



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 10th June 2003 commencing at 9.05am.

PRESENT:

Councillors J A C Hayes, (Mayor and Chairman), J H Bowell, R J Bowen, T Hunt, B R Sowter and J Sproule.

Councillor N Joukhadar entered the Chambers at 9.54am.

General Manager, A V Burgess; Director Engineering, K J Finnie; Director Environmental Services, B W Casselden; Director Corporate and Community Services, T I Hannam; Director Business Enterprises, G B Snape, Pat Hanrahan and Donna Pearson.



APOLOGY:

2003. 498

RESOLVED:

Moved: Cl. Hunt
Seconded: Cl. Sowter

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



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 13TH MAY 2003

2003. 499

RESOLVED:

Moved: Cl. Hunt
Seconded: Cl. Sproule

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 13th May 2003, be adopted.



MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 12TH MAY 2003

2003. 500

RESOLVED:

Moved: Cl. Hunt
Seconded: Cl. Bowen

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 12th May 2003, be adopted.



PUBLIC FORUM

- 1 - Mr Craig Akhurst addressed Council regarding proposed Dual Occupancy DES2 (p. G8) Lot31 DP 1012656 Peter Marks Circuit, South West Rocks
- 2 - Ms Jan Eason addressed Council regarding DBE2 (Supp) Confidential - Macleay Valley Workplace Learning Centre.
- 3 - Mr Rick Stuckey addressed Council regarding Notice of Motion 2 Point Plomer Road (p. D3)
- 4 - Mr Mike Dutton addressed Council regarding DES 5 Proposed Dwelling - South Kempsey (p. G15) and DES 8 Application to rezone land at Gladstone for Residential Purposes (p. G40)
- 5 - Mr Jim Gribbin addressed Council regarding DES2 (p. G8), DES6 (p. G20) and DES7 (p. G30)
- 6 - Mr Rick Lancaster addressed Council regarding DES3 (p. G11) Goulds Lane sand quarry Clybucca.



CONSIDERATION OF LATE REPORTS

2003. 501

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

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



CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM

Reports DES2 Proposed Dual Occupancy South West Rocks, Notice of Motion 2 Point Plomer Road, DES 5 Proposed Dwelling - South Kempsey, DES 8 Application to rezone land at Gladstone for Residential Purposes, DES2, DES6, DES7 and DES3.

2003. 502

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

That the reports relating to Public Forum items be dealt with immediately with the exception of report DBE 2 Supplementary Confidential – Macleay Valley Workplace Learning Centre.

SUMMARY:

Reporting that Council has received an application to erect 2 two storey dwellings on an allotment that does not comply with Councils local housing strategy.



Applicant: C & N Akhurst
Owner: C & N Akhurst
Subject Land: Lot 31 DP 1012656 Peter Marks Circuit,
 South West Rocks

Heads of Consideration:

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act with the following matters considered to be of particular relevance to the proposal.

The proposed development is permissible as "cluster housing" under the provisions of the Kempsey Local Environmental Plan 1987.

The proposal is not contrary to any State Environmental Planning Policies or North Coast Regional Environmental Plan 1988.

Development Control Plan No 22 - Local Housing Strategy 2001 (DCP 22)

The proposed development is required to comply with the following requirements of DCP 22:-

Standard	Required	Proposed	Complies Y/N
DENSITY	660m ²	719.2m ²	Yes
SETBACKS - side - front - rear (western boundary)	5.0m	3.0m	Yes
CARPARKING - resident - visitor	2 1	4 1	Yes Yes
Private open	Unit 1		Yes

space	Unit 2		
Landscaping	230m ²	+230m ²	Yes
Height	Unit 1: 5.15 Unit 2: 5.25	6.2m	Yes Yes
Solar Access	3.5 Star	3.5 Star +	Yes
Privacy		Inadequate	No*
Cut and fill	1.5m	>1.7m	No*

*** Visual Privacy**

Clause 4.8 of DCP 2 requires visual privacy between proposed and existing adjoining dwellings to be ensured by preventing overlooking of living spaces and private open spaces.

Understandably, the developer seeks to maximise the amenity of the dwellings by orientation towards Smokey Cape. Whilst no objections are raised to proposed unit 1 which does not unduly impact on the adjoining dwelling. However having regard to the significant cross fall of the land and upper level living area and deck, as currently proposed, the living area of unit 2 would directly overlook the entire back yard of the adjoining dwelling and into the rear living area. (*Appendix B*)

Having regard to the inherent constraints of the site, in order to avoid such impacts, it would necessary to redesign unit 2 so as to orientate living areas towards the northwest and west.

*** Cut and fill**

Having regard to the significant slope on the block, in order to achieve courtyards and proposed floor levels, significant cut and fill is required including an area in excess of 1.5 metres in depth being 1.7 metres. Although representing only a minor variation, the total amount of cut and fill is considerable and reflects the inherent slope constraint, (*Appendix C*) however, refusal on such grounds would be difficult to justify.

Applicant's submission

In addition to non-compliance with privacy provisions, the original application was deficient in respect to Councils requirements for private open space area and setbacks. Amended plans were subsequently submitted which addressed previous deficiencies in respect to setbacks and private open space. Non-compliance with cut and fill requirements is as a result of amendments to the plans to address minimum setback requirements.

In respect to the overlooking of the living area of unit 2, the applicant advises that the deck has been located so as to maximise energy efficiency and to take advantage of the north/easterly aspect. The applicant considers the redesign of

the building to orientate the private living areas away from the living area of the adjoining dwelling is unreasonable and that modifications have been made to reduce the impact. (*Appendix D*)

Planning Comment

Amendments were made to the deck area which is considered would have negligible effects on the relative impacts on the privacy of the adjoining dwelling. (*Appendix E*)

Public Exhibition

The proposal was advertised in accordance with Councils Policy with no submissions having been received. **Note:** As at the time of writing the adjoining owner was the original developer of the subdivision.



Director Environmental Services Recommendation:

- A. That the applicant be invited to submit an amended application providing for orientation of primary living areas so as to substantially reduce potentially impacts on the privacy of adjoining dwellings.
- B. That the applicant be advised that unless the requested plans or the applicants written advice to submit such plans is received within fourteen days of the date of notice being given, that consent be refused for the following reasons:-
 - 1. The proposal does not comply with the requirements of Development Control Plan 22 - Local Housing Strategy having regard to the unacceptable impacts on the privacy of the adjoining dwelling.
 - 2. The proposal is likely to create an undesirable precedent for similar developments within the locality and within the Shire.

MOVED:

*Moved: Cl. Hunt
Seconded: Cl. **

That the Director Environmental Services recommendation be adopted.

The Motion LAPSED for want of a seconder.

2003. 503

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

That the matter be listed for a Works Inspection.



NOTICE OF MOTION - 2

FILE: R Point Plome KJF (NRN)

{Folio No. 255117}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 10th June 2003.

“That the Director of Engineering provides the following information with regard to works to be undertaken on Point Plomer Road:

- 1. full cost estimates for the re-construction including the tar seal, gravel re-sheeting and drainage works.***
- 2. advice on the need for community consultation to take place prior to work commencing – as stated in the 2002-2005 Transport Infrastructure Strategic Plan, and***
- 3. expected impacts that these works may have on the approved program of funding for other roads under the Roads to Recovery program”***

2003. 504

RESOLVED:

*Moved: Cl. Sproule
Seconded: Cl. Joukhadar*

That the Director of Engineering provides the following information with regard to works to be undertaken on Point Plomer Road:-

Full cost estimates for the re-construction including the tar seal, gravel re-sheeting and drainage works; and

That Council vigorously pursue the Minister for National Parks for the contribution towards the annual cost of maintaining the road.

MOVED

*Moved: Cl. Sproule
Seconded: Cl. Joukhadar*

That the Director of Engineering provides the following information with regard to works to be undertaken on Point Plomer Road:-

Advice on the need for community consultation to take place prior to work commencing – as stated in the 2002-2005 Transport Infrastructure Strategic Plan.

The MOTION was put to the MEETING and was LOST.

MOVED:

*Moved: Cl. Sproule
Seconded: Cl. Joukhadar*

That the Director of Engineering provides the following information with regard to works to be undertaken on Point Plomer Road:-

Expected impacts that these works may have on the approved program of funding for other roads under the Roads to Recovery program

The MOTION was put to the MEETING and was LOST.

2003. 505

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Joukhadar*

That Council investigate options for introducing additional planning controls relating to development within the coastal zone which is controlled by SEPP 71. Such controls are to ensure:-

- a. That the principles of ecological sustainable development are considered.
- b. That any planning controls following the principles of ecological sustainable development should not unreasonably restrict economic growth.

At this stage 10.55 a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.30 a.m with the exception of Councillor Sowter.

DES5	PROPOSED DWELLING - SOUTH KEMPSEY
FILE: T6-02-707 RBP	{Folio No. 255126}

SUMMARY:

Reporting that Council has received an application to erect a dwelling within the buffer area surrounding Churchill Quarry which may impact on the long term operation of the quarry.



Applicant: Dutton Engineering
Owner: T A Vermeer
Subject Land: Lot 1 DP 568531 No 232 Crescent Head Road,
South Kempsey

Heads of Consideration:

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act with the following matters considered to be of particular relevance to the proposal.

The proposed dwelling is permissible with consent under the provisions of Kempsey Local Environmental Plan 1987 as the subject land enjoys a dwelling entitlement.

The proposal is not contrary to any State Environmental Planning Policies.

The proposal is considered to be contrary to North Coast Environmental Plan 1988, unless the applicant is able to demonstrate that the dwelling would not adversely impact on the operations of Churchill Quarry being a locally significant resource.

Development Control Plan No 12 - Conflicting Land Uses (DCP 12)

The proposed dwelling lies within the designated buffer area around the Churchill Quarry. The intention of the buffer is to restrict development which would be subject to unacceptable noise, vibration, over pressure or dust from blasting and operational activities within the Churchill Quarry. [\(Appendix G\)](#)

The plan provides that Council will not consent to the erection of dwellings within the buffer area unless the applicant is able to establish that the structure would not be adversely impacted upon by reason of noise, over pressure, vibration and dust.

In order to address the requirements of DCP 12, the applicant was requested to submit an acoustic report which addresses the impact of noise, over pressure, vibration and dust on the proposed dwelling.

The report subsequently provided concludes that subject to restrictions relating to the equipment used on site and the size of blasts, that EPA criteria would be met in respect of noise, over pressure and vibration. The report also concludes that dust is unlikely to create problems.

Having regard to the restrictions required on the operation of Council's quarry, the applicant was requested to obtain written confirmation from Council's Engineering Services Department that Council is prepared to restrict their operations within the parameter stated in the report. The request was assessed and the applicant was advised that Council (as quarry operator) is not prepared to restrict its operations to the parameters identified within the report as this may limit the resource available to Council into the future.

Applicants Submission

Following receipt of the advice from Council's Engineering Services Department, the applicant was requested to either amend the application to provide for an alternative location which complies with EPA criteria or to withdraw the application.

The applicant has requested Council consider the application and has provided a submission which may be summarised as follows: (*Appendix H*)

- 1 The land was zoned for rural residential purposes after the quarry was established.

Comment

The zoning merely provides an entitlement to submit a Development Application for consideration. Council is required to consider all relevant matters in deciding whether or not to issue approval.

It may be possible to locate a dwelling on the subject land further away from the quarry in compliance with EPA criteria which is the purpose of DCP 12.

- 2 The purpose of DCP 12 is not to prohibit the development but ensure reasonable and appropriate measures are taken to minimise impacts of the quarry on surrounding residences.

Comment

Agreed

- 3 The proposed dwelling is only 10 metres inside the buffer zone boundary with four other dwellings much closer than the proposed one.

Comment

All existing dwellings within the buffer were erected prior to DCP 12 being in place. Council has previously received ongoing complaints including threats of litigation concerning the operation of the quarry and no further

dwellings should be permitted unless compliance with EPA criteria can be met. (See Planning Comment)

- 4 The applicant has lived adjacent to the quarry for 20 years and has never been concerned by impacts from the quarry.

Comment

Any consent is issued to the land and subsequent owners may be more sensitive to quarry operations. The purpose of EPA criteria is to identify a reasonable standard which has been upheld in challenges in the Land and Environment Court.

- 5 There were some qualifications to the conclusion that impacts on the dwelling from noise, dust, vibration and over pressure likely to be minimal, however, the general thrust is that impacts are unlikely to cause a nuisance.

Comment

It is the qualifications relating to assumptions on equipment to be used and blast sizes that are likely to place restrictions on the future extraction from the quarry.

- 6 Assessment by the Director of Engineering is unreasonable and no details have been provided.

Comment

Council has recently undertaken a review of some of it's quarries in consultation with a quarry expert. Churchill quarry was reaffirmed as an important resource and the consultant recommends that Council continue to protect the quarry from encroachment of residential development.

- 7 Assessment is very conservative and a more reasonable prediction would be that over pressure and vibrations for normal blasts would be well within EPA criteria.

Comment

The noise assessment was carried out by consultants appointed by the applicant in accordance with relevant Australian Standards which are relied upon by the EPA and have subsequently been upheld in the Land and Environment Court. If the applicant is questioning the assessment he should discuss his concerns with his consultant.

- 8 The Churchill Quarry now operates under a consent issued under SEPP 37 in 1995. Extraction is limited to within existing disturbed areas otherwise a full environmental impact statement is required.

Comment

Although registered under SEPP 37, the quarry is on land zoned 1(c) Rural Residential which prohibits quarries. Accordingly, the quarry enjoys non-conforming existing use rights and must be confined to within existing disturbed areas. Having regard for previous disturbances, there is

considerable scope for continued extraction, including extraction towards the proposed dwelling.

The assessment requires restrictions on the operation of the quarry to meet noise criteria with the existing quarry being located approximately 250 metres from the proposed dwelling. The allowable expansion would enable extractions to be carried out up to 130 metres from the dwelling, thereby likely to have significant impacts on the future operation of the quarry. [\(Appendix G\)](#)

- 9 The existing quarry is restricted to existing disturbed areas as plotted on my plan.

Comment

Under the provisions of SEPP 37, quarries may operate within all areas previously disturbed for the purposes of quarrying. In addition to active quarry areas as plotted by the applicant, a perimeter road has been constructed and surface disturbance is evident in a number of locations which would allow a considerable expansion beyond the area identified by the applicant. [\(Appendix G\)](#)

- 10 The Statement of Environmental Effects prepared for the quarry indicates that impacts from noise from the operation of the quarry on adjoining residences would be minimal.

Comment

As indicated, no consent has ever been issued for the quarry which relies on existing use rights. No evidence was provided with the Statement of Environmental Effects for the quarry to verify the statements that the quarry operates within acceptable limits. The noise report provided in fact, indicates that exceedances may occur in the future which may place unnecessary restrictions on the operation of the quarry.

Planning Comment

Council would be aware through its participation on the North Coast Extractive Industries Council, that it is critical that important extractive resources be protected from encroachment from residential development.

In this instance, the potential loss of Churchill Quarry would significantly increase the cost of local road building and repair works due to increased transportation costs.

In the event objections are received in respect to noise, over pressure or vibration which exceed EPA criteria, Council may be obliged to cease or significantly curtail operations. It is considered that the applicant has failed to demonstrate that the dwelling would not be adversely impacted upon from adjoining quarry activities and therefore has failed to satisfy the requirements of Development Control Plan No 12 - Conflicting Land Uses.

Rather than refuse the application, it is considered reasonable to again invite the applicant to submit an amended proposal supported by an acoustic report and a report from a qualified quarry consultant providing for the erection of a dwelling which would not result in exceedance of EPA criteria or place any restriction on the future operation of Council's quarry.



At this stage 11.33am Councillor Sowter entered the Chambers.

Director Environmental Services Recommendation:

- A** That the applicant be invited to submit an amended application accompanied by an acoustic report prepared by a suitably qualified person and a report prepared by a qualified quarrying consultant providing for the erection of a dwelling in a location which will not result in adverse impacts from adjoining quarrying operations or place any unreasonable restrictions on future quarrying activities.
- B** That the applicant be advised that unless written advice is received within 14 days of notice being provided that it is intended to submit the required amended application, that the application be refused for the following reasons:
 - 1** The proposal is contrary to Clause 16 of North Coast Regional Environmental Plan 1988 as the applicant has failed to demonstrate that the proposed dwelling will not prevent the potential sterilisation of the adjoining quarry, having regard to potential adverse noise, over pressure and vibration.
 - 2** The proposal is contrary to DCP 12 - Conflicting Land uses as the applicant has failed to demonstrate that the proposed dwelling will not be adversely impacted upon as a result of the operation of Churchill Quarry.

MOVED:

*Moved: Cl. Hunt
Seconded: Cl. Joukhadar*

That the Director Environmental Services recommendation be adopted.

An Amendment was MOVED:

*Moved: Cl. Joukhadar
Seconded: Cl. Sowter*

That the matter be listed for a Works Inspection.

2003. 506

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

**DES8 APPLICATION TO REZONE LAND AT GLADSTONE FOR
RESIDENTIAL PURPOSES**
FILE: LA 21830, LA 21831 MEI {Folio No. 255129}

Council previously considered this report at its meeting of 8th April 2003, at which it resolved:-

That this application be referred to the Land Release Committee and the applicant provide more information.

The Committee considered the matter at its meeting of 27th May 2003 and resolved:-

That the matter be reported back to Council with a recommendation that the application not be supported as it is contrary to Clause 12 of Kempsey Local Environmental Plan 1987.

SUMMARY:

Reporting that Council has received an application to rezone land at Gladstone which is contrary to Council's Flood Risk Management Policy and which is not included in Council's Land Release Strategy.



Subject Land: Lots 1 and 2 DP 1039916, Kinchela Street, Gladstone
Current Zone: 1(a3) Rural Agricultural Protection)
Proposed Zone: 2(v) (Village or Township)

Council has received an application to rezone land at Gladstone ([Appendix O](#)) lying west of Barnard Street totalling 7,700 m² from 1(a3) Rural to 2(v) Village. The land immediately adjoins residential land at the northern end of Gladstone but lies to the south of the traffic bridge. It meets the definition of "flood prone land" in Council's Flood Risk Management Policy being land which is inundated by a 1 in 100 flood.

The applicant contends that the land is suitable for rezoning for the following reasons:-

- sewerage is available;
- the land has sealed road frontage;
- land immediately to the north and south of the subject land is zoned 2(v);
- flooding depth is minimal, being less than 500mm over natural surface in a 1 in 100 year flood, at a velocity of around 1 metre per second.

The applicant regards the current zoning of this land, when adjoining land to the north and south is 2(v), as an anomaly which should be addressed.

This application is contrary to Council's Flood Risk Management Policy, two of the Principle Objectives of which are:-

- To prevent the creation of any new areas of urban development on flood prone lands.
- To prevent any extension of existing zoned areas into flood prone lands.

Part 4 of the Policy states that Council will not support the rezoning of land for urban development unless it is shown to be at or above the flood planning level. Further Clause 45A of the North Coast Regional Environmental Plan states that a draft local environmental plan should not alter the zoning of flood liable land to a residential or other urban type zone.

Clause 38 of the REP refers to Urban Land Release Strategies and requires that any rezonings for urban land should be consistent with an adopted Urban Land Release Strategy. The subject land is not identified in Council's Strategy and the Department of Planning has made it clear in the past that they will not agree to any rezoning for land not identified in the Strategy.

Whilst the applicant could argue that the proposal has merit given the particular circumstances of this application it is considered that Council should not support this application as it is contrary to Council Policy and the North Coast REP. Council's Flood Risk Management Policy and the REP contain provisions which acknowledge the need to carefully consider the consequences of development in flood prone areas both in terms of risk to property and life and the costs to the broader community in the event of (inevitable) flooding. Any increase in development in flood prone areas increases these risks and costs. Even if Council did support this rezoning previous experience has shown that the Department of Planning and the Department of Land and Water Conservation are unlikely to support it, ending the matter.

2003. 507

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Bowell*

That Council not support this rezoning application and refund application fee paid by the applicant in accordance with Council's Rezoning Policy.

Councillor Sowter recorded his vote against the foregoing Resolution.

DES6	PROPOSED TWO STOREY DWELLING
	SOUTH WEST ROCKS
FILE: T6-03-179 DJW	{Folio No. 255127}

SUMMARY:

Reporting that council has received an application to build a two storey dwelling on a vacant allotment, which require variations to council's D.C.P.22 Local Housing Strategy in respect to building height.



Applicant: Mr Brian and Mrs Patricia Oates
Subject: Land, Lo t16, DP748740, 59 Ocean Street South West Rocks
Zone: 2(A) (Residential "A" Zone)

Proposed Development

The proposal is to build a two storey dwelling on the subject allotment.

Siting

The site is a vacant allotment situated on the western side of Ocean Street South West Rocks. The front boundary width is 20 metres with a site area of 1000m². The land is extremely steep and it falls to the west 14.22 metres over a distance of 45.87metres, a slope of 35 degrees. The fall from the front boundary to the rear of the proposed dwelling is 8.93metres, the slope where the building is to be erected, falls 4metres over 13.640 metres.

Heads of Consideration

The proposal has been examined having regard to the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act 1979 with the following matters considered to be of particular relevance to the proposal. The proposal may be defined as “dwelling house” and is permissible with consent in the 2(a) Residential Zone under Kempsey Local Environmental Plan 1987.

The proposal is not contrary to any State Environmental Planning or North Coast Regional Environment Plan 1988.

The application has been referred to Planning N.S.W. under Clause 11 (2) of the State Environmental Planning Policy No 71 - Coastal Protection. Planning NSW has advised that it does not need to be involved in the consideration of the proposed development.

DCP No 22 - Local Housing Strategy

The proposal is required to comply with the following requirements of DCP No 22. The location of the proposal is contained within a defined low-density area for which single dwellings only are permitted.

An assessment of the proposal against the relevant requirements of DCP 22 results in the following:

STANDARD	REQUIRED	PROPOSED	COMPLIES Y/N
Density	400m ²	1000m ²	Yes
Setbacks Side			
North elevation	1.5m	1.8m	Yes
South elevation	1.5m	1.8m	Yes
Front	5m	7.5m	Yes
Rear	1.8m	>1.8m	Yes
Car parking	1 covered	3 covered spaces	Yes
Landscaping	135m ²	> 135m ²	Yes
Height	6.2m	8.5m	No
Solar access	Adequate	Adequate	Yes
Privacy	Adequate	Adequate	Yes
Cut and Fill	1.5m	<1.5m	Yes
Long Walls	20m	<20m	Yes
Access	20%	24.9%	Yes
Private open space	25m ²	>25m ²	Yes

Comment:

As indicated in the table above, the proposal complies with DCP 22 except in respect to the dwellings height.

Building Height

Comment:

The building heights within various residential and commercial zones are controlled by Clauses 24 and 25 of Kempsey Local Environmental Plan 1987. In respect to residential zones, buildings are restricted to two (2) storeys with a topmost floor ceiling level of not more than 6.2 metres above *natural ground level* unless the topography of the site makes compliance extremely difficult.

The proposed site is extremely steep, the land falls to the West 14.22 metres over a distance of 45.87 metres, a slope of 35 degrees, the fall from the front boundary to the rear of the proposed dwelling is 8.93 metres, the slope where the building is to be erected falls 4 metres over 13.640 metres. It is for this reason the required height limit has been exceeded by 2.3 metres at one point and fifty eight percent of the building exceeds the height limit of 6.2 because of the topography of the site. (*Appendix I*)

The dwelling at 61 Ocean Street has a finished ground to ceiling height of 7.4m approximately, the site is not as steep as the proposed development. Notwithstanding the fact the dwelling exceeds the 6.2 metre height limit it has no visual impact on the adjoining neighbourhood.

The proposed dwelling's ground floor level of 30.75m AHD allows a maximum driveway gradient of 24.9 degrees to be achieved. The applicant has designed the building to allow off road parking for four vehicles boat and provide a workshop. The building when erected will have no adverse impact on the street scape, privacy, over shadowing or views. As a result no objections from the adjoining neighbours has been received.

However, the applicant will be required to extend the rear ground floor timber deck to break the height when viewed from the river. The window in the sub-floor area will be required to be removed and the access door to the sub floor area will be required to be a single leaf timber swing door. An additional window will be required to installed in the north west elevation to break the blankness of the wall The applicant will also be required to submit landscape plans and specifications to reduce the impact on the south and north west elevations.

Supporting Documentation

It is considered the supporting documentation from Hadlow Design Services demonstrates variations meet the performance objectives of DCP22. (*Appendix J*)

It is further considered satisfactory for the additional reasons:

The proposed development does not comply with Clause 4.6 of Development Standards of DCP22 but meets the performance objectives for the area of building, siting and design criteria .i.e:-

- 1) Due to the steepness of the site, the proposed natural ground level to ceiling height of 8.5 at one point is considered acceptable in this instance.

- 2) Privacy of dwellings and outdoor spaces for both resident neighbours are protected.
- 3) Habitable rooms are capable of receiving adequate daylight.
- 4) The dwelling complies with DCP 31.
- 5) There is no significant loss of amenity to adjacent dwellings and land.
- 6) The building is designed to accommodate the following:
 - a) Off street parking for a large number of vehicles.
- 7) The floor level in the garage was calculated to allow access and to have as small a grade as possible for the concrete driveway. Therefore it was the compromise of driveway gradient and height restriction that floor levels were also based upon.

Section 79c(1)(e) - Advertising

The proposal was advertised in accordance with the EPA & A 1979 and Council's Policy.

No objections have been received

Conclusion

Having considered all of the relevant matters under Section 79(c) of the Environmental Planning and Assessment Act, 1979 and DCP 22. Performance Objectives and the circumstances of the case, it is considered not unreasonable for the council to approve the variation in ceiling height in this instance. It is recommend that the development application be approved subject to the conditions and amendments.

2003. 508

RESOLVED:

*Moved: Cl. Joukhadar
Seconded: Cl. Sowter*

That Development Application T6-03-179 be approved subject to standard conditions and amendments to be submitted with the construction certificate.

- 1 **Submit amended plans with the Construction Certificate indicating the following:-**
 - a. **The rear ground floor deck extended the total width of the dwelling.**
 - b. **Remove the window in the South West elevations sub floor area.**
 - c. **Provide a single leaf timber swing door to the sub floor area.**
 - d. **Provide an additional window in the North West elevations sub floor area.**

Provide landscape plans and specifications by an n appropriately qualified person to screen the south and north western elevations.

- 2 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
- 3 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 4 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council
- 5 The dwelling is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.

An application for a certificate is enclosed. It is requested that it be completed and returned to Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.

- 6 The building is not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.
- 7 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.
- 8 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 9 The following inspections are required to be made and a minimum of 48 hours notice is necessary where requesting an inspection. Appointments will be made in accordance with the inspection program for the area. Where inspections are carried out by an accredited certifier other than Council, compliance certificates will be required following each inspection and forwarded immediately to The Principal Certifier.

Inspections required:

- (a) footings in position and prior to the pouring of concrete;
- (b) all steel reinforcement prior to the pouring of concrete;
- (c) completion of wall and timber framing with any veneer walls completed prior to wall sheeting being fixed;
- (d) wet area floor and wall surfacing prior to tiling;
- (e) completion of stormwater systems prior to backfilling;

- (f) prior to any wall linings the insulation shall be inspected, a ladder shall be provided at the final stage to provide access to the ceiling space or alternatively, a certification from a registered installer shall be submitted certifying the wall and ceiling installation complies with the approved single residence scorecard.

Note: Accounts will be forwarded for inspections that are required and/or undertaken in addition to those inspections for which a pre-payment has been made.

- 10 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.

Details are to be submitted to Council prior to work commencing.

- 11 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.

- 12 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.

- 13 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.

- 14 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

Note: Clause 78 I requires that the toilet must be provided before any work is commenced.

- 15 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Your attention is drawn to the following requirements of the Building Code of Australia.

- a Structural Engineer's Details for retaining walls, reinforced concrete slab and structural steel work is to be submitted prior to any work commencing on the building.
- b Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and

suitable certifications are to be submitted prior to the issue of an occupation certificate.

c That the floor surface of the wet areas are properly graded and drained and the junctions of the floor with the walls are treated to prevent the penetration of moisture into the walls. An inspection of the treated area is to be arranged with Council or suitable certification is to be submitted prior to the issue of an occupation certificate.

d The windows and glass installations within the building shall comply with AS 1288, Part 3.6 BCA Housing Provisions and AS2047. The applicant shall furnish Council with a report from the supplier upon completion of the window and glass installation indicating compliance with the requirements of AS1288 and AS2047.

e Should the verandah, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the verandah, patio or landing and steps for safety and convenience. Such balustrade to conform with the requirements of

(1) Part 3.9.1. and 3.9.2 of BCA Housing Provisions

of the Building Code of Australia.

Note: Spacing of rails not to exceed 125mm.

f Riser and Going dimensions for stairs shall be in accordance with Clause D2.13 of the Building Code of Australia. In Class 1 and 10 buildings the following will apply:

Riser(R)		Going (G)		Quantity (2R + G)	
max	min	max	min	max	min
190	115	355	240	700	550

Note: Any openings between treads not to exceed 125mm.

g Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site.

h Details of wall bracing to be carried out in accordance with Australian Standard 1684-1999 are to be submitted to Council prior to commencement of work.

i Kitchen exhaust fans are to be ducted externally of the building or a recirculating hood type be provided.

j Class 1(a) and 1(b) Buildings

An automatic fire detection and alarm system is to be installed in the building. Such system to conform with Specification E1.7 of the Building Code of Australia or be a smoke alarm system complying with AS 3786 or listed in the SSL Register of Accredited Products.

The system is to be provided with mains electrical power, have a stand by power supply and installed in each storey to comply with Clause E1.7 (N.S.W. Variation). Details of location of the units are to be provided for approval prior to installation.

- k All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.
- l The sub floor ventilation must comply with Part 3.4.1.2 a) b) c) d) e) f) and g) of the Building Code of Australia (Housing Provisions).
- m Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
- n Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).

RECOMMENDATION

Australia Post has requirements in respect to the location and size of mail boxes. For example, for single residences the mail box should be placed at the junction of the footpath and driveway, and have the opening slot between 0.9 metres and 1.2 metres above ground. The local Postal Manager has information about mail boxes and advice should be sought in relation to the size and location of mail boxes.

- (16) It is suggested that the advice of Telecom should be sought in respect to wiring for telephone services.
- 17 The dwelling shall be constructed to include all the energy efficiency requirements contained within the single residence scorecard, e.g.:

Walls	Light medium colour
Roof	Medium Colour
Wall	B/v & R1.0 insulation
Roof	Tile & Sarking
Ceiling	R2.5 Insulation
Hotwater	Heat pump, electric solar or gas
- 18 The hours of operation of the activity are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- 19 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban/Rural Properties. Applicant is to consult Mr Tony Castle of Council's Environmental Services Department for requirements before commencing construction.
- 20 Roofwaters are to be directed by means of sealed pipes to the drainage easement. Details are to be provided with the plans for the required Construction Certificate.

- 21 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
- a diversion of uncontaminated onsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - b *sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.*
 - c maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

Protection of any kerb inlet pit located downstream of the site in accordance with Council's Engineering Guidelines for subdivision and development (drawing No SW20).

Note:

- i Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
 - ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.
- 22 A Survey Certificate is to be submitted upon completion of the roof framing to ensure that the top plate is at or below RL 35.75 metres A.H.D.
- 23 The following survey certificates must be given to Council at the following stages:-
- On completion of ground floor slab framework before concrete is poured, detailing the location of the structure to the boundaries and compliance with the floor height. Levels shall relate to the datum shown on the consent.
 - At completion of the ground floor slab framework confirming that location is in accordance with the approval.

Councillor Hunt recorded his vote against the foregoing resolution.

DES7	PROPOSED THREE STOREY DWELLING SOUTH WEST ROCKS FILE: T6-03-128 DJW	{Folio No. 255128}
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SUMMARY:

Reporting that council has received a Development Application for a three-storey dwelling on a vacant allotment, which requires the support of a State Environmental Planning Policy 1 and variations to councils' D.C.P.22 Local Housing Strategy and for which three (3) objections have been received.



Applicant: Mr G Heggie and Ms W Sainsbury
Subject Land: Lot 57, DP800783, 13 Dolphin Crescent,
South West Rocks
Zone: 2(a) (Residential "A" Zone)

Proposed Development

The proposal is to build a three-storey dwelling on the subject allotment.

Siting

The site is a vacant allotment situated on the western side of Dolphin Crescent which has a street frontage of 20 m with a total site area of 735m² approximately. The land has a fall to the street of 8m for a distance of 36.76m.

Heads of Consideration

The proposal has been examined having regard to the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act 1979.

Kempsey Local Environment Plan 1987(KLEP)

The building heights within various residential and commercial zones are controlled by Clauses 24 and 25 of Kempsey Local Environmental Plan 1987. In respect to residential zones, buildings are restricted to two (2) storeys with a topmost floor ceiling level of not more than 6.2 metres above natural ground level unless the topography of the site makes compliance extremely difficult.

The application is seeking approval for the erection of a three-storey dwelling which complies with the 6.2m maximum height limit with a cut of 2.5m.

State Environmental Planning Policy 1 Objection (SEPP1)

The Development Application has been accompanied with an SEPP 1 objection objecting against the 2 storey height limits and may be summarised as follows:-
(Appendix K)

1. Because of the local topography (sloping block) it would be impractical to build a two storey building on the land in compliance with sub clause 24 (B).
2. The size and structure of the proposed building is consistent with existing houses either side and at the rear.
3. The garage at the proposed building is consistent with existing houses either side and at the rear.
4. Because of the sloping block, houses at the rear will not have their views impeded as they are higher up the block.
5. The topmost floor ceiling level does not exceed Council's requirement of 6.2m.

Planning Comment

The dwelling has been architecturally designed to provide the same impact on the streetscape and adjoining neighbourhood as a two storey dwelling.

The dwelling's natural ground to ceiling height limit of 6.2m² has not been exceeded and meets the two storey requirements.

A site analysis has been carried with the aid of a Registered Survey Report that demonstrates that the properties at the rear will not have their views impeded. The Survey Report shows the ridge height next door at 15 Dolphin Crescent to be 2.9m higher than the proposed dwellings ridge height. Which does not affect the properties views from the rear. (*Appendix L*)

The proposed dwellings' rear elevation will be that of a single storey building when viewed from the rear properties which will have little impact on their amenity.

The proposed garage and rumpus rooms cut area of 2.5m represents only 19% of the ground floor area which then grades down to 1.5m at the 4.2m mark when measured internally from the back wall.

The cut area allows the garages finished floor level to be lowered. This allows the driveway gradients to comply with Australian Standards 2890.1 - 1993 for off street parking.

The proposed third storey area consists of a 30m² bedroom only located within the roof space.

DCP No 22 - Local Housing Strategy

The proposal is required to comply with the following requirements of DCP No 22. The location of the proposal is contained within a defined low density area for which single dwellings only are permitted.

An assessment of the proposal against the relevant requirements of DCP 22 results in the following:

STANDARD	REQUIRED	PROPOSED	COMPLIE S Y/N
Density	4 bedrooms	735m ²	Yes
Setbacks Side North elevation South elevation	2m 2m	>2m 2m	Yes Yes
Front Rear	5m 1.8m	11m >1.8m	Yes Yes
Car parking	1 covered	2 covered spaces	Yes
Landscaping	135m ²	> 135m ²	Yes
Height	6.2m	6.2m	Yes
Solar access	Adequate	Adequate	Yes

THIS IS PAGE 23 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 10TH JUNE 2003.

.....
MAYOR

Privacy	Adequate	Adequate	Yes
Cut and Fill	1.5m	2.5	No
Long Walls	20m	20m	Yes
Access	<25%	<25%	Yes
Private open space	25m ²	>25m ²	Yes

Cut & fill

Comment

The applicant proposes to provide a 2.5m cut and retain the area with an internal retaining wall. This is considered satisfactory for the following reasons:

1. The cut area will not be visually evident externally when the building is completed.
2. The cut area will not have any adverse impact on the adjoining neighbourhood or street scape.

Section 79c(1)(e) - ADVERTISING

The proposal was advertised in accordance with the EPA & A- 1979 and Council's Policy with three (3) objections received. The grounds for objections may be viewed in ([Appendix M](#)) and summarised as follows:-

Objection	Planning Comment
1. The development will adversely affect the character and amenity of the area.	1. The proposed dwelling's ceiling height is 6.2m. The height of a two storey dwelling.
2. The height will obstruct part of my view.	2. The site analysis demonstrates the views will not be affected. (Appendix N)
3. Dangerous precedent.	3. Each application is assessed on an individual basis bearing in mind the various applicable requirements.

Conclusion

Having considered all of the relevant matters under Section 79(c) of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy 1 Objection (SEPP 1) and D.C.P. 22 Development Standards and the circumstances of the case, it is recommended that the Council agree to

support the SEPP 1 objection to the two storey height and the construction of a three-storey dwelling and variation to the area to be cut and retained.

2003. 509

RESOLVED:

*Moved: Cl. Joukhadar
Seconded: Cl. Bowen*

That Development Application T6-03-128 be approved subject to standard conditions:-

- 1 The excavation is not to exceed 2.5 metres in depth.
- 2 Details are to be submitted for approval for the disposal of the excavated material prior to the release of the Construction Certificate.
- 3 Details of erosion control are to be submitted, approved and to be installed prior to commencing on site works.
- 4 That a security deposit totaling \$1000 to cover any damage sustained to Council's property including kerb and gutter or road pavement during construction. This deposit is to be lodged with Council prior to the issue of the Construction Certificate.
- 5 The design engineer is to supervise the excavation works.
- 6 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
- 7 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 8 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
- 9 The dwelling is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.

An application for a certificate is enclosed. It is requested that it be completed and returned to Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.
- 10 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.
- 11 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.

- 12 The following inspections are required to be made and a minimum of 48 hours notice is necessary where requesting an inspection. Appointments will be made in accordance with the inspection program for the area. Where inspections are carried out by an accredited certifier other than Council, compliance certificates will be required following each inspection and forwarded immediately to The Principal Certifier.

Inspections required:

- (a) footings in position and prior to the pouring of concrete;
- (b) all steel reinforcement prior to the pouring of concrete;
- (c) completion of wall and timber framing with any veneer walls completed prior to wall sheeting being fixed;
- (d) wet area floor and wall surfacing prior to tiling;
- (e) completion of stormwater systems prior to backfilling;
- (f) prior to any wall linings the insulation shall be inspected, a ladder shall be provided at the final stage to provide access to the ceiling space or alternatively, a certification from a registered installer shall be submitted certifying the wall and ceiling installation complies with the approved single residence scorecard.

Note: Accounts will be forwarded for inspections that are required and/or undertaken in addition to those inspections for which a pre-payment has been made.

- 13 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.

Details are to be submitted to Council prior to work commencing.

- 14 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.
- 15 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.
- 16 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.

- 17 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

Note: Clause 78 I requires that the toilet must be provided before any work is commenced.

- 18 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Your attention is drawn to the following requirements of the Building Code of Australia.

- a Structural Engineer's Details for retaining walls, reinforced concrete slab and structural steel work is to be submitted prior to any work commencing on the building.
- b Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.
- c That the floor surface of the wet areas are properly graded and drained and the junctions of the floor with the walls are treated to prevent the penetration of moisture into the walls. An inspection of the treated area is to be arranged with Council or suitable certification is to be submitted prior to the issue of an occupation certificate.
- d The windows and glass installations within the building shall comply with AS 1288, Part 3.6 BCA Housing Provisions and AS2047. The applicant shall furnish Council with a report from the supplier upon completion of the window and glass installation indicating compliance with the requirements of AS1288 and AS2047.
- e Should the verandah, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the verandah, patio or landing and steps for safety and convenience. Such balustrade to conform with the requirements of

- (1) Part 3.9.1. and 3.9.2 of BCA Housing Provisions of the Building Code of Australia.

Note: Spacing of rails not to exceed 125mm.

- f Riser and Going dimensions for stairs shall be in accordance with Clause D2.13 of the Building Code of Australia. In Class 1 and 10 buildings the following will apply:

Riser(R)		Going (G)		Quantity (2R + G)	
max	min	max	min	max	min

Note: Any openings between treads not to exceed 125mm.

- g** Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site.
- h** Details of wall bracing to be carried out in accordance with Australian Standard 1684-1999 are to be submitted to Council prior to commencement of work.
- i** Kitchen exhaust fans are to be ducted externally of the building or a recirculating hood type be provided.
- j** **Class 1(a) and 1(b) Buildings**

An automatic fire detection and alarm system is to be installed in the building. Such system to conform with Specification E1.7 of the Building Code of Australia or be a smoke alarm system complying with AS 3786 or listed in the SSL Register of Accredited Products.

The system is to be provided with mains electrical power, have a stand by power supply and installed in each storey to comply with Clause E1.7 (N.S.W. Variation). Details of location of the units are to be provided for approval prior to installation.
- k** All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.
- l** The door to all fully enclosed sanitary compartments must open outwards, or slide, or be readily removable from the outside, in accordance with the requirements of the Building Code of Australia.
- m** Any sarking used in the roof of the dwelling must have a flammability index not more than 5.
- n** Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
- o** Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).

RECOMMENDATION

Australia Post has requirements in respect to the location and size of mail boxes. For example, for single residences the mail box should be placed at the junction of the footpath and driveway, and have the opening slot between 0.9 metres and 1.2 metres above ground. The local Postal Manager has information about mail boxes and advice should be sought in relation to the size and location of mail boxes.

(19) It is suggested that the advice of Telecom should be sought in respect to wiring for telephone services.

20 The dwelling shall be constructed to include all the energy efficiency requirements contained within the single residence scorecard, e.g.:

Walls	Light to medium colour
Roof	Medium Colour
Wall	B/v & R1.0 insulation
Roof	Metal deck roof with Anticon insulation
Ceiling	R1.5 insulation
Hotwater	Solar electric

21 The hours of operation of the activity are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.

22 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult Mr Tony Castle of Council's Environmental Services Department for requirements before commencing construction.

23 Roofwaters are to be directed by means of sealed pipes to the street gutter. Details are to be provided with the plans for the required Construction Certificate.

24 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-

- a diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
- b *sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.*
- c maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

Protection of any kerb inlet pit located downstream of the site in accordance with Council's Engineering Guidelines for subdivision and development (drawing No SW20).

Note:

- i Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
- ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.

- 25 A Survey Certificate is to be submitted upon completion of the roof framing to ensure that the top plate is at or below RL 34.2 metres A.H.D.
- 26 The following survey certificates must be given to Council at the following stages:-
- On completion of floor slab formwork before concrete is poured, detailing the location of the structure to the boundaries and compliance with the floor height. Levels shall relate to the datum shown on the consent.
 - At completion of the ground floor slab formwork confirming that location is in accordance with the approval.

Councillor Hunt recorded his vote against the foregoing Resolution.

DES3	GOULDS LANE SAND QUARRY, CLYBUCCA
FILE: T20-81-238 AJC	{Folio No. 255124}

This report was submitted to Council at its meeting on 13th May 2003.

At that meeting Council resolved to defer consideration of the report as Mr Lancaster indicated in the Public Forum that he may be submitting a Development Application. At the time of writing no application had been received. The original recommendation remains.

SUMMARY:

Reporting that the sand quarry operation is not complying with a condition of development consent during occasional peak supply periods.



Council on the 28 January 1982 issued conditional development consent for the establishment of a sand quarry operation off Goulds Lane, Clybucca. A copy of that development consent is appended to this report as [\(Appendix F\)](#)

Mr and Mrs Wingrove made contact with Council's Environmental Services Department concerned at the dust being generated along Gould's Lane as a result of the haulage operations associated with the sand quarry development and the impact that was having on their lifestyle. .

Council's Environmental Services Department wrote to Mr Lancaster the quarry owner, and an onsite meeting followed with Mr Wingrove, Mr Lancaster and a Council officer present. At that meeting Mr Lancaster acknowledged the dust being generated by the trucks and the need to address that issue. At that time it was agreed by all the parties present that bitumen sealing approximately 135 metres of Goulds Lane east of the existing end of bitumen adjacent to Mr and Mrs Wingrove's entrance was the most practical solution to be undertaken by the quarry development. Mr Lancaster agreed to obtain quotes for this work.

Council staff met again with the Mr Lancaster and his civil contractor onsite to specify Council's minimum requirements. The quotation (\$12,800 without bitumen sealed wearing surface) for the pavement work was then finalised for Mr Lancaster.

The quarry owner sought a contribution from Council based upon traffic being generated by residents. A letter was forwarded to Mr Lancaster advising Council would not contribute to this work on the grounds that the dust problem was being generated by his development and that he should comply with the condition 1 of the development consent.

Mr Lancaster wrote again to Council stating that he was not wholly responsible for the entire cost of resolving Mr Wingrove's problem.

Issue

The quarry owner states, "*the dust problem and the reconstruction of the 130 metres are obviously two separate issues. Our DA approval conditions, makes no reference to road reconstruction.*"

The issue in this case is whether the applicant has complied with condition 1 of the development consent as issued in 1982, which states: -

The activity is not to interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, or grit, oil or otherwise.

Discussion

The activity for which Council gave consent was for the quarrying of sand.

The Environmental Impact Statement prepared for this development recognised the haulage route as an integral component of the sand quarrying operation. Therefore the activity includes not only the extraction process within the property but the associated haulage along Goulds Lane, a dedicated and Council maintained road.

The Quarry owner has provided Council with the following data in respect to the sand quarry operation: -

- a. There has been on average one truck movement per working day since the quarry opened for business until 2002, not counting the supply of Endeavour Park Residential Subdivision (South West Rocks) in the early 1990's.
- b. In the last 12 months there have been 2 truck movements per day, not including the sand fill for the South West Rocks garbage tip.
- c. A 100 metre section of Goulds Lane east of the Wingrove property was bitumen sealed in the early 1980's by the then quarry operator. This bitumen wearing surface reverted to gravel after the Endeavour Park Residential Subdivision was complete.

This office received further advice about the dust nuisance from the Wingrove's in late October 2002. By that time the average truck movements from the sand quarry had doubled from 1 to 2 per day and the haul for the South West Rocks tip

site project began giving an artificial peak and raising the average during that year from 2 trucks per day to 3.78 trucks per day (maximum allowed 8 per day).

What caused the dust problem in 2002 was the peak haulage over a very short period of time, possibly up to 15 trucks per day.

It should be noted that the only other peak during the life of the quarry to date was in the early 1990's and any potential dust problem was averted as the quarry operator at the time already had in place a bitumen seal over the section east of the Wingrove's dwelling, which remained intact for the duration of the project.

In conclusion the dust problem was generated as the historical extraction level increased usually coinciding with an unexpected peak, during a one off project at a time when no effective ameliorating measures were in place. Condition 1 of the development consent requires the quarry owner not to interfere with the amenity of the locality by reason of the emission of dust.

Options

The following measures could be employed by the quarry owner during occasional peak supply periods to ensure compliance with condition 1 of the development consent requiring the activity not interfere with the amenity of the locality by reason of the emission of dust: -

1. Upgrade the gravel pavement east of the existing end of bitumen pavement near Wingrove's for at least 100 metres to allow bitumen sealed wearing surface to be applied, at full cost to the quarry development. The quarry owner had agreed during onsite discussions with this office that this was the most practical option available at this time; or
2. Provide a suitably sized water cart to be stationed at this site for the full duration of any peak supply period regardless of the clients supply or timing needs. This is not a preferred option as demonstrated during this last peak, when there was confusion as to haulage times and availability of the water cart which directly contributed to the dust problem.

Option 1 affords the affected property owner the most protection and the responsibility for providing this construction clearly rests with the quarry development and not Council.

Director Environmental Services Recommendation:

The quarry Owner to be advised that Option 1 is to be implemented once the current number of haulage trucks exceeds 2 per day in order to comply with condition 1 of the development Consent issued on the 28 January 1982 requiring the activity not to interfere with the amenity of the locality by reason of the emission of dust.

MOVED:

*Moved: Cl. Bowen
Seconded: Cl. Sowter*

That this matter be listed for a Works Inspection.

An Amendment was MOVED:

*Moved: Cl. Bowen
Seconded: Cl. Sowter*

That Council adopt Option 1 as provided by the Developer, as follows;

- A. That Council resheets and prepares the 100 metres East of Mr. Wingrove's house for sealing at the Council's expense.
- B. That the quarry owner pay for the full cost of sealing that section of the road i.e. the 100 metres prepared by Council.

The AMENDMENT was PUT to the Meeting and was LOST.

2003. 510 The MOTION was PUT to the MEETING and was CARRIED.



ADOPTION OF AGENDA ORDER OF BUSINESS

2003. 511 RESOLVED: *Moved: Cl. Sproule
Seconded: Cl. Sowter*

That the Agenda Order of Business be adopted.



MAYORAL MINUTE

M1	MAYORAL ENGAGEMENTS MAY/JUNE	
	FILE: C18-25 JLM (NRN)	{Folio No. 255115}

SUMMARY:

Reporting on the Mayoral engagements since the last Council meeting held on the 6th May 2003.



Tuesday 13th May

- Luncheon with the Board members of the Kempsey Macleay RSL Club

Wednesday 14th May

- Local Traffic Committee meeting
- Library launch

Friday 16th May

- Community Housing meeting

Tuesday 20th May

- Resource NSW Board meeting

Wednesday 21st May

- Legacy Changeover Luncheon at the RSL Club
- Interview with the ABC
- Two meetings with ratepayers

Thursday 22nd May

- Meeting with John Irving from the Area Health Service
- Meeting with ratepayer
- Crime Prevention Meeting

Friday 23rd May

- Australia's Holiday Coast Regional Development Board meeting

Saturday 24th May

- Upper Kinchela Creek School Reunion

Monday 26th May

- Launch of the Welcome Pack at the MDAP office
- Macleay Development and Promotion Committee meeting

Tuesday 27 May

- Land Release Task Force Committee meeting
- Meeting with Ratepayer

Wednesday 28th May

- Biggest Morning Tea for Cancer Research with the Macleay Spinners and Weavers Group at the Sherwood Hall
- Meeting with the Stuarts Point Workers, Recreation and Bowling Club Board members

Thursday 29th May

- Meeting with ratepayer
- Naturalisation
- Meeting with ratepayer

Saturday 31st May

- Attended a Queen Scout Presentation
- Attended the Kempsey-Crescent Head Surf Life Saving Club Annual Presentation Evening

Monday 2nd June

- Attended the LGMA Forum in Sydney

Tuesday 3rd June

- Attended the Shires Conference in Sydney

Wednesday 4th June

- Attended the Shires Conference in Sydney
- Attended meeting with Minister Ian McDonald
- Attended meeting with Minister Tony Kelly

Thursday 5th June

- Attended the Shires Conference in Sydney

Financial Implications

The financial implications of this report are nil.

2003. 512

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Hunt*

That the information be noted



MAYORAL SUPPLEMENTARY MINUTE

M2 (SUPP.)	SHIRES ASSOCIATION AND LGMA CONFERENCE FILE: C19-25 JACH
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SUMMARY:

To detail for Council the proceedings of the Shires Association Conference and LGMA Forum.



I attended with Councillors Bowen, Bowell and Hunt and the General Manager the Local Government Managers Association Forum in Sydney on the 2nd June and the Shires Association Conference also in Sydney from the 3rd to the 5th June. Councillor Parkinson also attended the Shires Association Conference.

The LGMA Forum theme was "The meaning of Life". There were two very good keynote speakers. Peter Davidson, the paramedic aboard the first rescue helicopter to reach survivors of the ill fated 1998 Sydney to Hobart Yacht Race and Robyn Moore who is a renowned voice over artist being the voice of all female roles in the radio comedy series "How Green was my Cactus" and the voice of Blinky Bill.

Forum sessions included the LGMA submission on Local Government Reform presented to the State Government to stimulate discussion on change, "Our Future Climate" by Martin Babakhan Meteorologist – Lecturer University of Newcastle and ABC Forecaster, the Compatibility of Ethics and Politics, Coffs Harbour's presentation on their Nations in Bloom win based on their vision 2020 and a panel session on the Cost Shifting Inquiry.

The Forum started slowly but gathered momentum as the day progressed and was well worth attending.

The Shires Conference was addressed by:

- Hon. Bob Carr Premier of NSW
- Hon. Tony Kelly Minister for Local Government
- Hon. Carl Scully Minister for Roads
- John Brogden MP Leader of the Opposition
- Andrew Fraser MP Shadow Minister for Local Government

The Premier announced the Government program to rebuild 369 timber bridges over the next seven years on 60:40 funding basis and a review of the classification of roads in association with Local Government.

Both the Premier and the Minister for Local Government advised that Structural Reform was very much on the agenda and each Council is being asked to review ways to improve performance through amalgamation, boundary adjustment, joint ventures or other means.

The Minister for Roads Carl Scully also talked about the bridge program and the reclassification of roads as well as the states Road Safety Program and the threat of shifting funds from roads to rail under Auslink. The Minister conducted an extensive question and answer session with delegates.

Cr. Phyllis Miller was elected President and Col Sullivan after a ballot was elected as the "A" Division executive member. Col Sullivan was subsequently elected senior Vice President.

Council had four motions before the Conference. The motion regarding the continuance of Road to Recovery funding was covered by composite motion from the Executive which was carried and reads:

"That the Shire's Association of NSW continues to lobby the Federal Government for ongoing funding under the Roads to Recovery Program and the continuation of the existing program beyond its current term. This should include preparation of a strong case for the continuation of funding by using information collected from constituent Councils on Funding shortfalls on roads, bridges and ancillary works."

Our motion covering illegal dwellings and their absence on RFS mapping data and the motion regarding the reinstatement of Flood Mitigation funding to 2:2:1 were referred to the Executive as they are existing policy of the Association.

The motion regarding voluntary Conservation Agreements originally destined to be referred to the Executive was reinstated for debate by Conference after representations from myself and Councillor Parkinson. The motion was carried.

Other motion's adopted by the Conference that would be of interest to Council were:

"That the Association continue to make representations to the Federal Government regarding the Auslink National Land Transport Plan especially relating to the continuation of existing Federal Government funding for local roads including roads to recovery and Blackspots Programs and the roads component of FAG's grants especially:

- *That Auslink is not implemented at the expense of Councils existing local road network funding*
- *That Local Government campaign to ensure initiatives introduced under Auslink do not compromise established Federal Government programs.*
- *That the Association strenuously oppose any tying or linking of its Roads to Recovery grant to Auslink Priority Roads."*

"That the Shires Association set up an ethics Committee to review the continuing membership of Councils act in their own interests without the thought to the collegiate approach expected to retain their membership of this Association."

A workshop was held on Boundary Reform and was hotly debated by those Councils that have received a letter from the Minister to look at their boundaries, particularly Yarrawluma and Hume. The following motion was carried:

"That the Shires Association meet with the Minister for Local Government as a matter of urgency to formulate an agenda and a timeframe for a structural reform process within local government, which involves roles and responsibilities to service our communities; provides adequate funding; and a suitable structure to meet those needs; and develop an equitable partnership agreement between local government and the state government which recognises the responsibilities, financial arrangements, communities of interest of local government, including effective service delivery; and further, that the Shires Association support those councils targeted for structural reform and urgently request the Premier to:

1. *table the government's plan or program for structural reform of local government*
2. *write to each council outlining the Government's commitment to structural reform of Local Government*
3. *implement a democratic and truly transparent community consultation process involving all local government communities of NSW to ensure that the entire process has support credibility and integrity;*
4. *provide a program of financial incentives and support to those affected councils similar to the South Australian model to encourage participation and ensure there are no penalties for reform.*

The Shires Association invite the LGA, the staff unions and professional associations, and NSW Farmers to join with it in this endeavour. And further, that moratorium be placed on submissions currently before the Minister and/or the Boundaries Commission to allow a response to the above giving all councils in NSW an equal opportunity."

I worked hard with Councillor Ernie Bennett, Mayor of Kyogle to have the issue of exempting rating for Aboriginal Lands bought before Conference. On Tuesday 3rd June the Deputy Premier and Minister for Aboriginal Affairs issued a press release announcing that the schedule to the regulation would be amended as from 1st July 2003 to delete residential premises (Appendix "A"). However, no provision was made to rectify the financial loses of those Councils effected from the date the regulation took affect, that is 25th October to 30th June 2003. I was successful in having the following motion carried by Conference:

1. *That the Shires Association makes representations to the Premier, Deputy Premier and Minister for Aboriginal Affairs and the Minister for Local Government to ensure that changes to the regulation are retrospective to the 25th October 2002*
2. *That all applications from the Local Aboriginal Land Councils for the declaration of sites of spiritual and cultural significance be referred back to the LGA concerned and the Shires Association prior to a decision.*

Feedback from delegates to this years conference was positive. For the first time the conference was facilitated by a professional and business breakfasts were held for Mayors and General Managers and there was a good mix of topical speakers, workshops and consideration of motions.

Financial Implications

There are no financial implications arising from this report.

2003. 513

RESOLVED:

*Moved: Cl. Hayes
Seconded: Cl. Hunt*

1. **That the information be noted.**
2. **That Council write to:**
 - a) **Councillor Mike Montgomery, the immediate past President, thanking him for his contribution to the active and strong performance of the Association during his year tenure as President.**
 - b) **Councillor Phyllis Miller the incoming President of the Shires Association congratulating her on her election as President and undertaking to work co-operatively with the Association and her in the future.**

- c) **Clr. Col Sullivan congratulating him on his re-election as the “A” Division representative and requesting that he supply constituent Councils with copies of minutes of the Shires Association meetings to keep members up to date.**
- d) **That Mark Vaile MP Member for Lynne and Luke Hartsuyker MP Member for Cowper be written to regarding the Australian National Land Transport Plan especially relating to the continuation of existing Federal Government funding for local roads including Roads to Recovery and Blackspots Programs and the roads component of F.A.G.’s grants and especially:**
 - a. **That Auslink is not implemented at the expense of Council’s existing local road network funding**
 - b. **That Local Government campaign to ensure initiatives introduced under Auslink do not compromise established Federal Government programs.**
 - c. **That there is no tying or linking of the Roads to Recovery grant to Auslink Priority roads, and**
 - d. **That the Federal Government must commit to additional funding to implement the Auslink Plan and not redirect much needed local road funding to state or regional land transport network.**
- e) **That the Minister for Roads Mr Carl Scully MP be requested to ensure the town of Frederickton be included in the investigation being undertaken by the Pacific Highway Noise Task Force.**
- f) **That the Member for Oxley Mr Andrew Stoner MP be requested to support the Shires Association of NSW, Member for Lyne Mr Mark Vaile MP Member for Cowper and Mr Luke Hartsuyker MP in respect to the proposed Natural Resource Management Reform process. (In accordance with [Appendix B](#))**

M3 MEETING WITH MINISTERS
(SUPP.) FILE: C18-25 JACH

SUMMARY:

To advise Council of the results of meetings with the Minister for Fisheries and the Minister for Local Government.



Being in Sydney for the Shires Association Conference afforded Council the opportunity to meet with a number of Ministers.

Appointments were made with the Hon. Ian MacDonald Minister of Fisheries to discuss Council’s submission regarding the partial closure of the Macleay River and with the Hon. Tony Kelly to discuss our application for an Environmental Levy, the Aboriginal Rating issue and other matters. The meetings were attended by myself the Deputy Mayor Clr. Russell Bowen and the General Manager.

Ian MacDonald was accompanied by Steve Dunn Regional Manager, a Policy Advisor and Liaison Officer. The Minister acknowledged that he had met with a deputation regarding the Hastings and in respect of that river some adjustments would be considered. The Minister emphasised that it was not his intention to allow major alterations to the current arrangements unless it can be demonstrated

.....
MAYOR

that there is regional consensus over Region 3 that stretches from below the Clarence to Taree.

Discussions with Steve Dunn after the Minister left included:

- Action would be taken on compliance issues if rules are being broken
- It will not be known whether there was an increase in commercial fishing until September/October when the financial year details are available
- The one man offices such as SWR were closed due to OH&S issues and therefore will not be reopened.

Although a press release announced that the Aboriginal Rating issue will be rectified from 1st July 2003 by altering the schedule to the regulation, Tony Kelly supported Council's efforts through a motion to the Shires Association Conference to have any changes retrospective to the 25th October 2002.

Discussions with Tony Kelly also included our application for an Environmental Levy and a copy of our application was presented to him, the conflict between bushfire planning requirements and threatened species, National Parks contribution to Point Plomer Road, the difficulty Council was having in receiving assistance with the production of bushfire hazard maps, the repair problems Dondingalong Bush Fire Brigade was having with equipment damaged at Canberra and whether Catchment Management Plans and vegetation management plans were to be retabled.

Tony Kelly arranged for immediate appointments to be held with Stacy Tannos the Departments Bush Fire Liaison Officer and with Andrew Lillicrap Policy Advisor with the Minister for Natural Resources and they undertook to immediately follow up the matters discussed with them.

The Minister would follow up with his Ministerial colleague the matter of National Parks contributions and advised that representations had been made to his office regarding Councils decision to seal a portion of Point Plomer Road but he is advising the complainants that the issue is a local matter and should be taken up with Council.

All in all the meetings with the Minister were very beneficial and the relationships with those Ministers enhanced.

Financial Implications

There are no financial implications arising from this report.

2003. 514

RESOLVED:

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

- a) That the information be noted.
- b) That the Bass Kempsey and other Macleay River stakeholders be advised of the Ministers position that no changes to the existing arrangements regarding the Rivers in Region 3 will be made unless it can be demonstrated that there is regional consensus to the changes.

reinforced through a more aligned direction of existing state and local government funding programs, such as the Estuary Management Program, Stormwater Management Program, Country Towns Water Sewerage and Drainage Program and the Floodplain Management Program.”

(The raising of supplementary funds through, for example, environmental levies, should be evaluated).

Existing estuary, flood, forestry, river flow, fisheries, sewerage, stormwater, boating, soils, vegetation and other relevant studies (including those in progress) will provide valuable inputs in the preparation of Sustainability Assessment and Management Plans.

The Final Report of the Healthy Rivers Commission – North Coast Rivers – states:

‘There would be merit in a review of all of the programs related to floodplains and estuaries in order to ensure that the best outcomes are achieved in terms of maximising multiple environmental benefits, as well as social and economic goals and in terms of locations across the coast that provide the most cost-effective opportunities regardless of the Council rate base. From a natural resource management perspective it is inappropriate to divide the estuary and floodplains into administrative units.’

.....

Councillor J H Howell

MOVED:

Moved: Cl. Bowen

Seconded: Cl. Hunt

That Councils Committee Structure from, at the latest, April 2004 be rationalised with the amalgamation of:

- Coastal and Estuary
- Macleay Floodplain Project,

and that the Macleay Flood Risk Management Committee remain as a stand alone committee.

An AMENDMENT was moved:

Moved: Cl. Joukhadar

Seconded: Cl. Howell

That a report be prepared in time for April 2004 with a view to streamlining or amalgamating all committees involved in the management of the coast, estuaries and floodplain within the Shire.

The AMENDMENT was PUT to the Meeting and was LOST.

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

NOTICE OF MOTION - 2

Notice of Motion 2 was dealt with earlier in the meeting just after Public Forum.

NOTICE OF MOTION – 3 (SUPPLEMENTARY)

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 10th June 2003.

“That a further \$10,000 be allocated to Noxious Weeds Control from working funds - \$3,000 for urban areas and \$7,000 for rural areas for the 2003/2004 financial year.”

.....

Councillor R J Bowen

MOVED:

*Moved: Cl. Bowen
Seconded: Cl. Hunt*

That a further \$10,000 be allocated to Noxious Weeds Control - \$3,000 for urban areas and \$7,000 for rural areas for the 2003/2004 financial year and the Director of Engineering report back on the recommended source of these funds.

The MOTION was PUT to the Meeting and was LOST.

2003. 517

RESOLVED:

*Moved: Cl. Joukhadar
Seconded: Cl. Bowell*

That the Director of Engineering report back to Council on the recommended source of funds for increased Noxious Weeds control.



At this stage 1.03 p.m. the Meeting adjourned for Luncheon and upon resumption at 2.02 p.m. all present at the adjournment were in attendance.

DELEGATE'S REPORT

D1	PORT MACQUARIE FAIR TRADING CENTRE
FILE: I2-2	JLM (NRN) {Folio No. 255118}

SUMMARY:

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MAYOR

Reporting on attendance at the opening of the Port Macquarie Fair Trading Centre on Wednesday 14 May 2003.



The opening was performed by The Hon. Reba Meagher MP Minister for Fair Trading and Minister Assisting the Minister for Commerce.

Councils association with the Department of Fair Trading is associated with:

- Builders and Trades People
- Product Safety
- Consumer Trader and Tenancy Tribunal

Following her appointment to the position of Minister for Fair Trading The Hon. Reba Meagher has introduced and debated three bills in Parliament.

2003. 518

RESOLVED:

*Moved: Cl. Sproule
Seconded: Cl. Bowell*

That the Information be noted

D2	NSW RURAL FIRE SERVICE ASSOCIATION INC
FILE: F3-2	KJF
	{Folio No. 255119}

SUMMARY:

Reporting on attendance at the Annual General Meeting of the Kempsey Branch of the Association held at the Kempsey Heights Bowling Club on Tuesday 20 May 2003.



All fifteen stations within the Kempsey Shire were represented when Mr Ralph Walker was re-elected President.

Guest speaker at the meeting was Ms Alison Meers from Community Health Mid North Coast Area Health Service. Alison spoke on the issue "Viruses in the blood in everyday life" particularly Hepatitis, outlining methods of transmission and steps to be taken to ensure precautionary measures are adopted.

Ms Meers strongly recommended that all officers and their families should be vaccinated against Hepatitis B.

This is an area in which Council can assist by making representations through the Association to enable vaccine to be made available and subsequently administered.

Mr Walker proposes to make a submission to Council in the near future on the roles and responsibilities of the volunteers associated with the Rural Fires Association within Kempsey Shire.

2003. 519

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sproule*

1. That Council request the NSW Rural Fires Association Inc. to make representations to the Department of Health for the supply of vaccine to enable volunteers and their family members within the Kempsey Shire to be immunised against Hepatitis B.
2. That the Mid North Coast Area Health Service be requested to administer the appropriate service.

D3

**AUSTRALIAN LOCAL GOVERNMENT WOMEN'S
ASSOCIATION CONFERENCE**

FILE: C11-2 JLM

{Folio No. 255120}

SUMMARY:

The Australian Local Government Women's Association (NSW) (ALGWA) 50th Annual Conference was hosted by Hastings Council and was held at Port Macquarie Panthers Club on 27 March- 30 March 2003.



In attendance on the first day were the Mayor Cr Janet Hayes, Cr John Bowell, Cr Jenny Sproule and Executive Assistance Jo McGoldrick. Cr Sproule attended and participated in the full Conference Program. Cr Bowell also attended the last day of the Conference.

The program for the 4 day Conference offered a variety of opportunities to experience key note speakers and participate in a number of workshops.

Speakers included:

Camilla Crowley - After the Bridge Walks – Continuing the Reconciliation Journey

An inspirational and spirited talk of her family's experience in establishing a partnership with the traditional owners of their sheep and cattle property in Southern Queensland.

This resulted in the historic signing of a co-existence agreement, registered in perpetuity, with the Gunggari people in 2001.

Jane Singleton - Leadership- What's in it for Women

Ms Singleton is a former ABC journalist and presenter and now the principal of her public affairs consultancy which is leading the way in ethical public relations in the public interest.

Ms Singleton presented a personal and idiosyncratic look at what leadership requires, delivers and costs – professionally, personally and emotionally.

Brooke Daniels - Maximising Opportunities

Ms Daniels is a senior journalist with more than 20 years experience in the media industry. She is currently employed as a broadcaster with ABC Radio Mid North Coast.

Her message was "If it bleeds it leads" referring to grabbing the attention of local media to promote a story of local interest.

Jude Munro (nee Sproule) - Sailing the High Seas

Ms Munro is the first person to be CEO of two of Australia's capital city councils, Adelaide and currently Brisbane City Council. She spoke of the significant responsibility required to build a vision across the community and the necessary capacity to build a cohesive team.

Ruth Stevenson - Leading with Emotional Intelligence

As the Manager of Lgov Learning, Ms Stevenson has provided consultancy services to public sector organisations for over 10 years.

Her key message was that leaders need to develop their emotional intelligence (EQ) in order to catch ineffectiveness faster and to be ineffective for least amount of time.

Leaders need their EQ to be greater than their IQ.

Rhonda Bignell is the CEO of St John Ambulance (NSW) - Identifying Opportunities through Thinking Laterally

Prior to her current role with St John, Ms Bignell had an extensive background in local government including General Manager with two NSW councils.

Key messages included that "leaders need to be strategic as well as balance the day to day priorities (50/50)" and that "the challenges you meet along the way will either make you or break you".

Workshops attended:

Lifting the Lid on Leadership

Looked at leadership from the personal, public and professional aspects of life

Closing the Lid on Leadership

Explored the opportunities for taking the lead and what is needed to if there is a leadership gap.

Designing Energising Environments for Professional and Personal Success.

Participants were encouraged to set up ways to improve their virtual and non-virtual environments.

The Conference also included the ALGWA NSW Branch Annual General Meeting and the elections for the ALGWA Executive Committee.

Cr Vicki King was returned in her second term as President, ALGWA (NSW Branch).

It is worth noting that Kempsey Shire Councillors could not vote in the elections as there is still some confusion regarding membership eligibility i.e. Council or individual membership and, associate and full membership eligibility.

Overall the Conference Program provided a valuable and refreshing opportunity to gain new information and provided timely personal and professional development.

The interactive workshops provided an opportunity to rejuvenate working networks - and no washing up!

Delegates Recommendation:

That Kempsey Shire Council makes enquiries into eligibility for membership of ALGWA to ensure that delegates can have full voting rights in ALGWA elections.

MOVED:

*Moved: Cl. Sproule
Seconded: Cl. Sowter*

That the Delegate's recommendation be adopted.

An Amendment was **MOVED:**

*Moved: Cl. Bowell
Seconded: Cl. Joukhadar*

That the information be noted.

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

2003. 520

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



DIRECTOR ENVIRONMENTAL SERVICES REPORT

DES1	RENEWAL OF DEVELOPMENT CONSENT - HOME ACTIVITY, EAST KEMPSEY	{Folio No. 255122}
	FILE: T6-03-262 AD	

SUMMARY:

Reporting that Council has received an application to renew development consent to operate a home activity - car detailing - at East Kempsey.



Applicant: M Rolfe and G Bannerman
Subject Land: Lot 1 DP 521343 No 32 Innes Street, East Kempsey
Zone: 2(a) Residential
Proposal: Renewal of consent for existing home activity - car detailing

Heads of Consideration:

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act with the following matters considered to be of particular relevance to the proposal.

Background

At its meeting of 12th December 2000, Council resolved to approve of the activity (car detailing) subject to conditions, including a period of operation for 12 months, contingent upon compliance with imposed conditions of consent and impact upon the amenity of the neighbourhood.

On the 14th August 2001, a confidential report to Council detailed numerous complaints relating to breaches of conditions of consent, with Council resolving that:

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.....
MAYOR

1. "All conditions of consent are to be complied with whilst operating the home activity"; and
2. "That in the event of further complaints, Council will have no hesitation in not renewing the consent."

Condition 2 of the original consent (T6-00-591) required the owner/applicant to re-apply for an extension of consent after 12 months of operation, with an extension granted by Council at its meeting of 11th December 2001, on the basis that Section 95 of the Environmental Planning and Assessment Act (EP & A Act) 1979 provides that Council may not limit any consent which involves the erection of the building to a period of less than 2 years, with the extension lapsing on the 8th January 2003. Notices were forwarded to the applicant and the current Development Application was lodged on 23rd April 2003.

The development has attracted numerous verbal, and two written complaints since Council's resolution of 14th August 2001, related to:-

- non-compliance with conditions of consent;
- noise;
- operating outside of times consented to;
- operating with garage doors open; and
- parking of vehicles in the laneway (Herborne Avenue).

The applicant has made two submissions ([Appendix A](#)) supporting the applications, summarised as follows:-

- Operation has been occurring for 2 years with no breaches of the original consent and no upsets regarding the business;
- Everything has been running smoothly with compliments received on the service provided;
- It is pointless to rent a premise elsewhere when the current premises is only used 3 days a week;
- Cessation of the use would result in unemployment of the applicants;
- There is no basis for complaints regarding dust and smell.

Public Exhibition

The proposal was advertised in accordance with Council's Policy, with eight (8) objections, with four (4) of those objections marked "confidential" having been received, which may be summarised as follows.

Objection	Planning Comment
1. The doors of the buildings are open at most times when the business is operating. (3 objections)	1. Council resolved in its meeting of 14 th August 2001 that all conditions of consent are to be complied with. Condition 4 requires the doors of the building to be kept shut whilst detailing

Objection	Planning Comment
	cars.
2. There are cars parked in Herborne Avenue and Innes Street restricting access. (5 objections)	2. Condition 5 of consent T6-00-591 required that "no vehicles are permitted to stand on Herborne Avenue of Innes Street at any time." If this condition is not complied with, traffic conflicts and conflicts with pedestrians will occur.
3. Noise - from works associated with the development - high pitched vacuum cleaners, water pressure cleaners and loud music is detrimental to the amenity of the neighbourhood. (5 objections)	3. Condition 6 of consent T6-00-591 required noise levels to be kept at or below 5dBA above background levels at any time. The condition was applied to protect the amenity of the residential area in accordance with the requirements of the Protection of the Environment Operations Act (POEO Act) 1997.
4. Dust and chemicals from the premises impact upon the neighbourhood, aggravating resident's medical conditions. (1 objection)	4. The original consent permits the detailing of passenger cars only, with KLEP 1987 Clause 17A(b) requiring that Home Activities should be carried out in a premises which is compatible with the locality and would not be more appropriately located in a commercial area.
5. Concern is raised regarding the strong odours (kerosene smell) that infiltrate my home on a fortnightly to monthly basis. (1 objection)	5. Refer to planning comment 4.
6. Quotations are always given outside on the road with the car-owner. (1 objection)	6. The applicant stated in the original application that all vehicles would be obtained from the Ampol Service Station in Belgrave Street. No such statement has been included in the current application.
7. This development is not suitable for a residential area, so close to	7. Agreed. Refer to planning comment 4.

Objection	Planning Comment
a school, with restricted access from a narrow lane. (1 objection)	
8. Work vehicles i.e. utilities and small trucks are regularly detailed on this site. (1 objection)	8. Condition No 7 of consent T6-00-591 required that only passenger cars can be detailed, with no other type of vehicles to be detailed on site.
9. The conditions of consent relating to the swimming pool are not being complied with. (1 objection)	9. This objection is not relevant to the application under consideration.
10. Applicants do not comply with conditions of consent. (2 objections)	10. Refer final "Planning Comment" - at the rear of this report.
11. Although most work is completed between hours consented to, the morning of Anzac Day, 2003 was not appreciated. (1 objection)	11. Condition 8 of consent T6-0-591 requires the activity to operate between the hours of 8am to 5pm Monday to Friday, and 8am to 12 noon Saturdays.
12. Chemical residues wash westwards down hill towards the river (leaving a stain on the road surface, and onto Innes Street.	12. Refer planning comment No 4.
13. Roof waters until recently have flowed freely onto the street, now three years later are only just being remedied. (1 objection)	13. This objection is not relevant to the application under consideration.
14. This is, and always has been an illegal development in a residential area with little or no regard for the other residents. (1 objection)	14. The activity was originally consented to as a 'home activity', with the conditions of consent issued (T6-00-591) designed to meet the requirements of Clause 17A of KLEP 1987 - "Home Activities" - refer planning comment No 4. If Council is satisfied that the activity is resulting in acceptable impacts, the use is prohibited under KLEP 1987.
15. All we ask is for a return to our	15. Noted.

Objection	Planning Comment
peaceful neighbourhood. (1 objection)	
16. It is the job of Council employees to check that conditions of consent are being adhered to, not the job of neighbours to act as policemen. (1 objection)	16. Council does not have the resources to actively police conditions of consent. Funding for a Compliance Officer is currently in the 2003/04 Estimates.
17. It is unreasonable that this unpleasant business should be tolerated, and if it so successful, it should move from a home activity to the industrial area. (1 objection)	17. Refer Planning Comment No 4.
18. The operators of the business continued operating following the lapse of consent on 8 th January 2003. (1 objection)	18. The current application is required as the previous consent has lapsed.
19. What will Council do when the operator continues to be in breach of the conditions imposed? (1 objection)	19. Council should take into consideration past resolutions made as well as any history of complaints when deciding whether to allow the activity to continue operating.
20. If conditions are not being met then consent to operate the business should be withdrawn.	20. Noted.
21. Has Council viewed the classification of Home Activity verses Light Industrial.	21. The activity was consented to as a "home activity", subject to conditions imposed in Development Application T6-00-591, permissible in a residential zone 2(a). Refer Planning Comment No 4.

A number of submissions expressed concern regarding verbal abuse and inappropriate behaviour towards neighbouring residents by the applicants. Whilst this is not necessarily a relevant head of consideration outlined under Section 79(c) of the Environmental Planning & Assessment Act 1979 and Council has no way of verifying the allegations, Council should be aware of the alleged anti-social behaviour and impacts.

Planning Comment

THIS IS PAGE 50 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 10TH JUNE 2003.

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MAYOR

The use is only permissible as a 'home activity' in Zone 2(a) - Residential if no unacceptable impacts on the residential amenity of the area results. The scale and nature of complaints relating to the activity raises concern about the activity's compatibility with surrounding land uses and it's overall impact on the amenity of the residential area. Given Council's previous resolution to approve of use contrary to a recommendation, the report is submitted for Council's determination. Should Council consider that the use is inappropriate in a residential area, the application should be refused for the following reasons:-

1. The proposal is contrary to the objectives of Clause 17A KLEP 1987.
2. The proposal will adversely impact upon the residential amenity of the area, thereby being prohibited under KLEP 1987.
3. The proposal will further adversely impact on the neighbourhood by reason of traffic and noise.

If Council remains of the view that the use is appropriate in a residential area, it could approve of the application, subject to the following conditions:-

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
- 2 All activities with the exception of external washing of vehicles are to be confined to within the building at all times.
- 3 The doors to the building to be used for the detailing of cars are to be kept shut at all times, except when vehicles are accessing the building.
- 4 No vehicles associated with the activity are permitted to stand on Herborne Avenue or Innes Street at any time.
- 5 Noise levels associated with the use are not to exceed 5dBA above background levels at any time.
- 6 This consent permits the detailing of passenger cars only. No other types of vehicles are permitted to be detailed on site.
- 7 Activities are to be confined to between 8.00am – 5pm Monday – Friday, and 8.00am to 12 noon Saturdays.
- 8 Satisfactory means are to be employed to ensure that all floor areas used for washing, degreasing or the handling of any waste oils will drain to the required oil and grease separator.

Director Environmental Services Recommendation:

For Council's determination.

2003. 521

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Sproule*

That the application be refused (effective from the 30th June 2003) for the following reasons;

1. The proposal is contrary to the objectives of Clause 17A KLEP 1987.
2. The proposal will adversely impact upon the residential amenity of the area, thereby being prohibited under KLEP 1987.
3. The proposal will further adversely impact on the neighbourhood by reason of traffic and noise.

DES2 PROPOSED DUAL OCCUPANCY SOUTH WEST ROCKS FILE: T6-03-206 RBP
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This report was dealt with earlier in the meeting just after Public Forum.

DES3 GOULDS LANE SAND QUARRY, CLYBUCCA FILE: T20-81-238 AJC
--

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

DES4 REQUEST FOR REFUND OF CARPARKING CONTRIBUTION - CRESCENT HEAD FILE: NO T4-95-166 RBP {Folio No. 255125}
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SUMMARY:

Reporting that Council has received a request to modify conditions of consent requiring payment of a carparking contribution, including refund of money previously paid.



Applicant: D Wilcox
Subject Land: Lot 21 DP 561471 No 12 Main Street, Crescent Head

Background

Development consent was issued on the 18th October 1995 for a change of use of the premises from a shop to a refreshment room comprising a coffee shop/takeaway food outlet.

In accordance with Council's Carparking Code a condition was imposed requiring payment of a contribution of \$7,122 in lieu of providing two parking spaces onsite.

Council subsequently agreed to modify the consent to reduce the carparking contribution for one space on the basis of an internal reorganisation.

A further modification was lodged in September 2002 to convert the premises to a restaurant involving increased dining area which required a contribution for two additional carparking spaces of \$7,748 as the proprietors did not wish to restrict the hours of operation to outside the demand periods.

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MAYOR

The proprietors have subsequently decided not to open during normal business hours and to concentrate on the evening trade and weekends.

Planning Comment

No objection is raised to the proposed modification and refund of fees on the basis that a condition is imposed restricting the hours of operation to after 6.00pm Monday to Friday.

It should be noted that review of Council's Carparking Code currently being undertaken confirms that parking demand at Crescent Head occurs during mornings on weekdays.

Financial Implications

The financial implications of the request is that Council would be required to refund \$7,748 from it's Section 94 Carparking Fund.

2003. 522

RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Sowter*

- A. That Council agree to modify the consent to permit the operation of the premises as a restaurant subject to the following condition:
- Trading hours are to be restricted to after 6.00pm Monday to Friday and weekends.
- B. That Council agree to refund the contribution previously paid.

DES5	PROPOSED DWELLING - SOUTH KEMPSEY FILE: T6-02-707 RBP
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This report was dealt with earlier in the meeting just after Public Forum.

DES6	PROPOSED TWO STOREY DWELLING SOUTH WEST ROCKS FILE: T6-03-179 DJW
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This report was dealt with earlier in the meeting just after Public Forum.

DES7	PROPOSED THREE STOREY DWELLING SOUTH WEST ROCKS FILE: T6-03-128 DJW
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This report was dealt with earlier in the meeting just after Public Forum.

DES8	APPLICATION TO REZONE LAND AT GLADSTONE FOR RESIDENTIAL PURPOSES
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This report was dealt with earlier in the meeting just after Public Forum.

DES9 HERITAGE MATTERS IN KEMPSEY SHIRE
FILE: H3-4 MEI (NRN) {Folio No. 255130}

SUMMARY:

Reporting on the progress to date on the Community Heritage Study and the annual report of Council's Heritage Advisor.



1. Community Heritage Study

As previously advised, the Macleay Valley Historical Society has been appointed by Council to undertake a Community Heritage Study of the Shire. To this point they have:-

1. Completed a thematic history of the Shire.
2. Compiled a preliminary data base of significant items.
3. Held six public meetings at different locations throughout the Shire (South West Rocks, Frederickton, Stuarts Point, Willawarrin, Crescent Head and two in Kempsey) to gain input into the selection of suitable items for inclusion in the study.

The study is being mentored by Jane Gardner, a heritage consultant and academic of Southern Cross University. She has reviewed the work undertaken to-date and is very happy with the standard of the work of the Historical Society in preparing the Study.

Following completion of the public consultation phase the data base of significant items will be completed. The Society will then develop recommendations regarding appropriate steps for addressing the issue of heritage in the Shire.

The thematic history, the list of significant items and the recommendations will be combined into the draft study, which should be delivered to Council later this year.

2. Annual Report of Council's Heritage Advisor

As a condition of appointment as Council's Heritage Advisor Mr David Boram is required to prepare an annual report detailing his activities over the preceding 12 months. The report is at ([Appendix P](#))

2003. 523

RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Sowter*

1. That the information be noted.
2. That the Heritage Advisor Mr David Boram be thanked for his report.

.....
MAYOR

SUMMARY:

Reporting that the following applications have been approved:

**APPROVALS**

Local Development (LD) [\(Appendix Q\)](#)

Construction Certificates (CB) [\(Appendix R\)](#)

2003. 524

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Sowter*

That the information be noted.

**DIRECTOR ENGINEERING REPORT**

DE1

FLOODPLAIN MANAGEMENT AUTHORITIES OF NSW

FILE: C11-4

KJF (NRN)

{Folio No. 255131}

SUMMARY:

Reporting on attendance at the Annual Conference of the Floodplain Management Authorities of NSW.



The 43rd Annual Conference of the Floodplain Management Authorities of NSW (FMA) was held in Forbes from 25th-28th February 2003 and Council was represented by the Director Engineering Keith Finnie. A copy of the conference program is attached at [\(Appendix A\)](#).

The Conference was officially opened by the Minister for Land and Water Conservation the Hon. John Aquilina. In his welcome to the Conference, Chairman Councillor Alan Ezzy mentioned concerns with the late notice of funding and sought a gazettal date for the new Floodplain Manual. The Minister confirmed the State's commitment to the 2:2:1 funding formula and advised that \$16M has been committed for the next 5 years. He did, however raise concerns over the limited funds from the Federal Government with respect to the Manual, the Minister advised that the issue was now with the Minister for Planning, who was reviewing the legal aspects.

The keynote speaker was Dr Shi Haifeng, Deputy Chief, Water Strategy Research Division, General Institute of Water Resources and Hydropower Planning, Peoples Republic of China. Dr Shi produced an excellent presentation on the Chinese perspective on Flood Management and Mitigation. There is no nationwide flood warning and forecasting system in China but 64 percent of the country's total land area is within the catchment area for rivers flowing into the sea. The size and scope of flood control structures and measures is massive, with 270,000kms of levees protecting a population of 322 million. Some 98 flood storage areas and retarding basins are provided along the main rivers to divert extraordinary floods. One basin has a headworks with more than 50 gates, some 2kms long and if opened, forces the evacuation of over 500,000 people.

The Annual General Meeting of the FMA was held on Thursday afternoon. A copy of the Chairman's Report is attached at [\(Appendix B\)](#) and the Executive Officers Report is at [\(Appendix C\)](#). Councillor Alan Ezzy from Holroyd City Council was elected Chairman and Deputy Chairman is Harold Sternbeck from the Hunter Catchment Management Trust.

The Harold Sternbeck Medal, for best presentation at the conference, was won by Sally Benham from WBM Oceanics Australia (Brisbane) for her paper on "Applications" of 2D Flood Models with 1D Drainage Elements".

The next Conference is to be hosted by Coffs Harbour City Council from 11th-14th May 2004.

The Conference was very rewarding and provided the opportunity to network with other floodplain management professionals, review current practices and become aware of best practice methodology.

Financial Implication

There are no financial implications from the following recommendation.

2003. 525

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

That the information be noted.

DE2	FLOODPLAIN MANAGEMENT AUTHORITIES OF NSW
FILE: FM500	KJF (NRN) {Folio No. 255132}

SUMMARY:

Reporting on attendance at the quarterly meeting of the Floodplain Management Authorities of NSW.



The quarterly meeting of the Floodplain Management Authorities of NSW (FMA) was held in Sydney on 22nd May 2003. A copy of the agenda is attached at [\(Appendix D\)](#).

together with the Chairman's Report the Executive Officer's Report and the Treasurer's Report.

The new Department of Sustainable Natural Resources (DSNR) was represented by Mark Porter and Bruce Coates, who advised that the new Director General of DSNR is Jan Westacott. The vision for the future for DSNR is "Change"! The Minister responsible is the Hon. Craig Knowles and the FMA Executive has made approaches to the Minister to develop effective lines of Communication.

Discussion on the Business Plan resulted in the following recommendations:

1. That the report be received and noted.
2. That the Executive prepare and circulate to members a draft 2003/04 Business Plan incorporating proposals made in the report for comment.
3. The draft Business Plan and all comments received be presented to the August quarterly meeting for consideration and adoption.
4. That the Chairman make a presentation to the Shires Conference and the LGA Conference.
5. That a "flyer" be provided on Floodplain Management and the FMA for new Councillors.

A copy of the report on the Business Plan is attached at [\(Appendix E\)](#)

It seems that the FMA is at a crossroads and Council may like to ensure regular Councillor representation.

A Working Group was formed to investigate matters surrounding the duty of care in relation to flooding so that the situation is as clear as possible to all member authorities. Concerns were raised by one Councillor who was very concerned at his Council's recent decision to allow a development within a floodway on a parcel of land identified for future acquisition under Council's Voluntary Purchase Scheme. He felt the eight (8) Councillors who had supported the decision, against the advice of its Flood Risk Management Committee and Council's Planners, were personally liable for any adverse flood impacts.

Dr Glenn Evans reported on the recent Flood Warning Consultative Committee meeting, which addressed:

- (i) Safety concerns with Caravan Parks along rivers
- (ii) Shortfalls in levels of community education.
- (iii) Proposed changes to the SES's preliminary Flood Warnings
- (iv) Assessment of any new proposals from Council's – Port Stephens
- (v) Flood warnings for February 2003. Most were within the adopted standards. Clarence River County Council had some concerns with respect to the Orara River and have held discussions with the Bureau of Meteorology (BOM).

Allen Rutledge from the SES, deputising for Dr Chas Keyes who was at Government House to receive an Emergency Service Medal, advised the FMA of:

- (i) Concerns with the BOM's upgraded warning system which released Flood Warnings to the media in raw form. The SES is looking to value add to this information with standard information linked to local flood plans.
- (ii) Concerns with Caravan Parks in low lying areas which have limited warning times for flooding and therefore have little or no flood plans.
- (iii) The main events of 13th-16th May caused mostly nuisance "flash flooding", with no riverine flooding. The BOM gave 1 weeks warning.
- (iv) Development of the SES Planning Manual to assist with Flood Plans. With only 3 Flood Planners for the State, some 26 Flood Plans have been adopted and a further 39 are works in progress. However 68 are out of date and need review!

Mark Porter advised that the State Budget had been put back to 24th June 2003 but will not be detailed. Details should be available for the start of the spring session of Parliament in September. In response to proposals to approach the Federal Minister, Mark advised the FMA to await the outcomes of the High Level Group investigations headed by Horrie Howard, expected in July/August.

Councillor David Laughler from Eurobodalla recommended the FMA, and individual Councils, refer the issue of 1:1:1 funding as against 2:2:1 funding to the Cost Shifting Enquiry currently being held.

The issue referred by Kempsey Shire Council on orphan floodgates raised little discussion but the FMA Executive and the DSNR will liaise to assist in developing a strategy to address our concerns.

The issue of a universal definition for a floodway drew much comment, not so much on the technical issues but more so on the need for clarity for legal purposes. The DSNR will provide a considered response on this issue.

Similarly the issue of the possible food mitigation benefits of increased water storage levels in dams has been referred to the DSNR for a response. The impacts of Water Sharing Plans, Environmental Flows and broader environmental issues make any consensus difficult.

The next quarterly meetings of the FMA are scheduled for 28th August and 27th November 2003.

Financial Implication

There are no financial implications from the following recommendation.

2003. 526

RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Sowter*

That the information be noted.

DE3	MACLEAY STREET, FREDERICKTON
FILE: LA7697	KJF {Folio No. 255133}

SUMMARY:

Reporting on the possibility of acquiring land in Macleay Street, Frederickton.



Council, at its meeting of 12th December 2000, considered a report on land located at 4 Macleay Street, Frederickton, and resolved:

“That further investigations take place”.

A copy of the report is attached at **(Appendix F)**.

It is understood that the land is available for \$59,000. However, no funds have been provided for such purchase.

Council may like to re-allocate funds for the purchase or utilise Working Funds.

Financial Implication

The financial implications of the following recommendation would be a reduction in Working Funds of \$59,000.

Director Engineering Recommendation:

That the land at 4 Macleay Street, Frederickton, be purchased with funds drawn from Working Funds.

2003. 527

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

That the information be noted.

**DE4 NSW FIRE BRIGADES
FILE: F3-30 KJF (NRN) COPY: APC {Folio No. 255134}**

SUMMARY:

Reporting on Council’s contribution for 02/03 to the NSW Fire Brigades’ Fund.



At Council’s meeting of 13th August 2002, Council resolved:

“That Council advise the Minister for Emergency Services that it intends to limit is 02/03 Fire Brigade levy to 3.3% above the contribution made in 01/02”.

A letter was dispatched to the Minister for Emergency Services, the Hon. Bob Debus MP, who advised that, “Because of the need for such substantial upgrading it has not been feasible to confine increases to the budget of the NSW Fire Brigades to the Council rate-pegging limit. In

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MAYOR

recognition of this, the Government acted in 1996 to assist Council's by including increases in the fire service contribution in the heads of consideration under which Council can apply for relief from the rate pegging limit".

The increase in funding, beyond the 01/02 figure plus the allowable 3.3% increase, is an amount of \$5,165.

Council's staff have made regular representations to NSW Fire Brigades and had not paid the additional figure requested. Council has paid the reduced contribution of \$48,038 but the assessed amount is \$53,203.

In April, the Manager Financial Accounting drew Council's attention to Section 49 of the NSW Fire Brigades Act 1989, which states:

Section 49: Times for instalment payments

- (1) The contributions payable under this Part (including advance payments) are to be paid in quarterly instalments on or before 1 July, 1 October, 1 January and 1 April in each financial year, or on or before such other days as the Commissioner may direct and notify to the contributors concerned.
- (2) If an instalment is not paid within 30 days after it becomes payable, any council or insurance company by which it is payable is guilty of an offence.

Maximum penalty: 50 penalty units.

- (3) Conviction of an offence under this section does not affect the liability to pay the instalment.

In May, Council was advised:

"I regret that the NSW Fire Brigades is not in a position to suspend action to pursue Council's payment of its contribution. In my previous correspondence I indicated to you the requirements under Section 49 of the NSW Fire Brigades Act 1989 and I urge Council to pay the outstanding amount of \$5,165."

It was felt that, rather than incur a penalty as per the Act, the outstanding amount should be paid and arrangements have been made to finalise the account.

Financial Implication

The financial implication of the following recommendation is that Council's payment to the NSW Fire Brigades is \$53,023, an increase of \$5,165.

2003. 528

RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Sowter*

That the information be noted.

DE5

STREET AND PARK MAINTENANCE
FILE: R8-40 KJF (NRN)

{Folio No. 255135}

SUMMARY:

Reporting on a review of clean up and maintenance regime for the South Kempsey area.



Council, at its meeting of 11th February 2003, resolved:

“That Council urgently review the clean up and maintenance regime for the South Kempsey area, particularly Middleton Street, the road reserves and the park next to the House of Youth”.

A review of the standards of maintenance previously provided and those currently provided has been undertaken and reveals the following disparities:

- (i) reduced funding, limiting the ability to provide the service provided in previous years.
- (ii) increased grass growth following a period of drought.
- (iii) profusion of Giant Parramatta Grass in medians and on naturestrips. Council's staff avoid mowing such areas to prevent the spread of this noxious weed.
- (iv) *some property owners not maintaining their naturestrip resulting in unkempt appearance of some areas.*
- (v) expectations of some that Council's maintenance regime will be extended rather than maintained or reduced.

In January and February, one ride on mower was broken down for a considerable time, severely reducing the opportunity to mow.

The park across from the House of Youth, a Crown Reserve, is generally slashed on an irregular basis.

Naturestrips are not mown by Council staff and road reserve slashing has been reduced to a minimum, as mentioned by Councillors at the budget discussions last year.

Not only has Council's budget been reduced and Council's management required to work within tighter and tighter financial constraints, but OH&S requirements have increased costs. Median maintenance required traffic control plans, trained traffic controllers and increased resources.

Council's current maintenance regime is all that can be provided with the funding available.

Financial Implication

There are no financial implications from the following recommendation.

2003. 529

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Bowell*

That the information be noted.

DE6	MACLEAY DISTRICT SPORTS COUNCIL
FILE: R3-51 KJF COPY: APC	{Folio No. 255136}

SUMMARY:

Reporting on a request from the recent meeting of the Macleay District Sports Council.



The Macleay District Sports Council last met on Monday, 26th May 2003. During discussions on the Draft Budget, the following motion was resolved, for consideration by Council.

“That Council approach schools for contributions for the use of Sporting Fields.”

This followed on from discussions as to why Council was line marking athletics tracks so late in the year, especially when the funds available were almost expended. School and Zone athletics carnivals have been booked by a number of Schools.

Whilst no specific figure was suggested, an upper limit was recommended in the order of \$600.

In the 01/02 year, a fee per student of \$1 was levied on schools, with an upper limit of \$500.

Financial Implication

The financial implications of the following recommendation would be an increase in income for sporting fields in the order of approximately \$4,000.

2003. 530

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Hunt*

That a contribution for Sporting Fields be sought from all Schools based on \$1/pupil, to a maximum limit of \$600.

DE7	NATURAL DISASTER FUNDING – FLOOD DAMAGE
	FEBRUARY 2003
FILE: D8 MGR COPY: APC	{Folio No. 255137}

SUMMARY:

Reporting on the success of a submission by Council for Natural Disaster Funding to repair damage to Council's road assets during the February 2003 event.



*Council has received advice from the RTA, see **(Appendix G)**, that it has issued a Schedule of Works in the Total amount of \$173,369 for restoration of damage sustained during the February 2003 storm event. Council is required to contribute \$25,000 of this amount in accordance with the assistance requirements. These funds will come from the local roads budget as some of the restoration works had to be completed to make the roads safe and were carried out under this funding.*

This funding is in the form of an upper limit grant and only actual expenditure up to the approved amount on any item may be claimed.

The RTA have advised that unless Council funds future permanent works to Point Plomer Road in conjunction with this restoration to ensure that recurrent damage does not occur, that future damage to these sections will not be eligible for Natural Disaster assistance.

Council is requested to formally accept this allocation.

Financial Implication

The financial implication of the following recommendation would be that Council contributes \$25,000 towards the restoration of Local Roads. This funding will come from the existing budget for Local Roads.

2003. 531

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Joukhadar*

That Council accept the RTA allocation of \$148,369 in 2002/2003 for the restoration on Local Roads.

DE8 MIGHELL ROAD, YARRAHAPPINI
FILE: R Mighell Rd NJT {Folio No. 255138}

Reporting on a petition to upgrade Mighell Road, Yarrahappini.



Council has received a petition requesting the upgrading of Mighell Road, Yarrahappini

As has been reported previously, requests are continually being received for Council to improve its maintained roads.

Concerns raised include the condition of the road and its narrow width. A school bus also travels the length of the road.

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MAYOR

Mighells Road is a dead end rural gravel road 2.86kms in length, and services 12 properties. The road is undulating and for half its length is only one lane wide. The road reserve is heavily timbered in places, requiring significant clearing for safety and road construction purposes.

A survey would need to be undertaken to resume land to ensure the existing road and any improvements are contained within the dedicated public road reserve. It is known that one section of the existing road is not within the dedicated public road reserve

The estimated cost to construct the road to a 6m gravel road pavement is \$150,000. The estimated cost of survey and dedication is \$20,000. Total cost for the work is estimated to be \$170,000.

Council at its meeting on the 14th March 2000 resolved:

“Council includes for consideration in the 2000/2001 Management Plan the sealing of Mighell Road, Yarahappini, from Stuarts Point Road to the bridge (600m), with an additional 2 kilometres to be scheduled over the following three (3) years.”

Council considered this item in the 2000/2001 Draft Estimates, but it was not included in the 2000/2001 Budget. In the 2000/2001 Budget and in all subsequent budgets no funds have been provided for rural road construction. Some funds have been provided as part of the Federal Governments Roads to Recovery Program.

Council has previously expended \$40,000 in 2001 under the Federal Governments Roads to Recovery Program to improve the first kilometre. Gravel resheeting funds are not adequate to provide any improvement type works to minor gravel roads. Funds are only available to carry out works on major through or arterial type roads.

It is considered that the present road provides adequate service to the 12 rural properties, and that if the road is considered unsafe for the school bus to traverse, then those concerns should be expressed to the relevant bus company, and the NSW Department of Transport. No formal approval was sought from Council prior to this road being used as a school bus route. Other such roads within the shire are not normally traversed by school buses.

Financial Implication

There are no financial implications from the following recommendation.

Director Engineering Recommendation:

- 1. That improvement works on Mighells Road not be carried out.**
- 2. That Council pursue the local bus company and the NSW Department of Transport regarding the use of Mighells Road as a school bus route due to the concerns of affected residents.**

MOVED:

***Moved: Cl. Hunt
Seconded: Cl. Sproule***

That the Director's Recommendation be adopted.

An Amendment was MOVED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

That recommendation 2 be adopted and that Council notify it's insurers of the matter.

The AMENDMENT was PUT to the Meeting and was LOST.

2003. 532 The MOTION was PUT to the Meeting and was CARRIED.

Councillors Bowell and Joukhadar recorded their votes against the foregoing Resolution.

**DE9 B-DOUBLE ROUTES
FILE: R8-2 NJT**

{Folio No. 255139}

SUMMARY:

Reporting on B-Double Routes for Kempsey Shire.



A report was considered by Council at its meeting on the 12th November 2002, regarding an application to use B-Doubles on Stuarts Point Road. At that meeting Council resolved:

- “1. *That the application for a B-Double route along Stuarts Point Road, Marine Parade and Fishermans Reach Road, not be gazetted as a B-Double Route at this stage, and that the Interim Transport Permit be extended to the 13th December 2002.*
2. That a further report be prepared outlining those roads considered suitable for gazettal as B-Double routes.”

A subsequent report tabling proposed B-Double Routes was considered by Council at its meeting on the 11th February 2003. At that meeting Council resolved that this list, with some alterations, be advertised for public comment. A copy of the Council Meeting Agenda and Minutes is attached at [\(Appendix H\)](#).

The proposed B-Double Routes were advertised and Council received 35 submissions, including 2 petitions containing 305, and 7 signatures respectively. A B-Double trial was carried out by the Local traffic Committee on 9th May 2003 from Tamban State Forest to Boral Timbers at South Kempsey.

The B-Double trial allowed members of the Local Traffic Committee and Council to make an informed decision to the introduction of B-Doubles on Council Roads.

Discussions followed the trial. Concerns raised by the submissions on the proposed B-Double Routes advertised by Council were discussed. The meeting recommended that the proposed routes by Burgundy Heights Pty Ltd be approved. There was no technical base to deny access.

The Local Traffic Committee at its meeting on the 14th May 2003 recommended:

THIS IS PAGE 65 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 10TH JUNE 2003.

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MAYOR

1. That Council approve access for B – Doubles over the following routes.
 - a. Upper Smiths Creek Road from the Pacific Highway to Kenahs Road.
 - b. Great North Road Frederickton from the Pacific Highway to Collombatti Road.
 - c. Collombatti Road from Great North Road to Tamban Road.
 - d. Tamban Road.
 - e. Kemps Access, from Collombatti Road to Quarry Road.
 - f. Quarry Road from Kemps Access to Fullers Mill.
 - g. North Street Kempsey, from the Pacific Highway to River Street Kempsey.
 - h. River Street Kempsey from North Street to Armidale Road.
 - i. Armidale Road from River Street to Australian Solar Timbers.
 - j. Crescent Head Road from Pacific Highway to the Tip access road.
 - k. Kundabung Road, from the Pacific Highway to Kundabung Sawmill.
2. That additional routes be assessed upon submission.
3. That Council write to Dennis Smith thanking him for B Double Route trial.
4. That a map of proposed routes to be presented at next Council Meeting.

An Interim B-Double Permit has been granted to Burgundy Heights Pty Ltd till the 31st July 2003 to operate on the routes listed above.

A map of proposed routes will be tabled at the meeting.

Financial Implication

There are no financial implications from the following recommendation.

Director Engineering Recommendation:

That the following routes be gazetted for B-Double use:

1. Upper Smiths Creek Road from the Pacific Highway to Kenahs Road.
2. Great North Road Frederickton from the Pacific Highway to Collombatti Road.
3. Collombatti Road from Great North Road to Tamban Road.

4. Tamban Road.
5. Kemps Access, from Collombatti Road to Quarry Road.
6. Quarry Road from Kemps Access to Fullers Mill.
7. North Street Kempsey, from the Pacific Highway to River Street Kempsey.
8. River Street Kempsey from North Street to Armidale Road.
9. Armidale Road from River Street to Australian Solar Timbers.
10. Crescent Head Road from Pacific Highway to the Tip access road.
11. Kundabung Road, from the Pacific Highway to Kundabung Sawmill.

MOVED:

*Moved: Cl. Sowter
Seconded: Cl. Hunt*

That the Director Engineering Recommendation be adopted subject to recommendation 2 being amended to read:-

- 2 Great North Road Frederickton from the Pacific Highway to Collombatti Road (outside school zone hours ie. 8.00a.m. to 9.30a.m. and 2.30p.m. to 4.00p.m. for a 2 year period only).

An Amendment was MOVED:

*Moved: Cl. Joukhadar
Seconded: Cl. **

That the Director's Recommendation be adopted with the deletion of items 1 – 11 and that Council draft and adopt a policy on load limits for local roads.

The Amendment lapsed for want of a seconder.

An Amendment was MOVED:

*Moved: Cl. Bowell
Seconded: Cl. Joukhadar*

That the Director's Recommendation be adopted with the deletion of recommendation 2.

The AMENDMENT was PUT to the Meeting and was LOST.

2003. 533 The MOTION was PUT to the Meeting and was CARRIED.

Councillor Joukhadar recorded his vote against the foregoing Resolution.

DE10	QUESTIONS WITHOUT NOTICE	
	FILE: C18-28 JC (NRN)	{Folio No. 255140}

SUMMARY:

Reporting on Questions Without Notice from the Council meetings of the 20th March 2001, 14th May 2002, 13th August 2002, 8th October 2002, 12th November 2002, 11th February 2003, 8th April 2003 and 13th May 2003.



Responses to Councillors Questions Without Notice are listed for information.

Meeting of 20th March 2001

COUNCILLOR B R SOWTER

File D5-2

{Folio No. 211596}

That the Director Engineering would investigate a drainage problem in Croads Esplanade, Smithtown, at the Smithtown Traffic Bridge where water runs down the footway into a resident's backyard.

Design options are being reviewed – referred to Roads and Traffic Authority for funding.



Meeting of 14th May 2002

COUNCILLOR B R SOWTER

File: R8-2

{Folio No. 234526}

That the Director Engineering will investigate contracting out of roadside slashing.

Suitable contract being compiled, with service standards, assessment criteria, clear description of areas to be mown and requirements for Insurance and OH&S.



Meeting of 13th August 2002

Councillor J Sproule

File: B1-2

{Folio No. 239942}

That the Director Engineering would investigate the possibility of the usage of signage to depict prevailing surfing conditions – eg. left or right hand point break.

Options being investigated.



Meeting of 8th October 2002

File: LA9508

{Folio No. 243510}

That the Director Engineering would make enquiries about whether there was a possibility of the water towers at the Crescent Head Golf Course being used for whale watching shelters.

Options being reviewed.



Meeting of 12th November 2002

Councillor Sowter

File: LA6936

{Folio No. 245246}

The Director Engineering would investigate the fire hazard at the Smithtown radio tower property.

Inspection reveals a mown strip around fence line and this is an adequate hazard reduction measure. Issue referred to FCO for assessment of remainder of area.

This block of land is believed to have hazardous materials in the soil therefore it can't be burnt off. The fire break around the boundary of the property is sufficient if kept maintained.



Meeting of 11th February 2003

Councillor Sproule

File: R8-2

{Folio No. 249232}

That the Director Engineering would investigate the need to repaint the pedestrian crossing near the Queen Street/Middleton Street intersection.

The problem with this area is the "bleeding of the bitumen" which is carrying onto the crossing.

Still awaiting advice from Pioneer who carried out an inspection of the sites prior to Christmas.



Meeting of 8th April 2003

Councillor Howell

File: LA6911

{Folio No. 252596}

The Director Engineering was following up the request of Kempsey Lions Club to acquire the land at the site of the Clybucca Memorial Garden.

A letter has been dispatched and a meeting with Lions Club Executive scheduled for 6th May 2003 at 2.00pm.



Meeting of 13th May 2003

Councillor Bowen

File: R Seale Rd

{Folio No.254197}

That the Director of Engineering would investigate the condition of Seale Road and advise when grading take place.

Maintenance grading commenced 2nd June 2003

Councillor Bowen

File: LA945

{Folio No.254248}

The Director of Engineering would investigate removal of the center pipe roof support in the cover outside the public toilets in Elbow Street, West Kempsey.

Options being investigated.

Councillor Bowen

File: D5-2

{Folio No.254201}

The Director of Engineering would investigate drainage of the stormwater at Jerseyville and ensure that the work associated with the installation of the new sewerage pumping station has not impeded drainage.

Options being investigated.

Councillor Bowen

File:R SWR Rd

{Folio No.254211}

The Director of Engineering would investigate the water ponding on South West Rocks Road near Wes Notley's place.

Scheduled for maintenance works in June.

Councillor Bowen

File:R3-15

{Folio No.254209}

That the Director of Engineering would investigate whether provision could be made for the installation of a new barbecue in Bellbrook Park.

The BBQ was removed as it was in a poor state and considered a safety hazard. Quotations are being sought for the replacement of the BBQ.

Councillor Sowter

File:R Seale Rd

{Folio No. 254215}

That the Director of Engineering would investigate the condition of Seale Road.

Maintenance grading commenced 2nd June 2003

Councillor Sproule

File:R8-40

{Folio No.254227}

The Director of Engineering advised that investigations are taking place into the maintenance programs for Kempsey and that available funding limits resources and staff.

Investigations initiated.

Councillor Hayes

File:P1-7

{Folio No.254228}

The Director of Engineering would investigate if the street sweeper could sweep the carpark in Stuart Street to eliminate the dust problems in the supermarket.

Budget reduced from \$50,000 in 2001/2002 to \$41,000 in 2002/2003. Expenditure to date \$49,693.

Sweeping of car parks restricted to 2 hours per week. Street Sweeper services Kempsey CBD on Tuesday, Thursday and Saturday morning.

Should the adjacent businesses seek additional sweeping, Council could undertake the work on a Private Works basis, with the hire rate at \$120.00 per hour.

Financial Implication

There are no financial implications from the following recommendation.

2003. 534

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Sproule*

That the information be noted.

DE11	WORKS IN PROGRESS FILE: R8-2 KJF (NRN)	{Folio No. 255141}
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SUMMARY:

THIS IS PAGE 71 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 10TH JUNE 2003.

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MAYOR

Reporting on Works in progress.



ROADS

REGIONAL ROADS

Sealed

Pavement Strengthening works on South West Rocks Road (MR198) chainage 17.5 to 18.3 km (south of Kinchela Left Bank Road) will commence in early June.

Work on the low level by-track for Devils Nook Creek has been completed and is now open to traffic. The repair work on the bridge is currently underway and is scheduled for completion by end of June

LOCAL ROADS

Sealed Rural

Pavement maintenance work on the sealed road network is continuing.

UNSEALED RURAL

Reconstruction work on River Road, Kundabung has been completed except for the seal in front of the hall. This seal will be undertaken after the road has settled.

Gravel Resheeting

The resheeting program for the current financial year has been completed.

Maintenance Grading

The "Shire East" roads maintenance crew is currently in the Stuarts Point Area (Area East 3).

Roads that were graded during this month;

Lukes Lane
Browns Road
Fishermans Reach Road
Barbers Lane

The "Shire East" crew will thereafter continue with maintenance grading in the Frederickton/Collombatti Area (Area East 4).

The "Shire West" roads maintenance crew is currently busy with maintenance grading in the Temagog Area (Area West 5).

Roads that were graded during this month;

Willi Willi Road (between Moparrabah Road and Toorumbree Road)
Toorumbree Road

The "Shire West" crew will thereafter continue with maintenance grading in the Temagog Area (Area West 5).

Note:- due to inclement weather the grading program has fallen behind slightly and fewer roads than anticipated were graded.

TOWN AND VILLAGE STREETS

Kempsey Town Improvements

The drainage work in York Lane and Forth Street is complete. The rehabilitation of the pavement in York Lane is also complete.

Drainage, kerb and gutter works and associated road works have commenced in Polwood Street adjacent to the Hospital.

Hat Head Town Improvement

Stage 1 of the stormwater drainage improvements (around the intersection of Vine and Straight Streets) has been completed and only surface drainage still needs to be finished. This work is currently in progress.

Stage 2 (around the intersection of Fern and Straight Streets) will commence once Stage 1 has been completed.

South West Rocks Town Improvement

The CBD drainage improvement project in Memorial Avenue near Livingstone Street is to commence shortly.

FOOTPATHS AND CYCLEWAYS

The cycleway in Philip drive has commenced. The works will link up with the footpath running through Brighton Park and continue towards Arakoon, beside Phillip Drive roadway, to the limit of available funds.

FLOOD MITIGATION

General maintenance and repair of the floodgates on Kinchela Creek and Belmore River flood structures is continuing.

BRIDGES / STRUCTURES

Toorooka Bridge Construction

The bridge and approaches have been completed and sealed. Dismantling of the old bridge will follow in June.

Smithtown Wharf

The extension of the Smithtown wharf has been delayed awaiting the availability of a contractor to install the piles.

FLOOD REPAIRS

Riverside Park, Kempsey

Further earthworks on the riverbank behind Woolworths and Big W have been completed. Minor drainage works were also completed in conjunction with the drainage works in York Lane.

Landscaping and beautification works are currently in progress and should be complete by the end of June.

HORTICULTURE

Coastal Weeds Rehabilitation Project

Aerial Spraying for Bitou Bush commenced. Areas at Middle Head, Grassy Head, South West Rocks and Goolawah are to be treated.

Littoral Rainforest Rehabilitation Project

Project continuing with work on Shark Island and Racecourse Headland.

River Bank

Work commenced on the final stages of the riverbank restoration. The work will be completed by Parks and Gardens staff and Kempsey Rotary.

Smith/Belgrave Street Landscaping.

Plants purchased for re-planting. Refurbishment to be completed by the end of June.

Plans of Management

Horseshoe Bay Plan is in a final draft stage.

Verge Street Ovals continuing.

Applications for Grant funding for Verge Street, South Kempsey Park and Goolawah Reserve

Nursery

Draft report on viability of nursery in draft form. To be presented to the next meeting of MANEX as part of the Parks and Gardens Process Improvement Report.

Process Improvement

Process continuing. To be presented to the next meeting of MANEX.

Outside Works

Parks and Gardens are currently carrying out works for:

Environment and Planning – Belle O'Connor Landscaping
Community Services – Leith Street, Tozer Street and Boronia Gardens
Aged Care Units
Business Enterprise – Thompson Street and Crescent Head Waste Transfer Station.

NOXIOUS WEEDS

- Conducted Cats Claw and Madeira inspections at the top end of the Shire with James Browning, Stuart Johnston and Damon Telfer.
- Inspections on Glory Lilly and Bitou Bush were carried out at Hat Head for this years programme
- *Aerial spraying of Water Hyacinth at Goolawah Lagoon was completed*
- *Regional Grant Forms were completed and returned.*
- Two full days utilising our Weeds Caravan at our local Agricultural Show.
- Aerial inspections for water weeds - Water Hyacinth, Salvinia, Water Lettuce and Alligator Weed were carried out in the following areas:

Sherwood, Dungay Creek, Kempsey, Lower Macleay, Clybucca and Jerseyville.

Five sites of Salvinia, nine sites of Water Hyacinth and four new sites of Groundsel Bush were recorded

- Private property inspections were carried out in the following areas:
Kemps Access, Pipers Creek, Stuarts Point Road, Fishermans Reach and Sherwood.
- Annual programme for Groundsel Bush is in the process of being completed.

BUILDING SERVICES

Work completed last 4 weeks

- Ongoing maintenance to amenities and realignment of pavers in public areas.
- Emergency Operations Centre – improve stormwater drainage – completed.
- Greenhill Community Hall – replace locks – completed.
- Bellbrook Depot – replace window – completed.

Work proposed next 4 weeks

- Thompson Street Depot – EPA Waste Management requirements – pressure washer to install.
- Crescent Head East Street steps – replacement.
- South West Rocks Boatmans Cottage No. 2 – painting (Contract).
- Civic Centre – commence work associated with disabled access to First Floor.
- Bellbrook Depot – improve lighting/install fax machine.
- SWR Museum – prepare foundation for relocation of pilot boat.

Financial Implication

There are no financial implications from the following recommendation.

2003. 535

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Joukhadar*

That the information be noted.

DE12	COMPLIMENTS RECEIVED BY ENGINEERING STAFF
FILE: S10-2 JC (NRN)	{Folio No. 255142}

THIS IS PAGE 76 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 10TH JUNE 2003.

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MAYOR

SUMMARY

Reporting on compliments received by Engineering staff for the month of May.

Syd Warrington and - *Thank you to Mark Moss, Mark Hamilton
Thelma Staples and Tom Gralways for doing a great job
in South West Rocks Horseshoe Bay
Area.*

Mrs A Edwards - Thanks and appreciation for the
consideration shown and work undertaken in
York Lane by Robert Wicks and his Team.

Financial Implication

There are no financial implications from the following recommendation.

2003. 536

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Sproule*

That the information be noted.

DIRECTOR ENGINEERING SUPPLEMENTARY REPORT

DE13	DRAINAGE RESERVE – CRESCENT HEAD
(SUPP.)	FILE: LA6198 KJF

SUMMARY:

Reporting on an offer for Council to become trustees of a Crown Reserve.



The Department of Lands has advised that a Drainage Reserve, Reserve Number 33819 would be best managed by a trust and has asked if Council would accept being appointed trust manager of the reserve. The drain forms part of Council's Flood Mitigation Scheme. Details of the Reserve are shown at [\(Appendix A\)](#).

If Council was to agree, the trust would be named "Richardsons Crossing Drainage Reserve (R33819) Trust".

It is recommended that Council accept being appointed as trust manager. There are no costs involved in this appointment and any work on the reserve would be covered under the vote provided for Flood Mitigation.

FINANCIAL IMPLICATIONS

There are no financial implications from the following recommendation.

That Council accept appointment as Trust Managers for Drainage Reserve R33819.



DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

Reports DCCS 1 and DCCS 9 (Supp) were dealt with in conjunction.

DCCS1	2002/03 LOAN BORROWING	
	FILE: L6-7	APC (NRN)
		{Folio No. 255143}

SUMMARY:

Reporting on the proposal to borrow \$1,616,500 for General Fund works.



The Local Government Act requires that the borrowing of monies is a function that Council must determine and cannot delegate.

The Department of Local Government has approved that Council may borrow \$2,336,500 in the 2002/03 year made up as follows:

General Fund	\$1,616,500	
Water Fund	\$ 120,000	Maguires Crossing Aerator
Sewer Fund	\$ 600,000	Willawarrin Sewerage

Water & Sewer Loan Approval

It is not proposed to borrow the funds in respect of the water and sewer funds in the 2002/03 year.

Whilst work is anticipated to commence in renewing the Maguires Crossing aerator prior to the 30 June, the cost in the current year will be relatively minor and the project cost is expected to be well short of the current budget provision of \$120,000.

As reported to Council at the May meeting construction of the Willawarrin sewerage scheme is not anticipated to proceed prior to the 2004/05 year.

Application has been made in conjunction with Council's 2003/04 loan borrowing request for funding to cover the above projects.

General Fund

In accordance with Council's 2002/03 budget and the borrowing approval issued by the Department of Local Government, it is proposed to borrow \$1,616,500 for General Fund works.

Council enquiries during the previous financial year confirmed that the major banks continue to provide the optimum borrowing rates to Local Government, and that the second tier institutions are not competitive. The advantage that the banking institutions enjoy is attributed to the size of their portfolios, the lower risk ratio applicable to Local Government borrowings, and the regulatory capital adequacy requirement's applicable to these institutions which make lending to Local Government attractive to the banks.

Council has approached five major lending authorities requesting quotes in respect of the above borrowing; in order to gain timely and thus accurate market rates Council has requested that the quotes are to be based upon a ten-year term with the interest rate applicable at 10.00a.m. on 5th June 2003.

A supplementary report will be presented to Council at it's meeting of 10th June detailing the quotes received, thus providing Council with the most current market rates available to enable determination of the successful lender.

Financial Implications

The borrowing will create a liability of \$1,616,500 in General Fund.

Director Corporate & Community Services Recommendation:

1. That Council resolve to borrow loan funds totalling \$1,616,500 from the financial institution which provides the lowest actual interest rate as set out in the supplementary report presented to Council 10th June 2003.
2. That the seal of Council is affixed to the necessary loan documents.

DCCS9	2002/2003 LOAN BORROWING		
(SUPP.)	FILE: L6-7	APC (NRN)	{Folio No. 255143}

SUMMARY:

Reporting four offers of loan funds in respect of the \$1,616,500 required for General Fund works have been received. It is noted St. George Bank were unable to quote this year.



Further to the report DCCS1 details of the quotes received are set out below:

National Australia Bank

Loan \$1,616,500	5.495%	10 year fixed rate term, Half yearly repayments
	5.148%	4-year renewal/10 year term
	5.461%	10 year fixed rate term, quarterly repayments

Commonwealth Bank

Loan \$1,616,500	5.37%	10 year fixed rate term, Half yearly repayments
	5.15%	4-year renewal/10 year term

5.34% 10 year fixed rate term,
quarterly repayments

Westpac Bank

Loan \$1,616,500

5.73% 10 year fixed rate term,
Half yearly repayments
5.46% 4-year renewal/10 year term
5.69% 10 year fixed rate term,
quarterly repayments

ANZ Bank

Loan \$1,616,500

6.7464% 10 year fixed rate term,
Half yearly repayments
6.3483% 4-year renewal/10 year term
6.7024% 10 year fixed rate term,
quarterly repayments

The rates quoted by the ANZ and Commonwealth Banks dated the 5th June 2003 are provided on an indicative basis.

The offers from the National Australia Bank and Westpac Bank are fixed to the 11th June 2003. The Commonwealth Bank has advised that a documentation fee of 0.1% (ie. \$1,616), together with annual audit certificate fees of \$30.00 minimum would apply to any approval.

Financial Implications

The above borrowing will create a General Fund loan liability of \$1,616,500 with annual repayments of \$206,188, an annual audit fee of approximately \$30.00 and loan documentation fee of \$1,616.50.

2003. 538

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Joukhadar*

1. That Council accepts the offer of the Commonwealth Bank for a loan of \$1,616,500 based upon a 10 year fixed term quarterly instalments at the rate at 3.00p.m. 10th June 2003.
2. That the seal of Council be affixed to the necessary loan documents.

**DCCS2 STATEMENT OF BANK BALANCES AS AT 31ST MAY 2003
FILE: * APC**

SUMMARY:

Submitting the Statement of Bank Balances as at 31st May 2003.



[\(Appendix A\)](#)

Financial Implication

There are no financial implications arising from this report.

2003. 539

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

That the information be noted.

DCCS3	STATEMENT OF INVESTMENTS AS AT 31ST MAY 2003
FILE: *	APC

SUMMARY:

Submitting the Statement of Investments as at 31st May 2003.



The Local Government Act 1993 requires that Council be notified at each Ordinary meeting of details of all money invested by Council.

Attached at [\(Appendix B\)](#) is that Statement of Investments.

Financial Implication

There are no financial implications arising from this report.

2003. 540

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Bowell*

That the information be noted.

DCCS4	DEPARTMENT OF COMMUNITY SERVICES COMMUNITY SERVICES GRANT PROGRAM
FILE: S10-13 COPY: S10-97-182 DJM	
COPY: APC	{Folio No. 255144}

SUMMARY:

Reporting on the need for Council to affix its seal to documents.



The Local Government (Meetings) Regulations requires Council to authorise the affixing of the Council seal to any document. The resolution of Council must specifically refer to the document.

Department of Community Services Community Services Grants Program.

Council is required to affix its seal to an agreement relating to the recurrent funding that has been made available to subsidise wages for the Aboriginal Liaison Officer position.

The salary costs including on-costs are \$52,700, however, the grant funds offered are for actual wages only \$37,500, leaving a shortfall of \$15,200.

Financial Implication

The financial implication of the following recommendation would be that the draft forward plan document shows grant of \$50,000 and expenses of \$52,700 however, Department of Community Services (DOCS) have offered a grant of \$37,500 (CPI) adjusted which leaves a shortfall of \$15,200. The grant funds offered are recurrent for the period 2003/04 to 2007/08.

Director Corporate and Community Services Recommendation:

1. That Council's seal be affixed to the specification of service agreement for the Aboriginal Liaison Officer position.
2. That the shortfall in salary of \$15,200 be met from working funds.

MOVED:

*Moved: Cl. Sproule
Seconded: Cl. Hunt*

That the Director's Recommendation be adopted.

An Amendment was MOVED:

*Moved: Cl. Joukhadar
Seconded: Cl. Hunt*

That Director's Recommendation part 1 be adopted, and;

2. That the Director rework the program budget to the limit of the grant funds available.
3. That the Department of Community Services be informed of the consequences of the budget shortfall.

2003. 541

The AMENDMENT was PUT to the Meeting and was CARRIED, became the MOTION and was CARRIED.

DCCS5	LEASE TO GIRL GUIDES ASSOCIATION – VERGE STREET, KEMPSEY
FILE: LA3640 PJH	COPY: APC {Folio No. 255145}

SUMMARY:

Reporting on the renewal of the Lease to the Girl Guides Association.



Council has formally leased the Girl Guides Hall at Verge Street, Kempsey to the Girl Guides Association since 1st January 1981. The lease has been for five (5) year terms and the renewal of this lease was due again from 1st January 2001.

At the time of this renewal new solicitors for the Girl Guides Association sought a number of amendments to the lease and for it to be in registrable form. Subsequent to much correspondence between Council, the Girl Guides Association and the Department of Land and Water Conservation the lease was required to take the form of Deed as the land forms part of the Verge Street sports fields, known as Kempsey Park.

Council's solicitors have prepared the Lease Deed which has finally been received from the Girl Guides Association, having been executed by them. The term of the lease will be five (5) years until 31st December 2005.

Rental on the lease has always been on a "peppercorn" basis rather market rent. The history on Council's file shows that the funding for the original hall construction was provided by local service clubs for use by the scouts and girl guides.

Council is required to affix its seal to the Lease Deed.

Financial Implication

The Girl Guide Association pay for the cost of preparing the Deed of Lease. The rental paid to Council is \$70.00 per annum plus GST.

2003. 542

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sproule*

That the Lease to the Girl Guides Association be approved and Council's seal be affixed to the Deed of Lease relating to the lease of land in Verge Street, Kempsey containing the Girl Guides Hall.

DCCS6	GLADSTONE HALL COMMITTEE MEETING 27TH MAY 2003
FILE: LA8199	TIH (NRN) {Folio No. 255146}

SUMMARY:

Gladstone Hall Committee meeting 27th May 2003.



Consultant, Trevor Jamison's, proposed plan was accepted with the deletion of the internal hall storage area. See plan attached at [\(Appendix C\)](#).

It was agreed that if the gallery proposal is to proceed then a Memorandum of Understanding (MOU) between Council and the Hall Committee needs to be established to determine the protocols and responsibilities.

It is proposed to hold a Public Meeting on 12/06/03 6:30pm to discuss the

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MAYOR

proposal before a report on the feasibility study is submitted to the July Council meeting.

Financial Implication

The financial implications arising from this report are nil.

2003. 543

RESOLVED:

*Moved: Cl. Bowen
Seconded: Cl. Bowell*

That the information be noted.

DCCS7	PERSONAL WATER CRAFT (PWC)	
FILE: B1 -2	TIH	{Folio No. 255147}

SUMMARY:

Reporting on the need for Council to make a decision whether or not to endeavour to establish bans on the use of Jet Skis (PWC) off certain beaches along the Kempsey Shire Coast.



The Vehicles on Beaches Task Force some time ago decided to ban PWC in the waters adjacent to where vehicles were banned under the vehicles on beaches policy.

These areas are (from North to South) Middle Beach, Grassy Head Beach, the Northern Corner of Stuarts Point Beach, Horseshoe Bay, Main Beach Trial Bay, Gap Beach, The Northern Corner of Smoky Beach, Hat Head Beach South from the access point, Killick Beach – Northern Corner to access road, Southern Corner from Richardson’s Crossing South to Crescent Head, Back Beach (Goolawah Beach) Crescent head from Big Nobby to the access road and from Racecourse Headland north to point about 1.6 k along the beach, Delicate and Big Hill Beaches and Barries Bay beach South to the Shire Boundary. (See map at [\(Appendix D\)](#)). At present 39.85 k is “unrestricted” and 22.80 k “restricted”.

The rationale behind the argument to ban Jet Skis being that people visit beaches for a variety of recreational reasons one of which was seen to be isolation from noise and powered vehicle use on land and sea.

At the time this decision was made I believe Council had the jurisdiction to ban by signage, however, this has changed according to advice received from the Waterways Authority and Council needs Waterways consent to erect the signs.

If Council is of a view to keep some areas of the beach and surf “quiet” and free of PWC (and unfortunately vessels in general because the legislation does not seem to discriminate between PWC and “normal” outboard powered boats – except perhaps in Sydney Harbour) then Council has to put its case to Waterways.

It seems that because Waterways have not received complaints from the public about the use of PWC they are not convinced that Council’s present, but now unauthorized restricted areas, are justified.

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MAYOR

I believe Council could not defend a ban on the use of PWC at front beach Crescent Head (Killick Beach) because of the overarching legislation covering water vessels in general – discrimination against PWC's using the boat ramp. A similar situation exists at Hat Head. The surf Clubs may be able to control their use in the surf break by flags. Also the launching ramp at Barries Bay may also pose this problem for access from Point Plomer onto Barries Bay Beach in the National Park. The situation in Trial bay is also mainly a National Parks and Wildlife Service issue, near the launching area near the Gaol, but I understand that they have restrictions in place. The launching ramp at Big Hill is in National Park but Big Hill beach is under Council's jurisdiction and I believe Big Hill Beach and Barries Beach should also be free of PWC, however, the Barries Beach issue is in the hands of the NP&WS. As some of these beaches are in National Parks I have sought comment from their Regional Manager and will report the position of the NP&WS when received.

To keep certain beaches and adjacent surf free of vehicles and PWC I believe is a situation worth achieving and suggest the quiet corners of the longer beaches and the short beaches currently considered for peace and quiet should be retained, with the possible exceptions of Hat Head and Killick Beach.

Council has removed the regulatory signs from wherever they were currently placed at the request of the Waterways Authority.

Council's beaches and coastline are arguably its most important tourist attraction and consideration needs to be given to cater for all forms of recreation on the beaches, including passive as well as active recreation.

I believe the restrictions imposed by Council in the past represent a reasonable balance and will recommend that representations be made to the Waterways Authority to impose a ban on the use of PWC (JET SKIS) on the ocean waters adjacent to those areas of beaches banned under Council's Vehicles on Beaches Policy with the exception of Killick Beach and Hat Head where the boat ramps are used by PWC to access the beach.

I have also sought comment from Council's Tourism Services Manager and Economic Development Manager.

Council's Tourism Services Manager also supports the balance that is currently in place and supports the need to keep the peaceful environment currently enjoyed whilst still providing areas for PWC.

Council's Economic Development Manager reports that he supports the proposal because the livability of an area is very important and the livability of our beaches is of considerable importance towards the tourist appeal of our coastline. As long as there is a balanced approach so that PWC users are encouraged to go to the areas where they have least impact on other beach users.

If Council is of a view to accept the recommendations approximately 18.4 k of coast would be free of PWC and 44 .25 k open to the use of PWC (30% PWC free 70% open to PWC).

Financial Implications of this report:

The cost to erect signs and perhaps to prepare a brochure for distribution by Waterways to PWC operators.

The financial benefits of being able to advertise that Kempsey Shire has certain beach areas that are peaceful and quiet.

Social Implications of this report:

The ability to enjoy some beaches free of the intrusion of motor powered vehicles on land and sea as well as adequately catering for the use of PWC.

The Environmental Implications of this report:

Some visual pollution in the form of signage.

Protection of the amenity of several beach areas from the intrusion of motor powered vehicles on land and sea.

Director Corporate and Community Services Recommendation:

1. That Council seek a ban of PWC in the surf zone of beaches that are banned under the Vehicles on Beaches Policy, except for Killick Beach Crescent Head and the Southern end of Hat Head Beach adjacent to the Boat Ramp. (The Barries Beach area is subject to NP&WS advice).

2. That if successful in achieving the ban that the ban be widely advertised.

2003. 544

RESOLVED:

*Moved: Cl. Joukhadar
Seconded: Cl. Hunt*

That the information be noted.

DCCS8

PROPOSED YARRAVEL CEMETERY

FILE: C4-13 TIH

{Folio No. 255148}

SUMMARY:

Reporting on the Councillor's Workshop and the Yarravel Cemetery Public Meeting held 26/5/03.



At Council's meeting of the 13th May 2003 Council was advised:-

"That a Workshop of Council be held on Monday, 26th May 2003 commencing at 11.00am to discuss the Draft Master Plan for the Yarravel Cemetery."

The Consultants commissioned to undertake the preparation of the Development Application for the proposed cemetery presented their draft plans to Council and before a public meeting on 26/5/03.

At this meeting Council was advised by Consultants where in the process of preparing a Draft Master Plan for the proposed site was up to as well as the identification of any remaining concerns and issues before the finalisation of the development application documentation and to give the application the best chance of success during the assessment process.

Several items came under scrutiny at the Council workshop and the same issues were mentioned at the Public meeting.

Summary of the Public Meeting:

Attendance: Geolink Rob and Matthew, KSC Councillor Hunt, T Hannam and Mel Booth. 14 Residents.

Complaints:

1. Not adequate notice to residents of the meeting.
2. Not enough consultation during the past 7 months whilst the consultants were preparing the draft design
3. New resident unaware of the proposal.

Comment on Design:

1. Entrance unsatisfactory. Crotty family representative expressed a willingness to negotiate a solution involving an entrance to their proposed development in conjunction with the cemetery.
2. Crime Prevention measures?
3. No detail at this meeting of environmental study, soil studies, and not satisfied that all of the current flood data is satisfactory enough to make an informed decision.

Comment on other aspects of the proposal:

1. Will Crottys Lane be widened?
2. Will the unsealed section of Crottys Lane be sealed and culverts placed in low areas?
3. Is the National Parks and Wildlife Service satisfied with the proposed measures to be taken to protect bird life and endangered species?

General Comment:

1. Why has Council chosen this site as opposed to every other bit of land that could possibly be available for a cemetery?
2. Why did not Council use the land in Spooners Avenue?
3. Is Council aware of the cost of developing this site?
4. Council has made its mind up and nothing we can do is going to stop them.
5. Council staff accused of "throwing in the bin" information provided by Mr. Bennett.

6. Council staff accused of ignoring the submissions and objections of residents.

Geolink handled the process well and did indicate that their brief was for this parcel only and that Council's instructions made it quite clear that they were to take notice of all past objections to the previous DA.

The fact that it had taken 7 months of research and investigations to get this draft for public discussion and that it would have been pointless to go to a meeting without a draft plan was lost on the audience.

When Geolink come back with a "draft DA" with suggested conditions I believe a second public meeting needs to be called.

MATTERS THAT COUNCIL NEEDS TO PREPARE:

1. A well researched and calculated life span of stages 1 – 5 and the options of additional spaces in stage 6.
2. Do we have to go to the expense of a flood model?
3. Costing of upgrading Crottys Lane if that needs to be done
4. Comparison of traffic generation of this proposal.
5. Impact of a "western route" for the Pacific Highway bypass.
6. Sale of the site and selection of another if this proves "too difficult".

Some Observations:

1. This site is suitable and can be developed into a very satisfactory "woodlands Cemetery".
2. The estimated "lifespan" of the cemetery is determined by the growing acceptance of cremation rather than burial.
3. The fire protection measures that will have to be undertaken will create pressure on the current staffing levels and will be a challenge in the field of species protection and habitat control.
4. The proposed staged development will enable the cemetery to be brought online within a short timeline.
5. Council's cemetery staff has been included in the consultative process and are keen to see it progress.
6. Council needs to continue a policy of "transparency" of the process.
7. Council will need to pass the eventual DA by an independent assessor not Kempsey Shire Council.
8. If the DA is eventually approved it would be good to establish a friends of Yarravel cemetery.

Furthermore at Council's meeting of the 8TH April 2003 Council resolved:-

"That a report be presented to Council at the same time as the D.A. application showing funds spent and funds committed in comparison to the original budget."

Attached at [\(Appendix E\)](#) is a Financial Breakdown of all funds spent relating to the site investigations of various sites for a proposed Cemetery.

Financial implications of this report:

There are no financial implications arising from this report.

2003. 545

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Bowen*

1. That the information be noted.
2. That the consultants be advised of the issues raised at the workshop and public meeting.

DIRECTOR CORPORATE AND COMMUNITY SERVICES SUPPLEMENTARY REPORT

DCCS9 (SUPP.)	2002/2003 LOAN BORROWING FILE: L6-7 APC (NRN)	{Folio No. 255143}
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This report was dealt with earlier in the meeting in conjunction with report DCCS 1.



DIRECTOR BUSINESS ENTERPRISES REPORT

DBE1	MID NORTH COAST REGIONAL DEVELOPMENT BOARD FILE: I2-7 GBS (NRN)	{Folio No. 255149}
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SUMMARY:

Reporting that nominations have been invited for positions on the Regional Development Board.



Expressions of interest are sought for a Chairperson and Board Members of the Mid North Coast Regional Development Board.

Appointees to the Board are expected to represent the broad interests of the Region, rather than those of any particular organisation(s) or areas and must be available for participation in Board meetings and activities.

The Government envisage that Boards will include members with experience in business (including small business) and regional organisations (including Local Government) that will provide adequate regional coverage.

Appointments to the Board will be for a period of up to 4 years commencing 1st September 2003. Half of the membership will come up for re-appointment every 2 years.

Applications will be received until close of business on Friday, 20th June 2003.

Interested parties may request further information from the Department of State and Regional Development, or the Executive Officer of the Development Board.

Financial Implication

There are no financial implications from the following recommendation.

2003. 546

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Sproule*

That the information be noted.

DBE2	MID NORTH COAST FORUM (MIDWASTE)
FILE: G1-2 WJL (NRN)	{Folio No. 255150}

SUMMARY:

Reporting on the progress of the Mid North Coast Forum (MIDWASTE).



Under the provision of the Waste Minimisation and Management Act 1995, the establishment of Waste Boards in rural areas was on a voluntary basis. As a result of an initial meeting in 1998, the Mid North Coast Waste Forum (later to be known as MIDWASTE) was established comprising waste managers and officers from each of the eight Councils within the Mid North Coast region (Great Lakes, Gloucester, Greater Taree, Kempsey, Bellingen, Coffs Harbour, Nambucca and Hastings Councils)

The imposition of waste levies and the loss of these funds to state government revenue was seen as one of the major negatives for the formation of formal regional boards in rural New South Wales. To overcome this situation, several regional areas, including MIDWASTE, opted to become self-nominated groups similar to those established in the Northern Inland, South East, North East, Riverina and NetWaste regions. The forum has met regularly since to better co-ordinate and exchange information on solid waste management programs being undertaken by member Councils.

The purpose of this report is to inform Council of the successful application to Resource NSW by MIDWASTE and for Council to consider the level of its contribution to MIDWASTE (as a member Council) for future grant applications to Resource NSW.

.....
MAYOR

A detailed survey on behalf of MIDWASTE has been undertaken of the current waste management practices and issues facing each of the local government areas within the region. This survey has resulted in the preparation of the Mid North Coast Regional Resource Recovery and Waste Management Strategy.

MIDWASTE has been negotiating with Resource NSW to develop regional and sub regional frameworks for efficient waste management. With the completion of the Regional Waste Strategy, funding has been sought from Resource NSW for the appointment of a coordinator for the group who will be tasked with:

- Completion of a regional survey on landfill capacities
- A coordinated regional metal waste recovery program
- Establishment of regional “milk runs” set up for scrap metal and other bulk recyclables including hazardous waste
- A survey of green waste processing
- Regionalised landfill and Occupational Health and Safety training programs
- A media campaign adopting the EPA “Living Thing” theme
- Integration of member council waste strategies with the Mid North Coast Regional Resource Recovery and Waste Management Strategy

Resource NSW has advised Mr Brett Taylor, Chairman of MIDWASTE, by way of a letter dated 10 March 2003 that the Minister for the Environment has approved Resource NSW funding for one year with further funding subject to a review of progress in the first year. The following are the amounts, terms and timetable for the funding.

AMOUNT (\$)	PROPOSED EARLIEST PAYMENT DATE	PRE-CONDITION/ REQUIREMENT
50,000	March 2003	<ul style="list-style-type: none"> • Written commitment to commence its work under the Regional Waste Plan • Written commitment to Milestones • Signing and returning letter (whereby MIDWASTE agrees to terms of funding)
Up to 80,000 in total	May 2003	<ul style="list-style-type: none"> • Progress payment(s) on evidence of ongoing work towards, or completion of, the Milestones. Payment maybe made in several parts
20,000	June 2003	<ul style="list-style-type: none"> • Demonstrated completion of the Milestones.

A summary of the Milestones is as follows:

1. Appoint Coordinator

2. Completed regional survey on landfill capacities
3. Completed contracting for a coordinated metal waste recovery program at landfills
4. Regional "milk runs" set up for scrap metal and other bulk items including hazardous waste
5. Completed survey for Green Waste processing
6. Foodwaste survey completed – Hastings and Coffs Harbour
7. Survey completed to determine current contracts for concrete processing
8. Regionalised waste OH&S training dates determined and attendance confirmed
9. Media campaign adopting EPA "Living Thing" campaign complete
10. Regional community survey on "aspects of concern" prepared and completion date determined
11. Member Councils' waste strategies are integrated and submitted to Resource NSW

Financial Implication

There are no financial implications for Council in respect of the receipt of the grant funding of \$150,000 by MIDWASTE from Resource NSW in this financial year 2002/03.

Advice from Resource NSW is that future grant/funding applications will need to be made on a dollar for dollar basis with no recognition of "in kind" contributions.

The issue of funding future applications to Resource NSW was discussed at the March 27 meeting of MIDWASTE. Whilst nothing has been recommended at this stage, it has been suggested that an amount per head of population may be the most appropriate mechanism for Councils to contribute towards funding future applications by MIDWASTE to Resource NSW. It has been suggested that if member Councils were to contribute in the range of \$0.25 to \$0.50 per head of population, then this should allow for sufficient funds to be obtained on a dollar for dollar basis to apply to Resource NSW for grant funding to implement the strategies in the Mid North Coast Regional Waste Management Strategy.

For Kempsey Shire Council, this would mean a contribution of between \$6,800 to \$13,600 in the next financial year.

A budget of \$13,700 has been included in the 2003/04 budget to address this contribution towards the future funding applications by MIDWASTE to Resource NSW.

2003. 547

RESOLVED:

*Moved: Cl. Joukhadar
Seconded: Cl. Hunt*

That the report on the success of MIDWASTE receiving a grant of \$150,000 from Resource NSW for the implementation of programs under the Mid North Coast Regional Waste Management Strategy be received and noted.

DBE3	WATER SUPPLY TO SYD SUTHERLANDS LANE
FILE: W1-3 GRP	{Folio No. 255151}

SUMMARY:

Reporting on the developing situation with Council town water supply to rural properties in Syd Sutherlands Lane area.



There are a number of farm properties in the vicinity of Syd Sutherlands Lane, Bellimbopinni, which access town water via small diameter polyethylene pipes laid in a master-deduct style. These pipes supply water to troughs for cattle. No houses are supplied and no buildings are permitted in the area which is flood prone.

In July 2002 Council received a petition from eleven of the property owners in this vicinity requesting that Council extend the reticulation mains along Syd Sutherlands Lane to facilitate removal of the master-deduct system and overcome the leakage problems associated with the existing service pipelines.

The situation was assessed in conjunction with the petitioners and the preferred option was to lay a new 63mm OD Class 12.5 Polyethylene pipeline for 2900 metres along the Syd Sutherlands Lane road reserve to J. Sutherland's gate at an estimated cost of \$37,000.

Following a report to Council at the January 2003 meeting, Council resolved

“That Council endorses a proposal to carry out mains extension works of 2900 metres of 63mm polyethylene main in the 2003/04 financial year at an estimated cost of \$37,000 subject to at least seven property owners making a contribution of \$3,365 each.”

Council representatives have since held a meeting with these people to clarify Council's position following the above resolution. Council received no response. It is therefore assumed that the property owners cannot meet Council's demands.

To resolve Council's problem of owning 800 metres of inferior polyethylene “piggyback” service pipe in private property with no easement, Council, at the May 2003 Meeting resolved:

“That Council disconnects the “piggyback” service from Sutherlands Lane which supplies Clarke, Saul and Sutherland.”

Following this resolution letters were sent to those people affected notifying them that their service would be disconnected on 30th June 2003 which is the date current rate payments expire.

There have since been representations made to Water Services staff and, I believe, elected members in an attempt to find a mutually satisfactory solution to this ongoing problem.

Saul and Sutherland are keen to connect to a main at the end of McCarthy's Lane. The existing 50mm polyethylene main in McCarthy's Lane already supplies 6 services and does not have any spare capacity. It is, in fact, overloaded by two services since a 50mm poly pipe capacity is four 20mm services. This means another main would be required from the highway. A new 63mm OD polyethylene main of 670 metres is estimated to cost \$8,000. This would have a capacity for seven 20mm services. With the two mains interconnected at the end of McCarthy's Lane there would be capacity for a total of eleven 20mm services. Six

are existing plus two new connections for Sutherland and Saul would total eight services leaving three spare.

This option would solve the “piggy-back” problem, overcome inadequate flow and pressure for existing consumers and provide capacity for three further connections if required.

Mrs Clarke would prefer to take over the service connection at the current “piggy-back” location in Sutherlands Lane and have her meter relocated to this Sutherlands Lane position. She proposes replacement of the poor quality pipeline to her property and take responsibility for future maintenance as her private pipeline. This would depend on her gaining permission from the landholder to replace the service line. The “piggy backs” to Sutherland and Saul would be disconnected at her property.

Water Services have no objection to these proposals. Mrs Clarke’s preference is easily achieved by moving her existing meter from her property to the Sutherlands Lane tapping point and disconnecting the piggy backs. This is basically the same work which will be involved with disconnecting the services as per Council resolution. The new main in McCarthy’s Lane is technically straight forward. If the work is to proceed the method of financing it requires resolution.

Two options are:

- Council fully fund the 63mm poly main from 2003/04 budget funds to augment the existing main in McCarthy’s Lane which is overloaded. An allowance of \$180,000 has been approved in the draft 2003/04 budget for replacement of piggy-back services.
- Council fund 72% (\$5,760) of the main and Sutherland and Saul contribute the other 28% (\$2,240). This is based on the premise that Saul and Sutherland would utilize two out of seven available connections to this main, ie 28% of \$8,000, and Council would utilize the other five, ie 72% of \$8,000.

It should be noted that Sutherland and Saul would have to lay approximately 1500 metres of pipeline each from their new meter to their property. This would be a considerable cost to each property owner (approx. \$1500).

Financial Implication

- 1. The financial implication of the following recommendations is an estimated expenditure by Council of \$8,000 from the 2003/04 Water Supply Fund budget to finance a new pipeline.***
- 2. Income from services to Sutherland and Saul of approximately \$700 per annum each together with future income from connections to the three spare service connections available from the pipeline. Total say \$3500 per annum.***
- 3. Possible legal costs if the disconnection of water to these properties is challenged.***

Director Business Enterprises Recommendation:

1. Council fully fund a new 63mm poly main from the highway to the end of McCarthy's Lane.
2. That Council transfer Clarke's meter to Sutherlands Lane when the piggy-back is disconnected.

MOVED:

*Moved: Cl. Bowen
Seconded: Cl. Sowter*

That upon receipt of a contribution of \$13,200 from landowners needing water supply at Syd Sutherland's Lane, Council proceed to supply and lay 2000 metres of class 12 100mm UPVC main to Pam Clarke's and 1860 metres of 63mm class 12.5 Poly to the culvert in the road in Sutherland's property with the balance of the \$80,180 cost coming out of the \$180,000 in 2003/04 budget approved for the replacement of 'Piggy-back Services'.

An Amendment was MOVED:

*Moved: Cl. Joukhadar
Seconded: Cl. Hunt*

That Council delay cutting off water supply to the affected landholders, until further information can be received regarding the cost of installation of water infrastructure, that will remove the need for the 'Piggy-back' system.

2003.548

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

DBE4	FLEET MANAGEMENT		
	FILE: P6-3	MW (NRN)	{Folio No. 255153}

SUMMARY:

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



The following plant was **Purchased** during May 2003.

New P/No.	New Vehicle	Purchase Price (excl. GST) \$
V2059	Toyota Hilux table top	\$15,817
V2060	Toyota Hilux table top	\$15,817
V2061	Toyota Hilux table top	\$15,817
V2045	Ford Courier (Dual Cab Utility, Canopy, bull bar & Winch) 4wd	\$32,399
V2046	Ford Courier (Dual Cab Utility, Bull bar, & Winch) 4wd	\$30,581

V2047	Ford Courier (Dual Cab / Chassis)	\$26,635
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The following plant was **Sold** during May 2003.

New P/No.	New Vehicle	Sale Price (exc GST) \$
V2034	Ford Falcon XT (BA)	\$26,818
V1621	Toyota Landcruiser (table top and spray unit)	\$10,909
V1087	Ford Falcon Tradesman Utility	\$11,363

Financial Implications

All costs are covered by approved Budget allocations.

2003. 549

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Sproule*

That the information be noted.

At this stage 4.30pm Councillor Sproule retired from the Chambers.

DBE5	WORKS IN PROGRESS	
	FILE: W1-2 PH (NRN)	{Folio No. 255154}

SUMMARY:

Reporting on works in progress.



WATER SUPPLY

Normal operation and maintenance of Water Supply Pumping Stations and Treatment Plants continues.

Works completed during last 4 weeks

1. Investigate options bulk meters Kempsey area, North and down river and purchase portable meter.
2. Upgrade access to Willawarrin Reservoir and South West Rocks Borefields.

Works Proposed for next 4 weeks

1. Install Meters on all bore pumps – continuing.
2. Clean Greenhill Reservoir – deferred until dam back on line/drought.

3. Repair leaks at Potters Hill Reservoir. Empty to repair and control rust in roof support posts – continuing with associated works required before emptying.
4. Monitoring and testing of dam after algistat dosing.
5. Commence replacement Maguires Crossing Aerator and replace ladder and platform – awaiting quotes.
6. 300mm main and interconnection works, Memorial Avenue, South West Rocks – continuing.
7. 6 monthly meter read – continuing.

MONTHLY WATER CONSUMPTION

	May 2003 Kilolitres
Belgrave Falls	0
<i>Bellbrook</i>	775
<i>Crescent Head</i>	13,024
<i>Hat Head</i>	5,794
<i>Sherwood – Lime Plant</i>	234,590
<i>South West Rocks</i>	41,104
<i>Stuarts Point</i>	10,610
<i>Willawarrin</i>	933
Total Consumption	306,830

Kilolitres to Financial Year to Date: 3,918,374kl

Applications for connection in May – 23

SEWERAGE

Normal Operation and maintenance of sewage treatment plants and pumping stations continues.

Works completed during last 4 weeks

1. Team storage sheds erection completed - under contract.
2. *House service defect correspondence and inspections – continuing.*
3. Repaired/replaced rubber sleeving on decant mechanisms, South Kempsey Sewerage Treatment Works.

Works Proposed for next 4 weeks

1. *Sewerage Pump Station upgrades at South West Rocks – continuing.*
2. Sewerage Pump Stations Fall Prevention Systems – manufacture and install – continuing.
3. De sludge lagoons at South Kempsey Sewerage Treatment Works – continuing.
4. Paint and erect platform and vent R28 Jerseyville – continuing.
5. Tenders close for inlet works at South West Rocks Sewerage Treatment Works.
6. Paint Via Duct at Burnt Bridge.

SALEYARDS

Works Completed during last 4 weeks

1. Normal maintenance and operation.
2. Restoration of stormwater drainage lines.
3. Installation of lighting under roof.
4. Reconstruction of selling ring fence.

Works proposed for next 4 weeks

1. Normal maintenance and operation.

AIRPORT

Works Completed during last 4 weeks

1. Normal maintenance and operation.

Works proposed for next 4 weeks

1. Normal maintenance and operation.

CARAVAN PARKS

Works Completed during last 4 weeks

1. Normal operation and maintenance.
2. Finalise redesign plans for Crescent Head Holiday Park.

Works proposed for next 4 weeks

1. Commence implementation of upgrading at Crescent Head.

WASTE SERVICES

Works Completed during last 4 weeks

1. Normal operation and maintenance.
2. Laying of concrete slab for emergency shower.
3. Erosion control measures at Kempsey Waste Reveal and Disposal Facility (KWR & DF).
4. Cleanup of recycling areas at KWR & DF.
5. Crossing of roadsides for stormwater control at KWR & DF.
6. Primary excavation of new cell at KWR & DF.
7. Slashing of Sorghum at South West Rocks.

Works proposed for next 4 weeks

1. Normal operation.
2. Relocation of recycling depots (Crescent Head and South West Rocks).
3. Roofing of DrumMuster Compound at SWR WR & DF.
4. Further excavation of new cell at KWR & DF.
5. Commencement of works on Transfer Station.
6. Return of SWR & SP Transfer Station to day labour.
7. Site clearance at cleanup of SWR & SP Transfer Station.
8. Security audit by Crime Prevention Officer at all waste disposal facilities.

DEPOT

Works completed during last 4 weeks

1. Security audit and safety audit of Depot.
2. Preliminary works for PDP.
3. Repair/maintenance of security fence.

Work proposed for next 4 weeks

1. Preparation of strategic plan for Depot.

PURCHASING

Works completed during last 4 weeks

1. Trial of staff purchase cards completed.

Work proposed for next 4 weeks

1. Staff purchase cards to be made available for all appropriate staff.
2. Invite expressions of interest for pre-qualification of suppliers for –
 - a) Plant and vehicle hire
 - b) Services by Contractors
 - c) Supply of goods.

Financial implication

There are no financial implications from the following recommendation.

2003. 550

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

That the information be noted.

DBE6	COMPLIMENTS RECEIVED BY BUSINESS ENTERPRISE STAFF
FILE: S10-2 JC (NRN)	{Folio No. 255155}

SUMMARY

Reporting on compliments received by Business Enterprise staff for the month of May.



- Diana Tuckwell - Thank you to Ann-Maree Burke for quick response and help with understanding new water pricing policy.
- Sean - Thanks to Eli Ussher for information which helped on an assignment for school.

Financial Implication

There are no financial implications from the following recommendation.

That the information be noted.

At this stage 4.35pm Councillor Sproule returned to the Chambers.

DIRECTOR BUSINESS ENTERPRISES SUPPLEMENTARY REPORT

DBE7 (Supp)	PROPOSED NEW WATER PRICING
	FILE: W1-2 AMB

SUMMARY:

Reporting on a progress report on the exhibition of the proposed new water pricing.



At this stage 4.45pm Councillor Hunt retired from the Chambers.

The exhibition of the New Water Supply Pricing has generally been in accordance with the Information Dissemination Plan adopted by Council on 22nd April 2003.

The exhibition commenced at Kempsey Show to capture agricultural customers that might be otherwise difficult to reach by traditional advertisements. Pamphlets and accompanying letters were drafted following the Show and in the mean time advertising, media releases and references within the Mayors column. An interview on Tank Radio occurred on 26th May and five Workshops were held 2nd - 4th June 2003.

To address the various sectors of Council's water supply customer base 9 letters and 3 pamphlets were drafted. The majority of the content was identical but specific sector information was added to each.

The three pamphlets were

- agricultural businesses
- residential properties
- businesses

The nine letters were as listed and totalled approximately 15,000.

- owner-occupied residential properties
- owner offsite residential properties
- tenant residential properties
- owner multi-residential properties
- residential representative groups
- agricultural property owners
- business owner offsite
- business representative groups
- monthly read water customers

Posting occurred on Friday, 23rd May 2003, and phone calls began at 10.00am on Monday, 26th May 2003. As at 4th June 2003, Business Support and Water Services have fielded the enquiry numbers in the table below.

Counter	60
Phone calls	800
Emails	100
Written letters	50

Most enquiries sought their water usage and likely impact. Those with specific issues were recorded in CivicView. Approximately 95% of enquiries have been happy with the results as they were residential customers or low-medium use business customers who would receive a reduced water bill. Wherever negative responses occurred, or requested to do so by the customer the response, reason and circumstance were recorded on CivicView.

Comments on CivicView as at 4th June 2003		
Number		Reasons
Not happy	- 3	Penalises large families (did receive bill reduction), comparison to Sydney Water Charges, requested proof of property request for 25mm meter.
Happy	- 1	Will get reduction
Seeking more detailed information	- 1	Required site investigation by field staff
TOTAL	- 5	

Five workshops were held between 2nd and 4th June 2003, for business customers. These workshops are listed below with attendance details. The issues raised in the discussion part of the Workshop are attached separately at [\(Appendix A\)](#)

Workshop	Attendance	Comments
Agriculture Businesses 2 nd June 2003	15	Too early for dairy industry and conflict with other dairy industry meeting.
Tourism 2 nd June 2003	8	All attendees were caravan park operators
Schools, hospitals, nursing homes and government offices 3 rd June 2003	8	Some 2 high schools, the rest primary/infants
Property Managers & Body Corporates 4 th June 2003	21	4 body corporate reps but rep for more than one body corporate
Other businesses 5 th June 2003	3	Mixture

Conclusion

Residential customers and low-medium use businesses are happy to be receiving a decrease in their water bills.

Medium to high use business customers are not against the principal of users pays but are concerned at the timeframe for introduction and their inability to cater for increases in their budgets. In this regard the following has been put forward from Workshop discussions.

Customer Suggestions	Comments
Phase-in the new pricing over a 3 year period	<ul style="list-style-type: none"> • this is possible and suggested in Guidelines where large increase posed to non-residential customers. • Would be administration challenge and to detriment of residential and small business customers. • Seeking advice of other Councils experience of phasing-in.
Council fund a water auditor to assist business on how they might improve	<ul style="list-style-type: none"> • Is likely to be a recommendation of IWCMS. • Other Councils did this during drought with tourism industry eg. Hastings, Coffs Harbour. • Water auditing groups are available in Brisbane, Sydney and Port Macquarie.
Offer 60-day payment period for usage charges in first year (for all customers)	<ul style="list-style-type: none"> • Would assist smoothing transition to new pricing. • Assists businesses as well as tenants facing first usage bill.
Access charge billing to body corporate be altered as pensioners unable to utilise pensioner rebate.	<ul style="list-style-type: none"> • Have checked with other Councils • Intend where a strata property contains residential units and complex not individually metered, will bill each unit the minimum access charge (\$246) regardless of the meter size. • The pensioner rebate can then be used

	against the access charge <ul style="list-style-type: none"> • Council will win and lose on these situations (calculations not assessed as yet).
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Financial Implication

Nil

2003. 552

RESOLVED:

*Moved: Cl. Sproule
Seconded: Cl. Bowell*

That the information be noted.



GENERAL MANAGER'S REPORT

GM1	OUTSTANDING REPORTS AND OUTSTANDING COUNCIL RESOLUTIONS
	FILE: C18-2 AVB (NRN) {Folio No. 255156}

SUMMARY:

Council's report on outstanding reports and outstanding resolutions.



Following is listed each Director's outstanding resolutions and outstanding reports up to and including the 13th May 2003 meeting of Council.

OUTSTANDING REPORTS

Director Engineering

MEETING DATE	REPORT NUMBER	SUMMARY OF REPORT REQUIRED	DUE DATE / REASON
12.11.02	NOM 4	That the Director Engineering report back to Council on funding options of constructing Gilbert Cory Street to the same width as the section of the road between Government Road and Gordon Young Drive.	Currently investigating. - DLWC currently assessing area for Aged Care Housing – awaiting outcome.
11.3.2003	DE 3	Yarrahapinni Floodgates – That a workshop be held and a report come back to Council.	Workshop Meeting held 1 st April 2003. Trustees to discuss with Government Agencies issue of preparation of an EIS.

13.5.2003	NOM 1	That the DE investigate sources of funding including Roads to Recovery to finance construction of sealed dish drain on western side of Sherwood Road from end of kerb & gutter to gully at bottom of hill & same or equivalent on eastern side and report be submitted as soon as possible.	Options to be considered in conjunction with NOM2 (13.5.03) Dept. of Education be requested to comment on the OH&S implications regarding delivery & pickup of students at Aldavilla School. Letter forwarded to Dept. of Education 29.5.03.
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Director Business Enterprises

13.5.2003	LATE BUS.	Kempsey Shire Pools – A further report be submitted to Council of the financial effect of the Risk Audit that has been carried out.	Risk Audit yet to be completed. Report to assess financial effects of Risk Audit to be scheduled for November 2003.
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Director Corporate & Community Services

13.5.2003	GM 1	Outstanding Resolutions – That DCCS report back to Council in regard to funding of Baby Care Room.	8 th July Council Meeting.
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Director Environmental Services

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General Manager

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OUTSTANDING RESOLUTIONS

Director Engineering

13.5.2003	DE 1 Point Plomer Road	Submissions to Minister for Trade and Minister for the Environment seeking funding to be completed.
13.5.2003	DE 2 Bridge Naming	Policy on naming of Bridges to be developed.

Director Corporate & Community Services

14.1.03	DCCS 7 -Proposed Baby Care Room – Director to source funds for project.	Investigations commenced. Funding sources being reviewed and a report to be presented to 8 th July Council meeting.
8.4.03	DCCS 10 - Proposed Cemetery, Crottys Lane – Yarravel	Development application to be lodged and a report to Council on funding allocated and funding spent – progress report to 10 th June Council meeting in this business paper.

Director Business Enterprise

13.5.2003	DBE5 Water Supply to Syd Sutherlands Lane	Further report to June Council meeting.
13.5.2003	DBE10 Alterations to Trade Waste Collection Service	New single front lift vehicle to be purchased in July 2003. Retrofitting of trade waste bins to commence in July.

Director Environmental Services

13.5.03	DES5 North Coast Correctional Centre, Kempsey Sewage Transfer Main Proposed Easements over Crown Land.	Proposed easements to be prepared by Dept. Public Works prior to affixing Council's seal to documents.
13.5.03	DES8 Renaming of an Existing Street, Belle O'Connor Street, South West Rocks	Section 162 notification under Roads Act to be sent to Geographical Names Board.

General Manager

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Financial Implication

There are no financial implications arising from this report.

2003. 553

RESOLVED:

*Moved: Cl. Sproule
Seconded: Cl. Sowter*

That the information be noted.

At this stage 4.47pm Councillor Hunt returned to the Chambers.

GM2	MAYORAL AND COUNCILLOR FEES
	FILE: C18-16 AVB (NRN) COPY: APC {Folio No. 255157}

SUMMARY:

Reporting on the Local Government Remuneration Tribunal determinations for the 2003/2004 year.



The Local Government Remuneration Tribunal has released its determinations for the 2003/2004 year. The minimum/maximum fees in the relative categories have been increased by 3.5% for Councillors and 7% for Mayors.

Kempsey Council is classified as a Category 3 for remuneration purposes along with Councils such as Coffs Harbour, Hastings, Greater Taree and Great Lakes.

A full copy of the Remuneration Tribunal's report has been forwarded to each Councillor.

The determination for Category 3 Councils for 2003/2004 is as follows: -

Councillor		Mayor	
Minimum	Maximum	Minimum	Maximum
\$5,705	\$12,550	\$12,125	\$27,395

Last year Council resolved that fees payable in the 2002/2003 year be the maximum allowed in Category 3 as determined by the Remuneration Tribunal.

Financial Implications

Provision has been included in the 2003/2004 budget for the payment of Mayor and Councillor fees in accordance with the Remuneration Tribunal's determination.

General Manager's Recommendation:

That the fees paid for 2003/2004 to Councillors be \$12,550 and to the Mayor be \$27,395.

2003. 554

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sproule*

That the General Manager's recommendation be adopted and a report be prepared for the next meeting on Councillors expenses and allowances policy.

GM3	COUNTRY MAYORS ASSOCIATION
	FILE: C11-14 AVB (NRN)

SUMMARY:

To outline matters discussed at the Country Mayors meeting held on 23rd May.



On Friday 23rd May I attended the Country Mayors Association meeting in Sydney.

The following people addressed the meeting:

- Mr Michael Jones - CEO Regional Express Airlines
- Cr. Dr. Sara Murray - President LGA
- Mr Tom Murphy - Western Research Institute
- Ms Julia Selby – Executive General Manager, Australian Operations Austrade

Michael Jones outlined the biggest issues facing REX – getting passenger numbers up particularly in view of the Qantas business travel arrangements with the State and Commonwealth Governments – the economic environment of drought and world events that have cut passengers by 28% - Local Government Taxes and charges at Regional Airports – Sydney Airport Taxes currently \$24.28 per passenger – slot congestion between 7.30am and 9.30am and the allocation of slots on a commercial decision basis once the slot guarantee expires in 2008.

The Association is to write to the Premier asking him to remove arrangements that restricts travel of public servants to Qantas Link.

Sara Murray met with the Minister for Local Government on the 22nd May. The Minister indicated that he will be looking at voluntary amalgamations with priority being given to donut Councils and inefficient Councils.

Tom Murphy was briefed by the Executive of the Association on the need to review the Associations Strategy on Balanced Development and Policy recommendations which were last reviewed in 1993. His methodology for the review was to contact the Mayors, prepare an Economic Profile for Country NSW, Review Government Policies, draft new policies, receive feedback from Mayors and prepare draft report at a cost of \$28,600.

The review engendered considerable debate, particularly the cost, and it was decided to reimburse the Institute as the basis for a written brief and to call expressions of interest.

Julia Selby outlined Austrade's assistance for small and medium sized companies through the trade start program. Only 4% of Australian companies export and Austrade is trying to double this by 2006. Trade Start offices are a one stop shop for export assistance.

Other matters discussed at the meeting were:

- To defer the Associations elections until May next year in light of the deferral of the Local Government elections
- Admitted Yass and Kyogle Councils as members of the Association
- To seek a deputation to the Premier or appropriate Minister regarding the non rating of Aboriginal Land

Financial Implications

There are no financial implications arising from this report.

2003. 555

RESOLVED:

*Moved: Cl. Joukhadar
Seconded: Cl. Sproule*

That the report be noted.

GM4	LOCAL GOVERNMENT MANAGERS ASSOCIATION CONFERENCE
FILE: C11-2	AVB (NRN) {Folio No. 255159}

SUMMARY:

To report on the Local Government Managers Association Conference held in Adelaide from 25th to 28th May.



I attended the Federal Conference of the Local Government Managers Association Conference in Adelaide from the 25th to 28th May. The Conference

was attended by delegates from all states and by delegates from United States of America, United Kingdom, South Africa and New Zealand.

The Conference was opened by the Administrator of the Commonwealth of Australia Sir Guy Green and was addressed by Minister Wilson Tuckey. There were a number of keynote speakers and workshop streams each day covering Managing Local Area Environments, Managing Local Government Corporations and Managing Partnerships.

Keynote speakers were:

- Clem Sunter who is a well known business commentator, author, South Africa's most famous futurist and the Chairman of the Anglo American Chairman's Fund. He spoke on his most recent book "The Mind of a Fox" which is about scenario planning, knowing what you are in control of, what you are certain of and the importance of both negative and positive scenarios.
- Stella Axarlis a leading light of the business world, a former opera singer and then Managing Director of a large Engineering Company that supplied General Motors, spoke about creating innovation and change through partnerships, inspiration and understanding.
- Tom O'Toole, the inspirational baker from Beechworth who turned his bakery from a one man operations to a major industry and tourist attraction by concentrating on the little things that matter to his customers. His sales staff are managers of first impressions.

Working streams attended were:

- Analytical workshop on Triple Bottom Line and the sustainable agenda where the importance of measuring the Social, Economic and Environmental impacts of Council's decisions and programs was stressed.
- Getting returns on your Social Capital – A presentations on Hornsby Shires Indicator Report, performance measures and linkages to their strategic and Management Plans and Budget.
- Strategic Demography - which looked 'at the 2010 and 2020 landscape and the likelihood of increasing pressure on infrastructure particularly the capital cities which will result in Australia not being able to afford sustainability and biodiversity.
- New ideas on developing young leaders, which pointed out that because of the aging population of Australia, less young people will be entering the workforce in the future and Local Government will need to sell itself to attract suitable staff.
- Your public profile and the media - outlined hints on how to use the media.
- Why they will Invest in your Community – looked at two case scenarios. One a large development of mixed residential, retail, business and tourism involving 60,000 lots and 150,000 people. The other, a small community in Queensland that is developing their micro businesses (that is business that employs less than 5 persons) and using the philosophy "think big by focusing small" and
- Can a home base work which looked at working from home? Its benefits for both employers and employees – difficulties such as OH&S issues, public liability insurance, set up costs and potential suitable jobs for such an arrangement.

I have said before that this Conference is one of the best in the Local Government Calendar and that opinion hasn't changed.

Financial Implications

There are no financial implications arising from this report.

2003. 556

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Bowell*

That the information be noted.

GM5	RANDOM TRACKING SURVEY	
	FILE: C13-38 MAM (NRN)	{Folio No. 255166}

SUMMARY:

Reporting that a random tracking survey was conducted in Kempsey in May to how the community feels about itself in line with the Corporate Strategic Plan and the Corporate Image and Public Relations Strategy.



The random tracking survey was developed from a sample community survey produced by the Premiers Department as part of their Strengthening Rural Communities Project. It attempts to gain an understanding of how people living in a local community feel about:-

- safety and security,
- leadership and vision
- mutual relationships and trust and
- dealing with change.

The survey also contained information directly relating to some of the performance indicators in Council's Corporate Strategic Plan.

Ninety nine (99) people were randomly selected and interviewed face to face in the Kempsey CBD. Of those interviewed:-

- 52 were residents of Kempsey
- 12 were residents of South West Rocks
- 5 were residents of Crescent Head
- 1 was a resident of Stuarts Point
- 4 were residents of Frederickton
- 4 were residents of Smithtown/Gladstone
- 1 was a resident of Kundabung
- 3 were residents of Willawarrin/Bellbrook
- 15 were rural residents
- 2 were visitors

The results of the survey are as follows:-

Statement	Agree or Strongly Agree %	Disagree or Strongly Disagree	Don't know
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.....
MAYOR

		%	
<i>This community feels like home to me</i>	85	14	1
<i>If I need information to make an important decision, I know where to find the information</i>	75	20	5
<i>People in the Kempsey Shire are confident about the future of our community.</i>	41	39.5	19.5
<i>I am able to get the services I need in my community</i>	77	21	2
<i>I shop locally whenever I can</i>	94	6	
<i>The community has strong local Council leadership</i>	47	36	17
<i>There is a strong sense of cooperation and community pride</i>	54	42	4
<i>Our community compares well to other communities in the region</i>	55	38	7
<i>Local businesses support the community</i>	86	2	12
<i>I feel safe in my community</i>	51	48	1

Question	Yes %	No %
<i>In the past three years, have you ever taken part in a community project?</i>	57	43
<i>Do you help out a local group as a volunteer?</i>	60	40
<i>Have you ever been a part of a project to organise a service in your area?</i>	38	62
<i>Do you feel optimistic about the future of the Kempsey Shire?</i>	83	17
<i>Do you believe that Kempsey town is a good place to shop?</i>	70	30
<i>Do you think the Civic Maintenance Teams are helping to improve the image of Kempsey?</i>	88	12

In answer to the question "What could be done to make Kempsey an even better place in which to live?" the following comments were made:

- More youth and children's services (19)
- More policing (18), control anti social behaviour (2), more police trust
- More employment with economic development, more businesses (14), light industry should be encouraged, fill empty shops (2)
- More security/safety (10), car parks and toilets
- Aboriginal problems resolved (6), tolerance, less discrimination, improve racial relations
- Council improvements (6), management improvement, building inspector availability not limited to 3-4pm daily
- More Beautification (5) brighten place up, street trees, outdoor dining, cleanliness, riverbank beautification, roadside mowing
- Picture theatre (4) - entertainment venues, recreation centre, more activities, (2) parks and playgrounds - more and improved, more social outlets
- Improve signage (3)
- Reduce crime rate (3), vandalism (2) and petty crime addressed by stronger actions, stop spitting in the street
- New people to do community projects, better/increase community services (2)
- Car parking (2)
- More tourism - sell valley (2), more opportunities for young people eg. Go karts
- Maintain/ improve roads (2)
- More tourism - sell valley (2), more opportunities for young people eg. Go karts

- More shopping malls under one roof, shops open all day Saturdays, (2) restaurants /coffee shops, shops open weekends
- Better bus services (2)
- Drug/alcohol/suicide prevention
- Maintain Kempsey upgrade, more civic maintenance
- Not ripping off the tax payer, not wasting money on cleaning up, not increasing rates
- Better medical/dental facilities, need more doctors- specialists
- Replace Council, sack Council and start again, more aboriginals on Council
- Improve toilet amenities
- Change attitudes of a small minority of the community who talk Kempsey down. Encourage the local media to report more positive stories rather than the easy to get bad news stories. Improve signage for visitors to the area. Friendly people, clean environment, easy parking natural beauty
- Build a retirement home
- Services for young and old with disabilities
- Recycling
- Assistance for new residents to get one culture shock of accepting a community that is 35 years behind the times.

Financial Implication

The survey was undertaken within existing Tourism and Public Relations budget

2003. 557

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Joukhadar*

That the information be noted.



LATE BUSINESS – MEMBERSHIP OF THE SHIRES ASSOCIATION

2003. 558

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Joukhadar*

That this matter be considered at this meeting as it is deemed by the Mayor to be a matter of urgency.

MOVED:

*Moved: Cl. Sproule
Seconded: Cl. Joukhadar*

That Kempsey Shire Council seek to be full members of the Local Government Association and associate members of the Shires Association from 1st July 2003.

An Amendment was **MOVED:**

*Moved: Cl. Howell
Seconded: Cl. Hunt*

That Council remain as full members of the Shires Association and associate members of the Local Government Association.

2003.559

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



LOCAL TRAFFIC COMMITTEE

FILE: *

MINUTES OF THE MEETING OF THE LOCAL TRAFFIC COMMITTEE HELD ON WEDNESDAY, 14th MAY 2003, IN THE COUNCIL CHAMBERS COMMENCING AT 9.25 AM.

2003. 560

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Joukhadar*

That the minutes of the meeting of the Local Traffic Committee held on Wednesday, 14th May 2003, be adopted with the exception of item 3.3.1 B Doubles Route Proposal.



PLANT COMMITTEE

FILE: *

REPORT OF THE MEETING OF THE PLANT COMMITTEE OF THE COUNCIL OF THE SHIRE OF KEMPSEY HELD ON MONDAY, 19th MAY 2003, IN THE COMMITTEE ROOM, CIVIC CENTRE, COMMENCING AT 2.30 PM.

2003. 561

RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Sowter*

That the report of the meeting of the Plant Committee of the Council of the Shire of Kempsey held on Monday, 19th May 2003, be adopted subject to Councillor Sproule being deleted from the list of apologies for the meeting and it being noted that Councillor Sproule submitted her resignation from the committee and that it was accepted.



QUESTIONS WITHOUT NOTICE

Councillor R Bowen

Councillor Bowen was advised:-

- 1 That the removal of the entrance sign and posts at the Hat Head Caravan Park shortly after the appointment of a new Manager was a co-incidence rather than related to the new Manager's commencement.

Councillor J H Howell

Council Howell was advised:-

- 1 That it was the Director Environmental Services understanding that it would be some time before stage 2 of the crown land subdivision at Crescent Head due to the need for studies to be done.

- 2 That arrangements would be made for all Councillors to be sent copies of any submissions sent to Ministers of Parliament.
- 3 That the Manager Economic Development was working on the Developers Incentive Policy.
- 4 That the Director Corporate and Community Services would review the current Aboriginal Mentoring Program.
- 5 That the Director Engineering had had discussions with the RTA concerning the condition of the south bound lanes in Smith, Lord and Lachlan Streets, Kempsey.
- 6 That the Director Engineering would investigate reports of school buses parking in the driveway of the Crescent Head Road Nursery to pick up/set down students from the Kempsey Adventist Primary School on Crescent Head Road.
- 7 That Council was able to sell land at its Airport subject to obtaining the appropriate Minister's consent.
- 8 That the Director Engineering had had discussions with the proprietor of the New Royal Tavern regarding placement of bollards at the premises.
- 9 That the Director Business Enterprise would investigate reports of a sewerage surcharge in the lane beside the Pearl Perch Hotel in Kempsey.
- 10 That the Director Engineering would investigate the overgrowth in Perrins Lane, Kempsey.

Councillor J Sproule

Councillor Sproule was advised:-

- 1 That the Director Environmental Services would investigate illegal advertising of motor vehicles for sale at Gowings Hill Road/Pipers Creek road intersection.
- 2 That the General Manager was unaware of Council seeking funding for the employment of an Environmental Resource Officer.
- 3 That speed advisory signs are generally not placed on gravel roads due to the varying conditions and it is the responsibility of drivers to drive in accordance with the prevailing road conditions. Also substantial funding for such signs would be required.
- 4 That there was no funding for any maintenance work on the lane between Southside Cellars and Caltex at South Kempsey.

Councillor B R Sowter

Councillor Sowter was advised:-

- 1 That the Director Engineering had made contact with the landowner regarding the drainage problem at Ledge Street, Hat Head.

- 2 That the Director Engineering would investigate potholes at the corner of Verge and Belmore Streets, Smithtown.
- 3 That the Director Engineering would investigate tree branches overhanging the road at Mills Lane, off Goulds Lane, Clybucca.
- 4 That the Director Business Enterprise would investigate rubbish, including an old caravan, being left on the road reserve in Belmore Street, Smithtown.
- 5 That the Director Engineering would investigate the possible retrieval and display of an old horse drawn roller that is located in Church Lane, Smithtown.
- 6 That the Smithtown Wharf upgrading work should be completed by 30th June 2003.



At this stage the Director Environmental Services advised the meeting that a Development Application had been lodged for an additional 150 beds for the Kempsey Correctional Facility and Council would be making a submission to the Development Application.



MOTION FOR COMMITTEE

2003.562

RESOLVED:

*Moved: Cl. Joukhadar
Seconded: Cl. Sowter*

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



**DIRECTOR ENVIRONMENTAL SERVICES
CONFIDENTIAL REPORT**

DES1	NON-COMPLIANCE WITH CONDITIONS OF CONSENT - SOUTH KEMPSEY
	FILE T6-02-158 RBP
	{Folio No. 255167}

SUMMARY:

Reporting that Council has received a request to extend the period required to comply with outstanding conditions relating to a storage yard at South Kempsey.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is considered on a confidential basis as it contains information that would if disclosed, prejudice the maintenance of law (Local Government Act 1993, Section 10A(2) (e).



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MAYOR

2003. 563

RECOMMENDED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

That Council advise the applicant that unless the amended construction certificate plans in strict compliance with the development consent are submitted within fourteen (14) days and all works on stage 1 completed within a further ninety (90) days, Council will proceed with action in the Land and Environment Council to ensure compliance.



**DIRECTOR BUSINESS ENTERPRISES
CONFIDENTIAL REPORT**

DBE1	LOT 98 AKUBRA PLACE FILE: LA18995 GBS	{Folio No. 255168}
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SUMMARY:

Reporting on proposals to deal with the property known as the Incubator Workspace in Akubra Place, Kempsey.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it contains 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 section 10A(2)(c).



2003. 564

RECOMMENDED:

*Moved: Cl. Sowter
Seconded: Cl. Bowell*

That Council advise the Lessee of Lot 98 Akubra Place, Fredo Pies and Ice Creams Pty Ltd, that the freehold title of the property may be purchased for the current market price of \$200,000.



GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	LEGAL MATTERS FILE: L3-1 AVB (NRN)	{Folio No. 255169}
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SUMMARY:

Reporting on the current position regarding legal matters.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

THIS IS PAGE 116 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 10TH JUNE 2003.

.....
MAYOR

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 grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).



2003. 565

RECOMMENDED:

*Moved: Cl. Sowter
Seconded: Cl. Bowell*

That the information be noted.



DIRECTOR ENGINEERING SUPPLEMENTARY CONFIDENTIAL REPORT

DE1 (SUPP.)	PHILLIP DRIVE CYCLEWAY FILE: LA12592 APV COPY: APC, AVB {Folio No. 255441}
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SUMMARY:

Reporting on the need to acquire land in Phillip Drive, South West Rocks.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it contains 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 section 10A(2)(c).



2003. 566

RECOMMENDED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

1. That approximately 340 square metres of Lot 504 DP774359 be acquired for roadway.
2. That the General Manager be authorised to negotiate the purchase on Council's behalf.
3. That Council's seal be affixed to the transfer documents.



DIRECTOR BUSINESS ENTERPRISES SUPPLEMENTARY CONFIDENTIAL REPORT

Councillor Hunt declared an interest in the following item for the reason that he is on the board of the Macleay Valley Workplace Learning Centre and retired from the Chamber.

**DBE2 MACLEAY VALLEY WORKPLACE LEARNING CENTRE
FILE: LA2608 COPY LA13688, LA13689 TCB {Folio No. 255442}**

SUMMARY:

Reporting on the proposal to assist Macleay Valley Workplace Learning Centre to develop a new College on Council land being Lots 4, 5 & 6 DP 262433 Queen Street, South Kempsey.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it contains 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 section 10A(2)(c).



2003. 567

RECOMMENDED:

*Moved: Cl. Bowell
Seconded: Cl. Joukhadar*

1. That Council Lease Council land, being Lots 4, 5 & 6, DP262433, Queen Street, South Kempsey, to the Macleay Valley Workplace Learning Centre Incorporated for use as a school and training college at a nominal rent plus all outgoings.
2. The period of the lease being 20 years with an option to purchase at any time in this period at market value as determined by the State Valuation Office.
3. The cost of lease preparation, lease registration and the cost of services such as roads, sewer and water being the responsibility of the Macleay Valley Workplace Learning Centre Inc.
4. The arrangement being conditional upon commencement of school/college operations no later than three years from the date of this resolution.
5. The arrangement being conditional upon the lessee maintaining registration and accreditation as a school with the NSW Board of Studies.
6. The arrangement being conditional upon the Macleay Valley Workplace Learning Centre Inc. obtaining development approval.

Councillor Hunt returned to the Chambers.



REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE

Upon resumption of Open Council, the following Report of the Committee of the Whole was submitted by the General Manager.



ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2003. 568

RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Joukhadar

That the foregoing recommendations of the Committee of the Whole, as reported by the General Manager, be adopted.



CONCLUSION:

There being no further business, the Meeting terminated at 5.48 p.m.

