



## **MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL**

13 July 2010 commencing at 9.00 am.

### **PRESENT:**

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

General Manager, D L Rawlings; Director Infrastructure Services, R J Scott; Director Sustainable Environment, R B Pitt; Director Community Engagement, K E Oliver; Manager Information Management and Governance, P J Hanrahan; and Minute Taker D M Pearson.

### **1 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".**

### **2 APOLOGY:**

**2010. 239 RESOLVED:** *Moved: Cl. Hayes  
Seconded: Cl. Green*

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

### **3 DECLARATIONS OF INTEREST**

**Nil**

### **4 CONSIDERATION OF CONFIDENTIAL REPORTS**

**2010. 240 RESOLVED:** *Moved: Cl. Saul  
Seconded: Cl. Green*

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

### **5 MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 8 JUNE 2010**

2010. 241 RESOLVED:

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

**That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 8 June 2010 be confirmed.**

**6 ADOPTION OF AGENDA ORDER OF BUSINESS AND CONSIDERATION OF LATE REPORTS**

2010. 242 RESOLVED:

*Moved: Cl. Bowell*

**That item MM4 and item DCCS6 be dealt with in conjunction and the remaining Agenda Order of Business be adopted and the late reports be considered in conjunction with the relevant Director's reports.**

**7 PRESENTATION**

Nil

**8 PUBLIC FORUM**

- 1 - Sarah Gambaro addressed council regarding item MM9 – Gladstone Police Station.
- 2 - Rodney Hexter addressed council regarding item GM5 – Addressing of Council Meetings by Members of the Public.
- 3 - Wayne Woods addressed council regarding item DSE3 – Dual Occupancy Belmore River.

**9 CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – REPORTS MM9, GM5 & DSE3**

2010. 243 RESOLVED:

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

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

<b>MM9</b>	<b>GLADSTONE POLICE STATION FILE: 184 DLR</b>	<b>{Folio No. 430302}</b>
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**SUMMARY:**

Reporting on community concerns over the proposed closure of the Gladstone Police Station.

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2010. 244 RESOLVED:

*Moved: Cl. Bowell  
Seconded: Cl. Green*

- 1 That Council support the community of the lower Macleay by making representations to the Minister for Police, The Hon Michael Daley MP in an endeavour to have the Police Station at Gladstone retained with a permanent Police Officer.
- 2 That Mr Andrew Stoner MP, Member for Oxley, Leader of the Nationals be requested to support Council's representations.
- 3 That the candidates seeking election to the seat of Oxley at the upcoming state election be requested to support Council's representations.

<b>GM5</b>	<b>ADDRESSING OF COUNCIL MEETINGS BY MEMBERS OF THE PUBLIC</b>	<b>{Folio No. 430332}</b>
	<b>FILE: 395 DLR (NRN)</b>	

**SUMMARY:**

A member of the community has requested that the Council allow public submissions on matters other than those contained within the business paper.

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**MOVED:**

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

**That Council place a revised Code of Meeting Practice on display which changes the provisions concerning who can address Council meetings to allow:**

- 1) A maximum of five public addresses any one meeting, including any presentations being made to Council.
- 2) That members of the public addressing a matter before the Council meeting be given priority to address Council.
- 3) That where a member of the public has addressed Council that the person not be permitted to address Council again within the three months unless with the approval of the Mayor or a resolution of Council.

**An Amendment was MOVED:**

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

**That this matter be deferred until a review is undertaken of the previous report to council on 3.2.09 (GM7) so that all matters are taken into consideration.**

**2010. 245 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.**

<b>DSE3</b>	<b>DUAL OCCUPANCY – BELMORE RIVER</b>
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**SUMMARY:**

Reporting that Council has received a Development Application for a dual occupancy at Belmore River which is contrary to Council's Flood Risk Management Policy.

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

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**Director Sustainable Environment Recommendation:**

- A** That the applicant be invited to amend the application by rendering the additions so as not to be capable of being adapted for the purposes of a separate dwelling by deletion of the laundry and kitchen, including associated plumbing.
- B** That upon receipt of the amended plans as specified, that consent be granted subject to the following conditions:

That Development Application T6-10-98 be approved subject to the plans being amended for alterations and additions to an existing dwelling with the submission of amended plans deleting the laundry and kitchen as per the conditions below:

**PARAMETERS OF THIS CONSENT**

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

Plan No./ Supporting Document	Version	Prepared by	Dated
Site Plan B	-	DEX Consulting Pty Ltd	11 / 3 / 10
Floor Plan	-	DEX Consulting Pty Ltd	11 / 3 / 10
Side Elevations	-	DEX Consulting Pty Ltd	11 / 3 / 10
Elevations B	-	DEX Consulting Pty Ltd	11 / 3 / 10

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 shall be kept on site at all times while work is being undertaken.

**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 shall be incorporated in the plans and specifications submitted with the application for a Construction Certificate:

<b>Design Amendment</b>	<b>Reason for Amendment</b>
(a) Remove from the floor plan laundry and kitchen facilities including any plumbing that would make conversion achievable.	To bring the proposal into compliance with Council's Flood Risk Management Policy

**3 Compliance with Building Code of Australia**

The proposed works must comply with the Building Code of Australia.

**4 This consent does not permit commencement of any works  
This consent does not permit commencement of any works. Works shall not 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**

**5 Structural Certificate for design – BCA**

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practicing structural engineer and in accordance with Clause A2.2 (a)(iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2 (iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

**6 Flood Planning Level for new buildings – structural certification required**

The application for a Construction Certificate is to include plans and specifications that indicate the building has been designed so that all structural members will be capable of withstanding flood forces and the impact of any flotsam (carried by floodwaters) likely to occur for a range of floods up to and including the probable maximum flood estimated for the site. (Refer to the NSW Government's Floodplain Management Manual for guidance on structural design of buildings in flood prone areas). Velocities to be adopted for the calculation of forces created by flood

waters and debris loading are to be at least three (3) times the velocities determined in Council's current Flood Management Study for a 1:100 year flood. For the purpose of this assessment the 1 in 100 year flood level may be assumed to be 4.55m AHD.

The plans and specifications are to be prepared by a suitably qualified and practising engineer. Such plans and specifications must be approved as part of the Construction Certificate.

**7 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. 303954S, dated 31 March 2010. The Plans submitted for approval with the Construction Certificate shall 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.

**8 Acid sulfate soil assessment required**

A Construction Certificate shall not be issued until an acid sulfate soil assessment has been undertaken, the assessment has been submitted to Council for approval and Council has approved any measures needed for the management of those soils. This assessment shall be in accordance with *Development Control Plan No. 30 – Acid Sulfate Soils* and the *Acid Sulfate Soil Manual (NSW ASSMAC 1998)*.

**9 Water Supply Section 68 approval required**

An approval under Section 68 of the Local Government Act 1993 to carry out water supply work shall be obtained from Council. All water design shall be endorsed by the Manager of Macleay Water.

**10 On-site sewage management facility Section 68 approval required**

Prior to the issue of a Construction Certificate, an approval under Section 68 of the Local Government Act 1993 for on-site effluent disposal shall be obtained from Council. The application is to include details and plans of the upgrading of the existing treatment unit and disposal area, allowing for the increased capacity of five (5) bedrooms. The proposal is to comply with the requirements of Australian Standard *AS 1547-2000: On-site Domestic-Wastewater Management* and any other relevant guidelines.

**11 Application for a Certificate of Compliance**

Submission of an application for a Certificate of Compliance pursuant of Section 305 of the Water Management Act 2000 and the lodgement of a Certificate

of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to the issue of the Construction Certificate.

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

**12 Date of Commencement**

Council shall be notified of the commencement of works not less than two (2) days prior to any works commencing. The two (2) day notification to Council must be in writing and specify the date of commencement.

**13 Public liability insurance**

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

**14 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) m<sup>2</sup>.

**15 Erosion and sediment measures in accordance with Councils guidelines**

Erosion and sedimentation controls are to be in place in accordance with the Council's adopted standard.

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

**16 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.

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH DURING CONSTRUCTION**

**17 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:

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

No construction work is to take place on Sundays or Public Holidays.

**18 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).

**19 Survey of building floor height required**

A survey certificate prepared by a registered surveyor is to be submitted to the Principal Certifier upon completion of the floor slab formwork, before concrete is poured, to ensure the buildings ground floor level will be constructed at or no more than 100mm above 5.05 metres AHD in accordance with the development consent.

**20 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.

**21 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.

**22 Maintenance of sediment and erosion control measures**

**Sediment and erosion control measures must be maintained at all times in accordance with Council's adopted standard until the site has been stabilised by permanent vegetation cover or hard surface.**

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

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

- 23 Water to be connected**  
Water supply shall be connected to the premises in accordance with the approval granted under Section 68 of the *Local Government Act 1993*.
- 24 Rural stormwater disposal**  
Stormwater shall be collected and disposed of in a controlled manner such that stormwater flows are:
- a clear of buildings and infrastructure;**
  - b clear of effluent disposal areas;**
  - c not concentrated so as to cause soil erosion;**
  - d not directly to a watercourse; and**
  - e not onto adjoining land.**
- 25 On-site effluent management system must be completed**  
The on-site effluent management system shall be completed in accordance with approved plans and current specifications and standards. The system shall not be used and/or operated until a Council Officer has inspected the system and authorised its use.
- 26 Fire detection and alarm system required**  
A fire detection and alarm system shall be installed and maintained within the building. Such system must comply with the Building Code of Australia (BCA) Part 3.7.2.2 requirements for a Class 1b building.
- 27 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.
- 28 Rectification of any damages**  
The final Occupation Certificate will not be issued until Council is satisfied that all infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of

any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets caused as a result of construction works under this consent.

**29. Occupation Certificate to be submitted**

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

**C That in the event the specified amended plans are not received within 14 days of Council's written request or written advice of the applicants intention to submit the amended plans, that the application be refused for the following reasons:**

- 1 The proposal is contrary to the objectives of Council's Flood Risk Management Policy which seeks to minimise potential impacts of flooding by restricting additional dwellings on flood prone land.**
- 2 The proposal is likely to create an undesirable precedent resulting in an unacceptable risk to life due to the increased demand on limited emergency services resources, due to a lack of a suitable evacuation route.**
- 3 The applicant has failed to demonstrate that a variation to Council's Policy is in the public interest, having regard to the circumstances of the case.**

**MOVED:**

*Moved: Cl. Hayes  
Seconded: Cl. Powell*

**That this matter be deferred until clarification is made and councillors are better informed.**

**The MOTION was PUT to the Meeting and was LOST.**

**MOVED:**

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

**A That consent be granted subject to the following conditions:**

**PARAMETERS OF THIS CONSENT**

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**Floodplain Management Manual for guidance on structural design of buildings in flood prone areas). Velocities to be adopted for the calculation of forces created by flood waters and debris loading are to be at least three (3) times the velocities determined in Council's current Flood Management Study for a 1:100 year flood. For the purpose of this assessment the 1 in 100 year flood level may be assumed to be 4.55m AHD.**

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

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- 27 Rectification of any damages**  
The final Occupation Certificate will not be issued until Council is satisfied that all infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc. Evidence is to be provided to Council indicating the pre development

condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets caused as a result of construction works under this consent.

28. **Occupation Certificate to be submitted**  
 An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.
- 29 **That payment of contributions be required in accordance with Council’s Section 94 and Section 64 Contribution Plans and Council’s Developer Servicing Plan.**

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

That the Director’s recommendation be adopted.

The **AMENDMENT** was **PUT** to the Meeting and was **LOST**.

A Division resulted in the following votes.

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

Bowell	<b>A</b>	Campbell	<b>A</b>	Green	<b>F</b>	Gribbin	<b>A</b>	Hayes	<b>F</b>	Saul	<b>A</b>
Snowsill	<b>A</b>	Walker	<b>A</b>								

**2010. 246 The MOTION was PUT to the MEETING and was CARRIED.**

A Division resulted in the following votes.

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

Bowell	<b>A</b>	Campbell	<b>F</b>	Green	<b>A</b>	Gribbin	<b>F</b>	Hayes	<b>A</b>	Saul	<b>F</b>
Snowsill	<b>F</b>	Walker	<b>F</b>								

**Councillor Hayes lodged a notice of rescission in relation to the forgoing resolution.**

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**10 MAYORAL MINUTE**

<b>MM1</b>	<b>LOCAL GOVERNMENT MANAGERS’ ASSOCIATION (LGMA) FORUM</b>	<b>{Folio No. 430271}</b>
	<b>FILE: 165 DLR (NRN)</b>	

**SUMMARY:**

Reporting on attendance at the annual LGMA NSW 2010 Forum held in Sydney on Monday 31 May 2010.

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**2010. 247 RESOLVED:** *Moved: Cl. Bowell  
Seconded: Cl. Walker*

**That the information be noted.**

<b>MM2</b>	<b>SHIRES ASSOCIATION OF NSW 2010 ANNUAL CONFERENCE</b>	<b>{Folio No. 430295}</b>
	<b>FILE: 152 DLR</b>	

**SUMMARY:**

Reporting on attendance at the conference held in Sydney on 1 and 2 June 2010.

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**2010. 248 RESOLVED:** *Moved: Cl. Bowell*

- 1 That the information be noted.**
- 2 That Council ratify the submission of letters to the State and Federal Ministers for Environment in respect to proposed container deposit legislation.**

<b>MM3</b>	<b>FREEDOM OF THE SHIRE NO 77 SQUADRON RAAF</b>	<b>{Folio No. 430296}</b>
	<b>FILE: 324 DLR (NRN)</b>	

**SUMMARY:**

Reporting that on 4 October 1986 Kempsey Shire Council granted the Freedom of the Shire for entry to No 77 Squadron of the Royal Australian Air Force.

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**2010. 249 RESOLVED:** *Moved: Cl. Bowell*

**That the matter be further considered when the likely involvement by Council can be determined.**

**The following items MM4 and DCCS6 were dealt with in conjunction.**

<b>MM4</b>	<b>AUSTRALIAN COUNCIL OF LOCAL GOVERNMENT (ACLG)</b>
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**SUMMARY:**

Reporting on attendance at the plenary meeting in Canberra on Friday 18 June 2010.

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**2010. 250 RESOLVED:** *Moved: Cl. Bowell*

**That the information be noted.**

<b>DCCS6</b>	<b>DEPARTMENT OF COMMUNITY SERVICES GRANT FUNDING – TRANSFER OF AUSPICE</b>
	<b>FILE: LA10867 JLM COPY: APC {Folio No. 430355}</b>

**SUMMARY:**

Seeking Council's approval to accept the transfer of auspice for funding allocated through the Area Assistance Scheme for the renovations of the Frederickton School of Arts.

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**2010. 251 RESOLVED:** *Moved: Cl. Bowell*

**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 \$28,500.**

<b>MM5</b>	<b>ONE ASSOCIATION – LOCAL GOVERNMENT NSW</b>
	<b>FILE: 152 DLR {Folio No. 430298}</b>

**SUMMARY:**

Reporting on a proposed Convention to be held to consider the recommendations of the Taskforce in Sydney on 16-17 August 2010.

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**2010. 252 RESOLVED:** *Moved: Cl. Bowell*

**That the Mayor and General Manager represent Council at the Convention to voice Council's support for One Association for Local Government NSW.**

<b>MM6</b>	<b>PACIFIC HIGHWAY TASKFORCE – FINANCIAL MEMBERSHIP</b>
	<b>FILE: 118 DLR (NRN) {Folio No. 430299}</b>

**SUMMARY:**

Reporting that Council has resolved to continue financial membership (\$1,000) of the Taskforce.

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**MOVED:**

*Moved: Cl. Bowell*

- 1 That further consideration be given to the membership of the Pacific Highway Taskforce at the August meeting of Council.**
- 2 That Council support the ongoing representations of the Local Government and Shires Associations to State and Federal Governments for increased funding for the planning and ultimate upgrading of the Pacific Highway as a matter of ongoing urgency.**

**An Amendment was MOVED:**

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

- 1. That council continue to actively support the Pacific Highway Taskforce by retaining its membership.**
- 2 That Council support the ongoing representations of the Local Government and Shires Associations to State and Federal Governments for increased funding for the planning and ultimate upgrading of the Pacific Highway as a matter of ongoing urgency.**

**The AMENDMENT was PUT to the Meeting and was LOST.**

**2010. 253 The MOTION was PUT to the MEETING and was CARRIED.**

**Councillor Hayes lodged a notice of rescission in relation to the forgoing resolution.**

<b>MM7</b>	<b>LOCAL GOVERNMENT ASSOCIATION CONFERENCE</b>
	<b>FILE: 165 MAYOR (NRN) {Folio No. 430300}</b>

**SUMMARY:**

Reporting that the Annual Conference will be held in Albury from Sunday 23 October to Wednesday 27 October 2010.

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**2010. 254 RESOLVED:**

*Moved: Cl. Bowell*

- 1 That attendance at the 2010 Annual Conference of the Local Government Association be considered on receipt of the agenda.**
- 2 That motions for submission be provided to the General Manager by 30 July 2010.**

<b>MM8</b>	<b>AUSTRALIAN LOCAL GOVERNMENT - NATIONAL GENERAL ASSEMBLY FILE: 165 DLR (NRN)</b>	<b>{Folio No. 430301}</b>
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**SUMMARY:**

Reporting on attendance at the Assembly held in Canberra Tuesday 15 June to Thursday 17 June 2010.

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**2010. 255 RESOLVED:** *Moved: Cl. Bowell*

**That Council expresses its appreciation to the work of the Australian Local Government Association in its representations to the Federal Government.**

<b>MM9</b>	<b>GLADSTONE POLICE STATION FILE: 184 DLR</b>	<b>{Folio No. 430302}</b>
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**This report was dealt with earlier in the meeting just after PUBLIC FORUM.**

<b>MM10</b>	<b>PACIFIC HIGHWAY TASKFORCE - DAY OF REMEMBRANCE FILE: 118 DLR</b>	<b>{Folio No. 430393}</b>
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**SUMMARY:**

Reporting on a proposal by the Chairman of the Taskforce that a "Day of Remembrance" be considered.

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**2010. 256 RESOLVED:** *Moved: Cl. Bowell*

- 1 That a meeting be arranged with Kempsey Lions Club, Roads and Traffic Authority and Council to consider future commemorative services at the Clybucca Memorial Garden.**
- 2 That the Chairman Pacific Highway Taskforce be advised in terms of this report.**

<b>MM11</b>	<b>MAYORAL ACTIVITIES - COUNCILLOR INVOLVEMENT FILE: 380 DLR (NRN)</b>	<b>{Folio No. 430303}</b>
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**SUMMARY:**

Reporting on activities and involvements

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**2010. 257 RESOLVED:**

***Moved: Cl. Howell***

**That the information be noted.**

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**At this stage 10.35am the Mayor introduced a new member of staff Mr Tony Green Manager Works and recorded appreciation of Mrs Megan Barber Public Relations Officer who is leaving Council this week.**

**At this stage 10.35 am the Meeting adjourned for Morning Tea and upon resumption at 10.53 am all present at the adjournment were in attendance.**

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## **11 ITEMS TABLED**

### **ITEMS TABLED FOR INFORMATION**

#### **SUMMARY:**

Reporting that the following correspondence has been received by Council and was tabled at the meeting for perusal by interested Councillors and members of the public

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- 1 - 2008-09 NSW Water Supply and Sewerage**  
Performance Monitoring Report  
File: 588 **AMB** (NRN) **{Folio No. 430304}**
- 2 - Australian Government – National Water Commission**  
National Performance Report 2008-2009 Urban Water Utilities  
File: 588 **AMB** (NRN) **{Folio No. 430305}**
- 3 - Australian Government – National Water Commission**  
National Performance Report 2007-2008 Urban Water Utilities  
File: 588 **AMB** (NRN) **{Folio No. 430306}**
- 4 - The Commissioner of the NSW Rural Fire Service**  
Rural Fire District Service Agreement – Lower North Coast Zone  
File: 207 **KEO** (NRN) **{Folio No. 430307}**

## **12 NOTICE OF MOTION**



That the information be noted.

Councillor Hayes declared a non-pecuniary non-significant interest in the following item for the reason that she is the Administrator of the Kempsey Showground Trust Committee and remained in the Chamber.

## 15 COMMITTEES

### LOCAL TRAFFIC COMMITTEE

FILE: \* \* (NRN)

{Folio No. \*}

2010. 261

RESOLVED:

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

That the minutes of the Local Traffic Committee held Wednesday 5 May 2010 be adopted.

## 16 QUESTIONS ON NOTICE

<b>COUNCILLOR J H BOWELL</b>	<b>FILE NO.</b>	<b>120</b>
<b>RESPONSIBLE OFFICER</b>	<b>KEO (NRN)</b>	<b>{Folio No. 430361}</b>
<b>Q1 Can Council be advised, by no later than the October meeting of Council, as to the proposals for the future management of and upgrading of the five caravan parks under the care, control and management of Kempsey Shire Council. Can the advice include reference to the resolutions of Mayoral Minute 3 Council 2 February 2010?</b>		
<b>RESPONSE:</b> Staff are currently negotiating with the Department of Lands over what would be offered to Council to offset a hand-over of the caravan parks currently managed by Council. It is not intended for staff to present a report on this until a position has been determined as otherwise the Council does not have full information on which to assess whether it should or should not agree to a voluntary hand-over of management of these facilities.		

<b>COUNCILLOR J C GRIBBIN</b>	<b>FILE NO.</b>	<b>924</b>
<b>RESPONSIBLE OFFICER</b>	<b>KEO (NRN)</b>	<b>{Folio No. 430362}</b>
<b>Q2 Could you please tell me how many applications we received for the following positions: - Director of Infrastructure - Director of Community Engagement - Director of Corporate Management</b>		
<b>RESPONSE:</b> This is considered a staffing matter. Sufficient quality applications were considered to have been received to allow the position recruitment to		

proceed.

<b>COUNCILLOR J C GRIBBIN</b>	<b>FILE NO.</b>	<b>151</b>
<b>RESPONSIBLE OFFICER</b>	<b>KEO (NRN)</b>	<b>{Folio No. 430361}</b>
<b>Q3 Will a log book be placed in the Camry Hybrid T6619 so that a record of the use and mileage is recorded?</b>		
<b>RESPONSE:</b> A record of the mileage and any damage on the vehicle is taken prior to the car being provided to staff and or councillors. It is not seen to provide any benefit in having a log book in the vehicle in addition to checks already taken.		

<b>COUNCILLOR J C GRIBBIN</b>	<b>FILE NO.</b>	<b>55</b>
<b>RESPONSIBLE OFFICER</b>	<b>RJS</b>	<b>{Folio No. 430365}</b>
<b>Q4 What was the cost to Council to cut down and remove the trees on the town side of the roundabout in Gregory Street at South West Rocks?</b>		
<b>RESPONSE:</b> Council obtained a number of quotations to remove the subject trees. This included removal of the tress, stump grinding and traffic control as well as isolation and removal/reinstatement of powerlines. The costs to Council of this work was approximately \$12,500.00.		

<b>COUNCILLOR J C GRIBBIN</b>	<b>FILE NO.</b>	<b>545</b>
<b>RESPONSIBLE OFFICER</b>	<b>KEO (NRN)</b>	<b>{Folio No. 430367}</b>
<b>Q5 Does this Council still retain a Skilled Engineering contractor for the purpose of outdoor work?</b>		
<b>RESPONSE:</b> Council has a number of positions that are currently filled through day hire. These positions will be filled with permanent employees in the near future.		

<b>COUNCILLOR J C GRIBBIN</b>	<b>FILE NO.</b>	<b>R.OCEAN DR</b>
<b>RESPONSIBLE OFFICER</b>	<b>RJS</b>	<b>{Folio No. 430368}</b>
<b>Q6 What progress has been made on road works including kerb and guttering in front of the heritage listed cottages in Ocean Drive, South West Rocks, to stop road water run-off damaging newly repaired foundation on these two cottages?</b>		

**RESPONSE:**

Council has completed a draft design requiring the granting of a drainage easement on the northern side of the property. As the property has a heritage listing, Council has engaged a consultant to secure an exemption pursuant to Section 57 of the Heritage Act 1977 for the laying of a drainage line. It is expected that this process may take 6 months at which time Council can commence the road and drainage works. The project has been listed as part of the South West Rocks Masterplan Schedule of Works but is not listed in the current priorities for funding.

<b>COUNCILLOR D F SAUL</b>	<b>FILE NO.</b>	<b>55</b>
<b>RESPONSIBLE OFFICER</b>	<b>RJS</b>	<b>{Folio No. 430369}</b>

**Q7 The Coral Trees that have been cleared from Smithtown Road in 2009 and are now stacked into piles are considered Flood Debris by many adjoining landholders. Many of the former trees were on Council land and the remainder were on the Sutherland property. Has Council a commitment from the owner to remove or bury the trees that are still stockpiled on his land, will he be asked to remove them before another flood event?**

**RESPONSE:**

Council originally had arranged with the affected property owner to cut down the trees and create piles ready for burning. The property owner was then going to arrange for burning at an appropriate time.

Council works staff will make contact again with the property owner to follow-up on completion of this work. It is also timely for Council to treat any regrowth from the remaining stumps.

<b>COUNCILLOR D F SAUL</b>	<b>FILE NO.</b>	<b>FM522</b>
<b>RESPONSIBLE OFFICER</b>	<b>RJS</b>	<b>{Folio No. 430370}</b>

**Q8 Council has undertaken flood mitigation works on the levee bank near Two Hills Lane at Seven Oaks. It appears that the levee bank from Two Hills Lane to the Automatic River Height Gauge at Seven Oaks has been lowered. Is this correct? If so, when will the levee be again raised to the previous height that has been in place for many years?**

**RESPONSE:**

Council has undertaken bank protection works in this area involving the use of rock to stabilise areas of erosion. There has been no effective change to the levy height. The levy bank in this area is believed to be built around a former concrete wall which effectively sets the permanent level.

There was some disturbance of the ground surface associated with these works and Council staff will complete redressing of the surface in the near future.

<b>COUNCILLOR D F SAUL</b>		<b>FILE NO.</b>	<b>183</b>
<b>RESPONSIBLE OFFICER</b>	<b>SDS</b>	<b>{Folio No. 430371}</b>	
<p><b>Q9 Brindabella Airlines in Canberra are scheduled to close their flight training school in September. The closure means that existing students now have to travel to Sydney or elsewhere to study. Could Council contact Brindabella Airlines and consider offering the Aldavilla Airport as a possible training flight school?</b></p>			
<p><b>RESPONSE:</b> It will be referred to the Economic Development Office to follow-up.</p>			

<b>COUNCILLOR E A GREEN</b>		<b>FILE NO.</b>	<b>91</b>
<b>RESPONSIBLE OFFICER</b>	<b>RJS</b>	<b>{Folio No. 430372}</b>	
<p><b>Q10 Would the General Manager advise if Kempsey Shire Council still receives funding from the RTA for the maintenance of the Pacific Highway verges? If so how much do we receive and what are the requirements and obligations of Council? If not when did the funding cease and who is funding the work currently carried out by Council?</b></p>			
<p><b>RESPONSE:</b> Council has received a schedule of works from the RTA for our annual maintenance of the highway roadside vegetation. The total value of the agreement is \$13,550.00.</p> <p>Payment will be forthcoming in the next monthly claims lodged by Council with the RTA.</p>			

<b>COUNCILLOR E A GREEN</b>		<b>FILE NO.</b>	<b>149</b>
<b>RESPONSIBLE OFFICER</b>	<b>SDS</b>	<b>{Folio No. 430373}</b>	
<p><b>Q11 Would the General Manager have sustainable development advise Council on what is happening in relation to the derelict buildings and rubbish accumulating on sites throughout the Shire. Specifically the corner of Great North Road and Pacific Highway Frederickton, The old service station site on the North side of Smith Street , the old Mobile Petroleum site in Belgrave Street near the railway crossing and the Fire site near the Caltex service station in Belgrave Street.</b></p>			
<p><b>RESPONSE:</b> The General Manager will advise.</p>			

<b>COUNCILLOR E A GREEN</b>		<b>FILE NO.</b>	<b>LA13872</b>
<b>RESPONSIBLE OFFICER</b>	<b>KEO</b>	<b>{Folio No. 430374}</b>	
<p><b>Q12 Would the General Manager advise what is the status of the</b></p>			



**MOVED:**

*Moved: Cl. Howell  
Seconded: Cl. Saul*

**That attendance at conferences be considered based on the agenda and the number councillors to attend be based on available resources.**

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**WORKSHOP**

**2010. 264**

**RESOLVED:**

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

**That Council move into workshop to allow discussion in open Council on this report.**

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**MOTION TO RESUME COUNCIL MEETING**

**2010. 265**

**RESOLVED:**

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

**That the formal Council meeting be resumed.**

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**At this stage Councillors Howell and Saul withdrew the previous motion.**

**MOVED:**

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

**That in accordance with the previous resolution from the 9.3.10 Council meeting (NOM1), Councillors feedback to the General Manager, within the week, conferences on the list they believe to be of value and the number of Councillors to attend.**

**An Amendment was MOVED:**

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

**That each conference be determined by Council on its merits prior to approval being given.**

**The AMENDMENT was PUT to the Meeting and was LOST.**

**2010. 266**

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

**Councillors Saul and Walker recorded their votes against the foregoing Resolution.**

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**SUMMARY:**

A review of the various committees and how they fit within the new structure of Community Engagement adopted by the Council has been undertaken. It is important that the various processes the Council uses align and complement each other.

The objective of the forums is to have mechanisms where the community can come and express their opinions on the activities and plans for the area. The purpose of committees needs to be examined to assist in gaining a good understanding of how best to structure the needs of the Council and to fit in with other community engagement.

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**2010. 267 RESOLVED:**

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

**A That Council retain the following committees:**

- 1 Australia Day Committee**
  - a Function being:**
    - i To determine the recipients of award honours for the community.**
    - ii Review overview of what activities are to be undertaken as part of the Council's Australia Day activities.**
  - b Membership consist of:**
    - i Three councillors (existing councillors to be reappointed)**
    - ii Rotary Clubs within the Local Government Area (LGA) to appoint one representative.**
    - iii Lions Clubs within the LGA to appoint one representative.**
    - iv Country Women's Associations within the Local Government Area (LGA) to appoint one representative.**
    - v Last awarded Citizen of the Year.**
    - vi Last awarded Young Citizen of the Year.**
    - vii Nominee from DALMA**
    - viii Nominee from SPADCO**
    - ix Nominee from Crescent Head Chamber of Commerce**
    - x Nominee from South West Rocks Chamber of Commerce**
    - xi Nominees from Kempsey Chamber of Commerce.**
  - c That the committee have delegated authority to award members of the community with Australia Day related honours.**
- 2 Bellbrook Water Treatment Plant Steering Committee**
  - a Function being to provide reporting to the funding partners on the progress of installation of the water**

- treatment works.
  - b Membership to consist of:
    - i Two councillors (existing councillors to be reappointed)
    - ii NSW Department of Water nominee
  - c That the committee have no delegated authority.
  - d That the committee be disbanded once the requirements of the grant funding have been satisfactorily met.
- 3 Community Development and Support Expenditure Committee**
- a Function being to allocate funds provided by local service clubs for distribution to the community.
  - b Membership to consist of:
    - i Mayor
    - ii Kempsey Macleay RSL Club
    - iii South West Rocks Country Club
    - iv Crescent Head Country Club
    - v Kempsey Heights Bowling Club
  - c That the committee have delegated authority to allocate the funds provided to Kempsey Shire Council from the local service clubs for distribution.
- 4 General Manager's Performance Review Committee**
- a Function being to review the performance of the General Manager in meeting his requirements under the contract of employment.
  - b Membership to consist of all councillors.
  - c That the committee have delegated authority to determine the performance and conditions of the General Manager's employment.
- 5 Works Committee**
- a Function being to undertake on site inspections of matters before council as required.
  - b Membership to consist of all councillors.
  - c That the committee have the full delegated authority of Council.
- 6 Public Facility Management Committees as follows:**
- a To manage Public Buildings
    - i Kempsey Community Gallery Committee
    - ii Bellbrook Hall Committee
    - iii Crescent Head Hall Committee
    - iv Millbank Hall Committee
    - v Stuarts Point Community Hall Committee
    - vi Sherwood Hall Committee
    - vii SWR School of Arts and Community Hall Committee
    - viii Gladstone Youth and Community Hall Committee
    - ix Smithtown Hall Committee
    - x Willawarrin Hall Committee
    - xi Frederickton Hall Committee
  - b To manage Tennis Courts
    - i Gladstone Tennis Club
    - ii Hat Head Tennis Club
    - iii South Kempsey Tennis Club
    - iv Stuart's Point & District Tennis Club

- v Willawarrin Tennis Club
- vi Kempsey Tennis Club
- vii Bellbrook Tennis Club
- c That the committees' membership to remain as was previously in place.
- d That the committees have delegated authority to undertake day-to-day management and operation of the building or facility and associated land.

**B That Council retain Kempsey District Silver Band as a committee of Council until discussions have been held on the appropriate format of arrangements.**

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**At this stage, 12.30 pm, Councillor Snowsill retired from the Chamber and apologised for non-attendance at the remainder of the Meeting.**

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<b>GM5</b>	<b>ADDRESSING OF COUNCIL MEETINGS BY MEMBERS OF THE PUBLIC</b>	
	<b>FILE: 395 DLR (NRN)</b>	<b>{Folio No. 430332}</b>

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

<b>GM6</b>	<b>MEMORANDUM OF UNDERSTANDING - AIRPORT</b>	
	<b>FILE: 183 DLR</b>	<b>{Folio No. 430334}</b>

**SUMMARY:**

Port Macquarie-Hastings Council has sought to enter into a Memorandum of Understanding (MoU) in relation to future development of the two Airports. Overall this is seen as a good step as it provides clarity as to the directions the two councils are moving in.

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**2010. 268 RESOLVED:** ***Moved: Cl. Green***  
***Seconded: Cl. Campbell***

**That Council enter into a memorandum of understanding with Port Macquarie-Hastings Council outlining an alliance over the future development of air services within the two local government areas.**

**Councillor Campbell declared a non-pecuniary and non-significant interest in the following item for the reason that she is a member of the Kempsey Chamber of Commerce Executive Committee and remained in the Chamber.**

**GM7**

**ERECTION OF FLAG POLES**

**FILE: 592**

**DLR**

**{Folio No. 430394}**

**SUMMARY:**

Council has had a couple of requests to have flagpoles erected. As they are in highly visible spots the approval of Council is sought.

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**2010. 269 RESOLVED:**

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

- 1 That Council allow, in principle, the erection of flag poles in Crescent Head, on Pacific Street and Remembrance Park, East Kempsey.**
- 2. That the old banners that were erected at least eight years ago be removed as soon as possible.**

**DIRECTOR SUSTAINABLE ENVIRONMENT REPORTS**

**DSE1**

**INSTALLATION OF SOLAR PANELS ON COUNCIL BUILDINGS**

**FILE: 707 NDH (NRN)**

**{Folio No. 430335}**

**SUMMARY:**

Reporting on the costs of installing solar photovoltaic panels on Council buildings.

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**2010. 270 RESOLVED:**

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

- 1 That Council defers a decision on installing solar PV systems until it receives advice from the LGSA as to whether it is eligible under the NSW Solar Bonus Scheme.**
- 2 That Council contact Coffs Harbour City Council for their experience with this matter.**
- 3 That upon receipt of advice from the LGSA, a further report be presented to Council to determine whether to include the installation of solar PV system in its list of funding priorities.**

**DSE2**

**PART 3A APPLICATION FOR A PROPOSED REGIONAL LANDFILL FACILITY IN THE ARMIDALE-DUMARESQ LOCAL GOVERNMENT AREA**

**FILE: 333 RFK**

**{Folio No. 430336}**

**SUMMARY:**

Reporting to Council on consideration of the Environmental Assessment for a proposed regional landfill facility in the Armidale-Dumaresq Local Government Area (LGA).

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**2010. 271 RESOLVED:** *Moved: Cl. Hayes  
Seconded: Cl. Saul*

- 1 That Council endorse a submission to the Department of Planning that it raises no objections to the Part 3A Application provided all mitigation and management measures are employed.**
- 2 That Armidale-Dumaresq Council be invited to make a presentation at Kempsey Council on the landfill facility at a time convenient to them.**

<b>DSE3</b>	<b>DUAL OCCUPANCY – BELMORE RIVER</b>	
	<b>FILE: T6-10-98 SRR</b>	<b>{Folio No. 430338}</b>

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

<b>DSE4</b>	<b>SECTION 94 DEVELOPER CONTRIBUTIONS</b>	
	<b>FILE: 556 RBP/BP</b>	<b>{Folio No. 430339}</b>

**SUMMARY:**

This Report provides details of the outcomes of the public exhibition of the Draft Kempsey Town Centre Public Domain Infrastructure Developer Contribution Plan 2010 and whereby no objections were received.

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**2010. 272 RESOLVED:** *Moved: Cl. Hayes  
Seconded: Cl. Campbell*

**That Council adopt the Draft Kempsey Town Centre Public Domain Infrastructure Developer Contribution Plan 2010 and give public notification of its adoption.**

<b>DSE5</b>	<b>BUILDING AND DEVELOPMENT</b>	
	<b>FILE: 329 RBP</b>	

**SUMMARY:**

Reporting that the following applications have been approved:

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2010. 273 RESOLVED:

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

That the information be noted.

**DIRECTOR INFRASTRUCTURE SERVICES**

<b>DIS1</b>	<b>TIMBER BRIDGE REPLACEMENT PROGRAM – LAND AND EASEMENT ACQUISITIONS AT NULLA NULLA. FILE:LA19719 CC:61 IJR CC:APC {Folio No. 430341}</b>
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**SUMMARY:**

A report recommending the payment of compensation for the acquisition of land and an easement required as part of the Timber Bridge Replacement Program.

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2010. 274 RESOLVED:

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

- 1 That compensation in the amount of \$4,200 (GST exclusive) be paid to the owner of Lot 51 DP849467 for the acquisition of that part of Lot 51 DP849467 more particularly described as Lot 2 DP1149358 and easement for transmission of electricity marked (A) in DP1149358.
- 2 That the Common Seal of Council be affixed to:
  - a Deed of Acquisition/Contract for the Sale of land
  - b Land and Property Information Transfer Form
- 3 That on acquisition, Lot 2 DP1149358 be dedicated as public road.

<b>DIS2</b>	<b>CEDAR TREES – SMITH STREET, KEMPSEY FILE: 55 RJS (NRN) {Folio No. 430342}</b>
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**SUMMARY:**

To consider the results of investigations into the decline of the Cedar street trees in Smith Street, Kempsey.

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2010. 275 RESOLVED:

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

That no further action be taken, at this time, with the issue of street tree planting in Smith Street to be included in the Pacific Highway



- 5 That pursuant to Section 377 of the Local Government Act 1993, the General Manager be delegated authority to sign licences for the purposes described in this report.

<b>DIS5</b>	<b>BELLBROOK WATER TREATMENT PLANT</b>
<b>FILE: LA 22187 IJR (NRN)</b>	<b>{Folio No. 430346}</b>

**SUMMARY:**

A report to adopt the land classification for the new Bellbrook Water Treatment Plant.

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**2010. 278 RESOLVED:** *Moved: Cl. Campbell  
Seconded: Cl. Hayes*

That Lot 1 Deposited Plan 1142733 (Main Street, Bellbrook) be classified as operational land.

<b>DIS6</b>	<b>ALDAVILLA (SHERWOOD ROAD) ENVIRONMENTAL IMPROVEMENT PRECINCT - EFFLUENT MANAGEMENT SYSTEM (PILOT PLANT)</b>
<b>FILE: 223 AMB (NRN)</b>	<b>{Folio No. 430347}</b>

**SUMMARY:**

Reporting on the provision of the effluent management system (pilot plant) for the Aldavilla (Sherwood Road) Environmental Improvement Precinct.

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**2010. 279 RESOLVED:** *Moved: Cl. Hayes  
Seconded: Cl. Campbell*

- 1 That the information be noted.
- 2 That the Council staff involved be commended for their innovative approach to achieve a sustainable outcome for this community.

<b>DIS7</b>	<b>NSW WATER SUPPLY AND SEWERAGE PERFORMANCE MONITORING REPORT 2008-09</b>
<b>FILE: 588 AMB (NRN)</b>	<b>{Folio No. 430349}</b>

**SUMMARY:**

Reporting Council's water utility benchmarking results for 2008-09.

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2010. 280 RESOLVED:

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

That the report be received and noted.

<b>DIS8</b>	<b>KEMPSEY BYPASS – EXTENSION OF EXISTING B-DOUBLE ROUTE FILE: 4 COPY:118, R.OLD STATION, 1291 RJS {Folio No. 430350}</b>
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**SUMMARY:**

Since preparation of the original report Council staff have identified and confirmed further information in relation to existing B-Double routes and met with the KBA regarding the impact on the existing road network.

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2010. 281 RESOLVED:

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

- 1 That Council reject an application to include local roads in East Kempsey in a B-Double route.
- 2 That Council approve extension of the existing B-Double route along South West Rocks Road from house number 1052 to Old Station Road as proposed in the addendum to the report, following completion of remedial works to Barnetts Lagoon Bridge (or confirmation of the structural adequacy).
- 3 That approval be granted for extension of B-Double routes over Old Station Road as proposed in the report
- 4 That Council continue discussions with the KBA regarding, the impact of the project upon Council's infrastructure, traffic and dust issues already of concern to many residents.

**DIRECTOR CORPORATE & COMMUNITY SERVICES REPORTS**

<b>DCCS1</b>	<b>STATEMENT OF BANK BALANCES AS AT 30 JUNE 2010 FILE: 1028 APC (NRN)</b>
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**SUMMARY:**

Reporting on the statement of bank balances as at 30 June 2010.

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2010. 282 RESOLVED:

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

That the information be noted.



**SUMMARY:**

Reporting on applications received from community based organisations for Kempsey Shire Council's Community Grants Program – 2010-11 allocations.

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**2010. 286 RESOLVED:**

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

- 1 That the following community organisations be notified that their grant application applied for through Council's Community Grants Program policy (C21:7) has been approved by Council for the following amounts for the 2010-11 financial year:**

Riding for the Disabled Association	\$ 2,000
Mission Australia	\$ 1,000
South West Rocks Scout Group	\$ 2,000
Kempsey Legacy	\$ 500
Kempsey Saints Football Club	\$ 1,400
<b><u>Existing commitments</u></b>	
SPADCO – Yarrahappini Festival	\$ 1,500
22 Schools @ \$50 each	\$ 1,100
<b>TOTAL</b>	<b>\$ 9,500</b>

- 2 That the following community organisations be notified that their grant applicants applied for through Council's Community Grants Program policy (C21:7) has been unsuccessful for the 2010-11 financial year:**

Kempsey Macleay Dragon Boat Club	\$ 2,000
Kempsey South Public School	\$ 2,000
South West Rocks Chamber of Commerce	\$ 2,500
Goorie Galbans Aboriginal Corporations	\$10,909
Kempsey Macleay Off Road Cyclists	\$ 500
Kempsey TAFE	\$ 2,160
Hat Head Tennis Club Inc	\$ 1,892
Lions Club of Crescent Head	\$ 2,000
Macleay Options	\$ 4,870
Kempsey PC/YC	\$ 4,300
Marine Rescue Trial Bay	\$ 2,200
	<b>\$35,331</b>

This report was dealt with earlier in the meeting just after MM4.

**DCCS7**

**REVIEW OF CODE OF MEETING PRACTICE**

**FILE: 395**

**PJH (NRN)**

**{Folio No. 430357}**

**SUMMARY:**

Reporting that the Draft Code of Meeting Practice has been placed on public exhibition for 28 days and can now be adopted.

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**2010. 287 RESOLVED:**

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

**That this matter be deferred until the next meeting and clarification be sought on clause 2.12(2) of the draft code.**

**DCCS8**

**RURAL FIRE DISTRICT SERVICE LEVEL AGREEMENT**

**FILE: 207 KEO COPY: APC**

**{Folio No. 430358}**

**SUMMARY:**

Reporting on the renewal of the Rural Fire District Service Level Agreement – Lower North Coast Zone 2010, and the need for Council to affix its seal to documents.

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**2010. 288 RESOLVED:**

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

- 1 That the Mayor and the General Manager be authorised to sign the Bush Fire District Service Agreement, Lower North Coast Zone.**
- 2 That Council's seal be affixed to the Service Agreement.**
- 3 That the Councillor delegate to the Lower North Coast Zone Liaison Committee be determined.**
- 4 That Councillor Saul continue to be Council's delegate on this committee.**

**DCCS9**

**GRANT FUNDS**

**FILE: 101 KEO COPY: APC**

**{Folio No. 430359}**

**SUMMARY:**

Reporting on grant funding opportunities and the proposal to submit the Clyde Street Mall refurbishment project for grant funding.

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2010. 289 RESOLVED:

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

- 1 That an application be submitted to the NSW Government Community Partnerships Funding for \$300,000 that will be matched by Council from s94 funds for the mall refurbishment project.
- 2 That an application be made to the Regional and Local Community Infrastructure Program to utilise the \$234,000 allocated to Kempsey for the Clyde Street Mall Kempsey Public Domain Project.

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#### MOTION FOR CONFIDENTIAL SESSION

2010. 290 RESOLVED:

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

That Council form itself into the Confidential Session, and at this stage, the meeting be closed to the public to permit discussion of the confidential business items listed for the reasons as stated in the Agenda.

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#### GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	VARIOUS LEGAL MATTERS - CURRENT POSITION
CONF	FILE:155 {Folio No. 430375}

#### 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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2010. 291 RESOLVED:

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

**That the information be noted.**

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**OPEN COUNCIL**

**2010. 292 RESOLVED:**

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

**That the Open Council Meeting be resumed.**

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**CONCLUSION:**

There being no further business, the Meeting terminated at 1.08 pm.

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