



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 14th December 2004 commencing at 9.02am.

PRESENT:

Councillors J A C Hayes, (Mayor and Chairman), J H Howell, E A Green, J C Gribbin, R H McWilliam, D F Saul, B R Sowter and E R Walker.

General Manager, A V Burgess; Director Shire Services, K J Finnie; Director Sustainable Services, R B Pitt; Director Corporate Services, G B Snape, Ken Woods; Minute Taker and Donna Pearson.



APOLOGY:

2004. 848 **RESOLVED:**

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

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



CONSIDERATION OF CONFIDENTIAL REPORT

2004. 849 **RESOLVED:**

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

That the confidential report be considered in the confidential section of the meeting.



CONSIDERATION OF LATE REPORTS

2004. 850 **RESOLVED:**

*Moved: Cl. Sowter
Seconded: Cl. Green*

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



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 9TH NOVEMBER 2004

2004. 851 **RESOLVED:**

*Moved: Cl. Bowell
Seconded: Cl. McWilliam*

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 9th November 2004, be adopted.

Councillor Gribbin recorded his vote against the foregoing Resolution.



MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 8TH DECEMBER 2004

2004. 852 **RESOLVED:**

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

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 8th December 2004, be adopted.

Councillor Gribbin recorded his vote against the foregoing Resolution.



ACKNOWLEDGEMENT

The Mayor advised Council that at 10.20am would be the acknowledgement of achievement of Mr Gary Morris and staff from Booroongen Djugun College who have won the Adult Learning Australia's Award, which was presented, in Adelaide during the ALA Conference.



PUBLIC FORUM

- 1 - Ms Lyn James addressed Council speaking in favour of NOM3.
- 2 - Mr Paul Francis addressed Council speaking against item DSDS1 (Page G1).

- 3 - Ms Madeleine Mainey addressed Council speaking against item DSDS2.
- 4 - Mr Brian Hardy addressed Council speaking in favour of item DSDS3 (Page G47).

Councillor McWilliam declared an interest in the following item for the reason that he is owner of the property next door and retired from the Chamber.

- 5 - Mr Mike Dutton addressed Council speaking in favour of DSDS6 (Page G84)

At this stage, 9.39am, Councillor McWilliam returned to the Chamber.

- 6 - Mrs Betty Green addressed Council regarding DSDS4 (Page G61)



CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports NOM3, DSDS1, DSDS2, DSDS3, DSDS6 & DSDS4.

2004. 853 RESOLVED:

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

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

NOM3	FLUORIDATION OF KEMPSEY SHIRE WATER SUPPLY	FILE: H2-2	KJF	{Folio No. 287582}
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2004. 854 RESOLVED:

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

1. That the Director General of New South Wales Health, Ms. Robyn Kruk, be requested to defer any action under Section 6a Fluoridation of Public Water Supplies Act concerning the Kempsey Shire.
2. That the Kempsey Shire Council request that the New South Wales Minister for Health, the Hon. Morris Iemma, require the Secretary to attach a new term to the 'direction to fluoridate' on November 2005, by making the gazettal subject to the outcome of a comprehensive community consultation to be

undertaken throughout each individual Local Government area.

3. That the New South Wales State government be requested to assume sole responsibility for the capital costs and all on-going maintenance costs involved in the establishment and implementation of fluoride into public water supplies.

Councillor Green recorded her vote against the foregoing Resolution.

The following item was recommitted later in the meeting.

DSDS1	TAR SEALING OF TWO SECTIONS ON POINT PLOMER ROAD FILE: T6-04-351 DEC	{Folio No. 287589}
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SUMMARY:

Reporting on Council's application to tar seal two sections of Point Plomer Road for which objections have been received.



2004. 855 **RESOLVED:**

*Moved: Cl. Howell
Seconded: Cl. Walker*

A That consent be granted subject to the following conditions:

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.

- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 5 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
- 6 Before the commencement of site works, demolition or building, the following activities must be completed:
 - a Installation of soil erosion and sedimentation control devices.
- 7 Proposed rehabilitation of the buffer area is to include primarily endemic native littoral rainforest species.
- 8 Regeneration of disturbed areas to use sterile species for soil stabilisation.
- 9 Clearing within the buffer to the SEPP 26 Littoral Rainforest is to be kept to the minimum necessary for the completion of the work.
- 10 Regular inspection and treatment of the site to ensure that proliferation of weeds does not occur to the satisfaction of Council.
- 11 At least two (2) Aboriginal site monitors are to be employed before initial earth works commence. Consultation is to take place with relevant representatives from the Department of Environment and Conservation (DEC) regarding appropriate site monitors. Monitors are to be present during all excavation. In the event that a significant artefact is discovered works in that area are to cease until consultation has taken place with DEC and DEC is satisfied that appropriate measures have been employed.
- 12 The recommendation contained within the ecological assessments submitted with the assessment dated September 2003 and prepared by Darkheart Eco Consultancy are to be adopted and implemented as part of the development.

- 13 The plans for the required Construction Certificate are to include a Works and rehabilitation plan for the site. The rehabilitation plan is to address all conditions of this consent and is to include an erosion and sediment control plan in accordance with the "Blue Book" published by LANDCOM.
- 14 Proposed rehabilitation of the buffer area is to include primarily endemic native littoral rainforest species.
- 15 Revegetation of disturbed areas to use sterile species for soil stabilisation.
- 16 Clearing within the buffer to the SEPP 26 Littoral Rainforest to be kept to the minimum necessary for the completion of the work.
- 17 Regular inspection and treatment of the site to ensure that proliferation of weeds does not occur to the satisfaction of the Council.
- 18 Erosion and sediment control structures shall be put in place to the satisfaction of Council, prior to construction and also until the area has stabilised in particular with regard to protect of the Goolawah Lagoon SEPP 14 area.
- 19 Regular inspection and treatment of the site to ensure that proliferation of weeds does not occur to the satisfaction of Council.
- 20 Rehabilitation shall be undertaken alongside the road as part of the construction works to the satisfaction of Council.
- 21 Low speed fauna advisory/warning signage to be displayed at each end of the bitumen sealed section to reduce the risk of roadkill.

DSDS2	ERECTION OF A RESIDENTIAL FLAT BUILDING CONTAINING 15 UNITS - CNR BAKER DRIVE AND KILLUKE CRESCENT, CRESCENT HEAD FILE: T6-04-75 DEC {Folio No. 287590}
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SUMMARY:

Reporting that Council has received a Development Application for the erection of a Residential Flat Building containing 15 units, for which objections have been received.



Director Sustainable Development Services
Recommendation:

A That Consent is granted subject to the following conditions:

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**

- 2 Before the commencement of site works, demolition or building, the following activities must be completed:**
 - a Installation of soil erosion and sedimentation control devices.**
 - b Installation of safety fencing/hoardings between the property and the street**
 - c Protection barriers for existing trees**
 - d Installation of builder's toilets**
 - e Installation of signage in prominent, visible position including -**
 - "Unauthorised site entry is prohibited"**
 - Name and phone number of builder or other responsible person for contact outside working hours.**

- 3 The hours of construction are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.**

- 4 The applicant is to nominate the haulage route for disposal of overburden, including where it is proposed to place the material, and submit details to Council prior to release of Construction Certificate.**

- 5 Lodgement to Council of a cash bond to the value of \$10,000 as surety against any damage to the nominated haul route prior to release of the Construction Certificate.**

- 6 Details are to be submitted from a practising structural engineer on the measures, which are to be used to protect the adjoining properties, including Council's road reserve as a result of proposed excavations. Details are to include engineering designs and certificates to cover the work. The details are to be submitted for approval with the Construction Certificate.
- 7 If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the shall:-
 - a Preserve and protect such building from damage; and
 - b If necessary, underpin and support the building in an approved manner.

Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings.
- 8 If the soil conditions require stabilisation:-
 - a Retaining walls or other approved methods of preventing movement of the soil must be provided; and
 - b Adequate provision must be made for drainage.
- 9 This consent has been issued on the basis that it is intended to appoint Council as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 10 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.
- 11 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 12 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of

Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.

13 The building is not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.

14 A schedule of the fire safety measures which are to be installed in the building is to be submitted with the required Construction Certificate for approval together with the minimum Standard of Performance as identified in Clause 80B and C of the Environmental Planning Assessment Regulation 1994.

Detailed plans of each measure prepared by a suitably qualified person are to be submitted for approval with the required Construction Certificate.

15 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-

- a Carrying out water supply work.**
- b Carrying out sewerage work.**
- c Carrying out storm water drainage work.**
- d installing a temporary structure on the land.**

16 Compliance with the Building Code of Australia.

All building work must be carried out in accordance with the requirements of the (BCA).

A Construction Certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

17 The plans for the required Construction Certificate are to provide for a 5.5m width access way from the property boundary to the furthest most point of the basement car park driveway. Details are to be provided demonstrating that all parking areas comply with Australian Standard 2890.1-Off Street Car Parking.

- 18 Submission a BCA Assessment Report for the proposed building by an appropriately accredited certifier with the Construction Certificate.
- 19 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.
- 20 Hoarding/fence is to be provided to the, details of which are to be included with the plans for the required Construction Certificate. The hoarding/fence is to be erected prior to commencing any other work onsite.
- 21 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.
- 22 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

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

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

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

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

prior to the issue of an occupation certificate.

- c That the floor surface of the wet areas are properly graded and drained and the junctions of the floor with the walls are treated to prevent the penetration of moisture into the walls. An inspection of the treated area is to be arranged with Council or suitable certification is to be submitted prior to the issue of an occupation certificate.
- d The windows and glass installations within the building shall comply with AS 1288, Part 3.6 BCA Housing Provisions and AS2047. The applicant shall furnish Council with a report from the supplier upon completion of the window and glass installation indicating compliance with the requirements of AS1288 and AS2047. The builder is to certify the windows have been installed in accordance with AS2048.
- e Should the verandah, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the verandah, patio or landing and steps for safety and convenience. Such balustrade to conform with the requirements of

(1) D2.16

of the Building Code of Australia.

Note: Spacing of rails not to exceed 125mm.

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

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

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

- g** Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site.
 - h** Details of wall bracing to be carried out in accordance with Australian Standard 1684-1999 are to be submitted to Council prior to commencement of work.
 - i** Kitchen exhaust fans are to be ducted externally of the building or a recirculating hood type be provided.
 - j** All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.
 - k** The walls immediately adjacent or behind a bath, basin, sink or trough, shall be finished to a height of not less than 300mm above the fixture or in the case of a shower, to a height of 1.8 metres above the floor with cement render ceramic tiles or other approved finish impervious to water.
 - l** The door to all fully enclosed sanitary compartments must open outwards, or slide, or be readily removable from the outside, in accordance with the requirements of the Building Code of Australia.
- 24** The proposed building has been assessed by Council under the provisions of the Building Code of Australia as a Class 2 & 7 building, having a rise of 4 storeys. The buildings are to be constructed in Type B fire resistance construction. It is the builder's responsibility to ensure that all building elements have the minimum fire resistance level specified in Specification C1.1, Table 4 of the Building Code of Australia.
- 25** Every part of the building shall be constructed in a proper and workmanlike manner to achieve the required level of performance using materials

that are not faulty or unsuitable for the purpose for which they are used.

- 26 A "Smoke Hazard Management System" shall be designed and installed within the building in accordance with the relevant provisions of Section E2.2a of the Building Code of Australia.
- 27 A survey certificate prepared by a registered surveyor is to be submitted to Council to verify the siting of the building in relation to adjacent boundaries, and work is not to proceed beyond that stage until a written release has been given by Council. The survey is to be submitted at completion of floor slab formwork before concrete is poured. All levels are to be based on a fixed datum point in Australian Height Datum.
- 28 A survey certificate prepared by a registered surveyor is to be submitted to Council to verify that the work is being constructed at the level shown on the building approval. The work is not to proceed beyond the designated stage until a written release has been given by Council. The survey is to be submitted when the formwork is completed for each of the floor slabs before concrete is poured. All levels are to be based on a fixed datum point in Australian Height Datum.
- 29 Floors of balconies shall be graded and drained to a grated inlet connected to the storm water drainage system.
- 30 Clothes drying facilities must comply with Part F, Clause F2.1 of the Building Code of Australia.
- 31 All materials used in the building shall comply with the provisions of Clause C1.10 of Building Code of Australia. A list of all the proposed construction and finishing materials detailing their early fire hazard properties (i.e. spread of flame and smoke development indexes) shall be compiled then submitted to Council for approval prior to their use in the Building.
- 32 Emergency lighting requirements must comply with Part E, Clause E4.2 of the Building Code of Australia.
- 33 Where protection is required, doorways, windows and other openings must be protected

in accordance with Part C, Clause C3.4 of the Building Code of Australia.

- 34 Lintels must comply with Clause 2.3 of Specification C1.1 of the Building Code of Australia.
- 35 Brick cavities shall be cleaned in accordance with the requirements of AS3700 – Masonry in Buildings.
- 36 Full details of the means of damp-proofing all garages below or partly below ground level shall be submitted to Council with the Construction Certificate.
- 37 Provisions shall be made for the installation of telephone and television services by installation of conduits during construction for each sole-occupancy unit.
- 38 No service installations shall be installed in exits or paths of travel leading to an exit except as conceded in D2.7 of the Building Code of Australia.
- 39 Walls and floors separating sole-occupancy units and separating sole-occupancy units from a plan room, lift shaft, stairway, public corridor or the like must have Sound Transmission Class (STC) not less than 45.
- 40 A wall separating a bathroom, laundry or kitchen in one sole-occupancy unit from a habitable room (other than a kitchen) in an adjoining unit must have a Sound Transmission Class (STC) not less than 50 and must comply with F5.5 of the Building Code of Australia. Details of the proposed method of complying with F5.5 must be submitted to Council for approval prior to the commencement of construction.
- 41 Soil and waste pipes passing through more than one sole-occupancy unit must be separated from rooms in any sole-occupancy unit by construction complying with F5.6 of the Building Code of Australia.
- 42 Upon completion and prior to occupation of the building, certificate from a practising Structural Engineer shall be submitted to Council certifying

that the building has been erected in accordance with the approved structural drawings and is structurally adequate for the loads imposed.

- 43 Where structural reinforced concrete members are required to have a fire resistant rating, the practising Structural Engineer shall certify that the requirements of the relevant SAA Concrete Structures Code have been satisfied. This is to be submitted prior to occupation.
- 44 A certificate shall be submitted by a practising Structural Engineer certifying that the building has been designed in compliance with the requirement as detailed in AS 1170.4 "SAA Earthquake Loads".
- 45 Openings in floors, walls and shafts for services must comply with Section C, Clauses C3.12, C3.13 and C3.14 of the Building Code of Australia.
- 46 Building materials are not to be stored within the road reserve or any other public place.
- 47 The following information to be submitted with the Construction Certificate:-
 - a Two sets of specifications for the Class 2 & 7 building detailing the appropriate clauses of the BCA and Australian Standards for the work to be constructed.
- 48 The applicant's consultants are to provide certified plans and specifications with the Construction Certificate for the works to be constructed.
 - a The installation of the hydrants complying with Clauses E1-3 of the BCA and AS2419.
 - b The installation of portable fire extinguishers.
 - c The installation of the smoke management system complying with NSW, Part E Tables E2.2. of the Building Code of Australia.
 - d The installation of emergency lighting and exit signs complying with Part E4 and AS/NZS 2293 Part 1-1998.

- e The installation of plumbing and drainage complying with the requirements of the Local Government Act and Regulation, Australian Standard 3500 and New South Wales Code of Practice Standard 3500.
- 49 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
- a diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - b sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.
 - c maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.
- 50 Protection of any kerb inlet pit located downstream of the site in accordance with Council's Engineering Guidelines for subdivision and development (drawing No SW20).
- Note:
- i Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage, to existing pipe storm system in McIntyre Street.
 - ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.
- 51 Information to be submitted with the Construction Certificate:-
- a Provide two specifications for the Class 2 and 7a building detailing the appropriate clauses of the Building Code Of Australia and Australian Standards for the works to be constructed.
 - b Indicate location of the following Fire Safety Services in the Building.
 - Fire hose reels

- Portable Fire Extinguishers
 - Emergency Lighting
 - Exit Signs
- c Provide Mechanical Engineer's detail and certificate Certifying that the car parks permanent natural ventilation complies with Section F clause F4.11 of the BCA and AS 1668.2.
- 52 The plans for the required Construction Certificate are to include provision of a sump or other means suitable to prevent flooding in the event of water entering the basement in excess of 300mm in depth during a 1 in 10 year storm water in accordance with Australian rainfall and Runoff without reliance on mechanical pumping. Such plans are to include the means of draining the basement following such an event.
- 53 All storm water drainage from the development site is to be piped and connected to Council's storm water drainage system. Such plans are to include a suitable onsite detention system designed to ensure that discharge of storm water during a 1 in 100 year storm event will not increase pre-development flow rates. A detailed plan is to be submitted for approval prior to Council issuing the Construction Certificate.
- 54 All internal parking areas, access ways, turning areas, driveways and ramps are to be constructed in accordance with Council's Parking Code, Engineering Guidelines for Subdivision and Development and Australian Standard 2890.1 – Off Street Car Parking before occupation of the building or commencement of the proposed land use. All such areas to be concrete paved.
- 55 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
- 56 The plans prepared for the required Construction Certificate are to provide for a concrete footpath across Baker Drive and Killuke Crescent frontage of the property strictly in accordance with Council's Engineering Guidelines for Subdivision and Development. All works are to be carried out strictly in accordance with the plan.

- 57 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of Construction Certificate.

You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with:-

- a Payment of a contribution towards District Water Supply at the rate of \$1,211 per equivalent tenement, i.e $\$1,211 \times 9.58 \text{ E.T} = \$11,601$ (Indexed 2004/2005).
 - b Payment of a contribution towards the augmentation of sewerage head works at the rate of \$2,028 per equivalent tenement, i.e $\$2,028 \times 9.58 \text{ E.T} = \$19,428$. (Indexed 2004/2005)
 - c Payment of a contribution towards sewerage reticulation works at the rate of \$1,495 per equivalent tenement, i.e $\$1,495 \times 9.58 \text{ E.T} = \$14,322$ (indexed 2004/2005)
 - d Provision of separate sewer junctions, with a maximum of two connections per junction to the existing sewer main.
 - e Details of separate water meter for watering service to be included prior to the release of the construction Certificate.
- 58 The applicant is to pay a contribution towards the outdoor recreation for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$395 per additional dwelling unit, i.e $\$395 \times 9.58 \text{ E.T} = \$3,784$. (Indexed 2004/2005)

A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.

- 59 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to

Urban Properties. Applicant is to consult with Council's Environmental Services Department for requirements before commencing construction.

- 60 Engineering details of all retaining walls to be submitted to Council prior to release of Construction Certificate.
- 61 Security lighting be provided in the carpark, between the units and in the internal void areas. Lighting is to be designed and directed to minimise impacting upon adjoining residences.
- 62 Construction should comply with AS3959 – 1999 level 1 'Construction of Buildings in bushfire prone areas'.
- 63 Where the rear of the proposed structure is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per AS2419. Locations of fire hydrants are to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.
- 64 Before commencing any works or using any existing works for the purpose of Temporary Dewatering for Construction Purposes, an approval under Part 5 of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
- 65 An approval will only be granted to be occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
- 66 When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or to let lapse.
- 67 All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.

- 68 All works involving soil vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, water body, wetland or groundwater system.
- 69 The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
- 70 All vegetation clearing must be authorised under the Native Vegetation Conservation Act, 1997, if applicable.
- 71 The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
- 72 A licence fee calculation in accordance with the Water Act 1912 must be paid before a licence can be granted.
- 73 Any licence so issued, from the date of issue, will be subject to Annual Cost Recovery Water Management Charges as set by the Independent Pricing and Regulatory Tribunal.
- 74 A transfer of an entitlement shall be subject to the provisions of the Water Act 1912 the regulations made there under and the transfer rules applying at the time of application as determined by the Department.
- 75 The authorised annual entitlement will not exceed 5 mega litres.
- 76 Extraction of water under the approval to be issued shall be subject to conditions with regard to availability of supply and such restrictions as are deemed necessary to the Department from time to time to ensure an adequate flow remains for other water users and the environment.
- 77 If and when required by the Department, suitable devices must be installed to accurately measure the quantity of water extracted or diverted by the works.

- 78 All water measuring equipment must be adequately maintained. It must be tested as and when required by the Department to ensure its accuracy.
- 79 The use of water shall be conditional on no tail water drainage being discharged into or onto –
any adjoining public or crown road
any crown land
any river, creek or watercourse
any groundwater aquifer
any area of native vegetation
any wetlands
- 80 Works for construction of bores must be completed within such period as specified by the Department.
- 81 Within 2 months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are notified in the approval.
- 82 Officers of the Department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.
- 83 Water shall not be pumped from the works for any purpose other than dewatering for construction purposes.
- 84 The work shall be managed in accordance with the constraints set out in the "Water Quality Management Plan – Revision 1" report produced by Douglas Partners dated October 2004, submitted as part of this development application.
- 85 The volume of groundwater extracted as authorised must not exceed 5 mega litres.
- 86 The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent adverse impacts on the aquifer.
- 87 The licence shall lapse within six (6) months of the date of issue of the licence.

- 88 Submission of an application for Subdivision Certificate pursuant to Section 4A of the Environmental Planning and Assessment Act 1979 which authorises the registration of the plan of subdivision.
- 89 Applicant is to submit with the final plan of subdivision any instruments under Section 88B or E of the Conveyancing Act 1979 relevant to any restrictive covenants, easements or rights of way created by or affected by this subdivision. Kempsey Shire Council is to be listed as the sole party to modify or remove such instruments.
- 90 The plans for the required Construction Certificate are to include the means of protecting the basement area from groundwater seepage.
- 91 The plans for the required Construction Certificate are to include a Plan of Management prepared by a qualified engineer indicating the means of detaining and/or treating tail water during dewatering operations, suitable to ensure the water discharging from the site into Councils drainage system meets relevant DEC criteria.

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

MOVED:

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

That the application be referred back to the applicant to allow full compliance with the DCP22 and Kempsey Local Environmental Plan 1987.

An Amendment was MOVED:

*Moved: Cl. Sowter
Seconded: Cl. Walker*

That the Director's recommendation be adopted.

The AMENDMENT was PUT to the Meeting and was LOST.

2004. 856 The MOTION was PUT to the MEETING and was CARRIED.

DSDS3	DUAL OCCUPANCY
	MAIN STREET, CRESCENT HEAD
FILE: T6-04-557	DEC {Folio No. 287591}

SUMMARY:

Reporting that Council has received a Development Application for the demolition of an existing dwelling and the erection of an attached dual occupancy building and Torrens Title subdivision in Main Street, Crescent Head ([Appendix H](#)). The proposal requires a variation to Council's Development Control Plan 22 – Local Housing Strategy. Council has received three (3) objections to the proposal.



Director Sustainable Development Services Recommendation:

- A That the applicant be invited to submit amended plans to:**
- 1 Achieve compliance with Australian Standard 2890.1 – Off Street Car Parking for all car parks and driveways.**
 - 2 Reduce the height of the building so as to represent a typical 2-storey development that is consistent with the current and planned streetscape in Main Street, Crescent Head.**
 - 3 Provide a shadow-angle diagram with the amended proposal demonstrating that the proposal complies with Section 4.7 of DCP 22.**
 - 4 Address concerns raised in relation to the privacy impacts the roof deck may have.**
 - 5 Include a certificate prepared by a Nat Hers accredited certifier.**
- B That unless amended plans are submitted within 30 days of notice being given which adequately address the above matters, that consent be refused for the following reasons:**
- 1 The proposal is inconsistent with the General Performance Objectives of DCP 22 in respect to Building Design and Siting, Streetscape and Car parking.**
 - 2 The proposal is likely to result in unacceptable impacts on the privacy of adjoining neighbours.**

3 The proposal is likely to create an undesirable precedent for similar developments within the locality and the Shire.

C That the applicant be further advised that the application will be refused as incomplete unless fees are paid within 30 days based on an estimated cost of construction of not less than \$400,000.

D That the objectors be advised of Council's decision.

MOVED:

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

That the Director Sustainable Development Services Recommendation be adopted.

An Amendment was MOVED:

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

That consent be refused for the following reasons:

- 1 The proposal is inconsistent with the General Performance Objectives of DCP 22 in respect to Building Design and Siting, Streetscape and Car parking.
- 2 The proposal is likely to result in unacceptable impacts on the privacy of adjoining neighbours.
- 3 The proposal is likely to create an undesirable precedent for similar developments within the locality and the Shire.

The AMENDMENT was PUT to the Meeting and was LOST.

2004. 857 The MOTION was PUT to the MEETING and was CARRIED.

Councillor McWilliam declared an interest in the following item for the reason that he is owner of the property next door and retired from the Chamber.

DSDS6	ERECTION OF RESIDENTIAL FLAT BUILDING CONTAINING SEVEN UNITS FILE: T6-04-187 GGL {Folio No. 287599}
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SUMMARY:

Reporting that Council at its meeting 9 November 2004 resolved that the applicant modify the proposed seven residential development to comply with DCP 22, in particular, the side setbacks ([Appendix P](#)). The applicant has resubmitted the application and modified the setbacks, however, a variation to the landscaping requirements is requested.



2004. 858 **RESOLVED:**

*Moved: Cl. Bowell
Seconded: Cl. Walker*

A That the application be approved subject to the following conditions of consent:

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 The plans for the required Construction Certificate are to provide for amendment of Units 3, 4, 5 and 6 to increase the area of the balconies to an area of not less than 15m² with the minimum width to be 2 metres for at least 80% of the area.**
- 3 A separate development application submitted to Council for demolition of the existing dwelling, garage and pool.**
- 4 Before the commencement of site works, demolition or building, the following activities must be completed:**
 - a Installation of soil erosion and sedimentation control devices.**
 - b Installation of safety fencing/hoardings between the property and the street**
 - c Protection barriers for existing trees**
 - d Installation of builder's toilets**
 - e Installation of signage in prominent, visible position including -**
 - "Unauthorised site entry is prohibited"**
 - Name and phone number of builder or other responsible person for contact outside working hours.**

- 5 The hours of construction are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- 6 The applicant is to nominate the haulage route for disposal of overburden, including where it is proposed to place the material, and submit details to Council prior to release of Construction Certificate.
- 7 Lodgement to Council of a cash bond to the value of \$10,000 as surety against any damage to the nominated haul route prior to release of the Construction Certificate.
- 8 Details are to be submitted from a practising structural engineer on the measures, which are to be used to protect the adjoining properties, including Council's road reserve as a result of proposed excavations. Details are to include engineering designs and certificates to cover the work. The details are to be submitted for approval with the Construction Certificate.
- 9 If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the shall:-
 - a Preserve and protect such building from damage; and
 - b If necessary, underpin and support the building in an approved manner.

Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings.
- 10 If the soil conditions require stabilisation:-
 - a Retaining walls or other approved methods of preventing movement of the soil must be provided; and
 - b Adequate provision must be made for drainage.
- 11 This consent has been issued on the basis that it is intended to appoint Council as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.

- 12 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.
- 13 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 14 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
- 15 The Multi Residential Units is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.

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

- 16 The building is not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.
- 17 A schedule of the fire safety measures which are to be installed in the building is to be submitted with the required Construction Certificate for approval together with the minimum Standard of Performance as identified in Clause 80B and C of the Environmental Planning Assessment Regulation 1994.

Detailed plans of each measure prepared by a suitably qualified person are to be submitted for approval with the required Construction Certificate.

18 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-

- a Carrying out water supply work.**
- b Carrying out sewerage work.**
- c Carrying out storm water drainage work.**

19 Compliance with the Building Code of Australia.

All building work must be carried out in accordance with the requirements of the (BCA).

A Construction Certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

20 Submit a BCA Assessment Report of the proposed building by an appropriately accredited certifier with the Construction Certificate.

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

22 Hoarding/fence is to be provided to the site in accordance with the assessment provided to Council.

23 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.

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

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

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

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

- a Structural Engineer's Details for footings, reinforced concrete slab, structural steel work is to be submitted prior to any work commencing on the building.
- b Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods, which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.
- c That the floor surface of the wet areas are properly graded and drained and the junctions of the floor with the walls are treated to prevent the penetration of moisture into the walls. An inspection of the treated area is to be arranged with Council or suitable certification is to be submitted prior to the issue of an occupation certificate.
- d The windows and glass installations within the building shall comply with AS 1288, Part 3.6 BCA Housing Provisions and AS2047. The applicant shall furnish Council with a report from the supplier upon completion of the window and glass installation indicating compliance with the requirements of AS1288 and AS2047. The builder is to certify the windows have been installed in accordance with AS2048.
- e Should the verandah, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the verandah, patio or landing and steps for safety and convenience. Such balustrade to conform to the requirements of

(1) D2.16

of the Building Code of Australia.

Note: Spacing of rails not to exceed 125mm.

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

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

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

- g Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site.
- h Details of wall bracing to be carried out in accordance with Australian Standard 1684-1999 are to be submitted to Council prior to commencement of work.
- i Kitchen exhaust fans are to be ducted externally of the building or a recirculating hood type be provided.
- j All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.
- k The walls immediately adjacent or behind a bath, basin, sink or trough, shall be finished to a height of not less than 300mm above the fixture or in the case of a shower, to a height of 1.8 metres above the floor with cement render ceramic tiles or other approved finish impervious to water.

- I The door to all fully enclosed sanitary compartments must open outwards, or slide, or be readily removable from the outside, in accordance with the requirements of the Building Code of Australia
- 26 The proposed building has been assessed by Council under the provisions of the Building Code of Australia as a Class 2 & 7 building, having a rise of 3 storeys. The buildings are to be constructed in Type B fire resistance construction. It is the builder's responsibility to ensure that all building elements have the minimum fire resistance level specified in Specification C1.1, Table 4 of the Building Code of Australia.
- 27 Every part of the building shall be constructed in a proper and workmanlike manner to achieve the required level of performance using materials that are not faulty or unsuitable for the purpose for which they are used.
- 28 A "Smoke Hazard Management System" shall be designed and installed within the building in accordance with the relevant provisions of Section E2.2a of the Building Code of Australia.
- 29 A survey certificate prepared by a registered surveyor is to be submitted to Council to verify the siting of the building in relation to adjacent boundaries, and work is not to proceed beyond that stage until a written release has been given by Council. The survey is to be submitted at completion of floor slab formwork before concrete is poured.
- 30 A survey certificate prepared by a registered surveyor is to be submitted to Council to verify that the work is being constructed at the level shown on the building approval. The work is not to proceed beyond the designated stage until a written release has been given by Council. The survey is to be submitted when the formwork is completed for the floor slab before concrete is poured.
- 31 Floors of balconies shall be graded and drained to a grated inlet connected to the storm water drainage system.

- 32 Clothes drying facilities must comply with Part F, Clause F2.1 of the Building Code of Australia.
- 33 All materials used in the building shall comply with the provisions of Clause C1.10 of Building Code of Australia. A list of all the proposed construction and finishing materials detailing their early fire hazard properties (i.e. spread of flame and smoke development indexes) shall be compiled then submitted to Council for approval prior to their use in the Building.
- 34 Emergency lighting requirements must comply with Part E, Clause E4.2 of the Building Code of Australia.
- 35 Where protection is required, doorways, windows and other openings must be protected in accordance with Part C, Clause C3.4 of the Building Code of Australia.
- 36 Lintels must comply with Clause 2.3 of Specification C1.1 of the Building Code of Australia.
- 37 Brick cavities shall be cleaned in accordance with the requirements of AS3700 – Masonry in Buildings.
- 38 Full details of the means of damp-proofing all garages below or partly below ground level shall be submitted to Council with the Construction Certificate.
- 39 Provisions shall be made for the installation of telephone and television services by installation of conduits during construction for each sole-occupancy unit.
- 40 No service installations shall be installed in exits or paths of travel leading to an exit except as conceded in D2.7 of the Building Code of Australia.
- 41 Walls and floors separating sole-occupancy units and separating sole-occupancy units from a plan room, lift shaft, stairway, public corridor or the like must have Sound Transmission Class (STC) not less than 45.

- 42 A wall separating a bathroom, laundry or kitchen in one sole-occupancy unit from a habitable room (other than a kitchen) in an adjoining unit must have a Sound Transmission Class (STC) not less than 50 and must comply with F5.5 of the Building Code of Australia. Details of the proposed method of complying with F5.5 must be submitted to Council for approval prior to the commencement of construction.
- 43 Soil and waste pipes passing through more than one sole-occupancy unit must be separated from rooms in any sole-occupancy unit by construction complying with F5.6 of the Building Code of Australia.
- 44 Upon completion and prior to occupation of the building, certificate from a practising Structural Engineer shall be submitted to Council certifying that the building has been erected in accordance with the approved structural drawings and is structurally adequate for the loads imposed.
- 45 Where structural reinforced concrete members are required to have a fire resistant rating, the practising Structural Engineer shall certify that the requirements of the relevant SAA Concrete Structures Code have been satisfied. This is to be submitted prior to occupation.
- 46 A certificate shall be submitted by a practising Structural Engineer certifying that the building has been designed in compliance with the requirement as detailed in AS 1170.4 "SAA Earthquake Loads".
- 47 Openings in floors, walls and shafts for services must comply with Section C, Clauses C3.12, C3.13 and C3.14 of the Building Code of Australia.
- 48 The hours of construction work are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- 49 Building materials are not to be stored within the road reserve or any other public place.
- 50 The following information to be submitted with the Construction Certificate:-

- a Two sets of specifications for the Class 2 & 7 building detailing the appropriate clauses of the BCA and Australian Standards for the work to be constructed.
- 51 The applicant's consultants are to provide certified plans and specifications with the Construction Certificate for the works to be constructed.
- a The installation of the hydrants complying with Clauses E1-3 of the BCA and AS2419.
 - b The installation of portable fire extinguishers.
 - c The installation of the smoke management system complying with NSW, Part E Tables E2.2. of the Building Code of Australia.
 - d The installation of emergency lighting and exit signs complying with Part E4 and AS/NZS 2293 Part 1-1998.
 - e The installation of plumbing and drainage complying with the requirements of the Local Government Act and Regulation, Australian Standard 3500 and New South Wales Code of Practice Standard 3500
- 52 The following survey certificates must be given to Council at the following stages:-
- On completion of floor slab framework before concrete is poured, detailing the location of the structure to the boundaries and compliance with the floor height. Levels shall relate to the datum shown on the consent.
- 53 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
- a diversion of uncontaminated up site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - b sediment control fences at the down slope perimeter of the cleared and/or disturbed

- area to prevent unwanted sediment and other debris escaping from the land.
- c maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

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

Note:

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

54 Information to be submitted with the Construction Certificate:-

- a Provide two specifications for the Class 2 and 7a building detailing the appropriate clauses of the Building Code Of Australia and Australian Standards for the works to be constructed.
- b Indicate location of the following Fire Safety Services in the Building.
- Fire hose reels
 - Portable Fire Extinguishers
 - Emergency Lighting
 - Exit Signs
- c Provide Mechanical Engineer's detail and certificate Certifying that the car parks permanent natural ventilation complies with Section F clause F4.11 of the BCA and AS 1668.2.

55 The plans for the required Construction Certificate are to include provision of a sump or other means suitable to prevent flooding in the event of water entering the basement in excess of 300mm in depth during 1 in 10 year storm water in accordance with Australian rainfall and

Runoff without reliance on mechanical pumping. Such plans are to include the means of draining the basement following such an event.

- 56 The plans for the required Construction Certificate are to include a detailed design providing for the construction of the Orara Street extension and intersection with Trial Street, (including kerb, gutter and storm water disposal facilities) in accordance with the latest versions of relevant Austroads publications (urban streets) prior to release of the Construction Certificate.
- 57 All storm water drainage from the development site is to be piped and connected to Council's storm water drainage system. Such plans are to include a suitable onsite detention system designed to ensure that discharge of storm water during a 1 in 100 year storm event will not increase pre-development flow rates. A detailed plan is to be submitted for approval prior to Council issuing the Construction Certificate.
- 58 All internal parking areas, access ways, turning areas, driveways and ramps are to be constructed in accordance with Council's Parking Code and Engineering Guidelines for Subdivision and Development before occupation of the building or commencement of the proposed land use. All such areas to be concrete paved.
- 59 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
- 60 The plans prepared for the required Construction Certificate are to provide for a concrete footpath across McIntyre Street frontage of the property strictly in accordance with Council's Engineering Guidelines for Subdivision and Development. All works are to be carried out strictly in accordance with the plan.
- 61 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the

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

You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with:-

- a Payment of a contribution towards District Water Supply at the rate of \$1,211 per equivalent tenement, i.e $\$1,211 \times 5.32 \text{ E.T} = \$6,443$. (Indexed 2004/2005)
- b Payment of a contribution towards the augmentation of sewerage head works at the rate of \$3,031 per equivalent tenement, i.e $\$3,031 \times 5.32 \text{ E.T} = \$16,125$. (Indexed 2004/2005)
- c Provision of separate sewer junctions, with a maximum of two connections per junction to the existing sewer main.
- d Details of separate water meter for watering service to be included prior to the release of the construction Certificate

- 62 The applicant is to pay a contribution towards the outdoor recreation for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$1,883 per additional dwelling unit, i.e $\$1,883 \times 5.32 \text{ E.T} = \$10,018$. (Indexed 2004/2005)

A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.

- 63 Payment of a cash contribution prior to the issuing of the required Construction Certificate towards Council's trunk drainage system in accordance with Council's Section 94 Plan for Storm water Drainage at the rate of \$1,476 per equivalent tenement, i.e. $\$1,476 \times 5.32 \text{ E.T.} = \$7,852.32$ (Indexed 2004/2005).

The Plan may be inspected at Council's offices, Cnr Elbow and Tozer Streets, West Kempsey.

- 64 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult of Council's Environmental Services Department for requirements before commencing construction.
- 65 Engineering details of both side retaining walls to be submitted to Council prior to release of Construction Certificate.
- 66 The applicant to notify the management of the preschool thirty (30) days prior to the upgrading of Orara Street.
- 67 The plans for the required Construction Certificate are to provide for suitable means to reduce the visual impact of the proposed courtyard fence facing McIntyre Street. Such means may include several insert panels or the like.
- 68 The plans for the required Construction Certificate are to provide for planter boxes to be provided on all decks and balconies. Details of the plant species to be placed in the planter boxes to be included in the site's landscape plan prior to the release of the Construction Certificate.
- 69 Security lighting be provided in the carpark, between the units and in the internal void areas. Lighting is designed and directed to minimise impacting upon adjoining residences.

At this stage 10.12am, Councillor McWilliam returned to the Chamber.

DSDS4	CLUSTER HOUSING
	5-7 ELRINGTON AVENUE, WEST KEMPSEY
FILE: T6-04-623	DEC {Folio No. 287592}

SUMMARY:

Reporting that Council has received a Development Application for the demolition of two existing dwellings and the erection of 5 dwellings. [\(Appendix M\)](#) Council has received fourteen (14) objections to the proposal.



Director Sustainable Development Services
Recommendation:

A That council seek the written agreement of the applicant for the imposition of the following draft conditions of development consent in any subsequent consent issued for the proposal:-

1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.

2 Before the commencement of site works, demolition or building, the following activities must be completed:

a Installation of soil erosion and sedimentation control devices.

b Installation of safety fencing/hoardings between the property and the street

c Installation of builder's toilets

d Installation of signage in prominent, visible position including -

• "Unauthorised site entry is prohibited"

• Name and phone number of builder or other responsible person for contact outside working hours.

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

complied with the applicable requirements of Part 6.

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

- 4 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.
- 5 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.
- 6 All building work must be carried out in accordance with the Building Code of Australia.
- 7 If the soil conditions require it:-
 - (a) retaining walls or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage.
- 8 The hours of demolition and construction are to be confined to 7.11am to 6.00pm Mondays to Fridays, and 7.00am to 12 noon Saturdays.
- 9 Building materials are not to be stored within the road reserve or any other public place.
- 10 Excavated material from the site is not to be placed within the road reserve or any other public place.
- 11 The applicant is to provide amended plans to Council demonstrating that all driveways, parking and turning areas comply with Australian Standard 2890.1 – Off Street Car parking and Councils Parking Code. In particular, a turning area is to be provided for vehicles exiting the garages of units 4 and 5 so as vehicles can exit the property in a forward motion. Works are not to commence until Council has provided its written agreement that the amended plans conform with the Standard and Parking Code.

- 12 All internal parking areas accessways, turning areas, and driveways are to be constructed in accordance with Australian Standard 2890.1 – Off Street Car Parking and Councils Parking Code. All such areas are to be concrete paved and/or bitumen sealed.
- 13 Any relevant footpath crossings or access culverts to be removed and reconstructed at the applicants expense and footway access restored.
- 14 Roof waters are to be directed by means of sealed pipes to the drainage easement.
- 15 Prior to the commencement of any works, the applicant is to provide Council with documentary evidence detailing that a legal drainage easement has been provided to service the development and drain stormwater to Leith Street.
- 16 Any necessary alterations to or relocations of public utility services to be carried out at no cost to Council.
- 17 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to commencement of works.
- 18 Payment of a contribution towards district water supply at the rate of \$1211 per equivalent tenement, i.e $\$1211 \times 1.64 \text{ E.T} = \1986 . (Indexed 2004/2005)
- 19 The applicant is to pay a contribution towards the embellishment of open space and ancillary facilities for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to commencement of works, at the rate prevailing at that time. The current rate is \$389 per additional dwelling unit, i.e $\$389 \times 1.64 \text{ E.T} = \637 . (Indexed 2004/2005)

A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.

20 Any necessary alterations to Councils sewer, water or drainage infrastructure to service the development is to be carried out at full cost to the applicant.

21 A roller door is to be fitted to the rear of the garage of unit 4 to facilitate future access to the sewer manhole.

B That the objectors be advised of Councils decision.

2004. 859 RESOLVED:

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

That this matter be the subject of a Works Inspection with the Housing Authority representatives being invited to attend.



ADOPTION OF AGENDA ORDER OF BUSINESS

2004. 860 RESOLVED:

*Moved: Cl. Saul
Seconded: Cl. Sowter*

That DSDS10 be dealt with in conjunction with NOM5, that Mayoral Minute M3 be dealt with in conjunction with NOM2 and that the balance of the Agenda Order of Business be adopted.



MAYOR'S REPORT

M1	MINISTERIAL VISIT FILE: R5-2 COPY: W1-2 KJF (NRN)	{Folio No. 287570}
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SUMMARY:

Reporting on the visit to the Hon. Frank Sartor, MP, Minister for Energy and Utilities.



2004. 861 RESOLVED:

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

That the information be noted.



At this stage 10.25a.m. the Meeting adjourned and upon resumption at 10.30a.m. all present at the adjournment were in attendance.



The following item DSDS1 was recommitted to enable further discussion to be held.

DSDS1	TAR SEALING OF TWO SECTIONS ON POINT PLOMER ROAD FILE: T6-04-351 DEC	{Folio No. 287589}
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SUMMARY:

Reporting on Council's application to tar seal two sections of Point Plomer Road for which objections have been received.



MOVED:

*Moved: Cl. Howell
Seconded: Cl. Walker*

A That consent be granted subject to the following conditions:

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been**

obtained and the appointment of a Principal Certifying Authority.

- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 5 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
- 6 Before the commencement of site works, demolition or building, the following activities must be completed:
 - a Installation of soil erosion and sedimentation control devices.
- 7 Proposed rehabilitation of the buffer area is to include primarily endemic native littoral rainforest species.
- 8 Regeneration of disturbed areas to use sterile species for soil stabilisation.
- 9 Clearing within the buffer to the SEPP 26 Littoral Rainforest is to be kept to the minimum necessary for the completion of the work.
- 10 Regular inspection and treatment of the site to ensure that proliferation of weeds does not occur to the satisfaction of Council.
- 11 At least two (2) Aboriginal site monitors are to be employed before initial earth works commence. Consultation is to take place with relevant representatives from the Department of Environment and Conservation (DEC) regarding appropriate site monitors. Monitors are to be present during all excavation. In the event that a significant artefact is discovered works in that area are to cease until consultation has taken place with DEC and DEC is satisfied that appropriate measures have been employed.
- 12 The recommendation contained within the ecological assessments submitted with the assessment dated September 2003 and prepared

by Darkheart Eco Consultancy are to be adopted and implemented as part of the development.

- 13 The plans for the required Construction Certificate are to include a Works and rehabilitation plan for the site. The rehabilitation plan is to address all conditions of this consent and is to include an erosion and sediment control plan in accordance with the "Blue Book" published by LANDCOM.
- 14 Proposed rehabilitation of the buffer area is to include primarily endemic native littoral rainforest species.
- 15 Revegetation of disturbed areas to use sterile species for soil stabilisation.
- 16 Clearing within the buffer to the SEPP 26 Littoral Rainforest to be kept to the minimum necessary for the completion of the work.
- 17 Regular inspection and treatment of the site to ensure that proliferation of weeds does not occur to the satisfaction of the Council.
- 18 Erosion and sediment control structures shall be put in place to the satisfaction of Council, prior to construction and also until the area has stabilised in particular with regard to protect of the Goolawah Lagoon SEPP 14 area.
- 19 Regular inspection and treatment of the site to ensure that proliferation of weeds does not occur to the satisfaction of Council.
- 20 Rehabilitation shall be undertaken alongside the road as part of the construction works to the satisfaction of Council.
- 21 Low speed fauna advisory/warning signage to be displayed at each end of the bitumen sealed section to reduce the risk of roadkill.

An Amendment was MOVED:

Moved: Cl. Gribbin

*Seconded: Cl. **

That an Ausrock study be done on Point Plomer Road and no tar be placed on the road until differences between the Aboriginal Elders and Council are overcome.

The Motion lapsed for want of a seconder.

2004. 862 The MOTION was PUT to the MEETING and was CARRIED.



At this stage 10.35am the Meeting adjourned for Morning Tea and upon resumption at 11.04am all present at the adjournment were in attendance.



ACKNOWLEDGEMENT

At this stage 11.05am the Mayor acknowledged the achievement of Mr Gary Morris and staff from Booroongen Djugun College who have won the Adult Learning Australia's Award, which was presented, in Adelaide during the ALA Conference on 20th November 2004.



M2	GENERAL MANAGER'S PERFORMANCE REVIEW FILE: S10-13 CLR JACH (NRN) {Folio No. 287572}
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SUMMARY

Advising Council that a quarterly performance review of the General Manager was held on 9th November 2004.



2004. 863 **RESOLVED:**

*Moved: Cl. Sowter
Seconded: Cl. Green*

That the information be noted.

M3	MID NORTH COAST GROUP OF COUNCILS FILE: R5-2 CLR JACH {Folio No. 287573}
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This report was dealt with later in the meeting in conjunction with item NOM2.

SUMMARY

Reporting on meetings to develop a partnership to protect and improve the level of health services within Kempsey Shire.



2004. 864 **RESOLVED:**

*Moved: Cl. Hayes
Seconded: Cl. Bowell*

1. That a letter of appreciation be forwarded to Mr Chris Crawford and Ms Kim Browne North Coast Area health Service.
2. That Professor Graham be thanked for her support and invited to be an ex-officio member of the proposed sub-committee.
3. That Council's Community Services Committee be requested to establish a sub-committee to develop a "Health Vision / Strategy" for Kempsey Shire under the auspice of Council's Social Plan.
4. That Durri Aboriginal Medical Service, General Practitioners and Kempsey District Hospital (general and mental health) be invited to provide representation on the sub-committee.
5. That a copy of this report be forwarded to Mr Chris Crawford CEO North Coast Area Health Service, Professor Jenny Graham the relevant stakeholders and Mr Bob Walsh CEO Port Macquarie Base Hospital.
6. That a meeting be arranged with Cr. Rob Drew Mayor of Hastings Council to suggest the establishment of a similar committee which will allow the matter of networking of health services within the two areas to be progressed.

SUMMARY:

At a recent meeting of Hastings Council, a proposal was put forward to change the name of the shire to Port Macquarie / Hastings Council.



MOVED:

*Moved: Cl. Hayes
Seconded: Cl. Bowell*

That the residents of the Macleay Valley be asked through the Macleay Argus and the Happynings their views on a change of name for the shire to EITHER The Macleay Valley Council or The Macleay Valley Shire Council.

An Amendment was MOVED:

*Moved: Cl. Sowter
Seconded: Cl. Saul*

- 1. That the residents of the Macleay Valley be asked through the Macleay Argus and the Happynings their views on a change of name for the shire to EITHER The Macleay Valley Council or The Macleay Valley Shire Council.**
- 2. That the proposal for the name change also include either The Kempsey Macleay Shire council or The Macleay Kempsey Shire Council.**

The AMENDMENT was PUT to the Meeting and was LOST.

2004. 865 The MOTION was PUT to the MEETING and was CARRIED.

M6 (SUPP.)	REPORT TO COUNCIL ON VARIOUS ACTIVITIES
FILE: C10-1	JACH (NRN) {Folio No. 287748}

SUMMARY:

Report to Council on various activities.



2004. 866 RESOLVED:

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

- 1. That the information be noted.**
- 2. That investigations be undertaken to establish a community park similar to the recently opened Steele Park. In West Kempsey with such park to be under**

the care of the South Kempsey Family & Community Centre and the local community.

3. That Councillor Green be thanked for her participation in the above.



NOTICE OF MOTION

NOM1	FUNDING ALLOCATION FOR ACCESS ROAD SWR
	FILE: L1-2 KJF (NRN) {Folio No. 287578}

MOVED:

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

That Council allocate \$5,600 from Working Funds for urgent maintenance works to the access road to the Jewbite at South West Rocks.

2004. 867 **RESOLVED:**

*Moved: Cl. Sowter
Seconded: Cl. McWilliam*

1. That Council allocate \$5,600 from Working Funds for urgent maintenance works to the access road to the Jewbite at South West Rocks.
2. That the Department of Lands be advised of Council's expenditure and asked to contribute to the initial cost and the ongoing maintenance costs.

The following items NOM2 and M3 were dealt with in conjunction.

NOM2	RESOURCE SHARING WITHIN THE MID NORTH COAST GROUP OF COUNCILS
	FILE: C18-36 COPY: R5-2 AVB {Folio No. 287579}

MOVED:

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

That Councillor Brian Chetwynd, Mayor of Armidale, be invited to discuss with Council the future of Resource Sharing within the Mid North Coast Group of Councils as proposed by the consultants, Gainger Management Services.

SUMMARY

To inform Council of decisions made by the Group at their meeting held on the 19 November 2004.

**Mayoral Recommendation:**

1. That Council endorse the recommendations of the Mid North Coast Group of Councils in respect of Resource Sharing.
2. That Council prepare a submission in respect of the Mid North Coast Regional Development Boards Green Paper on Grouping Jobs on the Mid North Coast.

2004. 868 **RESOLVED:**

*Moved: Cl. Hayes
Seconded: Cl. Bowell*

1. That Council endorse the recommendations of the Mid North Coast Group of Councils in respect of Resource Sharing.
2. That Council prepare a submission in respect of the Mid North Coast Regional Development Boards Green Paper on Grouping Jobs on the Mid North Coast.
3. That Councillor Brian Chetwynd, Mayor of Armidale, be invited to discuss with Council the future of Resource Sharing within the Mid North Coast Group of Councils as proposed by the consultants, Gainger Management Services.

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

NOM4 DISABLED PARKING SPACES
FILE: B9-2A KJF (NRN) {Folio No. 287583}

MOVED:

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

That Kempsey Shire Council makes provision for two (2) disabled parking spaces located on the Western corner of Belgrave and Stuart streets to ensure universal, safe access to medical services in the vicinity.

An Amendment was MOVED:

Moved: Cl. McWilliam
Seconded: Cl. Hayes

That this matter be referred to the Access Committee and if necessary the Traffic Committee.

2004. 869 **The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.**

The following items NOM5 and DSDS10 were dealt with in conjunction.

NOM5 KEMPSEY HIGHWAY BY-PASS
FILE: R Pacific Hwy KJF (NRN) {Folio No. 287585}

MOVED:

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

That Kempsey Shire Council accept only a ' full bridging' of the proposed Kempsey by-pass so that the flooding height will be raised by a maximum of only 20mm.

DSDS10 PACIFIC HIGHWAY UPGRADE – KEMPSEY TO EUNGAI
FILE: R Pacific Highway PMK {Folio No. 287605}

SUMMARY:

Reporting on the status of the planning for the Pacific Highway Upgrade – Kempsey to Eungai, including the Kempsey Bypass.



RECOMMENDATION:

A That Council note the status report on the planning for the Pacific Highway – Kempsey to Eungai upgrade.

- B That Council seek the involvement of neighbouring Councils to prepare a regional Highway Service Centre strategy.
- C That Council review the Kempsey Town Centre Masterplan and commence a Town Centre rejuvenation program with the business community, which includes the town approaches.

2004. 870 RESOLVED:

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

- 1. That Kempsey Shire Council accept only a concept design of the proposed Kempsey bypass through East Kempsey flood plain so that the flooding height will be raised by a maximum of only 20mm.
- 2. A That Council note the status report on the planning for the Pacific Highway – Kempsey to Eungai upgrade.
 - B That Council seek the involvement of neighbouring Councils to prepare a regional Highway Service Centre strategy.
 - C That Council review the Kempsey Town Centre Masterplan and commence a Town Centre rejuvenation program with the business community, which includes the town approaches.



DELEGATE'S REPORT

D1	SCHOOL OF RURAL HEALTH
	FILE: H2-14 KJF (NRN) {Folio No. 287586}

SUMMARY:

Reporting on attendance at a meeting of the University of New South Wales School of Rural Health Mid North Coast Division.



2004. 871 RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. McWilliam*

That the information be noted.

**D2 COUNCILLOR PROFESSIONAL DEVELOPMENT
PROGRAM EFFECTIVE & FAIR MEETING
PROCEDURES
FILE: C18-2 AVB (NRN) {Folio No. 287588}**

SUMMARY:

Reporting on a workshop I attended on Thursday November 25th at Lismore University.



Delegates Recommendation:

That the information be noted.

2004. 872 **RESOLVED:**

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

That the information be noted and that a request to organise a workshop be forwarded to MIDROC for consideration.



**DIRECTOR SUSTAINABLE DEVELOPMENT
SERVICES REPORT**

**DSDS1 TAR SEALING OF TWO SECTIONS ON POINT
PLOMER ROAD
FILE: T6-04-351 DEC {Folio No. 287589}**

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

**DSDS2 ERECTION OF A RESIDENTIAL FLAT
BUILDING CONTAINING 15 UNITS - CNR
BAKER DRIVE AND KILLUKE CRESCENT,
CRESCENT HEAD
FILE: T6-04-75 DEC {Folio No. 287590}**

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

**DSDS3 DUAL OCCUPANCY
MAIN STREET, CRESCENT HEAD
FILE: T6-04-557 DEC {Folio No. 287591}**

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

**DSDS4 CLUSTER HOUSING
5-7 ELRINGTON AVENUE, WEST KEMPSEY
FILE: T6-04-623 DEC {Folio No. 287592}**

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

**DSDS5 ERECTION OF RESIDENTIAL FLAT BUILDING
CONTAINING SEVEN UNITS
FILE: T6-04-497 TJN {Folio No. 287597}**

SUMMARY:

Reporting that Council has received a Development Application which requires variations to both Councils Height of Buildings Policy and Development Control Plan 22 – Local Housing Strategy.



**Director Sustainable Development Services
Recommendation:**

That consent be granted subject to the following conditions:-

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
- 3 This consent does not permit commencement of any works. Works are not to commence until such time as**

a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.

- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 5 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
- 6 The units are not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.

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

- 7 The building is not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.
- 8 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
 - a Carrying out water supply work.
 - b Carrying out sewerage work.

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

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

- 10 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.
- 11 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.
- 12 If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the excavation shall:
 - (a) preserve and protect such building from damage; and
 - (b) if necessary, underpin and support the building in an approved manner.

Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings. (Reference: Clause 34, Local Government (Approvals) Regulation 1993).

- 13 Hoarding/fence is to be provided to the site in accordance with the assessment provided to Council.
- 14 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.
- 15 Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.
- 16 A builder's toilet complying with Clause 133 of the Environmental Planning and Assessment Regulation is required on site throughout the entire building operation.

Note: Clause 133 requires that the toilet must be provided before any work is commenced.

- 17 Compliance with the Building Code of Australia.

All building work must be carried out in accordance with the requirements of the (BCA).

A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

- 18 A schedule of the fire safety measures which are to be installed in the building is to be submitted with the required Construction Certificate for approval together with the minimum Standard of Performance as identified in Clause 80B and C of the Environmental Planning Assessment Regulation 1994.

Detailed plans of each measure prepared by a suitably qualified person are to be submitted for approval with the required Construction Certificate.

- 19 A BCA Assessment Report of the proposed building prepared by an appropriately accredited certifier is to be provided with the plans for the required Construction Certificate.

- 20 The proposed building has been assessed by Council under the provisions of the Building Code of Australia as a Class 2 & 7 building, having a rise of 2 storeys. The buildings are to be constructed in Type B fire resistance construction. It is the builder's responsibility to ensure that all building elements have the minimum fire resistance level specified in Specification C1.1, Table 4 of the Building Code of Australia.

- 21 Every part of the building shall be constructed in a proper and workmanlike manner to achieve the required level of performance using materials that are not faulty or unsuitable for the purpose for which they are used.

- 22 A "Smoke Hazard Management System" shall be designed and installed within the building in accordance with the relevant provisions of Section E2.2a of the Building Code of Australia.

- 23 Clothes drying facilities must comply with Part F, Clause F2.1 of the Building Code of Australia.

- 24 All materials used in the building shall comply with the provisions of Clause C1.10 of Building Code of Australia. A list of all the proposed construction and finishing materials detailing their early fire hazard

properties (i.e. spread of flame and smoke development indexes) shall be compiled then submitted to Council for approval prior to their use in the Building.

- 25 Emergency lighting requirements must comply with Part E, Clause E4.2 of the Building Code of Australia.
- 26 Where protection is required, doorways, windows and other openings must be protected in accordance with Part C, Clause C3.4 of the Building Code of Australia.
- 27 Lintels must comply with Clause 2.3 of Specification C1.1 of the Building Code of Australia.
- 28 Brick cavities shall be cleaned in accordance with the requirements of AS3700 - Masonry in Buildings.
- 29 Full details of the means of damp-proofing all garages below or partly below ground level shall be submitted to Council with the Construction Certificate.
- 30 Provisions shall be made for the installation of telephone and television services by installation of conduits during construction for each sole-occupancy unit.
- 31 No service installations shall be installed in exits or paths of travel leading to an exit except as conceded in D2.7 of the Building Code of Australia.
- 32 Walls and floors separating sole-occupancy units and separating sole-occupancy units from a plan room, lift shaft, stairway, public corridor or the like must have Sound Transmission Class (STC) not less than 45.
- 33 A wall separating a bathroom, laundry or kitchen in one sole-occupancy unit from a habitable room (other than a kitchen) in an adjoining unit must have a Sound Transmission Class (STC) not less than 50 and must comply with F5.5 of the Building Code of Australia. Details of the proposed method of complying with F5.5 must be submitted to Council for approval prior to the commencement of construction.
- 34 Soil and waste pipes passing through more than one sole-occupancy unit must be separated from rooms in any sole-occupancy unit by construction complying with F5.6 of the Building Code of Australia.

- 35 Upon completion and prior to occupation of the building, a certificate from a practising Structural Engineer shall be submitted to Council certifying that the building has been erected in accordance with the approved structural drawings and is structurally adequate for the loads imposed.
- 36 Where structural reinforced concrete members are required to have a fire resistant rating, the practising Structural Engineer shall certify that the requirements of the relevant SAA Concrete Structures Code have been satisfied. This is to be submitted prior to occupation.
- 37 A certificate shall be submitted by a practising Structural Engineer certifying that the building has been designed in compliance with the requirement as detailed in AS 1170.4 "SAA Earthquake Loads".
- 38 Openings in floors, walls and shafts for services must comply with Section C, Clauses C3.12, C3.13 and C3.14 of the Building Code of Australia.
- 39 The following information to be submitted with the Construction Certificate:-
- a Two sets of specifications for the Class 2 & 7 building detailing the appropriate clauses of the BCA and Australian Standards for the work to be constructed.
 - b Provide alternative solution prepared by a suitably qualified fire safety engineer demonstrating the building complies with performance requirements of Clause F2.3.4 of the BCA.
- 40 The applicant's consultants are to provide certified plans and specifications with the Construction Certificate for the works to be constructed.
- a The installation of the hydrants complying with Clauses E1-3 of the BCA and AS2419.
 - b The installation of portable fire extinguishers.
 - c The installation of the smoke management system complying with NSW, Part E Tables E2.2. of the Building Code of Australia.

- d The installation of emergency lighting and exit signs complying with Part E4 and AS/NZS 2293 Part 1-1998.
 - e The installation of plumbing and drainage complying with the requirements of the Local Government Act and Regulation, Australian Standard 3500 and New South Wales Code of Practice Standard 3500.
- 41 The following survey certificates must be given to Council at the following stages:-
- On completion of each floor slab framework before concrete is poured, detailing the:-
 - a. location of the structure to the boundaries; and
 - b. compliance with the floor height. Levels shall relate to the datum shown on the consent.
 - At completion of the slab confirming that location is in accordance with the approval.
- 42 If the soil conditions require it:-
- (a) retaining walls or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage.
- 43 Access to the site for deliveries is to be confined to between 7.00 am and 7.00 pm daily. In this regard, a sign clearly indicating same is to be displayed at the entry to the development. Details, including location of signage, are to be provided with the plans for the required Construction Certificate.
- 44 The hours of operation of construction activity are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- 45 Building materials are not to be stored within the road reserve or any other public place.
- 46 Excavated material from the site is not to be placed within the road reserve or any other public place.

- 47 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult Mr Tony Castle of Council's Environmental Services Department for requirements before commencing construction.
- 48 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
- 49 The plans prepared for the required Construction Certificate are to provide for a footpath across the full road frontage of the property strictly in accordance with Council's Engineering Guidelines for Subdivision and Development. All works are to be carried out strictly in accordance with the plan.
- 50 All internal parking areas, access ways, turning areas, driveways and ramps are to be constructed in accordance with Council's Parking Code and Engineering Guidelines for Subdivision and Development before occupation of the building or commencement of the proposed land use. All such areas to be concrete paved and/or bitumen sealed.
- 51 All internal access ways and parking spaces have been designed and constructed in accordance with Council's Engineering Guidelines for Subdivision and Development to at least concrete paved standard.
- 52 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
- a diversion of uncontaminated up site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - b sediment control fences at the down slope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.
 - c maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

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

Note:

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

53 Soil Erosion control measures are to be implemented on the site. The control measures shall be in accordance with Council's Guidelines - Preparing an Erosion and Sediment Control Plan. The Control Plan is to be submitted and approved prior to release of the required Construction Certificate.

54 The plans for the required Construction Certificate are to include calculations of the amount of cut.

If an excess of earth will result, details of the means of disposing of all material are to be provided. Depending on the amount of any excess, Council may require lodgement of a cash bond to cover the cost of any damage to Council's road system caused by haulage.

Submission of written advice with the plans for the required Construction Certificate indicating the means proposed to dispose of any excess earth generated by construction of the development.

A Construction Certificate shall not be issued unless Council has given its written agreement that such means are satisfactory.

55 The applicant is to nominate the haulage route for disposal of overburden, including where it is proposed to place the material and submit details to Council prior to release of the Construction Certificate.

56 Lodgement to Council of a cash bond to the value of \$10,000 as surety against any damage to the nominated haul route prior to release of the Construction Certificate.

- 57 Details are to be submitted from a practising structural engineer on the measures, which are to be used to protect the adjoining properties, including Councils road reserve as a result of proposed excavations. Details are to include engineering designs and certificates to cover the work. The details are to be submitted for approval with the Construction Certificate.
- 58 Drawings which demonstrate compliance with AS/NZ 2890.1:2004 must be prepared and certified for relevant car parking aspects of the development (including facilities, driveways, site access/egress, vehicle movement, structural profiles and clearances) must be submitted prior to the issue of the construction certificate.
- 59 All roof waters and storm water runoff from all paved areas within the allotment boundaries are to be collected, directed and conveyed off-site by means of a sealed pipe system designed for a 1 in 10 year storm recurrence interval and connected via an industry recognized outlet arrangement to the existing public storm water drainage receival and disposal system. A pit is to be provided adjacent to southern allotment boundary to provide separation between the private house drainage service drainage line and the downstream storm water system to become under the jurisdiction of Council.
- 60 Detailed construction drawings and specifications for the entire storm water management system which demonstrates compliance with the latest versions of Australian Rainfall and Runoff, Storm water Industry Associated Guidelines, proprietary product manufacturers specifications and relevant Australian Standards must be prepared for relevant aspects of the system (including materials, installation, bedding, backfilling, compaction and quality testing) prior to the issue of the construction certificate.
- 61 In relation to the management of seepage, leakage, drainage and any other waters entering the subterranean basement level of the development an industry recognised, detailed scheme of arrangement must be prepared, certified and submitted to Council for its approval prior to the issue of the Construction Certificate.
- 62 The plans for the required Construction Certificate are to include provision of a sump or other means suitable

to prevent flooding in the event of water entering the basement in excess of 300mm in depth during a 1 in 10 year storm water event in accordance with Australian Rainfall and Runoff without reliance on mechanical pumping. Such plans are to include the means of draining the basement following such an event.

- 63 The plans for the required Construction Certificate are to provide for planter boxes to be provided on all decks and balconies. Details of the plant species to be placed in the planter boxes to be included in the sites landscape plan prior to release of the Construction Certificate.
- 64 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of the Construction Certificate.

You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with:-

- a Payment of a contribution towards district water supply at the rate of \$1211 per equivalent tenement, i.e $\$1211 \times 6 \text{ E.T} = \7266 . (Indexed 2004/2005)
 - b Payment of a contribution towards the augmentation of sewerage head works at the rate of \$3031 per equivalent tenement, i.e $\$3031 \times 6 \text{ E.T} = \$18,186$. (Indexed 2004/2005)
 - c Provision of separate sewer junctions, with a maximum of two connections per junction to the existing sewer main.
 - d Details of separate water meter for watering service to be included prior to the release of the construction certificate.
- 65 The applicant is to pay a contribution towards the embellishment of open space and ancillary facilities for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the

release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$1,883 per additional dwelling unit, i.e \$1,883 x 6 E.T = \$11,298. (Indexed 2004/2005)

A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.

- 66 **Payment of a cash contribution prior to the issuing of the required Construction Certificate towards Council's trunk drainage system in accordance with Council's Section 94 Plan for Storm water Drainage at the rate of \$1476 per equivalent tenement, i.e. \$1476 x 6 E.T. = \$8856 (Indexed 2004/2005).**

The Plan may be inspected at Council's offices, Cnr Elbow and Tozer Streets, West Kempsey.

- 67 **Security lighting to be provided in the car park, between the units and in the internal void areas. Lighting is designed and directed to minimize impacting upon adjoining residences.**
- 68 **The plans for the required Construction Certificate are to provide for the linkage of the balconies for units 5 and 2 into the adjacent yard. Such means may include the provision of steps.**
- 69 **All material in the building which contains asbestos shall be removed in accordance with the guidelines of the WorkCover Authority and requirements of the Environmental Protection Authority.**
- 70 **Prior to demolition commencing, erosion control measures shall be provided on site eg siltation fences etc.**
- 81 **Demolition shall be limited to the hours of between 7.00am and 6.00pm weekdays, 7.00am and 1.00pm on Saturdays with no work being carried out in accordance with the requirements of Australian Standard 2601-1991 where applicable.**
- 72 **Prior to demolition commencing, the person causing the demolition to be carried out shall be given written notice of his intention to the owners of any adjoining allotment of land seven days prior to the commencement of demolition work.**

73 A sign shall be erected on the site stating that unauthorised entry is not permitted.

74 A sign shall be displayed on the site indicating the name of the builder or another person responsible for the site and a telephone number of which the builder or other person can be contacted outside normal working hours or when the site is unattended.

MOVED:

*Moved: Cl. Walker
Seconded: Cl. McWilliam*

That the Director's recommendation be adopted.

An Amendment was MOVED:

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

That this matter be referred back to the applicant to meet the requirements of DCP22.

The AMENDMENT was PUT to the Meeting and was LOST.

2004. 873 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

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

DSDS6	ERECTION OF RESIDENTIAL FLAT BUILDING CONTAINING SEVEN UNITS FILE: T6-04-187 GGL {Folio No. 287599}
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This report was dealt with earlier in the meeting just after PUBLIC FORUM.

DSDS7	PROPOSED ERECTION OF A TWO-STOREY DWELLING – LOT 13 DP809844 UPPER BELMORE RIVER ROAD, GLADSTONE FILE: T6-04-424 KJW {Folio No. 287601}
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SUMMARY:

Reporting that a request has been received in relation to Council's decision to require resiting a proposed dwelling at Belmore River.



**Director Sustainable Development Services
Recommendation:**

A That the Development Application T6-04-424 be approved with a setback of 20 metres from the southwestern boundary subject to the following conditions:

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.**
- 4 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.**
- 5 The dwelling is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.**

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

- 6 The building is not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.**

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

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

- 8 Before work commences, the Council must be informed in writing of the name and contractor license number of the licensee who has been contracted to do or intends to do the work
- 9 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorized entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours
- 10 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

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

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

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

- a Structural Engineer's Details for retaining walls, reinforced concrete slab & structural work is to be submitted prior to any work commencing on the building.
- b Protection is to be provided from subterranean termites. Council's Code of

Practice outlines methods, which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.

- c That the floor surface of the wet areas are properly graded and drained and the junctions of the floor with the walls are treated to prevent the penetration of moisture into the walls. An inspection of the treated area is to be arranged with Council or suitable certification is to be submitted prior to the issue of an occupation certificate.
- d The windows and glass installations within the building shall comply with AS 1288, Part 3.6 BCA Housing Provisions and AS2047. The applicant shall furnish Council with a report from the supplier upon completion of the window and glass installation indicating compliance with the requirements of AS1288 and AS2047.
- e Should the verandah, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the verandah, patio or landing and steps for safety and convenience.

Such balustrade to conform with the requirements of the Building Code of Australia:-

- (1) D2.16
- (2) Part 3.9.1 and 3.9.2 of BCA Housing Provisions

Note: Spacing of rails not to exceed 125mm.

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

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

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

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

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

The system is to be provided with mains electrical power, have a stand by power supply and installed in each storey to comply with Clause E1.7 (N.S.W. Variation). Details of location of the units are to be provided for approval prior to installation.
- k** The walls immediately adjacent or behind a bath, basin, sink or trough, shall be finished to a height of not less than 300mm above the fixture or in the case of a shower, to a height of 1.8 metres above the floor with cement render ceramic tiles or other approved finish impervious to water.
- l** The door to all fully enclosed sanitary compartments must open outwards, or slide, or be readily removable from the outside, in accordance with the requirements of the Building Code of Australia.

- m Any sarking used in the roof of the dwelling must have a flammability index not more than 5.
 - n Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
 - o Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).
 - p A Survey Report is to be submitted on completion of slab formwork to ensure the location of the building is in accordance with the approval issued.
- 12 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided.
- 13 Building materials are not to be stored within the road reserve or any other public place.
- 14 Excavated material from the site is not to be placed within the road reserve or any other public place.
- 15 A Survey Certificate is to be submitted upon completion of the first floor frame to ensure that the finished floor level is at or above 4.74m metres A.H.D.
- 16 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Rural Properties. Applicant is to consult Mr Tony Castle of Council's Environmental Services Department for requirements before commencing construction.
- 17 Roof waters are to be discharged 3 metres clear of the building with measures incorporated at the discharge point to prevent erosion.
- 18 No trees to be lopped or removed except in accordance with Council's Policy on Tree Preservation, and with the written consent of Council.

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

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

Note:

- i Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
 - ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.
- 20 The applicant is to pay a contribution towards upgrading/maintenance of Upper Belmore Road and Right Bank road for dwellings on lots for which contributions have not been previously paid in accordance with Council's Section 94 Plan for Rural Roads. The contribution is to be paid prior to occupation of the dwelling or within thirty (30) days of this consent being issued whichever occurs first. The current rate is \$7,373.75 per lot/dwelling (Indexed 2004/2005).

A copy of Council's Section 94 may be inspected at Council's offices, corner Elbow and Tozer Streets, West Kempsey.

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

2004. 874 RESOLVED:

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

That the Director's recommendation be adopted with part A being altered to read;

A That the Development Application T6-04-424 be approved with a setback of 40 metres from the south western boundary subject to the following conditions.

DSDS8	ECOLOGICALLY SUSTAINABLE DEVELOPMENT POLICY
FILE: P9 WEW	{Folio No. 287603}

SUMMARY:

Reporting that the public exhibition of the Ecologically Sustainable Development Policy has completed and the Policy presented for Councils adoption.



2004. 875 RESOLVED:

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

A That Council adopt the ESD Policy.

B That Council seek expressions of interest from members of the community wishing to join the Agenda 21 Team to comprise of:-

- **Nine (9) Community representatives**
- **One (1) representative of the Aboriginal Community**
- **Two (2) Councillors**
- **The Director of Sustainable Development Services or his nominee.**

Agenda 21 Team nominees for the councillor representatives were Councillors Bowell, Green and Gribbin. An election was held following consideration of report DCS3 (page 82).

DSDS9	WETLANDS MANAGEMENT
FILE: FM-500 RBP (NRN)	{Folio No. 287604}

SUMMARY:

Reporting on options for developing a Management Plan for wetlands within the Shire.



2004. 876 **RESOLVED:**

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

A That Council give consideration to funding a full time position of Wetlands Project Officer in the 2005/06 Estimates.

**DSDS10 PACIFIC HIGHWAY UPGRADE – KEMPSEY TO EUNGAI
FILE: R Pacific Highway PMK {Folio No. 287605}**

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

Councillor Sowter declared an interest in the following item for the reason that he is the owner of property in the report 2004/LD-00587 and retired from the Chamber.

**DSDS11 BUILDING AND DEVELOPMENT
FILE: B9-2RBP (NRN) {Folio No. 287606}**

SUMMARY:

Reporting that the following applications have been approved:



2004. 877 **RESOLVED:**

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

That the information be noted.

At this stage, 12.38pm, Councillor Sowter returned to the Chamber.



DIRECTOR SHIRE SERVICES

DSS1	LAND PURCHASE		
	FILE: LA12592, R PHILLIP DR		
	KJF		{Folio No. 287609}

SUMMARY:

Reporting on proposals for the purchase of land at South West Rocks.



Director Shire Services Recommendation:

That 542m² be purchased from Lot 504, DP774359, for \$151,500 with funding drawn from Section 94 Outdoor Recreation and Open Space contributions.

2004. 878 **RESOLVED:**

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

That this matter be deferred until a commitment from Telstra is received as to their contribution to the cost.

DSS2	KEMPSEY SHOWGROUND TRUST		
	FILE: LA2942 KJF (NRN)		{Folio No. 287610}

SUMMARY:

Reporting on the Kempsey Showground Trust Board.



2004. 879 **RESOLVED:**

*Moved: Cl. Sowter
Seconded: Cl. Walker*

That the Manager Community Services and Lifestyle be the nominated ex-officio position for the new Trust board.

DSS3	STREET LIGHTING		
	FILE: R8-24 APV		{Folio No. 287612}

SUMMARY:

Reporting on proposed street lighting services improvements and street lighting charges.



Director Shire Services Recommendation:

That the Mid North Coast Group of Councils form a Street Lighting Technical Committee to ensure a collaborative approach to street lighting in the region.

2004. 880 RESOLVED:

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

That the Mid North Coast Group of Councils considers forming a Street Lighting Technical Committee to ensure a collaborative approach to street lighting in the region.

DSS4	COMMERCIAL LICENCE FEES
	FILE: P12-21 MLB (NRN) {Folio No. 287613}

SUMMARY:

Reporting on the introduction of Licence fees for Commercial Activities on Council controlled and managed Lands and Beaches.



2004. 881 RESOLVED:

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

That Option Two (2) outlined in the report be adopted:-

- 1. That a \$50 Commercial Licence fee per market stall holder per year or a Day Licence fee of \$10 per market stall holder.**
- 2. That this charge be included in the Fees and Charges Schedule and be increased annually with the CPI all Ordinaries Index.**

DSS5	FUNDING AGREEMENT
	FILE: C10-4 JLM (NRN) {Folio No. 287614}

SUMMARY:

Seeking approval to ongoing funding for the Home and Community Care Programs that are auspiced by Council.



2004. 882 **RESOLVED:**

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

That the ongoing funding be approved and that the Council seal be placed on the recurrent funding agreement with the Department of Ageing, Disability and Home Care.

**DSS6 KEEP AUSTRALIA BEAUTIFUL CLEAN BEACH
CHALLENGE 2004
FILE: B1-2 MGR (NRN) {Folio No. 287615}**

SUMMARY:

Reporting on the Keep Australia Beautiful Clean Beach Challenge 2004.



2004. 883 **RESOLVED:**

*Moved: Cl. Sowter
Seconded: Cl. Walker*

That the information be noted.

**DSS7 STEUART MCINTYRE DAM
FILE: W1-25 EU (NRN) {Folio No. 287616}**

SUMMARY:

Reporting on the water quality in Steuart McIntyre Dam.



2004. 884 **RESOLVED:**

*Moved: Cl. Sowter
Seconded: Cl. Walker*

That the information be noted.

**DSS8 DRAFT LIQUID TRADE WASTE POLICY
FILE: S8-1 RWB (NRN) {Folio No. 287617}**

SUMMARY:

Presenting Kempsey Shire Council's Draft Liquid Trade Waste Policy.



2004. 885 **RESOLVED:**

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

1. That the Draft Liquid Trade Waste Policy be placed on public exhibition.
2. That the use of this draft Policy by the Liquid Trade Waste Officer in the interim for education and public awareness, until final approval by the Department of Energy, Utilities and Sustainability, be approved.

DSS9	DUNE CARE GROUPS
FILE: B1-3	GJW {Folio No. 287618}

SUMMARY:

Reporting on Applications from the Grassy Head and Big Hill Dune care groups.



2004. 886 **RESOLVED:**

*Moved: Cl. Green
Seconded: Cl. Sowter*

That the Grassy Head Dunecare and Big Hill Dunecare be accepted as 355 Committees of Council with the delegation to manage the Grassy Head and Big Hill Dune Care Programs.

DSS10	SWIMMING POOLS
FILE: R3-2 WJL (NRN)	{Folio No. 287619}

SUMMARY:

Reporting on the status of the OH&S Works at each of the Pools.



2004. 887 **RESOLVED:**

*Moved: Cl. Green
Seconded: Cl. McWilliam*

That the information be noted.

DSS11 McELHONE MEMORIAL POOL
FILE: R3-5 WJL (NRN) {Folio No. 287621}

SUMMARY:

Reporting on the status of works at McElhone Memorial Pool.



2004. 888 **RESOLVED:**

Moved: Cl. Howell
Seconded: Cl. Gribbin

That the information be noted.

DSS12 KERBSIDE RECYCLING
FILE: G1-15 WJL (NRN) {Folio No. 287622}

SUMMARY:

Reporting on the progress of the introduction of Kerbside Recycling in Kempsey Shire.



2004. 889 **RESOLVED:**

Moved: Cl. Howell
Seconded: Cl. Gribbin

That the proposal for the development of a new waste and a recycle collection and processing tender as detailed within this report, including the collective tendering with Hastings Council, be endorsed.

DSS13 QUESTIONS WITHOUT NOTICE
FILE: C18-28 KMT (NRN) {Folio No. 287624}

SUMMARY:

Reporting on Questions Without Notice from the Council meetings of 1st September 2004, 14th September 2004 and 9th November 2004.



2004. 890 **RESOLVED:**

Moved: Cl. Howell
Seconded: Cl. Green

That the information be noted.

DSS14	WORKS IN PROGRESS
FILE: R8-2	KJF (NRN) {Folio No. 287625}

SUMMARY:

Reporting on Works in Progress.



2004. 891 **RESOLVED:**

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

That the information be noted.

DSS15	COMMUNITY SAFETY AND CRIME
(SUPP.)	PREVENTION PLAN
FILE: P8-2	CJL (NRN) {Folio No. 287611}

SUMMARY:

Reporting on the Kempsey Shire Community Safety and Crime Prevention Plan.



2004. 892 **RESOLVED:**

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

That the Kempsey Shire Community Safety and Crime Prevention Plan be adopted.



DIRECTOR CORPORATE SERVICES REPORT

DCS1	CARAVAN PARK COMMITTEE
FILE: C1-2	SJR (NRN) {Folio No. 287626}

SUMMARY:

Reporting on amendments to the Report of the meeting of the Caravan Park Committee on Thursday, 19th August 2004.



2004. 893 **RESOLVED:**

Moved: Cl. Howell
Seconded: Cl. Sowter

That the Supplementary Report of the Meeting of the Caravan Park Committee, held 19th August 2004, be adopted.

DCS2	WORKS IN PROGRESS	
	FILE: S1-2 GBS (NRN)	{Folio No. 287627}

SUMMARY:

Reporting on Works in Progress.



2004. 894 **RESOLVED:**

Moved: Cl. Sowter
Seconded: Cl. Walker

That the information be noted.

DCS3	FLEET MANAGEMENT	
	FILE: P6-2	MPM (NRN) {Folio No. 287629}

SUMMARY:

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



2004. 895 **RESOLVED:**

Moved: Cl. Sowter
Seconded: Cl. McWilliam

That the information be noted.

At this stage voting was conducted for the Councillors to be representatives on the Ecologically Sustainable Development Agenda 21 team from item DSDS8.

Councillor Howell - 7 votes
Councillor Green - 7 votes
Councillor Gribbin - 4 votes

The General Manager declared councillors **Bowell** and **Green** as the Councillor representatives on the Ecologically Sustainable Development Agenda 21 Team.

DCS4	MACLEAY VALLEY COAST TOURISM STRATEGIC PLAN
FILE: T3-2	SJR (NRN) {Folio No. 287630}

SUMMARY:

Presenting the Draft Macleay Valley Coast Tourism Strategic Plan for adoption by Council.



2004. 896 RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Saul*

That the Draft Macleay Valley Coast Tourism Strategic Plan be adopted by Council.

DCS5	COUNCIL'S ARCHIVES PROGRAM AND THE MICRO FILMING OF COUNCIL RECORDS
FILE: A3-15	PJH (NRN) {Folio No. 287632}

SUMMARY:

Reporting Council's Archives Program and the Microfilming of Council Records.



Director Corporate Services Recommendation:

- 1 That the information be noted.**
- 2 That \$10,000 be transferred from the allocation for Administration salaries to fund the commencement of the Archives Program in the 2004 / 2005 year.**
- 3 That the allocation of funding of \$10,000 per annum for Council's Archive Program be listed for consideration in the 5 year budget from 2005/2006.**

2004. 897 RESOLVED:

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

1. That the information be noted.
2. That \$10,000 be transferred from the allocation for Administration salaries to fund the commencement of the Archives Program in the 2004 / 2005 year.
3. That the allocation of funding of \$10,000 per annum for Council's Archive Program be listed for consideration in the 5 year budget from 2005/2006.
4. That Mrs Crawford be advised of Council's decision in the matter.

DCS6	VANDALISM COSTS		
	FILE: V1	PJH (NRN)	{Folio No. 287515}

SUMMARY:

Reporting on the recorded costs of vandalism for the 2004 year to date.



2004. 898 **RESOLVED:**

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

That the information be noted and a further report on vandalism incidents be submitted to Council in July 2005.

DCS7	STATEMENT OF BANK BALANCES AS AT 30TH NOVEMBER 2004		
	FILE: *	APC	

SUMMARY:

Submitting the Statement of Bank Balances as at 30th November 2004.



2004. 899 **RESOLVED:**

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

That the information be noted.

**DCS8 STATEMENT OF INVESTMENTS AS AT 30TH
NOVEMBER 2004
FILE: * APC**

SUMMARY:

Submitting the Statement of Investments as at 30th November 2004.



2004. 900 RESOLVED:

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

That the information be noted.

**DCS9 QUESTIONS WITHOUT NOTICE
FILE: C18-28 GBS (NRN) {Folio No. 287639}**

SUMMARY:

Reporting on Questions Without Notice from the Council meeting of 24th August 2004, 14th September 2004 and 9th November 2004.



Director Corporate Services Recommendation:

For information.

2004. 901 RESOLVED:

*Moved: Cl. McWilliam
Seconded: Cl. Saul*

That this report be deferred to the next Council Meeting.

**DCS10 FINANCIAL STATEMENT FOR THE PERIOD TO 30
SEPTEMBER 2004
FILE: A2-22 APC (NRN) {Folio No. 287679}**

SUMMARY:

Reporting that the Budget Review for the period ending 30 September 2004 has been prepared for all funds.



2004. 902 RESOLVED:

Moved: Cl. Saul

Seconded: Cl. Walker

That the Budget Review for the period ended 30 September 2004 is adopted and the variations contained therein be approved and financed from the sources as indicated.

DIRECTOR CORPORATE SERVICES SUPPLEMENTARY REPORT

DCS11 (SUPP.)	COUNCIL AND COMMITTEE MEETING PROCEDURES – ATTENDANCE AT MEETINGS FILE: C18-22 PJH (NRN) {Folio No. 287742}
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SUMMARY:

To clarify when the attendance of members of the public at Council and Committee meetings is permitted.



2004. 903 RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Walker*

That a copy of this report be circulated to each of Council's Committees.

DCS12 (SUPP.)	SETBACK DISTANCE FROM RUNWAY AT KEMPSEY AIRPORT FILE: A5-2 SJR (NRN) {Folio No. 287746}
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SUMMARY:

Reporting on a proposed variation to the setback distance from the runway at the Kempsey Airport.



Director Corporate Services Recommendation:

That the airport not preserve the runway as a precision instrument landing system. Designate the runway as a non-precision approach, delete the existing 215 metre setback and adopt a 150m setback.

2004. 904 RESOLVED:

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

1. That Council not preserve the Kempsey Airport as a precision instrument landing system and that the existing 215m building line setback be stood aside.
2. That the Kempsey Airport runway be designated as a non-precision approach with a 150m runway strip width.

DCS13 (SUPP.)	REVIEW OF FEES FOR HOLIDAY PARKS FILE: C1-2 COPY: APC SJR (NRN)	{Folio No. 287747}
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SUMMARY:

Reporting on review of fees to determine future tariffs and pricing structures for the 4 Shore Holiday Parks.



2004. 905 RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Green

1. That the proposed fee structure as set out in the Appendix to the Director's report be adopted for the period effective from 1st July 2005.
2. That the Manager Properties and Marketing be empowered to approve of discounts on the standard fees for "special offers" as a promotional tool.



GENERAL MANAGER'S REPORT

GM1	OUTSTANDING REPORTS / RESOLUTIONS FILE: C18-2 AVB (NRN) {Folio No. 287681}
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SUMMARY:

Council's report on outstanding reports and resolutions.



2004. 906 RESOLVED:

Moved: Cl. Sowter
Seconded: Cl. Gribbin

That the information be noted.

GM2	CANDIDATE ELECTION EXPENDITURE
FILE: E5 AVB (NRN)	{Folio No. 287682}

SUMMARY

To table returns of Candidates Election Expenditure in respect of the Election held on 27th March 2004.



2004. 907 **RESOLVED:**

Moved: Cl. Howell
Seconded: Cl. Sowter

That the information be noted.

GM3	MAYORAL AND COUNCILLOR FEES
FILE: C18-16 AVB (NRN)	{Folio No. 287683}

SUMMARY:

To determine whether Council wishes to make a submission in respect to the payment of Mayoral and Councillor fees for the 2005 / 2006 year.



2004. 908 **RESOLVED:**

Moved: Cl. Howell
Seconded: Cl. McWilliam

That Council not make a submission to the Local Government Remuneration Tribunal.

GM4	PUBLIC CONSULTATION
FILE: C18-22 AVB (NRN)	{Folio No. 287685}

SUMMARY:

To provide a procedure that allows members of the public to address Council on any Council issue.



General Manager's Recommendation:

For Councils determination.

2004. 909 **RESOLVED:**

*Moved: Cl. Saul
Seconded: Cl. Sowter*

That the General Manager seek feedback from other Councils on the Mid North Coast on the procedures they have in place regarding the public addressing ordinary council meetings.

GM5	WORKS PROGRAM
FILE: R8-2	AVB (NRN) {Folio No. 287703}

SUMMARY:

To outline progress of the capital works program for the 2004/05 year.



2004. 910 **RESOLVED:**

*Moved: Cl. Sowter
Seconded: Cl. Walker*

That the information be noted.

GM6	ANNUAL REPORT 2003 - 2004
FILE: C18-32	MAM (NRN) {Folio No. 287707}

SUMMARY:

Reporting that the Annual Report for 2003 - 2004 has been printed.



2004. 911 **RESOLVED:**

*Moved: Cl. Sowter
Seconded: Cl. Green*

That the information be noted.



LATE BUSINESS - DATE OF JANUARY COUNCIL MEETING

FILE: C18-13

2004. 912 RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Saul

That this matter be dealt with at this meeting as it is deemed by the Mayor to be a matter of great urgency.

2004. 913 RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Saul

That the Ordinary Council Meeting for January 2005 be moved from 11th to 18th January 2005.



LATE BUSINESS - REPORT OF WORKS COMMITTEE 8TH DECEMBER 2004.

2004. 914 RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Sowter

That this matter be dealt with at this meeting as it is deemed by the Mayor to be a matter of great urgency.

2004. 915 RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Sowter

That the report of the Works Inspection held 8th December 2004 be adopted.



At this stage, 3.58pm, Councillor McWilliam retired from the Chamber and apologised for non-attendance at the remainder of the Meeting.



ABORIGINAL LIAISON COMMITTEE

FILE: A1-2 DJM (NRN)

{Folio No. 287708}

2004. 916 RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Sowter

That the minutes of the Aboriginal Liaison Committee meeting held 17th November 2004 be adopted.

CARAVAN PARK COMMITTEE

FILE: C* GBS

{ Folio No. * }

2004. 917 RESOLVED:

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

That the minutes of the Caravan Park Committee meeting held 7th December 2004 be adopted.



QUESTIONS WITHOUT NOTICE

Councillor D Saul

- 1 Can the Director Shire Services investigate the lack of street lighting at the intersection of Wide and Kemp Streets?

Response: The Director Shire Services advised that quotes would be sought for the appropriate level of lighting.

- 2 Can the Director Shire Services investigate the lack of street lighting at the intersection of Gladstone Street and Kemp Street (under the railway underpass)?

Response: The Director Shire Services advised that quotes would be sought for the appropriate level of lighting.

- 3 What is the policy for conveyance of alcohol on Council's KAP bus?

Response: The Director Shire Services advised that the KAP bus is hired or used by community groups during daytime and at night it is alcohol free.

Councillor R McWilliam

- 1 Can the Director Shire Services advise why the trees on the corner of Mitchell and Hill Streets been cut down and the stumps painted red?

Response: The Director Shire Services advised that Council had not undertaken the work & that the matter will be followed up.

- 2 Can the Director Shire Services investigate the tree in Michael Place, which is partially blocking public laneway and is a danger to any child riding a pushbike?

Response: The Director Shire Services advised that the matter would be investigated.

- 3 Does Council have funding to fix the handrail and steps at the rear of the School of Arts Hall - this has been dragging on for a long time and the area is very dangerous to access?

Response: The Director Shire Services advised that people are parking at the rear and accessing the area from behind instead of coming in the front. There are a number of issues, which need addressing in that area.

Councillor J Hayes

- 1 The Mayor advised the Meeting the John Mawson Award held recently at Melville High School was very well presented. They have installed a lift so all students can access library – Councillor McWilliam was impressed with staff and students who entertained and served on the day – great day!

Councillor B Sowter

- 1 Could the Director Shire Services advise how long before tar patching truck would be back up at Nulla Nulla Creek?

Response: The Director Shire Services advised that the tar patching truck has not been sold and that they would be up there as soon as possible hopefully early in the new year.

- 2 What's happening with the DA at Belmore River?

Response: The Director Sustainable Development Services advised this matter should be raised in Confidential Section of this Meeting.

- 3 Why is the Weight of Loads Group targeting trucks going to and from the Sale Yards?

Response: The Director Shire Services advised this issue would be raised at the next meeting of the Weight of Loads Group.

Councillor E Walker

- 1 Could the Director Shire Services investigate the possibility of putting a handrail on the top side of Sherwood Bridge - the foundation under the water line is deteriorating and has

become dangerous especially when children are swimming in the area?

Response: The Director Shire Services advised that the bridge is owned by the RTA - the Mayor advised that the matter would be raised with the RTA as a safety hazard.

- 2 Has the money been set aside for swimming pools as per the Auditor's Report by Wayne Russell?

Response: The General Manager advised that Council is currently working on updating the 5 year plan which includes this matter.

- 3 Could the Director Sustainable Development Services advise if the shed on the property at Belmore River owned by Mr Atkinson is used as alternative accommodation?

Response: The Director Sustainable Development Services advised that standard conditions for occupation existed for the development and the present accommodation would be investigated.

- 4 Could the fibro house which has been moved to 85 Leith Street from Port Macquarie be investigated to determine that it is asbestos free as the neighbours are concerned?

Response: The Director Sustainable Development Services advised that Council would investigate the building.

- 5 Would it be possible to have a works inspection for two properties at Crescent Head - one at Mr Hardy's property at Main Street, Crescent Head and the other at the corner of Baker Drive and Killuke Crescent?

Response: The Mayor advised that the parties concerned have been requested to come back to Council with amended plans to comply with DCP22.

Councillor J Bowell

- 1 What is the progress on Nance Road and South Street reconstruction?

Response: The Director Shire Services advised that the area was listed for maintenance attention in due course.

- 2 Who is responsible for weed growth and grass maintenance under the Armco railing in Lord Street?

Response: The Director Shire Services advised that the area had been sprayed.

- 3 The median strip in Belgrave Street needs attention.

Response: The Director Shire Services advised that maintenance attention would be provided.

- 4 Can Council introduce a levy to cover the costs of fluoridation?

Response: The Mayor advised that this matter was addressed in Notice of Motion 3 earlier in the meeting.

- 5 The deposit of material on the western side of the road going to Crescent Head needs attention.

Response: The Director Sustainable Development Services advised this was part of road construction works.

- 6 Could the sand build up at the Hat Head boat launching ramp be cleaned up?

Response: The Director Shire Services advised that any work carried out here needs the approval from the Fisheries Department.

- 7 What's happening with the Council owned land between Landsborough Street and Paragon Avenue?

Response: The General Manager advised that consultants at Port Macquarie had sought expressions of interest for architects to come up with concept plan.

- 8 At what stage will Council investigate the tree on the corner of John and Belgrave Streets - the pavers are lifting?

Response: The Mayor advised work had commenced there yesterday.

- 9 In regards to Salary Progression and Management Contracts are employees getting paid for skills they are not using?

Response: The General Manager advised steps are being taken to pay increases to staff who are under the skills based award only when additional skills are acquired.

- 10 Could the traffic lights at Belgrave Street railway crossing be investigated - late at night when no-one is around the lights still change to red?

Response: The Mayor advised it will be raised with the SRA.

Councilor B Green

- 1 Could the Director Shire Services investigate the large iron bark tree on Spooners Avenue Chain of Ponds Road, it's riddled with white ants?

Response: The Director Shire Services advised that the area would be investigated.

- 2 Could 221 Spooners Avenue piped access drain be investigated - it is built from timber and gets blocked during wet weather?

Response: The Director Shire Services advised that the access would be investigated.

- 3 Could an annual rubbish clean up right across the shire be included in the next budget for waste management?

Response: The Mayor advised that this needs to be a Notice of Motion.

- 4 Can something be done about the old service stations on the highway, they look disgusting?

Response: The Director Sustainable Development Services advised that a demolition order could be imposed if there was a danger to the public.

- 5 Could the counts be provided for the traffic counter on Sherwood Road?

Response: The Director Shire Services advised that the results would be forwarded.

- 6 Could the verges in Leith Street, Sea Street and near Vincent Court be cleaned up?

Response: The Director Shire Services advised that in most cases the property owner maintains the verge.

- 7 Could the Director Shire Services investigate why the traffic lights in Smith Street and Stuart Street intersection change to red in the middle of the night when there is no traffic present?

Response: The Director Shire Services advised that the R.T.A. would be contacted to review the signal phasing.

- 8 Could the Director Shire Services investigate the reason for increase in vandalism and car break ins at Crescent Head?

Response: The Director Corporate Services advised that Council was aware of the situation.

- 9 Is the increased logging at the property at Five Day Creek having a detrimental affect on Council roads?

Response: The Director Sustainable Development Services advised that DIPNR is the controlling body over logging and approval has been required since 1996.

- 10 What is the procedure for informing the public of dogs on beaches and picking up droppings - mainly Stuarts Point?

Response: The Mayor advised that Council's policy states which beaches dogs are allowed on and that the dogs need to be on leashes.

Councillor J Gribbin

- 1 What is happening with the tree removal on the block of land on the corner of Hill and Mitchell Streets, South West Rocks?

Response: The Director Shire Services advised that it was not Council who removed the tree nor was it a contractor for Council.

- 2 Is it true the trees on the left hand side of Gregory Street after the roundabout are to be cut down and removed?

Response: The Director Shire Services advised that one tree only, is listed for removal, adjacent to Council's block.

- 3 Why have we made a decision to allow \$120,000 in the budget for bad debts against Civicview when we are taking court action to recover debts from other people and companies?

Response: The General Manager advised that Civicview is our own debt and is recoverable once further sales are made.

- 4 When will the dead limbs be removed from the trees overhanging Phillip Drive and Arakoon Road?

Response: The Director Shire Services advised that a second quote has been sought, in line with policy.

- 5 Can the steps at the School of Arts at South West Rocks be repaired and fitted with a handrail?

Response: The Director Shire Services advised that steps at the School of Arts at South West Rocks would be investigated.



MOTION FOR COMMITTEE

2004. 918 **RESOLVED:**

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

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.



At this stage, 4.47pm, Councillor Gribbin retired from the Chamber and apologised for non-attendance at the remainder of the Meeting.



DIRECTOR CORPORATE SERVICES CONFIDENTIAL REPORT

DCS1	LOT 98 AKUBRA PLACE FILE: LA18995 COPY: APC GBS {Folio No. 287710}
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REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is considered on a confidential basis as it contains information that would if disclosed, prejudice the maintenance of law (Local Government Act 1993, Section 10A(2)(e)).

SUMMARY:

Reporting on leasing arrangements.



Director Corporate Services Recommendation:

1. That Council give Fredo Pies and Ice Cream Pty Ltd one (1) week's notice of termination of the present lease and offer a fresh lease on a week-to-week tenancy for that portion of the premises currently used (6 bays) at a rental of \$245.00pw.
2. That Fredo Pies and Ice Cream Pty Ltd be advised that all outstanding matters in relation to the current lease must be finalised before any further consideration will be given to a long-term lease agreement.
3. That Council offer Macleay Valley Workplace Learning Centre Inc. a lease of the two storey offices and amenities and 4 bays for a term of six (6) months at a rental of \$440.00pw.
4. That an amount of \$20,000 is allocated for the purpose of adapting the building for separate occupancy.

2004. 919 RECOMMENDED:

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

1. That Council give Fredo Pies and Ice Cream Pty Ltd one (1) week's notice of termination of the present lease and offer a fresh lease on a week-to-week tenancy for that portion of the premises currently used (6 bays) at a rental of \$245.00pw.
2. That Fredo Pies and Ice Cream Pty Ltd be advised that all outstanding matters in relation to the current lease must be finalised by 31st January 2005.
3. That Council offer Macleay Valley Workplace Learning Centre Inc. a lease of the two storey offices and amenities and 4 bays for a term of six (6) months at a rental of \$440.00pw.
4. That an amount of \$20,000 is allocated for the purpose of adapting the building for separate occupancy.
5. That the General Manager be authorised to negotiate a long-term lease.
6. That the General Manager investigates some long term options for the future of the building.

GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1	LEGAL MATTERS	FILE: L3-1	AVB (NRN)	{Folio No. 287712}
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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. 920 **RECOMMENDED:**

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

That the information be noted.

GM2	LEGAL MATTERS	FILE: L3-1	AVB (NRN)	{Folio No. 287713}
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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. 921 **RECOMMENDED:**

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

That the information be noted.

Councillor Walker declared an interest in the following item for the reason that he is a party in the matter and retired from the Chamber.

GM3	LEGAL MATTERS
FILE: L3-1	RBP (NRN) {Folio No. 287716}

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)).



General Manager's Recommendation:

For Council's determination.

2004. 922 **RECOMMENDED:**

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

That Council accept Mr Walker's offer and such offer to be formalised in a Deed of Agreement.



REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE

Upon resumption of Open Council, the following Report of the Committee of the Whole was submitted by the General Manager.



ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2004. 923 **RESOLVED:**

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

That the foregoing recommendations of the Committee of the Whole, as reported by the General Manager, be adopted.



CONCLUSION:

There being no further business, the Meeting terminated at 5.15 p.m.

