and
- Via percolation tests on the site in accordance with Appendix 4.1F of AS/NZS 1547:2000, *On-site Domestic-wastewater management*.

Such plans and specifications must be approved as part of the Construction Certificate.

The plans must be in compliance with Council's Adopted Engineering Standard.

7. Construction Traffic Management Plan

Consent from Council must be obtained for a traffic management plan pursuant to Section 138 of the Roads Act 1993. The plans and specifications are to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, *Traffic Control at Work Sites Version 2*, and Australian Standard 1742.3 - 1985, *Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'*.

The plan must incorporate measures to ensure that motorists using road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.

The traffic control plan must be prepared by an accredited person trained in the use of the current version of *RTA Traffic Control at Work Sites* manual (minimum certificate level Select & Modify).

8. Access and facilities for disabled

The application for a Construction Certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to and within the development in accordance with AS 1428.1 - *Design for Access and Mobility* and Part D3 of the *Building Code of Australia*.

Such plans and specifications must be approved as part of the Construction Certificate.

9. Public liability insurance cover required prior to the issue of a Construction Certificate

The developer and / or contractor must produce evidence to the Principal Certifying Authority of public liability insurance

cover for a minimum of \$10 million. Council is to be nominated as an interested party on the policy.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO ANY BUILDING OR CONSTRUCTION WORK COMMENCING

10. Public safety requirements

All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. The public liability insurance cover, for a minimum of \$10 million, is to be maintained for the duration of the construction of the development. Council is to be nominated as an interested party on the policy. Council is not held responsible for any negligence caused by the undertaking of the works.

11. Plumbing Standards and requirements

All Plumbing, Water Supply and Sewerage Works are to be installed and operated in accordance with the Local Government Act 1993, the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.

The plumber must obtain a Plumbing Permit at least two (2) working days prior to commencing work in accordance with the Local Government Act and the NSW Code of Practice for Plumbing and Drainage. The proponent must ensure the plumber has obtained a Plumbing Permit prior to commencing work on the site.

12. Erosion & sediment measures in accordance with the approved Erosion and Sediment Control Plan

Erosion and sedimentation controls are to be in place in accordance with the approved Erosion and Sediment Control Plan.

Additionally the enclosed sign, to promote the awareness of the importance of maintenance of sediment and erosion controls, is to be clearly displayed on the most prominent sediment fence or erosion control device for the duration of the project.

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

13. Trees to be protected

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

- a. with a minimum height of 1.2 metres;
- b. outside the dripline of the tree;
- c. of steel star pickets at a maximum distance of 2 metres between pickets;
- d. using a minimum of 3 strands of steel wire;
- e. to enclose the tree; and

- f. with orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter.

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

14. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a toilet connected to an accredited sewage management system approved by the Council.

15. Site construction sign required

A sign or signs must be erected before the commencement of the work in a prominent position at the frontage to the site:

- a. showing the name, address and telephone number of the principal certifying authority for the work;
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c. stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. No sign is to have an area in excess of one (1) m².

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION

16. Construction times

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:

- Monday to Friday, from 7 am to 6 pm.
- Saturday, from 8 am to 1 pm.

No construction work is to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

17. Limiting construction noise

Construction noise is to be limited as follows:

- a. For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- b. For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10

noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

18. **Construction dust suppression**
All necessary works are to be undertaken to control dust pollution from the site.

These works must include, but are not limited to:

- a. restricting topsoil removal;
- b. regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;
- c. alter or cease construction work during periods of high wind;

19. **Builders rubbish to be contained on site**
All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Building materials are to be delivered directly onto the property. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

20. **Maintenance of fencing to protect trees**
Fencing required to protect trees to be retained is to be maintained for the duration of the site clearing, preparation and construction works. During site works and construction all measures are to be taken to prevent damage to trees and other vegetation (including root systems) to be retained. Where any damage is caused to trees to be retained, remedial action must be carried out to the specifications of a tree surgeon.

No building materials or other items are to be placed or stored within the fenced off areas.

A qualified arborist experienced in tree management must be present on a full or part-time basis to advise on the maintenance of the trees for their protection for the duration of the project.

21. **Care to be taken when placing services near trees**
Where services are to be laid within the dripline of a tree all care is to be taken to manually excavate around or under any lateral structural support roots of any tree so as to minimise root disturbance.

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

23. **Burning of felled trees prohibited**

The burning of trees and associated vegetation felled during clearing operations is not permitted. Where possible, vegetation is to be mulched and reused on the site.

24. Glazing requirements

Glazing materials used in the building are to be selected in accordance with the provisions of Australian Standard AS 1288 *SAA Glass Installation Code* and must comply with the requirements of Australian Standard AS 2208 "Safety Glazing Materials for Use in Buildings (Human Impact Considerations)" as required by the Building Code of Australia.

Windows must be constructed to comply with Australian Standard AS 1288 or Australian Standard AS 2047. Written certification must be submitted to Council prior to occupation inspection to confirm that glazing selection, manufacture and installation has been completed in accordance with the relevant Australian Standards for the job specific project.

25. Responsibilities under the National Parks and Wildlife Act 1974

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

Demolition

26. Standards for demolition work

All demolition works are to be undertaken in accordance with the provision of Australian Standard AS 2601-2001 *The Demolition of Structures*. Prior to demolition, all services are to be disconnected and capped off.

No work is to be commenced in regard to the demolition or removal of the building until such time as the appropriate fees for disconnection of water and sewerage services are paid to Council where such services are no longer required. The sewer drainage system is to be appropriately sealed to prevent ingress of water and debris into the Council's main. Arrangements are to be made with Council for the withdrawal of the garbage services and collection of the waste bins.

27. Removal of asbestos

All asbestos wastes associated with demolition / renovation works are to be disposed of in accordance with the requirements of the WorkCover Authority. The applicant / owner is to produce documentary evidence that this condition has been met. Council requires 48 hours notice prior to disposal at Council's waste depot.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO OCCUPATION OF THE BUILDING

28. Works to be completed

All of the works shown on the plans and granted by this consent, including any other consents that are necessary for the completion of this development, are to be completed and approved by the relevant consent authority/s prior to the issue of an Occupation Certificate.

29. Intergraded Development Approval – Rural Fire Act 1997

The following conditions of consent have been imposed by the NSW Rural Fire Service under section 100b of the Rural Fire Act 1997:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

- a) At the commencement of building works and in perpetuity the property to the south of the Year 2 and 5 building to a distance of 70 metres, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- b) At the commencement of building works and in perpetuity the property to the east of the Year 2 and 5 building to a distance of 20 metres, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- c) At the commencement of building works and in perpetuity the property to the west of the Year 2 and 5 building to a distance of 60 metres, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- d) At the commencement of building works and in perpetuity the property to the north of the Year 2 and 5 building to a distance of 50 metres, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

- Structure and shade materials in the inner protection area shall be non-combustible or have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials'.
- New construction on the proposed Year 2 and 5 building shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 1.

Landscaping

- Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

ADVICE

Engineering plans and specifications

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

The plans must be in compliance with AS2890.1. Such plans and specifications must be approved as part of the Construction Certificate.

Clearing of native vegetation

This consent does not authorise clearing of native vegetation under the Native Vegetation Act 2003. Application for clearing of native vegetation under the Native Vegetation Act 2003 must be made to the NSW Catchment Management Authority prior to the clearing of any native vegetation.

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

A Division on this decision resulted in the following votes.

F = Voted For

A = Voted Against

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

DSDS13	PROPOSED GARAGES TO REPLACE AN EXISTING GARAGE
FILE: T6-08-201 SDS	{Folio No. 403487}

SUMMARY:

Reporting that Council has received an application for garages that are located over Council's sewer mains

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

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Director Sustainable Development Services Recommendation:

That Council allow the garage to be built over Council's sewer line any action to be at no cost to Council now or in the future.

2009. 533 **RESOLVED:** *Moved: Cl. Hayes*
Seconded: Cl. Gribbin

That the Director Sustainable Development Services recommendation be adopted with the addition of;

2. That a report be provided to Council in respect to consideration of adopting a policy regarding buildings over service lines.

A Division on this decision resulted in the following votes.

F = Voted For
A = Voted Against

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

DSDS14	MIXED USE DEVELOPMENT - 22 STRAIGHT STREET HAT HEAD
FILE: T6-08-469 SDS	{Folio No. 403489}

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

DSDS15	KEMPSEY TOWN CENTRE MASTER PLAN - CLYDE STREET MALL PROPOSAL
FILE: 369 / 1300 GHM	{Folio No. 403492}

SUMMARY:

Reporting to Council on option relating to the refurbishment of the Clyde Street Mall

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2009. 534 RESOLVED:

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

That Council endorse the recommendation of the Kempsey Town Centre Master Plan Implementation Committee to revitalise the Clyde Street Mall area.

DSDS16	BUILDING AND DEVELOPMENT
	FILE: 329 RBP

SUMMARY:

Reporting that the following applications have been approved:

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2009. 535 RESOLVED:

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

That the information be noted.

DIRECTOR SHIRE SERVICES REPORT

DSS1	REGIONAL REGULATED AREA COUNCIL GRANT
	FILE: 1301 OGM CC: APC {Folio No. 403494}

SUMMARY:

Reporting on the success of an application for a grant from Department of Environment & Climate Change (DECC) regarding assistance with setting up for the new New South Wales "waste levy" in the Rural Regulated Area (RRA) applicable from 1st July 2009.

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2009. 536 RESOLVED:

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

That the considerable work undertaken by the Landfill staff in preparation for the introduction of the Waste Levy be acknowledged.

DSS2	ESTABLISHMENT OF A STEERING COMMITTEE FOR THE IMPLEMENTATION OF BOYTERS LANE PLAYING FIELDS PROJECT - SOUTH WEST ROCKS
	FILE: 1304 MJT CC: MRB (NRN) {Folio No. 403495}

SUMMARY:

Reporting on the Boyters Lane playing fields project and the possible establishment of an implementation steering committee

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Director Shire Services Recommendation:

That Council call for expressions of interest to establish the Boyters Lane Project Implementation Committee as per the terms as set out in this report.

2009. 537 RESOLVED: *Moved: Cl. Hayes*
Seconded: Cl. Walker

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

- 2. That Councillors Gribbin and Green be delegates on the Boyters Lane Project Implementation Committee**

DSS3	RELOCATION OF BELGRAVE STREET RECYCLING STATION (TAXI RANK)	{Folio No. 403496}
	FILE: 648 OGM (NRN)	

SUMMARY:

Reporting on the investigation into the relocation of the current recycling station from the taxi rank area to the immediate southern carpark in Belgrave Street, Kempsey

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2009. 538 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Hayes

- 1. That the current recycling drop off station be relocated to the immediate south of the current site as per attached plan.**
- 2. That the extent of contamination at the new Recycling facility in Kempsey be monitored over the next six months, with a report to Council following this period concerning the retention or removal of this facility.**

DSS4	BUREAU OF METEOROLOGY WATER INFORMATION REGULATIONS 2008	{Folio No. 403497}
	FILE: 150 AMB (NRN)	

SUMMARY:

To provide an overview of Macleay Water reporting requirements under the Water Information Regulations 2008 to the Bureau of Meteorology (BOM) for the information of Council.

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2009. 539 RESOLVED: *Moved: Cl. Hayes*
Seconded: Cl. Walker

That the report be received and noted.

DSS5	BELLBROOK WATER TREATMENT PLANT STEERING COMMITTEE
	FILE: 1296 GTS {Folio No. 403498}

SUMMARY:

Reporting on the appointment of community representatives to the Bellbrook Water Treatment Plant Steering Committee

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2009. 540 RESOLVED: *Moved: Cl. Hayes*
Seconded: Cl. Green

That both nominees be appointed to the Bellbrook Water Treatment Plant Steering Committee.

DSS6	ESTABLISHMENT OF A WORKING PARTY TO FINALISE THE DRAFT PLAN OF MANAGEMENT FOR MATTYS FLAT RESERVE, SOUTH WEST ROCKS
	FILE: 1305 MJT CC:MRB (NRN) {Folio No. 403499}

SUMMARY:

A report on the Mattys Flat Draft Plan of Management (PoM) and the establishment of a working party to finalise the plan and oversee the implementation of the associated wharf and car park projects.

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Director Shire Services Recommendation:

That Council call for expressions of interest to establish the Mattys Flat Project Implementation Committee as per the terms as set out in this report.

2009. 541 RESOLVED: *Moved: Cl. Hayes*
Seconded: Cl. Green

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

2. That Councillors Gribbin and Hayes be delegates for the Mattys Flat Project Implementation Committee

DSS7	ESTABLISHMENT OF A WORKS PRIORITISATION COMMITTEE FOR TOWN IMPROVEMENT WORKS FOR HAT HEAD FILE: 1306 BJM (NRN) CC: MRB {Folio No. 403500}
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SUMMARY:

Reporting on the need to establish a Works Prioritisation Committee to develop a program of works for the expenditure of the Town Improvement Works budgetary allocation for Hat Head in the current financial year

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Director Shire Services Recommendation:

1. That Council establishes a Hat Head Works Prioritisation Committee consisting of the following members:
 - (a) Two Councillors;
 - (b) Three community members;
 - (c) Director Shire Services or nominee; and
 - (d) Director Sustainable Development Services or nominee.
2. That Council nominate Councillors for the committee.
3. That Council call for nominations from community members for the committee.

2009. 542 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Snowsill

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

That Councillors Saul and Snowsill be delegates for the Hat Head Works Prioritisation Committee

DSS8	ESTABLISHMENT OF A WORKS PRIORITISATION COMMITTEE FOR TOWN IMPROVEMENT WORKS FOR SMITHTOWN FILE: 1307 BJM (NRN) CC: MRB {Folio No. 403501}
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SUMMARY:

Reporting on the need to establish a Works Prioritisation Committee to develop a program of works for the expenditure of the proposed Town Improvement Works budgetary allocation for Smithtown in financial year 2010 / 2011

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Director Shire Services Recommendation:

1. That Council establishes a Smithtown Works Prioritisation Committee consisting of the following members:
 - (a) Two Councillors;
 - (b) Three community members;
 - (c) Director Shire Services or nominee; and
 - (d) Director Sustainable Development Services or nominee.
2. That Council nominate Councillors for the committee.
3. That Council call for nominations from community members for the committee.

2009. 543 RESOLVED:

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

1. That Council establishes a Smithtown Works Prioritisation Committee consisting of the following members:
 - (a) Three Councillors;
 - (b) Three community members;
 - (c) Director Shire Services or nominee; and
 - (d) Director Sustainable Development Services or nominee.
2. That Council nominate Councillors for the committee.
3. That Council call for nominations from community members for the committee.
4. That Councillors Saul, Sproule and Campbell be delegates on the Smithtown Works Prioritisation Committee

DSS9	CRESCENT HEAD WORKS PRIORITISATION COMMITTEE – APPOINTMENT OF COMMUNITY MEMBERS FILE: E2009-006 BJM {Folio No. 403502}
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SUMMARY:

Reporting on the establishment of the Crescent Head Works Prioritisation Committee

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Director Shire Services Recommendation:

1. That Council retain the current composition of the Crescent Head Works Prioritisation Committee.
2. That Council thank Mrs Wendy Vermeulen for her interest in the Crescent Head Works Prioritisation Committee and encourage her to nominate for the committee in the future and provide input to the committee by working with the nominated committee representatives to develop an effective works program for Crescent Head under the Town Centre Master Plan and Town Improvement Works budgetary provisions.

2009. 544 RESOLVED:

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

That Council accept the nomination of Mrs Wendy Vermeulen to serve on the Crescent Head Works Prioritisation Committee.

DSS10	NSW ROAD CLASSIFICATION REVIEW
FILE: 41 BJM CC:DPW	{Folio No. 403503}

SUMMARY:

Reporting on the outcome of the NSW Roads Classification Review

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Director Shire Services Recommendation:

1. That Council review, as a part of the Roads Hierarchy Review, the level of service provided to:
 - (a) South West Rocks Road (MR198) between Smithtown Road (MR556) at Gladstone and Plummers Lane at Jerseyville; and
 - (b) Kempsey – Armidale Road (MR75) between Bellbrook and Wollomombi.
2. That Council makes the appropriate adjustments to its assets register and reflects the revised length of local roads in the appropriate returns to the Department of Local Government.

2009. 545 RESOLVED:

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

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

3. That this report be added to the list of matters to be discussed with the Minister for Roads when he visits Council.
4. That Council express its great concern of iniquitous cost shifting which will be yet another burden on the rate payers and that the LGSA be asked to advocate on behalf of councils who find themselves so burdened.

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At this stage 1.00 p.m. the Meeting adjourned for Luncheon and upon resumption at 1.52 p.m. all present at the adjournment were in attendance.

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DSS11

ARMIDALE - KEMPSEY ROAD (MR75)

FILE: R ARMIDALE RD BJM

{Folio No. 403504}

SUMMARY:

Reporting on the damage to Armidale Road (MR75) within Armidale Dumaresq Council as a result of the May 2009 floods and the need to develop a strategic approach for the status of the road link between Armidale and Kempsey

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2009. 546 RESOLVED:

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

1. That Council support Armidale Dumaresq Council in its application for Natural Disaster Declaration for the May flood event.
2. That Council work in collaboration with Armidale Dumaresq Council to prepare a strategy for the future upgrade of the Kempsey - Armidale Road link and lobby both State and Federal Governments for the upgrade of this critical road link.
3. That Kempsey and Armidale Dumaresq Shire Councils jointly make representation to the NSW Minister for Roads concerning the outcome of the Roads Classification Review and the subsequent declassification of MR75 to a local road between Bellbrook and the intersection with Waterfall Way.

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

DSS12

PROVISION OF GARBAGE BINS – KEMPSEY SHOW

FILE: 3 BJM CC: APC, WMS

{Folio No. 403505}

SUMMARY:

Reporting on the costs for the provision of additional garbage bins in support of the Kempsey Show

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Director Shire Services Recommendation:

1. That Council agree to a donation of \$450.00 to the Kempsey Show Society for the supply of 20 bins for the Kempsey Show held on the 28th and 29th April 2009.
2. That Council advise the Kempsey Show Society that future requests for donations will not be considered if such a request is not made to Council in time for Council to consider the request prior to the event.

MOVED:

Moved: Cl. Sproule

Seconded: Cl. Campbell

1. That Council agree to a donation of \$450.00 to the Kempsey Show Society for the supply of 20 bins for the Kempsey Show held on the 28th and 29th April 2009.
2. That Council advise the Kempsey Show Society that future requests for donations will only be considered if such a request is made to Council in time for Council to consider the request prior to the event.

The MOTION was PUT to the Meeting and was LOST.

2009. 547 RESOLVED:

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

That no action be taken.

Councillor Hayes returned to the Chamber.

**DSS13 GREEN WASTE COLLECTION COSTS
FILE: T2008-001 BJM (NRN) CC: DPW {Folio No.403506}**

SUMMARY:

Reporting on the current costs for the Green Waste Collection introduced by Council on 6th April 2009

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MOVED:

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

That the information be noted.

An AMENDMENT was MOVED:

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

That the information be noted and Council record its disappointment in the results.

The AMENDMENT was PUT to the Meeting and was LOST on the Casting Vote of the Deputy Mayor.

2009. 548 The MOTION was PUT to the MEETING and was CARRIED on the Casting Vote of the Deputy Mayor.

**DSS14 WASTE COLLECTION SURVEY
FILE: T2008-001 BJM CC: APC, WMS {Folio No. 403509}**

SUMMARY:

Reporting on the outcome of the Waste Collection Survey for those rate payers who were previously receiving a fortnightly service on whether they wish to continue with the new weekly service with a 140 litre bin.

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2009. 549 RESOLVED:

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

1. That Council endorse the outcome of the Waste Collection Survey and continue with weekly mixed solid waste garbage collections for all rural areas.
2. In the event that property owners who previously had a fortnightly mixed solid waste garbage service, who have requested to have their bin size change from 140 litres to 240 litres not be charged the collection rate for the larger bin on a pro-rata basis, on the condition that a request to change the bin size back to a 140 litre bin be received by Council no later than the 21st August 2009.
3. That the fee to change the size of a bin in accordance with Council Fees and Charges apply if a property owner elects to change the size of a bin after the initial change within the first 12 months of the waste contract.

DSS15 WASTE WORKSHOP FILE: 414 CC: T2008-001, 447 BJM (NRN) {Folio No. 403511}

SUMMARY:

Reporting on the outcomes of the Waste Workshop held on 16th June 2009 to consider possible extensions to Green Waste collection zones.

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Director Shire Services Recommendation:

1. That Council progressively survey the areas considered at the waste workshop held on 16th June 2009 to determine whether the majority of property owners are in favour of a Green Waste Collection service.
2. That the results of these surveys be presented to Council as they are completed and the services be implemented in accordance with the outcome of the surveys.

2009. 550 RESOLVED:

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

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

3. That the letters received by Council on this be provided with a reply advising Council's decision.

SUMMARY:

Reporting on a proposal to conduct an inspection of Councils Road network by Councillors

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Director Shire Services Recommendation:

That Council conducts an operations inspection of selected sections of the road network and other nominated facilities on Wednesday 21st October 2009

2009. 551 **RESOLVED:**

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

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

2. Council conduct a separate inspection on 28th July commencing at 7.30 a.m. of the flood damaged roads on the Upper Macleay including two areas (Mungay Creek and Pee Dee Road) and that Councillors advise the Shire Services Coordinator by 21st July if there are any other roads they wish to have inspected.
3. That the President of the Shires Association be invited to inspect first hand the flood damage to our overall infrastructure with a view to championing our cause to government for fair compensation for damage incurred over three floods within four months.

SUMMARY:

Reporting on the need to progress with the sale of Council's Waste Disposal vehicles

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Director Shire Services Recommendation:

1. That Council proceed with the sale of the three Waste Collection vehicles.
2. That a Green Waste Service be provided to all rateable properties within the designated Green Waste collection zone and be so charged for this service in accordance with Council's Fees and

Charges, with the exception of properties managed by a Body Corporate, with these properties receiving one bin unless additional bins are requested by the Body Corporate.

MOVED:

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

That the Director Shire Services recommendation be adopted.

2009. 552 The MOTION was PUT to the MEETING and was CARRIED on the Casting Vote of the Deputy Mayor.

At this stage Councillors Hayes, Walker and Sproule lodged a Notice of Rescission in regard to the foregoing resolution.

DSS18	PROPOSED MACLEAY WATER INSPECTION TOUR
FILE: 153 CAS (NRN)	{Folio No. 403515}

SUMMARY:

Reporting on a proposal to conduct an inspection of Macleay Water's Infrastructure by Councillors

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2009. 553 **RESOLVED:**

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

That Council conduct a tour of selected items of Macleay Water's Infrastructure on Wednesday 26th August 2009.

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

DSS19	FLOOD ANNIVERSARY
FILE: 1308 BJM	{Folio No. 403516}

SUMMARY:

Reporting on a proposal to hold a ceremony as a flood awareness and community education initiative for the 60th anniversary of the 1949 flood event in Kempsey

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2009. 554 **RESOLVED:**

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

That Council support the SES in the conduct of a ceremony in recognition of the 60th anniversary of the 1949 flood.

Councillor Hayes returned to the Chamber.

DSS20 JUNE RAINFALL EVENT
FILE: 1291 CC: R Armidale Road BJM {Folio No. 403518}

SUMMARY:

Reporting on the June rainfall event experienced in the Macleay Valley.

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2009. 555 **RESOLVED:**

Moved: Cl. Green
Seconded: Cl. Campbell

That Council make representation to the Minister for Roads, Minister for Emergency Services and the local member concerning the decision not to either separately declare the June event as a natural disaster or include the damage to Armidale Road in the vicinity of Devils Nook bridge in the May declaration.

DSS21 ELBOW STREET WEST KEMPSEY 40KPH HIGH PEDESTRIAN
AREA - PARKING ARRANGEMENTS
FILE: R ELBOW ST CC: 326, 221 MJT (NRN) {Folio No403519}

SUMMARY:

Update report on the "Elbow Street 40kph High Pedestrian Area" project and the proposed changes to the car parking layout.

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2009. 556 **RESOLVED:**

Moved: Cl. Green
Seconded: Cl. Campbell

That Council endorses the centre lane parking concept design which provides additional on street parking for the West Kempsey CBD.

The Deputy Mayor noted that the forgoing resolution was passed **UNANIMOUSLY**.

DSS22 ROAD REPAIRS – FLOOD DAMAGE
FILE: 1291 BJM (NRN) {Folio No. 403522}

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

DSS23

**FLOOD DATA COLLECTION AND ANOMALIES BETWEEN
MANUAL AND AUTOMATIC RIVER GAUGE READINGS
KEMPSEY TRAFFIC BRIDGE**

FILE: 1291 BJM (NRN)

{Folio No. 403530}

SUMMARY:

Reporting on a proposal to collect and collate flood data from the recent flood events and to investigate the anomalies that are evident between the manual and automatic river height gauges at Kempsey Traffic Bridge.

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Director Shire Services Recommendation:

That the report be received and noted.

2009. 557 RESOLVED:

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

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

- 2. That Council congratulate the Director Shire Services on his handling of the flood debrief public meetings.**

The Deputy Mayor noted that the forgoing resolution was passed UNANIMOUSLY.

DSS24

DANGAR STREET – DRAINAGE ISSUE

FILE: LA827 BJM

{Folio No. 403639}

SUMMARY:

Reporting on the progress made in relation to a property located in Dangar Street West Kempsey that has a long history of stormwater inundation problems.

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Director Shire Services Recommendation:

That Council proceed, at its costs, to obtain an independent valuation of the property at 17 Dangar Street, subject to the written agreement by the current property owners for such valuation, and that Council further consider this matter after the valuation is known.

2009. 558 RESOLVED:

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

That no action be taken.

DSS26

FREDERICKTON FLOOD LEVEE - ACQUISITION OF

SUPP.

EASEMENTS

FILE: 118 BJM

{Folio No. 403652}

SUMMARY:

Reporting on a request by the RTA for Council to formally confirm whether it is agreeable to accept responsibility for the long term management of the Frederickton levee once the RTA has established suitable easements for that purpose

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2009. 559 RESOLVED:

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

That Council advises the RTA that it will consider the acceptance of the responsibility for the long term management, repair and maintenance of the Frederickton flood levee subject to:

- (a) the final design details being acceptable to Council;
- (b) provision of repair and maintenance schedules for the infrastructure; and
- (c) Council's acceptance of compensation for the financial burden associated with the long term management, repair and maintenance of the asset.

The Deputy Mayor noted that the forgoing resolution was passed **UNANIMOUSLY**.

DIRECTOR CORPORATE & COMMUNITY SERVICES REPORT

DCCS1 STATEMENT OF BANK BALANCES AS AT 30th JUNE 2009

FILE: 1028

APC (NRN)

SUMMARY:

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

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2009. 560 RESOLVED:

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

That the information be noted.

DCCS2 STATEMENT OF INVESTMENTS AS AT 30th JUNE 2009

FILE: 303

APC (NRN)

SUMMARY:

Reporting on the Statement of Investments as at 30th June 2009

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2009. 561 RESOLVED:

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

That the information be noted.

DCCS3	FLEET MANAGEMENT	{Folio No. 403531}
	FILE: 151 CAD (NRN)	

SUMMARY:

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

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2009. 562 RESOLVED:

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

That the information be noted.

DCCS4	PROGRESS OF UPGRADING HORSESHOE BAY CARAVAN PARK	{Folio No. 403532}
	FILE: LA5312 CC: 314 SJR (NRN)	

SUMMARY:

Advising Council of progress in the upgrade and improvement of the Horseshoe Bay Caravan Park

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2009. 563 RESOLVED:

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

That the progress of upgrade works be noted.

DCCS5	DEPARTMENT OF COMMUNITY SERVICES GRANT FUNDING	{Folio No. 403533}
	FILE: 619 CC: 1309 JLM	

SUMMARY:

Reporting on the successful grant application to the NSW Department of Community Services through the Area Assistance Scheme 2009 and seeking Councils approval to accept the associated Service Agreements.

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Director Corporate & Community Services Recommendation:

That the Council seal be placed on the Area Assistance Scheme Funding agreement between the NSW Department of Community Services and Council for a total of \$120,700.

2009. 564 RESOLVED:

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

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

2. That the staff be congratulated on the success of the grant application.

DCCS6	OFF STREET PARKING TO SERVICE WEST KEMPSEY CBD
FILE: 221	SJR (NRN) {Folio No. 403534}

SUMMARY:

Advising Council on efforts to identify suitable parking to service the West Kempsey CBD

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2009. 565 RESOLVED:

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

That Council monitor the impact of additional car parking spaces following completion of civil works in Elbow Street.

DCCS7	COMMUNITY SERVICES DEPARTMENT – SUCCESSFUL GRANT APPLICATIONS FOR 2009 / 10
FILE: 563	JLM (NRN) {Folio No. 403535}

SUMMARY:

Reporting on successful grant funding allocations generated through the Community Services business unit in 2008 / 09

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2009. 566 RESOLVED:

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

That the information be noted.

DCCS8	KEMPSEY AIRPORT DEVELOPMENT
FILE: 183	SJR (NRN) CC: DPW {Folio No. 403536}

SUMMARY:

Advising Council of capabilities of the Kempsey Airport as they apply to the endorsed Concept Plan for the development of the airport

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Director Corporate & Community Services Recommendation:

1. That Council formally adopt the retention of a 2C rating for the Kempsey Airport runway and proceed with the development of the Draft Concept Plan.
2. That Council allocates \$500,000 towards the development of Kempsey Airport should the funding application be successful.

2009. 567 RESOLVED: *Moved: Cl. Green
Seconded: Cl. Gribbin*

That this item be deferred until the consultant is available to allow additional information to be sought on the impacts of various building footprints on future use of the airport for aviation associated uses. (Aircraft maintenance, aeronautical engineering flying school etc.)

GENERAL MANAGER'S REPORT

GM1	OUTSTANDING REPORTS / RESOLUTIONS
FILE: 149	DLR (NRN) {Folio No. 403540}

SUMMARY:

Council's report on outstanding reports and resolutions

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2009. 568 RESOLVED: *Moved: Cl. Hayes
Seconded: Cl. Green*

That the information be noted.

GM2	WORKS PROGRAM
FILE: 153	DLR (NRN) {Folio No. 403541}

SUMMARY:

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

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2009. 569 RESOLVED: *Moved: Cl. Green
Seconded: Cl. Hayes*

That the information be noted.

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QUESTIONS WITHOUT NOTICE

2009. 570 RESOLVED:

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

That the responses to questions without notice from 9th June 2009 meeting be noted.

At this stage, 3.01 p.m., Councillor Campbell retired from the Chamber and apologised for non-attendance at the remainder of the Meeting.

COUNCILLOR A D SNOWSILL

Q1 FILE: *

Could Councillors be provided with the number of requests received at the Customer First Centre and what number of these are replied to within 30 days?

Responsible Officer KEO

The Acting Director Corporate and Community Services advised that this information is already presented to Council in a quarterly report.

Q2 FILE: *

With restaurant inspections being in the media lately does Council undertake these inspections?

Responsible Officer RBP

The Director Sustainable Development Services advised that there is a report in this agenda on such inspections and the Shire result was 92% compliance rate as per details in the report. The inspections are undertaken by Council staff.

Q3 FILE: *

A number of months ago issues were raised regarding illegal dwelling matters at Hat Head and no responses have been received?

Responsible Officer RBP

The Director Sustainable Development Services advised that this matter should be raised in the confidential session of the meeting.

Q4 FILE: *

In the vicinity of the Kempsey Hotel and Lous Café cigarette butts are being stubbed out and left in the drain. Can anything be done?

Responsible Officer RBP

The Director Sustainable Development Services advised that Council could only have the Ranger follow this up but he would have to be taken off more important work to do so.

COUNCILLOR J A SPROULE

Q1 FILE: *

In addition to circulation to KSC staff can the Draft weekly diary be circulated to Councillors?

Responsible Officer DLR

The General Manager advised this is circulated from the GM's office to Departments to add meetings which come under their office. The General Manager will review the content and distribution. The content is usually meetings and Council related events.

Q2

FILE: *

KSC has been successful in obtaining the staging of a workshop on Crime Prevention Through Environmental Design. What has been the support and scheduling?

Responsible Officer

KEO

The Acting Director Corporate and Community Services advised that Council was successful in attracting this course to Kempsey. It needs 16 people to attend and have offered places to Coffs Harbour, Port Macquarie Hastings and Nambucca Councils but haven't been able to gain enough interest as yet. The course is over 5 days and costs \$700.00. Some KSC staff have already undertaken this course.

COUNCILLOR E R WALKER

Q1

FILE: *

Can the air-conditioner in the Councillors room be inspected for OH&S compliance?

Responsible Officer

KEO

The Acting Director Corporate and Community Services advised that it will be inspected.

Q2

FILE: *

Council is holding an auction of land at 9.30am on Thursday 16 July. What lands are these?

Responsible Officer

KEO

The Acting Director Corporate and Community Services advised that these are the lands passed in at last auction including lands at Tabrett Street, Kempsey and Cyrus Saul Circuit, Frederickton.

COUNCILLOR E A CAMPBELL (questions asked by Councillor Green) – 4

Q1

FILE: *

How many graffiti kits have been distributed to date and has this strategy cleaned up significant graffiti within the Shire?

Responsible Officer

KEO

The Acting Director Corporate and Community Services advised that several kits have been distributed but not to all businesses in the CBD as they cost \$25 per kit. The kits will also be promoted under the Graffiti busters program.

Q2

FILE: *

When will the repair to the Rudder Park sign be undertaken?

Responsible Officer

BJM

The Director Shire Services will investigate.

Q3

FILE: *

What provisions have been made for highway signage and park signage for advising people of the closure times of the South Kempsey park?

Responsible Officer

KEO

The Acting Director Corporate and Community Services advised that Council has been in discussions with RTA, looking at signs advising opening hours of park for the highway and at the park and the gates won't be made operational until signage is erected.

COUNCILLOR E A GREEN

Q1

FILE: *

What is happening in relation to Eversons holding ponds?

Responsible Officer

RBP

The Director Sustainable Development Services advised that he has advised Councillors in regard to the situation in regard to requirements for an inspection to be undertaken.

Q2

FILE: *

Could we write to the Minister for Local Government expressing our concerns in the refusal of our rate increase application?

Responsible Officer

DLR

The General Manager advised that Council could do this but he would not recommend it at this stage. Suggested that Council wait until the organisational review is undertaken.

COUNCILLOR J C GRIBBIN

Q1

FILE: *

Gilbert Cory Close bitumen finishes at the corner of Marlin Drive. Is the unsealed section of Gilbert Cory Close that continues past Marlin Drive a Council road?

Responsible Officer

BJM

That Director Shire Services suggests that it is but will investigate and advise.

Q2

FILE: *

What is happening to road repairs to Plummers Lane and South West Rocks road as visitors and holiday makers are converging on Hat Head and South West Rocks for school holidays?

Responsible Officer

BJM

The Director Shire Services advised that work is being undertaken on Plummers Lane today.

Q3

FILE: *

Why has the aged home at South West Rocks gone from a three storey building to a four storey building?

Responsible Officer

RBP

The Director Sustainable Development Services will investigate.

COUNCILLOR J A C HAYES

Q1

FILE: *

Can Civic Maintenance staff check the length of Belgrave Street for rubbish that is continually left there?

Responsible Officer

BJM

The Director Shire Services advised that he will investigate but to focus staff on this area will mean other work areas are left.

COUNCILLOR D F SAUL

Q1

FILE: *

Can Macleay Water give consideration to placing the Council water meter below ground at the Hooper property at Bellimbopinni?

Responsible Officer

BJM

The Director Shire Services advised that the normal arrangement for this work to be considered is upon a request from the property owner and if undertaken would be at their expense.

Q2

FILE: *

Can Council give consideration to road maintenance for Croads Lane and Summer Island Road?

Responsible Officer BJM
The Director Shire Services will investigate.

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MOTION FOR CLOSED MEETING

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. 571 RESOLVED:

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

That 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 USE OF COUNCIL'S SEAL
CONF FILE: T6-00-442 KJW {Folio No. 403542}

Section 10A(2)(d)(ii) – Commercial Advantage on Competitor

This report is submitted on a confidential basis as it involves commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. (Local Government Act 1993, section 10A (2) (d) (ii))

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

SUMMARY:

Reporting on a request to vary a caveat's rank in priority on a certificate of title.

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

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2009. 572 RESOLVED: *Moved: Cl. Green*
Seconded: Cl. Hayes

That Councils seal be affixed to the necessary documents associated with the rank in priority of Council's Caveat on the title as requested.

A Division on this decision resulted in the following votes.

F = Voted For
A = Voted Against

Green	F	Gribbin	F	Hayes	F	Saul	F	Snowsill	F
Sproule	F	Walker	F						

DIRECTOR CORPORATE AND COMMUNITY SERVICES CONFIDENTIAL REPORT

DCCS1 SALE OF COUNCIL LAND
CONF. FILE: 840 CC:LA13211, 519 TAB {Folio No. 403544}

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

This report is submitted on a confidential basis as it involves information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. (Local Government Act 1993, section 10A(2)(c)).

On balance, the public interest in preserving the confidentiality of the commercial information supplied, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

SUMMARY:

Reporting on Council owned land parcels that could be offered for sale.

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2009. 573 RESOLVED: *Moved: Cl. Hayes
Seconded: Cl. Green*

1. That the General Manager be authorised to negotiate the sale of Lots 6 and 14, DP1676, Cameron Street, Kempsey.
2. That the Council seal be affixed to all documents relating to the sale of Lots 6 and 14, DP1676, Cameron Street, Kempsey.

GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	VARIOUS LEGAL MATTERS - CURRENT POSITION
CONF	FILE: 155 DLR (NRN) {Folio No. 403545}

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

That the information be noted.

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OPEN COUNCIL

2009. 575 RESOLVED: *Moved: Cl. Green
Seconded: Cl. Gribbin*

That the Open Council Meeting be resumed.

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BUDGET MEETING DATE

The Deputy Mayor advised that the Extraordinary Council Meeting to further consider the 2009 / 2010 budget is to be held at 9.00 a.m. on Monday 20th July 2009.

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CONCLUSION:

There being no further business, the Meeting terminated at 3.45 p.m.

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