



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 13th January 2004 commencing at 9.09 a.m.

PRESENT:

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

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



APOLOGY:

2004. 1

RESOLVED:

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

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



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 9TH DECEMBER 2003

2004. 2

RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Bowen*

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 9th December 2003, be adopted.



PUBLIC FORUM

- 1 - Julie Dornan addressed Council regarding item M2 Pacific Highway – Kempsey Bypass (Page A3).



ASSESSMENT OF ITEMS LISTED IN CONFIDENTIAL BUSINESS

2004. 3

RESOLVED:

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

That the item listed in the confidential section of the business paper be considered in the confidential section of the meeting.



CONSIDERATION OF LATE REPORTS

2004. 4

RESOLVED:

*Moved: Cl. Parkinson
Seconded: Cl. Sproule*

That the late reports be considered just prior to questions without notice.



**CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM –
Report M2**

M2	PACIFIC HIGHWAY - KEMPSEY BYPASS
	FILE: R Pacific Hwy JACH (NRN) {Folio No. 267918}

SUMMARY:

Reporting on the preferred route for Kempsey bypass.



The Minister for Roads announced the preferred route for the Kempsey to Eungai Pacific Highway Upgrade on Thursday December 11th 2003. The Eastern Route has been selected as the preferred route, with 2 sub-options also developed for community comment. The selection of the preferred route is a result of community feedback, technical assessments and a value management process. The sub-options identified appear to reduce some of the impacts of the Eastern Route at East Kempsey and Collombatti. Written submissions are now being sought and project staff from consultants Parsons Brinckerhoff and the RTA will be available to discuss the project. A toll free number is also available for phone contact and submissions close on Friday February 6th 2004.

Following these current consultations a refined route alignment will be displayed.

The Eastern Route will, in some cases, impact on landowners, who may have some genuine issues that detrimentally affect their property. Whilst these

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MAYOR

issues may be raised directly with the RTA Project Team, Council may also like to be aware of them and make representations to the RTA on behalf of the resident.

Mayoral Recommendation:

That, through the Mayoral Column, details of the landowners concerns with the Eastern Bypass be sought.

2004. 5

RESOLVED:

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

1. That the information be noted
2. That the Mayoral column be used to promote and encourage both attendance at information workshops and submissions.
3. That following the proposed workshops to be conducted in late January, community issues be re-evaluated by Council.
4. That Council forward a letter to the RTA – Parsons Brinkerhoff supporting the letter from the landowners that attended the meeting on Saturday 10th January 2004 at Red Hill outlining the need for better involvement and information updates from the consultant and RTA on flooding issues resulting from the proposed eastern bypass.
5. That the RTA extend the same opportunity to other landowners or flood affected residents that may contact their office.
6. That the consultants be requested to conduct field visits with affected stakeholders.

Councillor Parkinson recorded his vote against the foregoing Resolution.

MOVED:

*Moved: Cl. Parkinson
Seconded: Cl. Sowter*

That Council contact the RTA and advise that Council thanks them for advice of their preferred route but Council supports the western bypass route.

The MOTION was PUT to the Meeting and was LOST.



MAYORAL MINUTE

M1	MAYORAL ENGAGEMENTS FOR DEC/JAN FILE: C18-25 MAYOR (NRN)	{Folio No. 267917}
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SUMMARY:

Reporting on the Mayoral Engagements since the previous Council meeting, on the 9th December 2003.



Wednesday 10th December

- Meeting with Mr Ed Lahey
- Kempsey-Macleay RSL – Christmas Dinner – 6.30pm

Thursday 11th December

- Meeting with RTA in Council Chambers – 9.30am

Friday 12th December

- ABC Radio – Special Broadcast – Presentation to Mr S MacDonald – 11.30am

Monday 15th December

- Australia Day Committee Meeting – 9.00am
- MDAP Meeting – 1.30pm
- Meeting with Ms S Gorman – 3.00pm

Thursday 16th December

- Presentation to East Kempsey Primary – Waterwise Competition – 10.00am
- Attended Pottery Art Exhibition at South Kempsey School – 11.10am
- Meeting with Macleay Argus at Netherby House – 1.00pm
- Sow the Seed to Read Launch

Wednesday 17th December

- Waterwise presentation at Melville High School
- Official Launch of Telstra Countrywide at Crescent Head Country Club – 11.00am
- Waterwise presentation at South West Rocks Primary School
- Presentation at St. Paul's College Prize and Speech Night, Kempsey–Macleay RSL – 7.30pm

Thursday 18th December

- Meeting with Pastor P Mainey – 10.00am
- Mayoral End of Year Function for Staff of Kempsey Shire Council – Kempsey-Macleay RSL – 6.15pm

Monday 22nd December

- Meeting with ratepayer

Tuesday 23rd December

- Council Planning Meeting – 9.00am

Thursday 25th December

- Christmas Day

Friday 26th December

- Boxing Day

Thursday 1st January 2004

- New Years Day

Monday 5th January 2004

- Meeting with Mr G Hayes – 2.15pm

Tuesday 13th January 2004

- Council Ordinary Meeting 9.00am

As well as the day-to-day functions of the position.

Thank you to all the Councillors and Staff who represented me, and or supported me, at official functions over the past month, it is very much appreciated.

Financial Implications

The financial, statutory and policy implications of this report are nil.

2004. 6

RESOLVED:

*Moved: Cl. Parkinson
Seconded:Cl. Bowell*

That this information be noted.

M2	PACIFIC HIGHWAY - KEMPSEY BYPASS
FILE: R Pacific Hwy	JACH (NRN) {Folio No. 267918}

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

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Janet Hayes
MAYOR



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MAYOR

NOTICE OF MOTION

NOM1	REPRESENTATIONS TO THE MINISTER FOR ROADS, THE HON. CARL SCULLY MP REGARDING BLACK SPOTS ON THE PACIFIC HIGHWAY
FILE: R8-19	KJF
	{Folio No. 267920}

Notice is hereby given that I intend to move the following motion at the Ordinary meeting of Council scheduled for 13th January 2004.

2004. 7

RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Sowter

1. That representation be made to the Hon. Carl Scully MP, Minister for Roads with a request that urgent attention be given to potential Black Spots along the Pacific Highway, and in particular:-
 - Towns including Kempsey, Frederickton, Macksville, Urunga and Coffs Harbour, (and others), and
 - Those sections which remain undivided
2. That representations be made to the Hon. Carl Scully, MP Minister for Roads and the Hon. John Watkins MP Minister for Police with a request for a reduction in the speed limit for Heavy Vehicles to 90KPH on the undivided sections of the Pacific Highway.
3. That members of both houses of State Parliament, between Myall Lakes and Tweed Coast, Independent Members of State Parliament, Government Duty Members of the Upper House representing the area between Karuah and the Queensland border, Members of the Greens Party and the Hon Dr Arthur Chesterfield-Evans MLC Leader of the Australian Democrats in the NSW State Parliament be invited to support the representations.
4. That councils from Great Lakes to Byron Bay be invited to support the representations.
5. That the above issues be raised at the meeting proposed between Council and the NRMA and be referred to the Shires Association "A" Division meeting in February 2004.

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Councillor John Howell

**NOM2 PROPOSED CEMETERY SITES AT CROTTY'S LANE
AND SPOONER'S AVENUE
FILE: C4-13 TIH (NRN) {Folio No. 267924}**

Notice is hereby given that I intend to move the following motion at the Ordinary meeting of Council scheduled for 13th January 2004.

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

That Council prepare a report detailing the following information regarding the proposed cemetery site at Crotty's Lane and the site in Spooner's Avenue which had been listed for consideration.

- Area of Site
- Estimated cost to develop the site
- Estimated total number of plots
- Estimated cost per plot

The MOTION was PUT to the Meeting and was LOST.

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Councillor Terry Hunt

**NOM3 COUNCIL TO CONGRATULATE MS ANGIE MEERS
FILE: S10-13 TIH {Folio No. 267926}**

Notice is hereby given that I intend to move the following motion at the Ordinary meeting of Council scheduled for 13th January 2004.

2004. 8 **RESOLVED:** *Moved: Cl. Hunt
Seconded: Cl. Sowter*

That Council congratulate Ms Angie Meers, a valued worker in the Kempsey Shire council Library, on her achievement in being awarded her Bachelor of Arts from the University of New England. In so doing Angie gained many distinctions and credits, this whilst working full time in a demanding position and in future Council be advised of notable achievements by staff so that they can be recognised.

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Councillor Terry Hunt

**NOM4 REPORT OF PROGRAM OF WORKS FOR THE
MACLEAY RIVERBANK BE SUBMITTED WITH THE
2004/05 DRAFT ESTIMATES
FILE: R7-1 KJF (NRN) {Folio No. 267928}**

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for 13th January 2004.

2004. 9

RESOLVED:

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

That Council identify land located on the Macleay River that is adjacent to areas currently being used for activities and develop an overall program of works for the improvement of these areas of riverbank and include cost in 04/05 budget.

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Councillor John Bowell

NOM5	STREET LIGHTING, MIDDLETON STREET RAILWAY OVERPASS
FILE: R8-24 KJF (NRN)	{Folio No. 267930}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for 13th January 2004.

2004. 10

RESOLVED:

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

1. That a report be submitted to Council detailing associated costs and options to provide adequate street lighting on the Middleton Street railway overpass.
2. That the costs identified be included in the 2004/2005 budget if necessary.

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Councillor John Bowell



At this stage 10.35 a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.08 a.m. all present at the adjournment were in attendance.



DIRECTOR ENGINEERING REPORT

DE1	RURAL FIRE SERVICE
FILE: F3-2 KJF (NRN)	{Folio No. 267931}

SUMMARY:

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MAYOR

Reporting on the appointment of the Team Manager for the Rural Fire Service.



The Regional Manager, North, for the Regional Fire Service, has confirmed the appointment of Superintendent Phil Evans to the position of Team Manager, effective 4th December 2003. Superintendent Evans will have the management responsibility for all Staff and Rural Fire Service operations in the Nambucca, Kempsey and Hastings Districts and will be working closely with Council to meet the objectives of agreed business plans.

Superintendent Evans has elected to base himself in the Macksville office.

The appointment of the Team Manager will not affect the current volunteer system in the Districts and the close working relationship with local officers and Council. The current Twin Rivers Zone arrangement for Kempsey and Nambucca remains unchanged and officers reporting to the Team Manager will continue to operate from the 3 Fire Control Centres providing local liaison and operational support to volunteers and the community.

Directors Comment:

Superintendent Evans has proven to be an effective manager and will ensure the Rural Fire Service operations within Kempsey Shire run efficiently.

Report Implications:

There are no financial, policy or statutory implications arising from the following recommendation.

Director Engineering Recommendation:

That the information be noted.

2004. 11

RESOLVED:

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

That the information be noted and that a letter of congratulations be forwarded to Mr Evans.

DE2	PACIFIC HIGHWAY, FREDERICKTON
FILE: LA18559, R Pacific Hwy KJF	{Folio No. 267933}

SUMMARY:

Reporting on proposed land acquisition for Highway improvements at Frederickton.



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MAYOR

The Roads and Traffic Authority (RTA) has approached Council regarding Highway Improvement Works from Collombatti Road to North Street, Frederickton, seeking concurrence to their acquisition of a parcel of land. The RTA is presently acquiring land for the project and a parcel of Council land, with an area of some 570m², at the corner of Cyrus Saul Circuit is required. A copy of a plan of the area is shown at [\(Appendix A\)](#).

Council is asked for formal concurrence to the acquisition of the land by compulsory process in accord with the Land Acquisition (Just Terms Compensation) Act 1991 as well as acceptance of compensation as determined by the Valuer General.

Directors Comment:

The acquisition of this land is essential for the proposed improvement works and Council is asked to support the recommendation.

Financial Implication

The financial implication of the following recommendation would be additional income from the sale of land, in line with the Valuer Generals valuation. The residual land has been identified for disposal and should not be significantly affected by the loss of the small parcel of land required.

Other Implications:

There are no policy or statutory implications from the recommendation.

2004. 12

RESOLVED:

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

1. That the acquisition of part Lot 48, DP832352 by the compulsory process at a value determined by the Valuer General be approved.
2. That the General Manager be authorized to negotiate the sale and that Council's Seal be affixed to the transfer documents.

DE3

**HORSESHOE BAY RESERVE
FILE: R3-11 KJF (NRN)**

{Folio No. 267934}

SUMMARY:

Reporting on the draft Plan of Management for Horseshoe Bay Reserve.



Council, at its meeting of 14th October 2003 resolved:

“That the consultant refer the draft Plan of Management to the Aboriginal Cultural and Heritage Sub-committee for comment and it then be referred back to Council prior to being placed on exhibition.”

The consultant met with members of the Aboriginal Community on 7th November 2003 and 13th November 2003 and adjustments made to Clause 2.4.1 and to the Strategy and Action Plan. These changes were then referred to the Aboriginal Cultural and Heritage Sub-committee and accepted.

A copy of the revised draft plan has been circulated to Councillors prior to this meeting and any comments should be forwarded to the Director Engineering.

It is proposed that the draft plan be now exhibited for comments from the public and other government departments. Comments will then need analysis to determine if any amendments are warranted prior to confirmation by Council. Once confirmed by Council, the plan can then be forwarded to the Minister for adoption.

It is proposed that the draft Plan of Management be exhibited for comment until 20th February 2004.

Directors Comment:

The draft Plan of Management has been prepared under the guidelines from the Department of Planning Infrastructure and Natural Resources and in consultation with the community. Exhibition for public comment is the next step in the process and Council is asked to approve this step.

Financial Implication

The financial implications of the following recommendation are expenditure from within the vote provided by Council.

Policy Implications:

There are no policy implications from the following recommendation.

Statutory Implications:

The recommendation complies with statutory requirements.

Director Engineering Recommendation:

That the draft Plan of Management for Horseshoe Bay Reserve be advertised, with comments sought by 20th February 2004.

2004. 13

RESOLVED:

*Moved: Cl. Bowen
Seconded: Cl. Parkinson*

1. That the amended draft Plan of Management for Horseshoe Bay Reserve be advertised, with comments sought by 20th February 2004.
2. That after submissions are received a Council workshop be held to discuss the issues raised in the submissions and to adopt the final Plan of Management.

DE4 HORSESHOE BAY RESERVE
FILE: R3-11 KJF (NRN) {Folio No. 267935}

SUMMARY:

Reporting on progress on projects within Horseshoe Bay Reserve.



Council has approved expenditure of the income received from the sale of Crown Land to the South West Rocks Country Club in the following fashion:

Plan of Management	\$20,000.00
Flora and Fauna Study	\$ 5,000.00
Livingstone Street Footpath and Fence	\$23,787.27
Security Fence Playground	\$ 5,000.00
Fence Slipway and Back Creek Area	\$20,000.00
Kerb and Gutter Construction	\$10,000.00
Beach Access Ramp	\$10,000.00
Footpath Point Briner to Mitchell Street	\$10,000.00

The Plan of Management is substantially complete and the Flora and Fauna Study is complete. The Kerb and Gutter Construction project is substantially complete and the Beach Access Ramp was completed under the maintenance vote. The footpath Point Briner to Mitchell Street is being undertaken by the Lions Club.

The unexpended funds total \$53,730.

The estimated total cost to complete the Livingstone Street Footpath and Fence is \$54,000, comprising:

Retaining Wall	\$20,000.00
Security Fence (along Livingstone St and alongside C'van Park)	\$20,000.00
Footpath (along Livingstone St and into Horseshoe Bay including Landscaping)	\$14,000.00

The need for the retaining wall became apparent on inspection of the site and has been completed. The security fencing is required for both the Livingstone Street frontage and between the Caravan Park and the car park area. Also,

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MAYOR

the footpath needs to extend from Livingstone Street towards Horseshoe Bay, to direct pedestrians away from the car park area.

It is proposed that the allocations for the security fence of the playground and the fence of the slipway and Back Creek and the remaining unexpended funds be reallocated to the security fence and footpath in Livingstone Street, as described above. This will allow finalisation of this important project. Funding for the other projects can be sourced from future budgets or Section 94 Contributions.

Directors Comment:

The reallocation of funds to cover the fencing and footpath in Livingstone Street is seen as necessary and Council is asked to support the recommendation.

Financial Implication

The financial implication of the following recommendation would be reallocation of funds. The only alternative would seem to be to utilise Working Funds.

Other Implications:

There are no policy or statutory implications from the following recommendation.

2004. 14

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Parkinson*

That the program of works for Horseshoe Bay Reserve be adjusted to allow completion of the Livingstone Street footpath and fence project, as detailed in the report.

DE5

**CHURCHILL QUARRY
FILE: Q1-9 KJF (NRN)**

{Folio No. 267936}

SUMMARY:

Reporting on progress to date on the preparation of a Quarry Management Plan for Churchill Quarry.



At its meeting of 8th July 2003, Council resolved:

“That Kempsey Shire Council resolves to:

Prepare a Quarry Management Plan, for the Churchill Quarry which will set future quarry operating limits, methods and parameters and the maximum noise (and) overpressure limits

for the surrounding dwellings, so that all possible future dwellings or other development can be fairly and properly assessed, sited and designed to be within those limits.'

In February 2003, Don Reed and Associates were engaged to review options for a number of quarries, including Churchill. Churchill quarry was identified as a "significant resource" and this has been supported by Mineral Resources NSW. Work was commenced on a Quarry Management Plan (QMP).

It needs to be noted that any QMP must be based on a development approval that is environmentally, operationally and commercially viable, and valid. Prerequisites for the preparation of a QMP for the Churchill Quarry are to:

- determine exactly what has been applied for, and approved, to date;
- reconcile the approved development with actual development since 1995;
- qualify / quantify actual environment impacts with those predicted in 1995;
- confirm exactly what quarry products will be required by Council, and when;
- re-evaluate quarry geology and development options to deliver quarry products;
- determine whether or not the 1995 development consent should be amended or a new DA submitted;
- make recommendations for an amended / revised development approval, if required;
- prepare revised development and operational plans for an amended / revised DA;
- audit revised plans to ensure environmental, operational and commercial viability;
- submit and gain approval for amended / revised plans;

It is only once all of the above detailed issues have been considered and addressed that a meaningful QMP can be prepared and implemented.

Work completed to date comprises:

- confirmation of the status of the 1995 development consent;
- part reconciliation of development to date with that described in the 1995 development consent;
- part examination of environmental impacts of quarry operation since 1995;
- review of alternative sources of supply of quarry materials in the Kempsey Shire;
- review of the range of quarry products best supplied from the Churchill Quarry;
- consideration of Council requirements in terms of annual quarry output (tpa);
- preliminary re-evaluation of quarry geology relative to end-product requirements;

- consideration of resource geology relative to optimum quarry planning options;
- determination of the adequacy of quarry planning detailed in the 1995 development consent;
- review of the options to obtain a new development consent for future quarry development;
- nomination and preliminary assessment of a number of options for revised planning;
- preliminary review of the obvious environmental impacts of preferred planning options;
- preparation of an interim report, summarising conclusions of work completed to date and recommendations for work required to secure long term development approval for quarry development and operation.

The DA submitted in 1995 was not determined, as the provisions of SEPP37 do not apply in this particular case. The use of the quarry is restricted to within existing disturbed areas or a DA submitted for any expansion.

The following steps are proposed for the new year:

- Aerial photography and mapping, to compile a suitable plan for the design of the quarry and the assessment of impacts on surrounding residences.
- Petrographic examination of a number of samples, to confirm rock lithology and predict engineering capabilities.
- Noise monitoring to evaluate noise generated by a crushing operation and drilling operations.
- Blast monitoring to assess impacts of blasting operations on adjacent residences and to assess appropriate blasting patterns for an operational quarry.
- On-site environmental studies.

The outcomes of these proposals will allow detailed cost proposals to be reported to Council. Further works will require a funding commitment from Council.

To date, costs have been drawn from the vote provided for Restoration of Sites where some \$25,000 remains. Also, within the Quarry Reserve some \$29,000 is available. However, the overall cost of QMP for Churchill Quarry could be in the order of \$200,000 especially if an Environmental Impact Study is required. Provision has been made for further funding in Council's 5 year budget, for consideration.

Steps have also been initiated to close a dead end Crown Road Reserve running through the site with a view to incorporating the area within the quarry. Survey of the access road has also been commissioned to allow formal opening as a dedicated public road.

A firm timetable for the development of the QMP cannot be provided at this time but council will be informed of developments as things progress.

Directors Comment:

This report is provided to update Council on the process of the development of the QMP and likely costs.

Financial Implication

There are no financial implications from the following recommendation although Council needs to recognise the likely costs of the total project and the utilisation of funds from the Restoration of Sites vote.

Report Implications:

There are no policy or statutory implications from the following recommendation.

2004. 15

RESOLVED:

*Moved: Cl. Parkinson
Seconded: Cl. Sproule*

That the information be noted.

DE6	CROWN LAND – EDEN STREET	
	FILE: LA912 KJF	{Folio No. 267937}

SUMMARY:

Reporting on options for Crown Land in Eden Street.



The Department of Lands has recently terminated the Permissive Occupancy for the purpose of grazing over Crown Reserve 81743 and is now considering future options for the land. The land in question is shown outlined at [\(Appendix B\)](#). Council has previously shown an interest in extending the riverbank parklands and dedicating land for a cycle trail, as indicated in the Kempsey Towncenter MasterPlan. A copy of two plans from the MasterPlan are shown at [\(Appendix C\)](#). Council may wish to seek the Department's approval to dedicate the land as a reserve for public recreation and devolve management responsibility to Council.

Also, the adjacent landholder, owner of the 3 lots between the Crown Land and the Railway land, has approached Council to purchase that land. The recent valuation for the 5:751 Ha property is \$51,300. In Council's Section 94 Contribution Plan, improvements to Riverside Park are included as a District Level Facility where some \$176,000 are available for use. Council may like to acquire this land for inclusion in Riverside Park.

The proposals shown in the MasterPlan could well become a reality in the future and prove to be a real benefit to residents. To this end it will be recommended that Council seek dedication of the Crown Land as Reserve for Public Recreation and devolve management responsibility to Council, and acquire the private land for incorporation into the Riverside Park.

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MAYOR

Directors Comment:

The approach from both the Department of Lands and the private property owner presents Council with an excellent opportunity to acquire riverfront land for public recreation. It is felt that future development, in line with the MasterPlan proposals, will prove to be a benefit to the broader community over time and Council is asked to support the Recommendation.

Financial Implication

The financial implication from the following recommendation would be expenditure of Section 94 Contributions to acquire the privately owned land.

Maintenance costs for the land would need to be included in future budget considerations but, until developed, would be minimal and possibly offset by income from leasing both areas for grazing. It is envisaged that development costs would be sourced from MasterPlan funding and Grants.

Policy Implications:

There are no policy implications from the following recommendation.

Statutory Implications:

There are no statutory implications from the following recommendation.

2004. 16

RESOLVED:

*Moved: Cl. Sproule
Seconded: Cl. Parkinson*

1. That the Department of Lands be asked to dedicate Reserve 81743 for Public Recreation and devolve management responsibility to Council.
2. That the General Manager be authorized to negotiate the purchase of Lots 11, 12 and 13, DP37215 and that Council's Seal be affixed to the transfer documents.
- 3 That the land be classified as Community Land.

Councillors Bowen and Sowter recorded their votes against the foregoing Resolution.

Councillor Sowter lodged a Notice Of Rescission in regard to the foregoing resolution.

SUMMARY:

Reporting on a submission sought by the Department of Infrastructure, Planning and Natural Resources regarding the NSW Coastline Cycleway Project.



Submissions are being sought from Council regarding the proposed cycleway sections in Kempsey Shire that would form part of the NSW Coastline Cycleway along the coast from the Victorian to Queensland border. Funding would be on a 1:1 basis.

A NSW Coastline Cycleway Mid North Coast Study was carried in 1997 stretching from Hastings to Coffs Harbour. A copy of the previous study is attached [\(Appendix D\)](#). This study was prepared as an overall strategy for a NSW coastline cycleway strategy.

The total project cost in Kempsey Shire was \$8,614,000 in 1997. To fund 50% of the cost of this project is clearly beyond the ability of Council.

Council has been concentrating its efforts on cycleway construction to combined cycleway/footpath projects in Urban Areas, or areas of greatest use. Council has been able to obtain 1:1 funding from the RTA for these projects. This funding has allowed Council to remove school age cyclists and pedestrians from highly trafficked urban roads, thus providing a safer access to schools, shopping centres and recreational facilities.

A submission from Kempsey Recreation Cyclists has been prepared and submitted to Council. A copy of the submission is attached at [\(Appendix E\)](#).

Observations have revealed that in Kempsey Shire, adult cyclists tend to utilize roads and not off-road cycleways. Those that utilize the off-road cycleway/footpaths tend to be families, children and pedestrians.

A report is currently being prepared for consideration by Council into existing transport infrastructure funding arrangements. It is considered that any additional funding should be diverted into the maintenance of existing infrastructure, and not earmarked into adding additional infrastructure. Even if funding total funding was provided for such assets, Council would be unable to maintain these additional assets.

It is considered that the present allocations of cycleway funding continue to be provided for cycleway/footpath projects and not solely to cycleway projects.

Directors Comment:

The concept of a separate cycleway along the Mid North Coast is a visionary concept and worthy of consideration. However, with its limited budget Council cannot afford to divert any funds to this project.

Report Implications:

There are no financial, policy or statutory implications from the following recommendation.

Director Engineering Recommendation:

That no submission be forwarded to the Department of Infrastructure, Planning and Natural Resources for NSW Cycleway Coastline Projects due to Council's inability to fund and maintain new infrastructure.

MOVED:

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

That Council investigate alternative means of funding the Cycleway Project and if funding cannot be obtained, Council not continue with this program.

An Amendment was MOVED:

*Moved: Cl. Sproule
Seconded: Cl. Parkinson*

That Council supports the concept of the cycleway and that Council investigate alternative means of funding the Cycleway Project and if funding cannot be obtained, Council not continue with this program.

The AMENDMENT was PUT to the Meeting and was LOST.

2004.17

The MOTION was PUT to the MEETING and was CARRIED.

DE8

FLOODPLAIN MANAGEMENT PLAN

FILE: FM500 03/04 APV

{Folio No. 267952}

SUMMARY:

Reporting on a grant offer for Council's Floodplain Management Program for 2003/2004.



Council has received advice from Hon. Craig Knowles, MP, Minister for Infrastructure and Planning and Minister for Natural Resources, of further financial assistance for its Floodplain Management Program for 2003/2004 under the 1:1 Maintenance component.

The offer is in the amount of \$87,200 and is the same as for 2002/2003.

The funds are for the maintenance component of the program and include maintenance of flood control structures and gates, drains, levees, bank protection and the flood alert system.

Council at its meeting on 9th December 2003 resolved to accept the offer of financial assistance under the 2:1 subsidy component.

No advice has yet been received regarding the 1:1:1 Commonwealth Assisted component of the program or the Floodway Voluntary Purchase Project under the Regional Flood Mitigation Program.

Financial Implication

There are no financial, policy or statutory implications arising from the following recommendation.

Funds are provided in Councils 2003/2004 budget for this project.

2004. 18

RESOLVED:

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

That the offer of financial assistance in the amount of \$87,200 be accepted in accordance with the conditions of Financial Assistance for Floodplain Management Program.

DE9	SECURITY FENCING TO VERGE STREET STADIUM FILE: R3-20 GJW (NRN) COPY: APC {Folio No. 267955}
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SUMMARY:

Reporting on the installation of new security fencing to Verge Street stadium.



Quotations have been received to the amount of \$12,000, to install new security fencing at Verge Street Stadium. The fencing is required to curb the rampant vandalism currently being experienced and to ensure that the senior football teams and associations have a venue where an admittance fee can be charged.

The existing fencing is in poor condition and further repairs to it are unviable. The football clubs are willing to make a \$5,000.00 contribution to the project.

Council's Kempsey Maintenance vote is insufficient to cover minimal maintenance to fences and seats on Kempsey Sporting Fields. It is proposed to fund the new fence from Section 94 Contributions, where some \$28,680 is unallocated.

.....
MAYOR

Directors Comment:

Secure fencing is required for this venue and funding is available for new works from Section 94 Contributions. Council is asked to support the Recommendation.

Financial Implication

The financial implications for Council would be the allocation of an additional \$7,000 from Council's Section 94 contributions.

Report Implications:

There are no policy or statutory implications arising from the following recommendation.

2004. 19

RESOLVED:

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

That an additional \$7,000 in Section 94 contributions be allocated to the installation of new security fencing at Verge Street Stadium.

2004. 20

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Parkinson*

1. That a report be incorporated in the Director Corporate and Community Services quarterly report, on vandalism incidents and costs in the Shire.
2. That a précis of the report on vandalism be included in Council's notices in the local media.

DE10

NAMING OF EXISTING LANEWAY, HAT HEAD

FILE: R8-9 JC

{Folio No. 267957}

SUMMARY:

Reporting on the naming of a laneway at Hat Head.



Following the receipt of a Councillors Information request from Councillor J H Bowell to investigate the naming of a laneway between Mason Street and Myrtle Street, Hat Head, advice from the Macleay River Historical Society Incorporated was sought. It was suggested to name the laneway Eversons Lane.

The Historical Society believe it would be appropriate to name the lane Eversons Lane and supplied information stating the Everson families have been associated with Hat Head for approximately 110 years.

The Everson families camped at Hat Head Reserve prior to 1918 and Bill Everson leased land on Hat Head Mountain. The family was associated with the Hat Head Recreation reserve as Trustees. The Everson families were landowners in Hat Head and also owning the General Store in the seventies.

To this day descendants of the Everson family still own properties at Hat Head some 85 years later.

Eversons Lane would seem an appropriate name for this laneway.

Directors Comment:

The proposed name seems appropriate and Council is asked to support the Recommendation.

Policy Implications:

The proposed name has the support of the Macleay River Historical Society and therefore complies with Council Policy C22.6.

Other Implications:

There are no financial or statutory implications arising from the following recommendation.

2004. 21

RESOLVED:

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

That, pursuant to Section 162 of the Roads Act 1993, the Geographical Names Board be advised of the intention to name the laneway between Mason and Myrtle Streets, Hat Head, Eversons Lane.

DE11

QUESTIONS WITHOUT NOTICE

FILE: C18-28 JC (NRN)

{Folio No. 267959}

SUMMARY:

Reporting on Questions Without Notice from the Council meetings of the 20th March 2001, 14th May 2002, 14th October 2003, 6th November 2003 and 9th December 2003.



Responses to Councillors Questions Without Notice are listed for information.

Meeting of 20th March 2001

Councillor 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.

Quotation has been dispatched to the RTA. The RTA have done their own design to their standard. Council is now waiting for the RTA to present a design for quotation for Council to complete the work.



Meeting of 14th May 2002

Councillor 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 9th December 2003

Councillor B Sowter

File: F11

(Folio No. 266762)

That the Director Engineering would investigate the need for maintenance work on the footpath area outside the shop known as Maryanne's Fruit Stall in Crescent Head near the Chemist.

Footpaths in Crescent Head were inspected in September 2003. This area was not identified as having any problems. Works section will carry out an inspection and talk with the shop proprietors.

Councillor R Bowen

FILE: R8-20

(Folio No. 266792)

That the Director Engineering would investigate the need for a cycle hazard sign at the Hat Head Bridge and would refer this to the Traffic Committee if required.

Temporary maintenance works carried out. Permanent repairs not viable.

Report Implications:

There are no financial, policy or statutory implications arising from the following recommendation.

2004. 22

RESOLVED:

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

That the information be noted.

DE12

WORKS IN PROGRESS

FILE: R8-2 KJF (NRN)

{Folio No. 267960}

SUMMARY:

Reporting on Works in Progress.



ROADS

REGIONAL ROADS

Sealed

Patching and general maintenance is continuing on all the Regional Roads. The intersection of Smithtown Road and Rawson Street, Smithtown, has been linemarked.

Strengthening and sealing on MR 7740 (Stuarts Point Road) at chainage 2.45 km to 2.78 km (south of Mighells Road) has been completed and linemarked

LOCAL ROADS

Sealed Rural

Pavement maintenance work on the sealed road network is continuing.

Construction works of the new intersection of Gowings Hill Road and Marys Bay Road is due to commence shortly once utility services have been relocated.

UNSEALED RURAL

Gravel Resheeting

Pipers Creek Road resheeting has been completed. This project was originally scheduled for later in the financial year but brought forward due to the dry and dusty climatic conditions.

Old Station Road resheeting has been completed. This project was also brought forward in the works program.

Maintenance Grading

The "Shire East" roads maintenance crew is currently finishing in the Kundabung Area (Area East 7).

Roads that were graded during this month:

Kemps Road	Smiths Creek Road
Maria Road	West End Road
Houlihans Access	Theresa Street
Oakland Road	Marys Bay Road

The "Shire East" crew will thereafter continue with maintenance grading in the Crescent Head Area (Area East 8).

The "Shire West" roads maintenance crew is currently busy with maintenance grading in the Nulla Nulla Area (Area West 1).

Roads that were graded during this month:

Nulla Nulla Creek Road	Mitchells Access
MR75 Armidale Road	

The "Shire West" crew will thereafter continue with maintenance grading in Five Day Creek Area (Area West 2).

TOWN AND VILLAGE STREETS

Kempsey Town Improvements

Town Improvement works for Nicholson Street/West Street, South Kempsey, are scheduled for May/June.

Kempsey Masterplan

The Kempsey MasterPlan works at the RSL Club Carpark have been completed. The work included drainage, realignment of the existing roadway, kerb and gutter, exposed aggregate foot paving and landscaping works.

Hat Head Town Improvement

Stage 2 of the drainage works around the intersection of Fern and Straight Streets will commence in April 2004.

South West Rocks Town Improvement

The CBD drainage improvement project in Memorial Avenue near Livingstone Street is complete except for a short diagonal connection to the corner of Memorial and Landsborough streets.

South West Rocks Masterplan

The stage 1 MasterPlan beautification works at the corner of Livingstone street and Memorial Avenue have been completed. The works included kerb and gutter works, minor drainage alterations, new traffic islands, outdoor dining areas and landscaping.

Stage 2 will commence in February 2004 and will include footpath construction in the area as well as further traffic islands and parking at the corner of Memorial Avenue and Paragon Street.

FOOTPATHS AND CYCLEWAYS

The continuation of the cycleway in Phillip Drive will re-commence after the land acquisition is finalised. 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.

The South West Rocks MasterPlan Works includes extensive footpath construction and is due to commence in early February 2004 (see SWR TI).

FLOOD MITIGATION

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

The concrete maintenance repair work on the Belmore Headworks structure has been delayed and is scheduled for the second half of this financial year.

BRIDGES / STRUCTURES

Specific Maintenance

Rogers Bridge is scheduled for maintenance in early February 2004.

HORTICULTURE

Coastal Weeds Rehabilitation Project

Continuing. Work expected to be completed by the end of Autumn, 2004

South West Rocks Landscaping

Street tree planting along Gregory Street, adjacent to Bi-Lo to be rescheduled to after New Year due to heavy workload in December on new projects.

Plans of Management

Horseshoe Bay

Revised Draft Plan of Management available for public display.

Verge Street Stadium

Continuing.

Memorial Grove- South Kempsey

The refurbishment of the Memorial Grove at the South Kempsey Park has been completed. Relatives of the children killed have been informed and a photograph of the area will be sent to them.

CAPITAL WORKS

STUARTS POINT AMENITIES

Expansion of storage facilities at Joe Donovan Sporting Complex at Stuart's Point has commenced.

Willawarrin Lighting

Completed.

Kemp Street Oval

Top dressing and levelling work to commence January 2004. Facilities renovation, being co-ordinated by Hornets Soccer Club and Council's Building Services Co-ordinator, scheduled for completion within this financial year.

Options for seating being investigated.

Skate Park Stuarts Point

Funding options being investigated to complete the project.

Frederickton Oval Lighting

Funding options being investigated to complete the project.

Stuart's Point Longjump Runups

Concrete completed.

Regional Sports Facility Program

Application booklets are to be distributed to all Sports User Groups. South West Rocks Sports User Group have lodged an application for funding for the development of Boyters Lane Fields.

Playgrounds – South West Rocks

Quotations are being sought for the installation of two playgrounds at South West Rocks. One will be located at Maddy's Flat Boat Ramp and the other at a location to be determined.

Basic play equipment has also been ordered for Kundabung Park and Entrance Street Reserve at South West Rocks.

NOXIOUS WEEDS

North Coast Weeds Advisory Committee meeting held in the Council Chambers on 18th December 2003. The major topic discussed was a State Government review of the control of Noxious Weed and Animal control within the state

James Browning and Council's Noxious Weeds Officer, Paul Leddy, monitored spraying trials on Cats Claw Creeper at Lower Creek.

Roadside inspections for Groundsel Bush in the following roads: Stuarts Point, Fishermans Reach, Grassy Head, Pacific Highway, Goulds Lane, Collombatti, Kundabung and Crescent Head Roads.

A second new bio-control for Pink Lantana, a species of moth, released on Bruce Raeburns property at Moparrabah.

Private property inspection at Dondingalong for waterweeds. Inspection West Kempsey for Lantana. Inspections Sherwood for Noogoora Bur

Salvinia inspections were carried out in Maria River.

Water Hyacinth inspection at Goolawah.

Inspections on Glory Lilly and Bitou Bush were carried out at South West Rocks for this years programme.

Regional Grant Forms were completed and returned.

Aerial inspections for water weeds - Water Hyacinth, Salvinia, Water Lettuce, Alligator Weed were carried out in the following areas:

Sherwood, Dungay Creek, Kempsey, Lower Macleay, Clybucca, Jerseyville with five sites of Salvinia and nine sites of Water Hyacinth. Four new sites of Groundsel Bush were recorded.

Private property inspections were carried out in the following areas:

Kemps Access, PipersCreek, Stuarts Point Road, Fishermans Reach, Sherwood.

BUILDING SERVICES

Work completed last 4 weeks

- Ongoing maintenance to amenities.
- Construction of picnic tables.
- Aged Care Units – miscellaneous repairs.
- Repair vandal damage to South Kempsey toilets.

- Tiling – SWR footpaths for MasterPlan works.
- Taxi Rank – Roof repairs following accidental damage
- Crescent Head Rd Caravan Park – Removal of two cabins in preparation for recycling to waste management sites SWR/Stuarts Point.

Work proposed next 4 weeks

- Provision of Training Room – Works Depot
- Retaining Wall - Boatman’s Cottage.
- Works Depot - Maintenance to gutters and down pipes
- Upgrade Locker Room/Shower
- EPA – Pavement Works – Continuing.

Implications:

There are no financial, policy or statutory implications from the following recommendation.

2004. 23

RESOLVED:

*Moved: Cl. Sproule
Seconded: Cl. Howell*

That the information be noted.

At this stage 12.47pm Councillor Parkinson retired from the Chambers.

DE13	STUARTS POINT FOOTBRIDGE
	FILE: B6-2 MGR (NRN) COPY: APC {Folio No. 267961}

SUMMARY:

Reporting on maintenance required on the timber footbridge at Stuarts Point.



This bridge has had some of the spans slowly sinking over the past few years caused by the change in position of the river channel. The channel is moving eastwards towards the ocean and this is causing the sand from around the piles to be washed away, reducing the support and allowing the bridge to drop in level.

The subject footbridge has been listed for replacement in the 2006/07 financial year.

The bridge was inspected on Tuesday 6th January 2004 and was found to have sunk significantly. It is considered that urgent repairs need to be carried out to maintain beach access and public safety. These repairs would involve

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MAYOR

new piles being driven and the bridge raised to the correct levels and connected to the new piles.

This work cannot be undertaken by Council staff as specialized plant and equipment is required. The piles need to be driven from a floating pontoon. A contractor would need to be engaged to do this at an estimated cost of \$ 10,000. The contractor who carried out the work on the Smithtown Wharf has the equipment required for this work and has advised he may be available in three to four weeks.

The total estimate to carry out the repairs is \$ 15,000.

There is \$ 20,000 remaining in the Bridges M & R budget for the remainder of the year. However, a number of minor repairs are scheduled for completion utilizing these funds on;

- Back Creek South West Rocks Footbridge, where termites have caused some problems.
- Saltwater Creek Footbridge, Memorial Avenue South West Rocks, where girders and handrails need replacing. The piles on this footbridge will require replacement within twelve months.
- The bridge over Short Gully on Warbro Brook Road where kerb logs need replacement and the backing boards on both abutments need replacing.

Council is asked to provide funds to complete the works as a matter of urgency. It is suggested that, with the maintenance vote scheduled for the specific projects above, funds be drawn from Working Funds.

Director's Comments

The structural stability of the entire footbridge is threatened and ongoing public safety cannot be assured. Council is asked to support the recommendation.

Financial Implications

The financial implications from the following recommendation would be a reduction in working funds of some \$15,000.

Other Implications

There are no policy or statutory implications from the following recommendation.

2004. 24

RESOLVED:

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

That repairs to the footbridge at Stuarts Point be carried out as a matter of urgency, at an estimated cost of \$15,000, with funds drawn from Working Funds.

K J Finnie
DIRECTOR ENGINEERING



DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

DCCS1	KEMPSEY TOY AND LEISURE LIBRARY
FILE: L4-12 GB (NRN)	COPY: APC {Folio No. 267962}

SUMMARY:

Responding to a question without notice from Councillor Joukhadar on what recurrent funding would be needed to enable the Kempsey Toy and Leisure Library to maintain the service.



The Kempsey Toy and Leisure library has been operating without a working committee and without adequate funding for some 5-6 years. During this time, savings have run out and the service has run down somewhat. The sole co-ordinator, Nancy Tickle, has had to run the service, be the treasurer and pay all bills and salaries, apply for and administer any likely grants and manage any marketing/publicity during very limited hours. As a result of stock running down and as activities and programmes have ceased, circulation has been slowly dwindling. If Council decides to allow for recurrent funding to keep the toy library operating, I suggest some changes.

1. Opening hours to be consolidated to 2 whole days and Saturday mornings each week: 14 hours of opening and 1 hour for administration.
2. The service and resources target pre-school age children, who form the bulk of borrowers and gradually dispose of stock currently held for other age groups.
3. The co-ordinator, Nancy Tickle become a member of the library staff on the library assistants' salary scale and she trains other library staff members to help in the toy library. It will then be possible to issue toys whenever the book library is open and that Nancy Tickle also help in the book library when her toy library duties permit.
4. That the toy library and children's services operated by Angie Meers co-operate and hold joint activities and holiday programmes, to the benefit of both.
5. That there be no fees imposed during this first 15 months of operation, until circulation can be substantially increased. The imposition of fees can then be considered if Council decides to continue funding the service.

Financial Implications:

1. **To keep the service operating from the middle of March 2004 to 30 June 2004, \$6500.00.**
2. **Operating funds for the financial year 2004/2005 \$24200.00**

The financial implications arising from this report is \$30700 from middle of March 2004 until 30 June 2005 less \$5600.00 Council already contributes to the running of the toy library.

Commitment: \$25100.00

2004. 25

RESOLVED:

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

That the toy library is allowed to close for 3 months January - March for refurbishing, reorganisation and annual leave for staff. The service should be relaunched during the April school holidays after a marketing campaign and in June 2005 the funding should be reconsidered. If borrowings have not increased substantially, the service to be closed and resources disbursed to organisations within the Kempsey Shire.

DCCS2

ROTARY CLUB OF COFFS HARBOUR

FILE: D1-2

TIH

{Folio No. 267964}

SUMMARY:

Reporting on a request from the Coffs Harbour Rotary Club for a donation.



The following letter has been received requesting a donation towards its main project, the erection of 16 motel style units adjacent to the new Coffs Harbour Base Hospital, and the site of the new Radiotherapy Unit.

"The purpose of the facility is to provide low cost accommodation (\$25 per room, per night) for the relatives of seriously ill patients, and for the needs of patients undergoing in radiotherapy treatment, and their carers. Six of the units will be reserved for the former group, and the remaining ten units exclusively for the use of radiotherapy patients, and their carers. People receiving radiotherapy are not hospitalised, but rather attend the treatment centre for about 15 minutes per day, five days per week, for 5/6 weeks; hence the need for low cost long-term accommodation.

*The Mid North Coast Area Health Service estimates that the radiotherapy unit will treat approximately 600 patients per year, with hose people drawn from an area **Macksville to Ballina on the coast**, west to the New England Tablelands, and North West Slopes and Plain. Whilst the Radiotherapy Unit itself will be of enormous benefit to a large geographical area, including Coffs*

Harbour, the Patients and Carers Lodge Inc., will be for the exclusive benefit of patients/careers who are drawn from an area say 40 klms and further, from Coffs Harbour. In other words, the Units will be of particular benefit to residents of your Local Government area.

Figures obtained from the NSW Central Cancer Registry show that Cancer affects people in all age groups. A three-year average of patients who suffer from cancer, conducted by the Registry, shows that in the age bracket 20 years to 64 years, the incidence of cancer is 246.98 persons for every 100,000 population. In the 65 years to 85 years +age bracket, the figure is significantly higher, with the average being 1531.84 persons for every 1000,000 people.

The Patients and Carers Lodge will be strictly a non-profit organisation. The hospital Counsellor will have the authority to reduce or waive fees for those occupiers who may suffer some financial hardship.

Provision of the facility became apparent when in 2000-2001, the NSW State Cancer Council identified the Mid North Coast as the most disadvantaged area in Australia, in respect of patients who had the need for radiotherapy. A large number of patients from this area, did not undertake treatment, for a variety of reasons – some because of distance to a capital city, family responsibilities, economic and social reasons.

In October 2002, the State Government announced plans to build the Radiotherapy Unit in Coffs Harbour, at a cost of fifteen million dollars. Provision of separate patients accommodation was a necessary component of this facility, and this Rotary Club took up the challenge to raise funds for the Lodge. The cost of the accommodation block as been estimated at \$880,000, and building plans for Stage One have been approved by the Coffs Harbour City Council.

Coffs Harbour City Council have been particularly supportive of the project, and has offered the use of its land, adjacent to the Hospital, at a nominal rental of \$1 per annum by 20 years. In addition, Council has also agreed to waive all Development Application fees and Construction Certificate costs. Council estimates its contribution at \$300,000.

The Rotary Club has funds in hand of \$141,470, and has been offered pledges from its own member of \$85,000. The Lions Club of Woolgoolga has committed an amount of \$75,000, and we are reasonably confident of obtaining a grant of \$200,000 from the Department of Transport and Regional Services. However, this is still a long way short of the total cost.

We would be grateful if you would place this request before the full Council Meeting, and consider a donation to this very worthy project. A permanent record will be maintained of all donations above \$1000, and for \$50,000 a donor may have the naming rights to one Unit.

We look forward to a favourable response.”

Comments by Director

Although this is a worthy cause the present donations vote is committed any increase will need to come from Working Funds.

Financial Implications, Policy Implications, ESD Implications, Statutory Implications

There are no implications arising from this report unless Council decides to allocate new funds.

Director Corporate and Community Services Recommendation:

For Council's determination.

2004. 26

RESOLVED:

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

That no action be taken.

At this stage 12.48pm Councillor Parkinson returned to the Chambers.

DCCS3

KEMPSEY HOSPITAL SERVICES

FILE: H2-10 TIH (NRN)

{Folio No. 267965}

SUMMARY:

Reporting on advice received from Mr Luke Hartsuyker MP, Federal National Party Member for Cowper and Mr Andrew Stoner MP, Member for Oxley.



Mr Luke Hartsuyker MP

"The NSW Government's announcement it will be providing a new 86 bed hospital facility in Kempsey is certainly very good news for the community in the Macleay.

State governments are responsible for providing public hospital services to our community under Australia's constitutional arrangements The Federal Government assists the States financially through Australian Health Care Agreements.

New Australian Health Care Agreements has been negotiated for 2003-2008. The Australian Government has made a record offer to the States and Territories to help them run our public hospitals.

Under the offer, the States and Territories will receive up to an additional \$10 billion. The total package is \$42 billion – up from the \$32 billion 1998-2003 agreements. This represents a 17% increase for public hospitals.

Commonwealth funding for public hospitals grew by 16% between 1997/98 and 2000/01 while the number of public patients treated in public hospitals only rose by 5%.

It is interesting to note that the Coalition's policies on private health insurance have helped reduce pressure on public hospitals. According to figures from the Australian Institute of Health and Welfare, in 2000-2001 public hospital admissions fell for the item in the history of Medicare.

The Australian Government's MedicarePlus proposal will also help reduce pressures on our public hospitals. MedicarePlus proposes to have 1,500 more doctors and 1,600 more practice nurses working in general practice. There are also incentives to increase the availability of bulk billing. MedicarePlus will thereby enhance access to GP services, taking pressure off the hospital system particularly patients seeking medical help at emergency and outpatient facilities.

Unfortunately, overall State and Territory spending on public hospitals has fallen while the Commonwealth share has risen. The Commonwealth is therefore asking the States to:-

- *Recommit to the Medicare principles including the provision of free public hospital services;*
- *Publicly commit to provide a specified level of funding for the agreement period;*
- *Commit to match Commonwealth funding increases on their hospitals;*
- *Report on progress against this funding commitment each year and commit to a new and more accountable reporting framework.*

These measures are important in ensuring the State governments meet their responsibilities so that communities including the Macleay can receive better access to health services, such as through the proposed new 86 bed hospital in Kempsey.

I am very pleased to note my support for the Area Health Service plan to provide these new facilities and have made representations to the Federal Minister for Health and Ageing, the Hon Tony Abbott MP, on these issues in our region and Council's motion. I will be in contact with you further when the Minister's response is received.

Thankyou for bringing Council's motion to my attention and for the opportunity to assist."

Andrew Stoner MP

"The Mid Coast Area Health Service Asset Strategic Plan provides for the proposed construction of a new 86-bed hospital at a cost of \$43.6m for an 11,500 square metre new building.

During the March State Election campaign, the then Minister for Health, Craig Knowles, committed to its construction.

Whilst I am pleased to note the redevelopment of Kempsey District Hospital is listed as the No. 8 preferred option in the Mid North Coast Area Health service's Area Asset Strategic Plan 2003, the project needs the support of both Federal and State Governments and joint funding for major Capital Works.

Kempsey District Hospital had a fine record of service to the Macleay community, however it has reached its used-by date in terms of contemporary medical standards and a new hospital is warranted rather than another refurbishment. Please give priority to the reconstruction of Kempsey District Hospital and support a joint funding commitment by the State Government."

Comments by Director

Noted.

Financial Implications, Policy Implications, ESD implications, Statutory Implications

There are no implications arising from this report.

Director Corporate and Community Services Recommendation:

That the information be noted.

2004. 27

RESOLVED:

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

1. That the information be noted.
2. That Council invite Mr Mark Vaile MP and Mr Luke Hartsuyker MP to meet with Council, as a matter of urgency, to discuss community issues of concern.

DCCS4	DEPARTMENT OF COMMUNITY SERVICES COMMUNITY SERVICES GRANTS PROGRAM
FILE: S10-13	TIH (NRN) COPY: APC {Folio No. 267966}

SUMMARY:

Reporting on efforts to carry out Council's resolution concerning the Aboriginal Liaison Officer position.



At it's meeting held 10.6.03 Council resolved;

"1. That Council's seal be affixed to the specification of service agreement for the Aboriginal Liaison Officer position.

.....
MAYOR

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."*

Efforts have been made to source the funding shortfall of \$15,200 from various agencies such as Department of Community Services (DOCS), Aboriginal and Torres Strait Islander Commission (ATSIC) and Department of Aboriginal Affairs (DAA).

Responses from all agencies were unsuccessful even though they acknowledge the definite need for the position.

In order to amend the ALO's working hours to the limits of the budget will mean a reduction of 595 hours or 17 weeks.

This reduction will be in breach of the terms of the DOCs funding agreement.

Any reductions in hours will make it virtually impossible for the Aboriginal Liaison Officer to effectively and efficiently undertake the current projects set by the Aboriginal Liaison Committee and Council, within the timeframes expected, eg. the smooth functioning of the ALCs Secretariat, actioning and minute taking, ALC sub-committees to handle the sensitive issues such as Point Plomer Road sealing, Goolawah Area, town planning matters, the South West Rocks Reserve Plan of Management, the actioning of the Statement of Commitment Planning Committee and the progressing of the Reconciliation Process and liaising linkages with the Aboriginal Community.

Financial Implication

Financial implications of this report will mean an increase in the Aboriginal Liaison Officer vote of \$15,200.

Social Implications

Social implications of this report will mean the continuation of this most beneficial position and continued improvement, enhancement of the reconciliation process at a local level and a more effective, efficient management and network linkages of Aboriginal affairs at a local, State and Federal level.

In order to meet the shortfall from "existing budgets", the \$5,000 allocated to the Aboriginal Liaison Committee will be used to meet salary commitments and towards the end of the financial year unexpended votes, if any, will be also used to supplement the salary vote.

DOCS are prepared to assist with "project funding" if they have any slippage or surplus monies available but are not able to contribute towards the salary component.

It is proposed therefore to seek the \$5,000 used by the ALC to be DOCS funded if possible for local symbols of reconciliation, network conferences, culture awareness workshops, facilitate and coordinate establishment of community centers, men and women issues workshops, Aboriginal dance groups and Aboriginal special events such as NAIDOC Week and Reconciliation Week activities.

It is also proposed that the ALO and ALO Community Services Trainee submit a written expression of interest to ATSIC for NAIDOC Week funding when ATSIC call for their next funding round on behalf of the ALC.

Director Corporate and Community Services Recommendation:

That Council continues the employment of the Aboriginal Liaison Officer position for 35 hours per week and the funding not subject to subsidy from DOCS be met from working funds.

2004. 28

RESOLVED:

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

1. That Council fund from Working Funds the shortfall in funding needed to employ the Aboriginal Liaison Officer to 30th June 2004.
2. That Kempsey Shire Council, as a matter of urgency, contact Miss Linda Burney, Mr Warren Mundine, the Department of Community Services, Mr Tony Kelly MP Minister for Local Government and the Minister for Aboriginal Affairs State and Federal Governments to seek the shortfall in funding needed to employ the Aboriginal Liaison Officer.



At this stage 1.14 p.m. the Meeting adjourned for Luncheon and upon resumption at 2.14 p.m. all present at the adjournment were in attendance.



DCCS5	STATEMENT OF BANK BALANCES AS AT 31ST DECEMBER 2003 APC
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SUMMARY:

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



[\(Appendix A\)](#)

Comments by Director

Noted.

**Financial Implications, Policy Implications, ESD implications,
Statutory Implications**

There are no implications arising from this report.

2004. 29

RESOLVED:

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

That the information be noted.

DCCS6	STATEMENT OF INVESTMENTS AS AT 31ST DECEMBER 2003 APC
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SUMMARY:

Submitting the Statement of Investments as at 31st December 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.

Comments by Director

Noted.

**Financial Implications, Policy Implications, ESD implications,
Statutory Implications**

There are no implications arising from this report.

2004. 30

RESOLVED:

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

That the information be noted.

DCCS7	PUBLIC ART IN THE SHIRE FILE: C20-2 DCT (NRN)	{Folio No. 267970}
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SUMMARY:

The Arts and Cultural Development Committee has received a Grant from Regional Arts NSW to conduct a public Art Workshop.



Background:

There has been for a number of years, in the Shire, a growing interest in Public Art. Council's Arts and Cultural Development Committee (ACDC) last year developed Council's first Arts & Cultural Development Plan. The Committee acting on the Plan made an application in 2003 to Regional Arts NSW for funding to conduct a Public Art Workshop. The aim of the workshop is to consider Public Art policy issues with a view establishing a Council policy for Public Art in the Shire. The target audience for the workshop is Council staff who will have input into the development of the policy and members of the public who have an interest. The proceedings of the workshop will be recorded with a view to using the record as support material for further funding submissions.

The Local Government & Shire Association of NSW has recently developed a Public Art Resource Kit to assist local government in developing Public Arts Policy. The proposed workshop presenter Janet Cohen contributed towards the development of the recourse kit and will use it in the workshop.

Comments by Director

Noted

Financial Implications

The costs associated with the workshop will be fully funded by grant funds.

The financial implication of the following recommendation would be participating staff time.

Policy Implications

Eventually a policy on Public Art.

Statutory Implications

Nil

2004. 31

RESOLVED:

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

That a Public Art Workshop be held on Friday 20 February between 10.00am and 3.00pm.

SUMMARY:

- The Mid North Coast Co-operative Library Service has received a development grant for DVDs.
- An application to purchase furnishings for Hat Head Library has been unsuccessful.



The Development Grants have not actually been officially announced, but the area consultant has informed the Library Services Manager that the Co-operative has been successful in attracting a grant of \$32,000 to purchase DVDs for the Hastings and Kempsey Libraries. By the time the items have been ordered, received and processed, they will be available for borrowing some time in the first half of 2004, after a launch of the new collection.

The application for a grant to purchase furnishings, resources and electronic equipment for Hat Head Branch has been unsuccessful on the grounds that the proposed library building is smaller than the recommended minimum for a village of this size. Some equipment and resources can be provided from existing stock, but some purchases may need to be made.

Comments by Director

Noted.

Financial Implications

1. ***The Library has an extra \$16,000 to spend on resources, namely DVDs.***
2. ***Some funding will have to be found to provide some furniture and equipment for the new library building at Hat Head.***

Policy Implications

Nil.

Statutory Implications

Nil.

2004. 32

RESOLVED:

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

That the report be received.

SUMMARY:

Reporting on the requirement for Council to authorise the affixing of the seal.



Council is currently negotiating the renewal of the following loans with the National Australia Bank:

- Water Fund Loan 764, Principal \$807,000
- Sewer Fund Loan 1030, Principal \$219,000

Both loans currently are at 7.065% based upon a four year renewal over a sixteen year term, the loans fall due for renewal on the 26 June 2004. The National Australia Bank is agreeable to the loan renewal and has provided indicative rates which are lower than those currently applying to the borrowings.

The Local Government (Meeting) Regulation requires the passing of a resolution by Council before the seal can be affixed to any document. The resolution must specifically refer to the document and the document must relate to Council business.

Council is required to affix the seal to the following:

1. Loan Mortgage documents, Water Fund Renewal Loan No. 768 for \$807,000.00 (renewal of Loan 764)
2. Loan Mortgage documents, Sewer Fund Renewal Loan No. 1033 for \$219,000.00 (renewal of Loan 1030)

Financial Implication's

The financial implication of the following recommendation would be a saving on loan interest of approximately \$45,744 over the remaining term of the loans. There are no Policy or Statutory implications arising from this report.

2004. 33

RESOLVED:

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

That Council's seal be affixed to:

1. **Loan Mortgage documents, Water Fund Renewal Loan No. 768 for \$807,000.00**
2. **Loan Mortgage documents, Sewer Fund Renewal Loan No. 1033 for \$219,000.00.**

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T I Hannam



DIRECTOR BUSINESS ENTERPRISES REPORT

DBE1	SEWER AND LIQUID TRADE WASTE PRICING WORKSHOP	{Folio No. 267975}
	FILE: W1-1 AMB	

SUMMARY:

Reporting on a proposed date to workshop Council's options for Sewer and Liquid Trade Waste Pricing. The options have been prepared in accordance with Best-Practice Pricing Manual with the intention of meeting the State Government compliance requirement of July 1 2004.



Council changed its water supply pricing in 2003 to meet Best-Practice Pricing Principles as set by the Ministry of Energy and Utilities Guidelines. The Best-Practice Pricing Principles comply with IPART principles for Local Water Authorities, COAG's Strategic Framework for Water Reform and the National Competition Policy.

In a similar way, Council must become compliant with sewerage and liquid trade waste pricing by July 1, 2004. The options for this pricing have now been assessed and are ready for Council's consideration.

A workshop is proposed for Tuesday, January 20, 2004, 10am –12.30pm to discuss Council options for sewer and liquid trade waste pricing. Scott Chapman from the Ministry of Energy and Utilities is available to attend a workshop on this date. Scott's assistance was invaluable during water pricing workshop and during the new water pricing's implementation but his availability is limited given the number of Council's currently endeavouring to be water, sewer and liquid trade waste pricing compliant. It is intended that the workshop discuss the impacts of the pricing options on Council's various customer sectors and Council's opportunities to minimise the impacts. Background information documents will be circulated in the week prior to workshop.

Like the water pricing proposals, public comment will be sought on a preferred sewer and liquid trade waste pricing option with Council consideration of a new sewer and liquid trade waste pricing regime scheduled for March 2004. The new sewer and liquid trade waste pricing would commence in the 2005 financial year.

Council has a pricing compliance deadline of July 1, 2004. If Council is not compliant by this deadline Council will forgo any State Government water and sewer grant monies and will not be eligible to apply for general rates increases above the rate-pegging threshold.

.....
MAYOR

Directors Comment:

As per report.

Report Implications:

There are no financial, policy or statutory implications arising from the following recommendation. The workshop will formulate a preferred option for later consideration as a pricing Policy.

Director Business Enterprises Recommendation:

That Council workshop the options for sewer and liquid trade waste pricing on 20th January 2004, 10:00am and 12:30pm.

2004. 34

RESOLVED:

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

That Council conduct a workshop 20th January 2004, commencing at 9.00 a.m. to workshop the following items;

- Options for general fund rating
- Local Government Amendment Bill 2003
- Sewer and liquid trade waste pricing

DBE2	HAT HEAD SEWERAGE – PUMP STATION FAILURE OVER THE CHRISTMAS PERIOD FILE: S8-24 AMB	{Folio No. 267975}
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SUMMARY:

This report informs Council of the recent failure at the Hat Head Sewerage pump station. The report indicates the actions taken to control the problem and minimise impact on the public in the peak Hat Head tourist time. Council staff, local contractors and the sewerage scheme contractors demonstrated significant commitment in the normally important family and public holiday period of December 24-27, 2003.



Greg Hickson of the Water Services North Team discovered a pump station failure at the Hat Head pump station during routine checks on the morning (8am) of Christmas Eve. It was not possible at that time to determine the cause of the problem. It was known that the vacuum pump system appeared to be operational but that the normally dry pump station well was 2m deep in raw sewage, the nonsubmersible lift pumps were totally submerged and not functioning. No surcharges had been reported in the reticulation system at that point.

On receiving Greg's report of the pump station failure, Darren Smith (on leave at the time) contacted the contractors/constructors for the scheme and Peter Hemmings to coordinate Council's actions. Airvac and New England Excavations were the contractors/constructors. To minimise public impacts and to determine the cause, Council staff checked the reticulation system for surcharges and the rising main and treatment works for vandalism, closed valves, blockages, leaks or any other obvious problems. A local liquid waste carter (Tony Gordon) was contacted to pump-out the pump well to determine the cause of the surcharge in the well. The lowest points and likely first surcharge points were determined and monitored to prevent surcharging by pumping-out the pots. The likely first two surcharge points were the Club and the Caravan Park. Power to the pump station was turned off to prevent possible electrocution.

By mid afternoon of Christmas Eve it was determined that the cause of the surcharge in the well was a failed bolt. This failed bolt a likely cost of a few dollars had caused thousands of dollars damage. The bolt secured the reflux (non-return) valve on the lift pumps and when this failed caused the leakage into the well. The vacuum system was not damaged and had sufficient storage in the combination of the vacuum tank and the reticulation pipework given that not all the town had connected to the sewerage.

The lift pumps needed to be removed and if possible rebuilt and in the meantime method of operating the sewerage system was required until such time as the lift pumps could be made operational again. Several operating scenarios were devised based on the possible remedial actions required for the lift pumps. The lift pumps were not a readily replaceable item as they had a pump head of 50m to the treatment works. It took until 3pm to clear the well sufficiently to recover the lift pumps from the well and the pumps left Hat Head at 6pm. New England Excavations transported the pumps to their Maitland workshop to 'dry them out' and rewire the motors if necessary with a hopeful 24-hour turn-around. In the meantime, the Tony Gordon's pump-out truck would do continual runs from the pump station to the treatment works and have an additional truck on stand-by if required. Other contractors details were sourced in the event of additional trucks being required should the Boxing Day peak loading prove unmanageable (Hat Head had the Trig marathon as well as the Christmas holidayers).

Council staff and contractors worked extensive hours to keep the sewerage scheme operational so as to minimise public impact. It took until 1.30am on Christmas morning to reduce the sewage load in the vacuum tank and reticulation to sufficiently cope with the morning peak. This allowed Tony Gordon to get a few hours sleep before starting again at 4.00am. Tony worked through Christmas Day and on through Boxing Day completing runs from the pump station to the treatment works and when necessary also pumping out the caravan park and Club's pots. Council electrician and fitters were called to remedy a pump failure at the treatment works where the pump-out truck was offloading. These staff were on annual leave at the time. New England Excavations had people on ground at Hat Head and in Maitland on Christmas Day and Boxing Day and have people on ground at Hat Head up to the new year. Airvac had staff on annual leave at Coffs Harbour who attended the site on Christmas Eve and were on standby after that. Water Services

staff were available at short notice and were called on many times as back-up to the contractors.

The lift pumps were delivered back at the pump station at 4.30pm on Boxing Day and the pump station was operational by 9pm. On December 27 the sewerage scheme was operating 'normally' but being closely monitored.

Investigations were continuing at the time of writing this report as to why alarms failed to register when the well flooding began. This is the second time that the pump well has flooded and submerged the lift pumps causing them to fail. The scheme has only been operating for a 6-month period.

Some of the lessons learnt from the incident are listed in Table 1. Several of these items need to be followed further.

Table 1

Item #	Item description	Comments
1	Flooding alarms failed	Being investigated
2	Revise flooding alarms to be multi-stage flooding alarms	Turn off pumps once well flooding to certain level, before damage to pumps
3	External reflux to pump well required and bunding to contain spills	A future reflux failure would prevent back siphoning from the treatment works to the pump station. The bunding would contain spills from the external reflux in the event of its failure.
4	Power isolation in well flood event to prevent electrocution	Connect to flooding alarms
5	There was a 40-minute turn around for the pump truck (pump station to treatment works) during this peak period	Hat Head does not have all customers connected as yet
6	Permanent camlock-type connection to the vacuum tank for pump out situations. Needs to be plumbed to the surface	Council staff made a connection direct to the tank with a temporary fitting to top of well. Required to prevent entry to well with live sewer with potentially noxious gases
7	Have a spare motor available for the lift pumps	May enable to re-establish pumps locally case of a similar event
8	Refurbished pumps have significant vibration	Need to assess if this vibration was the cause of the bolt failure.
9	Assess small pump station at treatment works for performance during continual pump-out truck runs	Pumps unable to keep pace with pump-out truck offloading rate. What are options?
10	Revise appliance circuits in the pump station. Vacuum pumps, lift pumps and ventilation fan all on same circuit.	Need to operate electrically independently in event of failure of either pump. Ventilation fan operation would minimise

		noxious gas concerns in the confined space
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Directors Comment:

As per report.

Financial Implication

There should be no financial implications for Council from this incident as the costs are to be borne by the constructors of that portion of the sewerage scheme, New England Excavations. The costs Council will be seeking from New England Excavations were not able to be determined at the time of writing this report but will be available at the Council meeting. Cost recovery is proceeding.

Report Implications:

There are no policy or statutory implications arising from the following recommendation.

2004. 35

RESOLVED:

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

That Council;

1. **Note the above information.**
2. **Offer written thanks to their staff and the contractors for keeping the sewerage scheme operational in the peak load period of Christmas Eve to Boxing Day despite the pump station failure.**
3. **Follow up on remedial items listed within Table 1 of the report.**

DBE3 CARAVAN PARKS MANAGEMENT PLANS
FILE: C1-2 GTS (NRN) {Folio No. 267976}

SUMMARY:

Reporting on the review and updating of Caravan Parks Management Plans



Introduction

Management Plans have been prepared (December 2003) for Crescent Head, Hat Head, Stuarts Point and Grassy Head Caravan Parks. These documents include MasterPlans for improvements and design concept plans. The Management Plans have been considered by the Caravan Park Committee at its two latest meetings (5th November and 3rd December 2003).

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MAYOR

The Committee's recommendation from the latter meeting was that the MasterPlans for proposed improvements at the 4 Shore Parks be submitted to the January 2004 Council meeting, with Council to determine if they wish to undertake a consultation phase.

Copies of the Management Plans' Executive Summary and the MasterPlans are attached as [\(Appendix A\)](#).

Background

Council adopted Caravan Parks Management Plans in 1998. Public consultation processes were involved in the preparation of the Plans. A 10 years planning horizon was envisaged at the time with costings for the first 5 years of improvements.

The December 2003 Management Plans have been prepared to address changes in the caravan park industry and outstanding matters from the 1998 Plans. As such, they are a mid-term update and review of the 1998 Plans.

Issues

The modified MasterPlans for improvements are consistent with those previously agreed to by stakeholders in terms of content and intent.

They are, however, sufficiently different to warrant a new consultation process.

This bears particular potential relevance to the Crescent Head Caravan Park where an extension of the Oceanside cabins precinct is planned.

Whilst the MasterPlan describes a minimum 5-cabins arrangement within the newly created, formal allotment / road system, the actual accommodation, layout and landscaping would be subject to a special architectural / environmental detail design. It is expected that a "cul-de-sac" style situation would apply.

It is anticipated that a consultation process would consist of the Management Plan Consultancy conducting public meetings in each park location with a particular emphasis on counselling in relation to the desirability of the cabins precinct at Crescent Head. Reference would be made to appropriate standards of accommodation, local economy and tourism, commercial value, environmental considerations and other matters. The MasterPlans would also be made available for public exhibition and comment.

Directors Comment:

The review of the Management Plans is timely in view of the works in progress at the Crescent Head Caravan Park and for the upgrade works proposed in 2004 for Hat Head, Stuarts Point and Grassy Head Parks.

Financial Implications:

Any requisite, negotiated extension of consultancy contract for consultation processes is affordable within the existing 2003/2004 caravan parks operating budget.

Council received a grant of \$30,000 from the Crown Lands Advisory Committee for the review of Caravan Parks Management Plans.

Report Implications:

There are no policy or statutory implications arising from the following recommendation.

2004. 36 **RESOLVED:** *Moved: Cl. Parkinson
Seconded: Cl. Sowter*

That the revised Draft Management Plans (December 2003) be placed on public exhibition and meetings be held in each Park.

2004. 37 **RESOLVED:** *Moved: Cl. Parkinson
Seconded: Cl. Hunt*

That the Mayoral tour of the Shire's Caravan Parks be deferred until the Easter 2004 holiday period.

DBE4	QUESTIONS WITHOUT NOTICE	
	FILE: C18-28 JC (NRN)	{Folio No. 267977}

SUMMARY:

Reporting on Questions Without Notice from the Council meetings of the 9th December 2003.



Responses to Councillors Questions Without Notice are listed for information.

Meeting of 9th December 2003

Councillor J Sproule

File G1-2 **(Folio No. 266776)**

That the Director Business Enterprise would investigate the rubbish dumped in and along Gowings Hill Road and in the vicinity of Burnt Bridge Road.

Rubbish removed.

Councillor Joukhadar

File C1-2

(Folio No. 266780)

That the Director Business Enterprise would pursue details of the Risk Management for Caravan Parks workshop proposed in Port Macquarie in February 2004 as mentioned in the LGSA circulars with a view to arranging attendance by relevant staff.

Grant O'Shannessy and Jenny Kelly will be attending.

2004. 38

RESOLVED:

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

That the information be noted.

DBE5	FLEET MANAGEMENT	
	FILE: P6-2 MSW (NRN)	{Folio No. 267979}

SUMMARY:

Reporting on Fleet purchases/sales during the month of December 2003.



The following plant was **Purchased**.

New Plant No.	New Vehicle	Sale Price (excl. GST) \$
V2114	Hamm Self Propelled Roller (14 Tonne)	162,750

Directors Comment:

Report noted.

Report Implications:

All costs are covered by approved Budget allocations.

There are no Policy or Statutory implications.

2004. 39

RESOLVED:

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

That the information be noted.

DBE6	WORKS IN PROGRESS	
	FILE: W1-2 DWS (NRN)	{Folio No. 267980}

SUMMARY:

Reporting on Works in Progress.



WATER SUPPLY

Normal operation and maintenance of Water Supply Pumping Stations and Treatment Plants continues.

Works Completed for last 4 weeks

1. 200mm water main in Gordon Lane and 150mm in River Street complete.
2. Fairweathers Lane water main complete.
3. Croads Lane water main complete.
4. 150mm interconnecting main from Cochrane Street to Mitchell Avenue.

Works Proposed for next 4 weeks

1. Install Meters on all bore pumps – continuing.
2. Advertise expressions of interest for South West Rocks Water Treatment Plant.
3. Monitoring and testing of dam continuing.
4. Meter Replacement Program continuing.
5. Construction of Sutherlands Lane water main connected and charged meters to transfer when land owners ready.
6. Bulk water meter locations investigation/design and purchase continuing.
7. Western Lane, Bellimbopinni – 1.6km piggyback replacement.
8. Old Station Road, Gladstone – 0.7km piggyback replacement.
9. Euroka Road, Euroka – 0.1km piggyback replacement.
10. Macleay Street, Frederickton – 0.3km new main stage 1 RTA roadworks.
11. Smithtown Road, Smithtown – stop valve replacement and main lowering.
12. Two Hills Lane, Seven Oaks – 1.6km new water main.

MONTHLY WATER CONSUMPTION

	December 2003 Kilolitres
<u>Belgrave Falls</u>	0
<i>Bellbrook</i>	586
<i>Crescent Head</i>	343
<i>Hat Head</i>	4599
<i>Sherwood – Lime Plant</i>	584
<i>South West Rocks</i>	36727
<i>Stuarts Point</i>	19390
<i>Willawarrin</i>	586
Total Consumption	62,815

Kilolitres to Financial Year to Date: 1,133,582kl

Applications for connection in December – 11

SEWERAGE

Normal Operation and maintenance of sewage treatment plants and pumping stations continues.

Works Completed for last 4 weeks

1. Paint Via Duct at Burnt Bridge – (complete).
2. Replacement sewer rising main in Washington Street, East Kempsey – complete.

Works Proposed for next 4 weeks

1. Sewerage Pump Stations Fall Prevention Systems – manufacture and install – continuing.
2. Continuing construction of new inlet works at South West Rocks Sewerage Treatment Plant – Precision Pipelines – 95% complete.
3. South West Rocks Sludge Trial continuing.
4. Install new fence around R4 pump station near Brighton Park 80% complete.
5. South West Rocks sewer rehabilitation continuing.
6. South West Rocks storage shed contract let to commence late January.
7. Fence repairs, sewer installations and pump stations continuing.
8. De sludge lagoon at South West Rocks Sewerage Treatment Plant continuing.

9. Manhole repair/renewal program, South West Rocks R1 catchment.
10. Infiltration studies East and South Kempsey, quotes received to commence late January.
11. RTA Stage 1 – Sewer adjustments Macleay Street, Frederickton.

A. SALEYARDS

Works Completed during last 4 weeks

1. Normal maintenance and operation.
2. Tenders for Kiosk operation.

Works proposed for next 4 weeks

1. Normal maintenance and operation.
2. Develop Risk Management Manuals.
3. Seek expressions of interest in sponsorship naming right.
4. Installation of skylights in roof.
5. Develop 2003/04 Capital Works Program.

AIRPORT

Works Completed during last 4 weeks

1. Normal maintenance and operation.
2. Rescheduling of flights by Macair Aviation.

Works proposed for next 4 weeks

1. Normal maintenance and operation.
2. Investigation into replacement fencing options with neighbouring property owner.

CARAVAN PARKS

Crescent Head

Works Completed during last 4 weeks

1. Install and connect new powerheads to Holiday Van precinct.
2. Landscape, clean and demobilise work site for Christmas Holidays.

Works proposed for next 4 weeks

1. Create Tourist Site Plans for future bookings.
2. Commence schematic design and cost analysis for other three parks.
3. Create tender packages for next stage of works.

WASTE SERVICES

Works Completed during last 4 weeks

1. Normal operation and maintenance.
2. Superstructure complete for Waste Transfer Station at Kempsey Waste Reveal and Disposal Facility (KWR&DF).
3. Phase 1 capping of KWR&DF 80% completed.
4. Weed eradication program beginning at Crescent Head.

Works proposed for next 4 weeks

1. Construction of roads Waste Transfer Station Facility.
2. Construction of new landfill cell at KWR&DF.

DEPOT

Works completed during last 4 weeks

1. Site clean up and removal of scrap metal.

Work proposed for next 4 weeks

1. Construction of parks and gardens hardstand and completion of wash-bay hardstand.
2. Appoint contractor to install undercover parking.
3. Construct new compound.
4. Installation of speed hump on main access completed and signage installed.

BATHS

Works completed during last 4 weeks

1. Normal operation.
2. Kempsey - Expression of Interest for Kiosk Operation.
- Independent audit of OHS.

Work proposed for next 4 weeks

1. Normal operation and approval for Backwash System being sought.
2. South West Rocks – planting of replacement flora.
3. Kiosk and Gate Operation Agreement signed.
4. Kempsey pool: seek development approval for provision of backwash water system work.

Directors Comment:

Report noted.

Report Implications:

There are no policy or statutory implications arising from the following recommendation.

2004. 40

RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Bowen*

That the information be noted.

**DIRECTOR BUSINESS ENTERPRISES
SUPPLEMENTARY REPORT**

DBE7	SHIRE POOLS RISK AUDIT FILE: R3-2 GTS
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SUMMARY:

Reporting on the status of the Shire Pools Risk Audit



Council resolved in May 2003 that Council agree to support the concept of an indoor pool semi-incorporated into an indoor stadium and that a further report be submitted of the financial effect of the Risk Audit that has been carried out.

In October 2003, an interim report which identified the need for additional assessments was submitted to Council and it was resolved that a further report be submitted.

Detailed assessments relating to the Kempsey Pool are attached (ESP General Safety Review, LGES Structural Report, Statewide Mutual Risk Management Report, Risk Officer's Report and LGES costings of remedial measures).

All reports refer to a high-risk facility in terms of infrastructure condition, sufficiency and serviceability along with inadequate procedures.

The complex dates back to 1935 (25m pool) and 1968 (50m pool).

Historically, the level of assets maintenance and replacement programmes and changing operating frameworks (including OH&S, environmental, industrial) have meant that the complex has become significantly depreciated.

Whilst the village pools are younger, (Gladstone – 1963; Crescent Head and South West Rocks – mid 1970's) many of the deficiencies identified at the Kempsey complex also apply.

Notwithstanding the above considerations, the nature of the tank-in-ground systems and the associated built-in service equipment give rise to limited assets life in any case.

The secondary grandstand at the Kempsey Pool has been condemned on structural and serviceability grounds. It has been isolated from public use.

A failure of the chemical dosing line in the pumphouse and other concerns with the chemical storage and delivery systems have necessitated an urgent overhaul of same.

The specialist mechanical, chemical and electrical service providers required to effect some of the remedial measures are not available within the local region.

Many of the issues identified in the risk reports are currently being addressed but all problems cannot be overcome within current budget allocations and prior to the end of the current swimming season.

The remedial measures for Kempsey Pool amount to \$120,000 in terms of low-cost, short-term solutions whilst further expenditure would be required in the longer term. Whilst isolation and signage to the electrical switchboards and gear is being arranged, wholesale replacement of these items may be subsequently required at a potential cost of around \$30,000.

The village pools, which have similar outstanding risk issues, are estimated to collectively require a similar amount of expenditure on remedial measures. A risk audit of the village pools will be undertaken as soon as possible.

Those requisite procedures and minor works which have been identified and which can be accommodated within the existing timeframes and budgets are being vigorously addressed. The condition and risk assessments at the sites are ongoing processes.

Post-season first-priority, major works at Kempsey Pool include the demolition of the old grandstand (including area restoration), pumphouse refurbishment (including access stairs), amenities refurbishment, underground pipework replacement, and structural repairs (50m pool grandstand & awning etc) at a cost of \$100,000.

Directors Comment:

The condition of the ageing infrastructure and the operational conditions at the Council's swimming pools has been the cause of increasing concern. The OH&S Act requires Council and its supervisory staff to "take reasonable care to identify any foreseeable hazard that may arise ... that has the potential to harm the health or safety" of employees or the general public.

Report Implications

The financial implication of the following recommendation would be the allocation of \$170,000 from working funds to undertake high priority works.

There are no policy implications arising from the following recommendation.

There are OH&S Act implications arising if "foreseeable" risks are not addressed.

Director Business Enterprise Recommendation:

1. That Council undertake a program to rectify the identified high personal and OH&S risk items at Kempsey swimming pool and that the estimated \$120,000 cost of the program be financed from working funds.
2. That Council allocate the sum of \$50,000 to address urgent OH&S risk items at the Crescent Head, Gladstone and South West Rocks village swimming pools, and that a further report be submitted to Council following completion of a risk audit of these pools.

2004. 41

RESOLVED:

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

That the Director Business Enterprise Recommendation be adopted with the addition of:-

3. That Council be advised of the funds required to carry out the required works at the Kempsey pool complex to meet all the relevant standards (above and below the ground).

DBE8	KEMPSEY AGRIBUSINESS PARK
FILE: I2-2	TCB

SUMMARY:

Reporting on a proposal for Council to make application for Federal grant funding of \$635,000 and to provide in kind support for the Kempsey Agribusiness Park.



One of the adopted Economic Development projects for 2003/04 was the preparation of an Agribusiness Park Feasibility study. The Feasibility Study was received by Council in late December.

The aims of the proposed Kempsey Agribusiness Park are:-

1. To facilitate product aggregation, value adding and enhanced marketing through collaboration thereby increasing returns to growers, industry scale and diversity. Other activities should support these drivers.
2. To utilise enabling activities such as tourist attractions (gardens, bird feeding, factory tours etc.), produce store sales and a Farmers' Market to provide revenue streams to assist with overhead costs.
3. To create employment on farms throughout the region, at the Kempsey Agribusiness Park and in supporting industries.
4. To develop the Kempsey Agribusiness Park as a sustainable business.

A copy of the final documents for the Kempsey Agribusiness Park Feasibility Study will be distributed to Councillors. These are:

- a. Kempsey Agribusiness Park Business Plan
- b. Kempsey Agribusiness Park Investment Plan
- c. Kempsey Agribusiness Park Implementation Plan
- d. Kempsey Agribusiness Park Milestone 2 – Final Report

An Executive summary is attached to this report [\(Appendix C\)](#)

The business plan develops a model for the establishment and operation of the Kempsey Agribusiness Park.

The investment plan provides information to potential investors in a format that reflects requirements of the investment sector.

The implementation plan gives a task list and timetable for the establishment and operation of the Kempsey Agribusiness Park.

The milestone report gives a useful summary of the potential to expand the Park to other agribusiness sectors and products. Whilst this was prepared as a report to the project steering committee it has been included for information.

We are confident that the Kempsey Agribusiness Park will be a viable business operation and provide substantial benefits to agribusiness and tourism in the region.

The project has a two year establishment budget of \$2.1 million. Financial projections provided with the Business Plan and Investment Plan indicate investment of \$210,000 to be provided by Kempsey Shire Council over a two

year period. These funds are in kind as the provision of roads, water and sewage connections. The estimated costs have been developed by the consultant after discussion with Council staff.

Kempsey Shire Council will receive shares in the Kempsey Agribusiness Park to the value of works performed. The Kempsey Agribusiness Park will be formed as a company and managed by a Board of Directors and Chief Executive.

This project is seen as the highest priority by the Economic Development Manager.

There is currently a funding window open with the Federal Government and timing of a grant application is critical. Federal funding of \$635,000 is being sought and is seen as being the keystone in the funding success for the project.

Director's Comments

The proposed Agribusiness Park represents an exiting new economic development initiative. The securing of adequate grant funding is critical to the success of the venture.

Report Implications

\$210,000.00 to be provided over two years through the provision of infrastructure such as water, sewer and roads. \$150,000 in the 2004/05 and \$60,000 in the 2005/06 financial years. By providing these services it is intended to maximise the number of customers and therefore return to Council.

There are no policy or statutory implications.

Director Business Enterprises Recommendation:

That:

- 1. Kempsey Shire Council support the establishment of the Kempsey Agribusiness Park for the benefit of farmers and value adding industry in the Shire and the region.**
- 2. In order to meet funding opportunities Kempsey Shire Council apply for the Federal and State grant funding by seeking in principle agreements which can then be taken up by the Kempsey Agribusiness Park Company after formation.**
- 3. That Council provide financial support of \$150,000 in the 2004/05 and \$60,000 in the 2005/06 financial years in the form of the provision of infrastructure. The financial support will be converted to shares in the Kempsey Agribusiness Park.**

2004. 42

RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Sproule*

That:

1. Kempsey Shire Council support the establishment of the Kempsey Agribusiness Park for the benefit of farmers and value adding industry in the Shire and the region.
2. In order to meet funding opportunities Kempsey Shire Council apply for the Federal and State grant funding by seeking in principle agreements which can then be taken up by the Kempsey Agribusiness Park Company after formation.
3. Subject to Section 356(2) of Local Government Act Council provide financial support, by way of loans of \$150,000 in the 2004/05 and \$60,000 in the 2005/06 financial years in the form of the provision of infrastructure.

.....
DIRECTOR BUSINESS ENTERPRISE

Councillor Parkinson recorded his vote against the foregoing Resolution.



At this stage 4.12pm Councillor Sowter retired from the Chambers and apologised for non-attendance at the remainder of the meeting.



GENERAL MANAGER'S REPORT

GM1	OUTSTANDING REPORTS AND OUTSTANDING COUNCIL RESOLUTIONS	
	FILE: C18-2 AVB (NRN)	{Folio No.267982}

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 9th December 2003 meeting of Council.

OUTSTANDING REPORTS

.....
MAYOR

Director Engineering

Meeting Date	Report Number	Summary Of Report Required	Due Date / Reason
9.12.2003	DE1	That the Director Engineering report on the possibility of Council running a trial of computerised floodgates.	Details being pursued.

Director Business Enterprises

9.12.2003	DBE5	That Council become signatory to Midwaste Memorandum of Agreement and that Council receive and note the eight milestones set for the 2003/04 financial year.	Awaiting responses from other member councils.
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Director Corporate & Community Services

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Director Environmental Services

9.12.2003	DES4	That Environmental Services Department report on provision in 2004/05 budget to complete bushfire zoning mapping	Ongoing budget 2004/05.
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General Manager

9.12.2003	D1	ALGA 2003 National General Assembly Canberra - recommendations	Report to March 2004 Council Meeting.
9.12.2003	D3	Local Govt. & Natural Resource Forum 2/12/03 - prepare submissions, review natural resource management methods, investigate and pursue establishment ROC from Taree to Tweed Shire.	Progressing

OUTSTANDING RESOLUTIONS

Director Engineering

13.5.2003 DE2	Bridge Naming	Draft policy being reviewed.
9.9.03 NOM	Beach access points - report be submitted detailing works required to ensure access improved to standards of State Govt.	Assessment being undertaken.
9.9.03 DE2	Road Safety Officer program - request from RTA to reconsider employing Road Safety Officer.	Pursuing other councils and preparing a submission to the Mid North Group of Councils.
9.9.03	Point Plomer Rd - report costs	Progressing.

DE1	to upgrade sections of road - not proceed with works until consultants reports & public consultations completed - consider Sacred Indigenous Cultural and Heritage issues	
14.10.2003 DE9	That suitable flood free land be identified to house the Gladstone SES Unit.	Land being reviewed.
6.11.2003 DE1	Sports field improvements funding - Section 94 funds be allocated - report be submitted on budgeted \$240,000 & additional \$80,000 be prepared Boyter's Lane works program.	Plans and details being compiled.

Director Corporate & Community Services

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Director Business Enterprise

14.10.03 DBE7	Shire pools risk audit report - further report be submitted following finalisation full assessment	Deferred until February meeting.
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Director Environmental Services

12.8.2003 DES2	Rainforest restoration Big Hill Paperbark Lane Lot2 DP259465 - withdraw caveat - authorise affixing of seal	Waiting on response from National Parks and Wildlife.
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General Manager

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Financial Implication

There are no financial implications arising from this report.

2004. 43

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Parkinson*

That the information be noted.

GM2	ENVIRONMENTAL LEVY WORKS	
	FILE: R1-2 AVB	{Folio No. 267983}

SUMMARY:

To gain Council approval to a rearrangement of the works program.

THIS IS PAGE 62 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 13TH JANUARY 2004

.....
MAYOR



Council has received advice of funding from 1st December, 2003 until 30th November 2004 for the Macleay Floodplain Project and the Acid Sulfate Hot Spots Project. The funding is only sufficient for salaries. In the case of the Acid Sulfate Hot Spots Project there are some carry over funds from the existing program that should cover wages until March 2004.

Consequently, in respect to the Environmental Levy Expenditure for 2003/2004 the following is the estimated need:

	Budget	Likely Expenditure	Surplus
Acid Sulfate Hot Spots Program	\$60,000.00	\$20,000.00	\$40,000.00
Macleay River Floodplain Project	\$30,000.00	\$15,000.00	\$15,000.00
Pola Creek Restoration	\$20,000.00	\$20,000.00	NIL

Council should commence an Environmental Restoration Program for the westland area of the Boyters Lane playing fields and also a program to the south of Rotary Park. There needs to be some progress with Boyters Lane and the first step would be a Management Plan. A brief could be prepared and hopefully a plan prepared by June, 2004 utilising some \$30,000.00 from the surplus we have been able to identify.

There would still be an estimated \$25,000.00 available for re-allocation to environmental issues. It is suggested that the amount could be re-allocated to stormwater drainage facilities in Memorial Avenue and Livingstone Street, South West Rocks as part of the Environmental Levy Works.

The Environmental Levy Program has been approved by the Department of Local Government as part of the rate increase application and approval will need to be received by them to alter the program.

Financial Implications

There are no financial, statutory or policy implications from this report.

General Manager’s Recommendation:

That Council make application to the Department of Local Government to vary the Environmental Levy Program to include a Management Plan for the Boyters Lane Wetlands and Drainage works in Memorial Avenue and Livingstone Street.

2004. 44

RESOLVED:

*Moved: Cl. Powell
Seconded: Cl. Parkinson*

- 1. That Council make application to the Department of Local Government to vary the Environmental Levy Program to include a Management Plan for the Boyters Lane Wetlands**

.....
MAYOR

and drainage works in Memorial Avenue and Livingstone Street.

2. That a development plan be prepared for the area south of Rotary Park, adjacent to the western approach to Jerseyville Bridge, outlining the boat launching ramp location, a boat trailer parking area and an environmental restoration program.

GM3

“A” DIVISION MEETING

FILE: C11-4 AVB

{Folio No. 267984}

SUMMARY:

To ascertain whether Council wishes to submit any motions to the February meeting of “A” Division.



The “A” Division meeting of the Shires Association is to be held in Casino on Tuesday, 10th February 2004. As this is a Council Meeting day I did try to have the meeting altered to another date but this has been unsuccessful as the date has been set to fit into Shire Association schedule of visits.

Any motions that are to be submitted to the meeting are to be forwarded to the Division by 23rd January, 2004.

Report Implications

There are no financial, policy or statutory implications arising from this report.

General Manager’s Recommendation:

That Council determine which motions it wishes to forward to “A” Division for support at the Shires Association Conference in June.

2004. 45

RESOLVED:

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

That motions be prepared for the “A” Division meeting in February on the following matters:-

**Hospital capital funding from the Federal Government
Support for IPART
Pacific Highway issues
Roads to Recovery Funding beyond 2006
Road closures**



GENERAL MANAGER'S SUPPLEMENTARY REPORT

**GM4 ROAD CLOSURES
(SUPP.) FILE: R8-2 AVB**

{Folio No. 268036}

SUMMARY:

To provide Council with information received from the Department of Lands regarding unmaintained roads.



Discussions have been held with the Department of Lands, Taree regarding Councils decision to close sections of road that are surplus to our current and future needs.

Section 38(2) of the Roads Act 1993 provides that on closing a former road:-

(b) in the case of a public road that was previously vested in a Council (other than a public road in respect of which no construction has ever taken place) remains vested in the Council.

The Department if taking the view that unmade sections of a maintained road falls under "other than a public road in respect of which no construction has ever taken place". Under such an interpretation any proceeds from the sale would be paid to the crown.

Local Governments view is that unmade sections which form part of a maintained road are maintained for the purposes of the Act. The Departments interpretation could have serious financial implications to Council in respect of our current resolutions and would have implications each time Council wished to make road adjustments that involved closures and or acquisitions. If Council was not to receive the proceeds no applications would be made to the Department.

I believe the Departments interpretation should be challenged and legal advice received. If legal advice supports Local Governments interpretation then the support of the Local Government and Shires Association should be sought for a legal challenge.

Report Implications

The cost of legal advice would be covered by Council's legal expenses vote. There are no policy or statutory implications arising from the report.

2004. 46

RESOLVED:

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

That Council obtain legal advice on the Department of Lands interpretation of an un-maintained section of road.

.....
A V Burgess
GENERAL MANAGER



CARAVAN PARK COMMITTEE

File: C1-2 GBS

3rd December 2003

REPORT OF THE MEETING OF THE CARAVAN PARK COMMITTEE HELD IN THE COMMITTEE ROOM, CIVIC CENTRE, ELBOW STREET, WEST KEMPSEY ON WEDNESDAY 3RD DECEMBER 2003 COMMENCING AT 9.00AM.

2004. 47

RESOLVED:

*Moved: Cl. Parkinson
Seconded: Cl. Sproule*

That the report of the Caravan Park Committee meeting held on 3rd December 2003 be adopted.



QUESTIONS WITHOUT NOTICE

Councillor Sowter (questions submitted by Councillor Bowen on behalf of Councillor Sowter)

Councillor Sowter was advised:-

- 1 That the Director Corporate and Community Services would investigate the water connection account of \$700 received by the Gladstone Hall Committee.
- 2 That the Director Business Enterprise would investigate the possibility of extending the water in Two Hills Lane another 300 metres.
- 3 That the Director Engineering would investigate the need to replace post and guard rails along Kinchela Creek road that were cut off during a house removal some years ago.
- 4 That the Director Engineering would investigate the status of bank protection work in vicinity of Mr Paix's land at Glenrock.

Councillor R Bowen

Councillor Bowen was advised:-

- 1 That the Director Environmental Services would investigate the continual holding of garage sales at the premises corner of Marsh and River Street, West Kempsey.
- 2 That the General Manager has investigated the situation regarding the operation of the 1300 emergency number during the new year holiday period and steps will be taken to ensure the number is in operation on such days.
- 3 That the Director Business Enterprise would commend waste management staff that responded to a call on the need to empty garbage bins in the Little Bay area over the New Year holiday period.
- 4 That the balance of workings funds is provided each quarter to Council in the Form 2A budget review report.

Councillor J Bowell

Councillor Bowell was advised:-

- 1 That the Director Business would consider the extension of the garbage service to five (5) premises in Third Lane.
- 2 That the Director Business Enterprise would give consideration to painting needed on a number of the rear trays of Council plant items which are rusty and unsightly.
- 3 That the Director Engineering would investigate the need for repairs to the outside of the Netball Clubhouse building following some recent vandalism.
- 4 That the proposed improvements to the streetscape in Belgrave Street on the north side from Clyde Street to Smith Street were programmed for this financial year.
- 5 That the policy on development incentives was administered by a sub-committee of Macleay Development and Promotion.
- 6 That the Director Engineering would raise at the Traffic Committee meeting this coming week the continued traffic hazard in Smith Street as a result of traffic heading south toward the Traffic Bridge merging once past Forth Street.
- 7 That the Director Engineering would determine if Councillors could attend the RTA meetings on the Pacific Highway By-Pass.
- 8 That the Director Environmental Services would investigate the extent Council is affected by unpaid infringement notices and slow follow up by the Infringement Processing Bureau.

- 9 That the Director Environmental Services would investigate the status of bush fire management plans.
- 10 That the loading zone matter at Stuarts Point has not yet been finalized as the Director Engineer has been unable to get the RTA representative to Stuarts Point to inspect the site.

Councillor J Sproule

Councillor Sproule was advised:-

- 1 That the Director Business Enterprise would follow up a letter received from St Paul's College on the water pricing.

Councillor P Parkinson

Councillor Parkinson was advised:-

- 1 That the Director Business Enterprise would investigate a report that caravans arriving early at a Council park were charged an extra fee.
- 2 That the Director Environmental Services was aware of the unsightly condition of two (2) former service station sites in Frederickton and one (1) site in Smith Street, Kempsey but Council could do no more than issue orders to make the buildings safe which has been done on one of the Frederickton sites.
- 3 That the Director Business Enterprise would investigate the dumping of mattresses at the recycling bins at Frederickton.
- 4 That Council would endeavour to obtain a copy of the recent half hour ABC TV program on the history of Crescent Head.
- 5 That the Director Environmental Services would investigate the dumping of substances in the drain at the rear of the Kempsey Toyota property in Kempsey.
- 6 That the Mayor will make enquiries regarding the situation regarding the Federal Government issuing a \$55 million fine to the State Government over its pricing policy.

Councillor J A C Hayes

Councillor Hayes advised the meeting:-

- 1 That the estimated cost to Council of the upcoming Local Government Elections is likely to be up some 50% on past elections costs due to the group voting, counting being done in Sydney and also office accommodation and other costs that Council incurs.
- 2 That the Mayor had received advice from the Local Government and Shires Association that the Roads to Recovery Federal Government

program may not be continued and the LGSA were seeking Councils to send submissions on this.



MOTION FOR COMMITTEE

2004. 48

RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Parkinson*

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.



GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	LEGAL MATTERS	{Folio No. 267986}
	FILE: L3-1 AVB	

SUMMARY:

Reporting on the current position regarding legal matters.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

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)).



2004. 49

RECOMMENDED:

*Moved: Cl. Howell
Seconded: Cl. Bowen*

That the information be noted.

.....
A V Burgess
General Manager



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.

.....
MAYOR



ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2004. 50

RESOLVED:

*Moved: Cl. Sproule
Seconded: Cl. Howell*

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 4.52 p.m.

